

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

APPLICANT: 365 Outdoor, LLC Cal. No.118-23-A

APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**

APPEARANCE AGAINST: None May 19, 2023

PREMISES AFFECTED: 2624-26 N. Lincoln Avenue

NATURE OF REQUEST: Application for an appeal from the office of the Zoning Administrator in refusing to permit the establishment of an off premise-sign which is located on a pedestrian street. The sign is also located within 100 feet of a residential district which is prohibited. The permit application listed a total sign face area of 338 square feet. The street frontage is listed as 25 feet. The property is in a B3 zoning district which allows a maximum square footage of all signs on the zoning lot of four times the street frontage or 1500 square feet whichever is less pursuant to section 17-12-1003-8. The sign area would exceed the maximum area allowance by 238 square feet and therefore is prohibited.

ACTION OF BOARD – Remanded to Zoning Administrator for further consideration in light of new evidence. Continued to August 18, 2023 for status on remand.

ZBA

JUN 20 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
VAISHALI RAO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE
Brian Sanchez
CHAIRMAN

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

APPLICANT: Ami Kotecha

Cal. No.: 119-23-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1223 N. Marion Court

NATURE OF REQUEST: Application for a variation to reduce the east front setback from 6.62', north and south side setback from 2' to zero, combined side yard setback 5' to zero and to reduce the front garage feature setback from 20' to 2' for a proposed two-story, single-family residence with an attached two-car garage on a through lot.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAY 22 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the east front setback from 6.62', north and south side setback to zero, combined side yard setback to zero and to reduce the front garage feature setback to 2' for a proposed two-story, single-family residence with an attached two-car garage on a through lot; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023.



APPROVED AS TO SUBSTANCE

Brian H. Jensen
CHAIRMAN

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

APPLICANT: U.S.Bank N.A. Cal. No.120-23-S
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
April 21, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5811 W. Belmont Avenue

NATURE OF REQUEST: Application for a special use to allow partial demo and rehab of the existing building into a new bank with three drive-through lanes and a bypass lane.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

ZBA

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

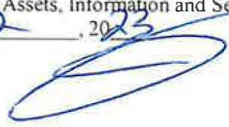
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

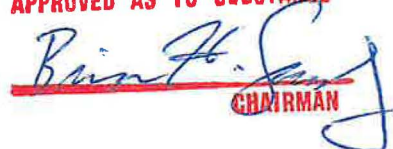
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to allow partial demo and rehab of the existing building into a new bank with three drive-through lanes and a bypass lane; 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 has offered that the use complies with all 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, U.S. Bank N.A., and the development is consistent with the design and layout of the Proposed First Floor Plan/Site Plan, dated April 18, 2023, Proposed Elevations, dated April 13, 2023, prepared by Ridgeland Associates, Inc., and Landscape Plan and Landscape Details, dated April 21, 2023, prepared by J. Davito Design, Inc.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023



APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Charles Allen Cotton IV

Cal. No.: 121-23-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3110 S. Racine Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 12.67' to zero, the setback for parking from the front property line from 20' to zero a proposed one-car unenclosed concrete parking stall and drive-way in front of an existing single-family residence.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to zero, the setback for parking from the front property line to zero a proposed one-car unenclosed concrete parking stall and drive-way in 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.

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023



APPROVED AS TO SUBSTANCE

Brian H. Sanchez
CHAIRMAN

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

APPLICANT: Egnonanvi B. Pethos dba Berenice African Hair Braiding Cal. No.122-23-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2022 W. 119th Street

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

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; 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 braiding 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 has offered that the use complies with all 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:

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22/23.



APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Raze Up Barber Spa, LLC Cal. No.123-23-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
April 21, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1901 E. 79th Street

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

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

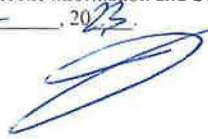
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and


WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair / nail salon; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony has offered that the use complies with all 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:

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APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Charles Farwell
APPEARANCE FOR: Same as Applicant
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2537 W. North Avenue

Cal. No.: 124-23-Z

MINUTES OF MEETING
April 21, 2023

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 9.81' for a proposed second floor stair and rooftop stair enclosure.

ACTION OF BOARD - VARIATION GRANTED



THE VOTE

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback on floors containing dwelling units to 9.81' for a proposed second floor stair and rooftop stair enclosure; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Yulie Taylor

APPEARANCE FOR: Same as Applicant

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4459 W. 55th Street

Cal. No.: 125-23-Z

MINUTES OF MEETING
April 21, 2023

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 0.54' for a proposed second floor addition to an existing one-story detached house.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 0.54' for a proposed second floor addition to an existing one-story detached house; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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APPROVED AS TO SUBSTANCE

Brian H. Jensen
CHAIRMAN

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

APPLICANT: Monique Michelle The Beauty Experience Cal. No.126-23-S

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

April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1511 W. 79th Street

NATURE OF REQUEST: Application for a special use to convert the existing ground floor and basement retail use tenant space to a personal service (beauty and nail salon) in an existing three-story mixed-use building.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

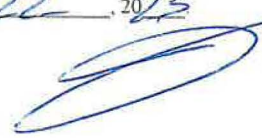
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WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to convert the existing ground floor and basement retail use tenant space to a personal service (beauty and nail salon) in an existing three-story mixed-use building; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony has offered that the use complies with all 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:

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22/23.



APPROVED AS TO SUBSTANCE
Brian H. Sanchez
CHAIRMAN

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

APPLICANT: Greg Orlowski

Cal. No.: 127-23-Z

APPEARANCE FOR: Fred Agustin

MINUTES OF MEETING
April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1934 N. Fremont Street

NATURE OF REQUEST: Application for a variation to reduce the north side setback from the required 2' to 0.83' (south to be 0.54'), combined side yard setback from 4.4' to 1.37' for a proposed rear two-story open deck and a one-story open stair at the existing, three-story single-family residence.

ACTION OF BOARD - VARIATION GRANTED



THE VOTE

MAY 22 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the north side setback to 0.83' (south to be 0.54'), combined side yard setback to 1.37' for a proposed rear two-story open deck and a one-story open stair 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):

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20

APPROVED AS TO SUBSTANCE

Brian H. Sanchez
CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

City Hall Room 905
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-3888
www.chicago.gov/zba



ZBA

JUL 24 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

NY II, LLC
APPLICANT(S)

128-23-Z & 129-23-Z
CALENDAR NUMBER(S)

735 W. Wrightwood Avenue
PREMISES AFFECTED

April 21, 2023
HEARING DATE

ACTION OF BOARD	THE VOTE	AFFIRMATIVE	NEGATIVE	ABSENT
The variation applications were approved.	Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(vacant position)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FINDINGS OF THE ZONING BOARD OF APPEALS

I. SUMMARY

NY II, LLC (the “Applicant”) submitted two variation applications for 735 Wrightwood Avenue (the “subject property”) in order to construct a three-story addition to a 100-year-old three-story building. The Zoning Board of Appeals (“ZBA”) held a public hearing on the Applicant’s applications. At the public hearing, the Applicant’s representative and its witnesses offered testimony in support of the applications. Three members of the public offered testimony in opposition to the applications. After the conclusion of the public hearing, the ZBA approved the applications.

II. APPLICATION BACKGROUND

The subject property is located in the Lincoln Park neighborhood of the City of Chicago (the “City”). The subject property is zoned B1-3 and is located within 2640 feet of a Chicago Transit Authority (“CTA”) rail station — as such, the subject property qualifies as a transit served location pursuant to Section 17-10-0102-B of the Chicago Zoning Ordinance. The subject property is 58’ deep and lacks alley access. The subject property is a corner lot and is improved with two buildings that share a common wall: (1) a 100-year-old three-story mixed-used building; and (2) a one-story retail building. The Applicant proposed to raze the one-story retail building and construct a three-story side addition to the 100-year-old three-story mixed-use building that would follow the legal nonconforming setback of the one-story retail building (the “proposed addition”). In order to construct the proposed addition, the Applicant sought to reduce: (1) the rear setback

from the required 30' to 0.25'; and (2) the required off-street parking spaces for a transit served location from 2 to 0.

Pursuant to Section 17-13-1101-B of the Chicago Zoning Ordinance, the ZBA is authorized to reduce any setback. Pursuant to Section 17-13-1101-A of the Chicago Zoning Ordinance, the ZBA is authorized to grant a variation for any matter that is expressly authorized as an administrative adjustment. Section 17-13-1003-EE(1) of the Chicago Zoning Ordinance expressly authorizes an administrative adjustment as follows: "The Zoning Administrator is authorized to approve an administrative adjustment reducing off-street parking requirements from the otherwise applicable standards by more than 50% as expressly authorized in Section 17-10-0102-B" of the Chicago Zoning Ordinance.

Therefore, the Applicant submitted two variation applications to the ZBA.

III. PUBLIC HEARING

In accordance with the ZBA's Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The ZBA held a public hearing on the Applicant's variation applications at its regular meeting held on Friday, April 21, 2023. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. The list of participants who provided sworn testimony is attached as the **Hearing Participant Exhibit**. At the conclusion of the hearing, the ZBA took the matter under advisement. Prior to the conclusion of the meeting, the ZBA voted on the matter.

IV. OVERVIEW OF CRITERIA

Criteria for a Variation. Pursuant to Section 17-13-1107-A of the Chicago Zoning Ordinance, no variation application may be approved unless the ZBA 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 ZBA 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 ZBA 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.

V. FINDINGS OF FACT

Variation. After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZBA hereby makes the following findings with reference to the Applicant's application for a variation pursuant to Sections 17-13-1107-A, B, and C of the Chicago Zoning Ordinance:

A (1). Strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships.

Due to the severely substandard lot depth and the lack of alley access, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property in that the proposed addition could not be constructed. The proposed addition is necessary because without the two additional dwelling units, the subject property does not generate sufficient income to maintain the existing improvements on it.

Furthermore, the ZBA finds that strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships because the following criteria under B(1)-(3) are met:

B (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.

Though the subject property is currently improved with a three-story mixed-use building and a retail building, the commercial space of both buildings has been difficult for the Applicant to lease. As such, the Applicant needs the two additional dwelling units to generate sufficient income to maintain the subject property. Due to the subject property's substandard lot depth and the lack of alley access, two additional dwelling units are only possible with the requested variations. As such, 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.

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

The ZBA finds that the practical difficulties or particular hardships are due to the unique circumstances of the subject property being severely substandard in depth (only 58' feet) and the subject property lacking alley access. The ZBA finds that these circumstances are not generally applicable to other mixed-use property.

B (3). The variation, if granted, will not alter the essential character of the neighborhood.

The proposed addition will follow the .25' existing rear setback of the one-story retail building. As Victor Drapzo credibly testified, a 0' rear setback is consistent with the other buildings on this block of Wrightwood. The proposed addition will also be the same height as the 100-year-old three-story mixed-use building on the subject property. As can be seen from pictures of the neighborhood, a three-story building is not out of character. Moreover, as Nicholas Yassan credibly testified, he specifically made sure that the proposed addition was consistent with the existing three-story building so aesthetically it would look correct.

In addition, the subject property is located in an area with robust public transportation. While objectors, James Mackin and Elise Bittner, expressed some concern about reduction of parking, Nicholas Yassan credibly testified that there are many dwelling units in Lincoln Park that operate successfully without parking. Indeed, Nicholas Yassan owns a multifamily building at 723 W. Wrightwood and though that building has on-site parking, most of the spots are not being utilized. Victor Drapzo also credibly testified that the subject property was located in a transit-served location being 1810 feet from the CTA's Fullerton station and 2,000 feet from the CTA Diversey station. The property is also located within 1,330 feet of numerous CTA bus routes including along Lincoln Avenue, Clark Street, Diversey Parkway, and Fullerton Avenue.

Finally, James Mackin, Claire Durkin, and Elise Bittner expressed concern whether the proposed variations would be detrimental to some of the trees which provide shade for the area. Nicholas Yassan credibly testified that the applicant hired an arborist to ensure that the project was feasible and confirmed that the trees would be protected. It was also noted on record that the Park District was responsible for tree management.

Based on all this, the variations, if granted, will not alter the essential character of the neighborhood.

The ZBA also finds that strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships after taking into consideration the extent to which evidence has been submitted under C(1)-(6):

C (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 of the subject property (that is, its lack of alley access) and its shape (that is, its severely substandard lot depth) result in particular hardship upon the Applicant. As Nicholas Yassan testified, without the requested variations the Applicant would yield only a 1.6 percent rate of return on its investment. This is far more than a mere inconvenience.

C (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.

The ZBA finds that the severely substandard lot depth (only 58' feet) and the lack of alley access to be conditions not applicable, generally, to other property within the B1-3 zoning district.

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

The variations are to allow the existing improvements to be maintained and preserved. They are not, therefore, based exclusively upon a desire to make more money out of the subject property.

C (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 substandard lot depth. The Applicant did not create the lack of alley access.

C (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 variations will allow the Applicant to construct the proposed addition. The proposed addition has been thoughtfully designed to ensure that it is contextual to the neighborhood. As such, the proposed addition will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. Nor will the reduction in parking be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. There is no on-site parking at the subject property today. The subject property is located in a neighborhood with robust transportation and Nicholas Yassan is providing not only on-site bike parking but also off-site vehicular parking for the two additional dwelling units at the property next east of the subject property (i.e., 732 W. Wrightwood).

C (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.

The variations will allow the Applicant to construct the proposed addition. As can be seen from comparing the plans and drawings of the proposed addition with photographs of the neighborhood, the variations will not impair an adequate supply of light and air to adjacent property. The subject property has never had on-site parking, but Mr. Yassan will be providing off-site parking for the two additional dwelling units at the property next east. Thus, the variations will not substantially increase congestion in the public streets. The proposed addition will not be built unless and until a valid building permit is issued; therefore, the variations will not increase the danger of fire or endanger the public safety. As the variations will allow the Applicant to maintain and preserve the 100-year old three-story mixed-use building, the variations will not substantially diminish or impair property values within the neighborhood.

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

The requested variation(s) will allow for the proposed addition on the subject property. The ZBA finds that variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by:

- Promoting the public health, safety and general welfare, pursuant to Section 17-1-0501, by allowing the 100-year-old three-story building to be preserved and well-maintained.
- Preserving the overall quality of life for residents and visitors, pursuant to Section 17-1-0502, by allowing for the proposed addition that – as can be seen from comparing the plans and drawings with photographs of the surrounding area – will be very much in character with the existing improvements in the area.
- Maintaining economically vibrant as well as attractive business and commercial areas, pursuant to Section 17-1-0504, by ensuring the subject property will continue to be well-maintained despite the fact that the commercial space on the subject property is difficult to lease.
- Maintaining orderly and compatible land use and development patterns, pursuant to Section 17-1-0508, by allowing the proposed addition to follow the setback of the one-story retail building and by allowing for a parking reduction in an area that is well serviced by public transportation.

- Ensuring adequate light, air, privacy, and access to property, pursuant to Section 17-1-0509, because the existing setback will not change and because the height of the proposed addition will match the current three-story building on the subject property.
- Promoting rehabilitation and reuse of older buildings, pursuant to Section 17-1-0511, by preserving the 100-year-old building on the subject property.
- Maintaining a range of housing choices and options, pursuant to Section 17-1-0512, by allowing for the addition of two new dwelling units in the neighborhood.

CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS

1. **Variation.** For all the above reasons, the ZBA 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 Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance.
2. The ZBA hereby APPROVES the Applicant's applications for a variation, and the Zoning Administrator is authorized to permit said variations.

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

APPROVED AS TO SUBSTANCE

By: 
Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 7/24, 2023.


Janine Klich-Jensen

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

APPLICANT: 5902-04 W. Midway Park

Cal. No.: 130-23-Z

APPEARANCE FOR: Barry Ash

MINUTES OF MEETING:
April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5902-04 W. Midway Park

NATURE OF REQUEST: Application for a variation to reduce the opposite street side setback from the required 5' to zero, rear setback from 45' to 10.39' to allow the as built 7' tall iron fences at the rear and side of rear yard and two as-built detached two car garages for the existing three-story, seven dwelling unit building that is being deconverted to a six dwelling unit building.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAY 22 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the opposite street side setback to zero, rear setback to 10.39' to allow the as built 7' tall iron fences at the rear and side of rear yard and two as-built detached two car garages for the existing three-story, seven dwelling unit building that is being deconverted to a six dwelling unit building; an additional variation was granted to the subject property in Cal. No.131-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023.

APPROVED AS TO SUBSTANCE

Brian H. Sanchez
CHAIRMAN

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

APPLICANT: 5902-04 W. Midway Park

Cal. No.: 131-23-Z

APPEARANCE FOR: Barry Ash

MINUTES OF MEETING:
April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5902-04 W. Midway Park

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 487.5 square feet to zero to allow the as built 7' tall iron fences at the rear and sides of rear yard and as built detached two, two car garages for the existing three-story seven dwelling unit building to be deconverted to a six-dwelling unit building.

ACTION OF BOARD - VARIATION GRANTED



THE VOTE

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear yard open space to zero to allow the as built 7' tall iron fences at the rear and sides of rear yard and as built detached two, two car garages for the existing three-story seven dwelling unit building to be deconverted to a six-dwelling unit building; an additional variation was granted to the subject property in Cal. No.130-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023.

APPROVED AS TO SUBSTANCE

Brian H. Sanchez
CHAIRMAN

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

APPLICANT: Richard Petrovich **Cal. No.:** 132-23-Z
APPEARANCE FOR: Barry Ash **MINUTES OF MEETING:**
APPEARANCE AGAINST: None April 21, 2023
PREMISES AFFECTED: 2562 S. Hillock Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.73' to 2', west side setback from 2' to 1' (east to be 3'), combined side yard setback from 5' to 4' for a proposed 798 square foot two-car garage for an existing single-family residence.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 2', west side setback to 1' (east to be 3'), combined side yard setback to 4' for a proposed 798 square foot two-car garage for an existing single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023.

APPROVED AS TO SUBSTANCE

Brian H. Jensen
CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

City Hall Room 905
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-3888
www.chicago.gov/zba



ZBA

JUL 24 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

PG6 Inc.
APPLICANT(S)

133-23-S
CALENDAR NUMBER(S)

2443 West 71st Street
PREMISES AFFECTED

April 21, 2023
HEARING DATE

ACTION OF BOARD	THE VOTE	AFFIRMATIVE	NEGATIVE	ABSENT
The application for the special use was APPROVED SUBJECT TO CONDITIONS.	Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Zurich Esposito	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(vacant position)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FINDINGS OF THE ZONING BOARD OF APPEALS

I. SUMMARY

PG6 Inc. (the “Applicant”) submitted an application for special use for 2443 West 71st Street (the “subject property”), to permit the licensing and operation of a tavern within the one-story building at the subject property. The ZONING BOARD OF APPEALS (“ZBA”) held a public hearing on the Applicant’s application. At the public hearing, the ZBA heard testimony from the applicant’s witnesses and from objectors. At the conclusion of the public hearing, the ZBA approved the application.

II. APPLICATION BACKGROUND

The subject property is located in at the crossroads of the Chicago Lawn and Marquette Park neighborhoods. It is zoned B3-1 and is improved with a one-story brick-concrete building. The existing building was abandoned years ago and is configured to allow for commercial-retail uses. The Applicant proposed operate a tavern within the existing building on the subject property. Pursuant to Section 17-3-0207-AA(3) of the Chicago Zoning Ordinance, a tavern is a special use in a B3 Zoning district. The ZBA is authorized to hear and decide special use applications.¹ Therefore, the Applicant submitted a special use application to the ZBA. 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” and the “Department”) recommended: approval of the proposed tavern provided (1) the special use is issued

¹ Pursuant to Section 17-14-302-B of the Chicago Zoning Ordinance.

solely to the applicant, PG6 Inc.; (2) the development is consistent with the design and layout of the Alta/NSPS Land Title Survey, dated May 9, 2022, prepared by Pi Surveying Group, and the floor plan and elevations plans and documents, dated August 20, 2021, prepared by Beehyyve; (3) the tavern use is contained solely within the single story, commercial building; and (4) no outdoor space can be utilized for tavern use without prior review and approval by the Zoning Board of Appeals of an expansion of this special use.

III. PUBLIC HEARING

In accordance with the ZBA's Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The ZBA held a remote² public hearing on the Applicant's special use application at its regular meeting held on Friday, April 21, 2023. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. The list of participants who provided sworn testimony is attached as the **Hearing Participant Exhibit**.

At the conclusion of the hearing, the ZBA took the matter under advisement. Prior to the conclusion of the meeting, the ZBA voted on the matter.

IV. OVERVIEW OF CRITERIA

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

V. FINDINGS OF FACT

Special Use. After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZBA 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:

A (1). *It complies with all applicable standards of the Chicago Zoning Ordinance*

² In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.* The statements and testimony given during the public hearing were given in accordance with the ZBA's Rules of Procedure and its Emergency Rules (eff. November 1, 2021). Such Emergency Rules were issued by the Chairman of the ZBA in accordance with his emergency rule-making powers set forth in the Rules of Procedure.

The proposed tavern is permitted within the current zoning classification, pursuant to the Chicago Zoning Ordinance, so long as the Applicant demonstrates and evidences compliance with all of the applicable Special Use standards of the Ordinance. The Applicant's proposed use complements the bulk and density of the immediate area, in which surrounding uses include hair/beauty salons, several places of worship, a pharmacy, a liquor store, quick-service restaurants, and retailers. The Applicant seeks no other relief from the Chicago Zoning Ordinance. As the ZBA has decided to grant the special use to the Applicant, the Applicant's proposed special use complies with all applicable standards of the Chicago Zoning Ordinance.

A (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.

As evidenced by the testimony of Gladys Holifield as well as the testimony and report submitted by Joseph Ryan, the proposed use is in the public convenience because it will provide the community with a safe and meaningful space for socialization and comradery, which the community currently lacks. There is only one bar which is over a mile away from the subject property, and there are no similar establishments within a five-mile radius of the same. The proposed use will not have a significant adverse impact on the general welfare of the neighborhood or community because the Applicant will be reactivating one of a number of vacant buildings in the area, in turn eliminating a public nuisance from the community. The ZBA heard from objectors who opposed the type and location of the special use. The ZBA was not persuaded by the objectors and found that the benefits of granting the special use outweighed any potential adverse effects. Additionally, the ZBA found that Gladys Holifield credibly testified to the safety and security plan and community engagement for the proposed tavern.

A (3). It is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

As evidenced by the testimony of Gladys Holifield as well as the testimony and report submitted by Joseph Ryan, the proposed use is compatible with the character of the surrounding area in terms of site planning and building scale and project design. The proposed tavern will operate wholly within an existing one-story stand-alone commercial building, which is located on a stretch of 71st Street whereon almost every nonresidential building is at one-story to two-stories in height and rendered in similar architecture, with a storefront anchoring each such building. The Applicant will not be making any meaningful modifications to the footprint of the existing building as the planned renovation work will be confined to the interior of the building.

A (4). It is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.

As evidenced by the testimony of Gladys Holifield as well as the testimony and report submitted by Joseph Ryan, the general hours of operation of the proposed tavern are

consistent with the hours of a typical neighborhood tavern, as well as most of the other retail establishments and hospitality-restaurants in the neighborhood – including the convenience store, dollar store, pharmacy, liquor store, quick service restaurants, and gas stations located on the immediately adjacent blocks. The applicant also has a security plan which will in part ensure that patrons do not line up or congregate outside the tavern, which will reduce external noise. Furthermore, both the interior and exterior lighting will be muted, with no neon or outward emitting fluorescent signage or exterior illumination. When compared to surrounding businesses, the proposed tavern will be a less intensive use.

A (5). *It is designed to promote pedestrian safety and comfort.*

As evidenced by the testimony of Gladys Holifield as well as the testimony and report submitted by Joseph Ryan, the proposed tavern is situated at grade level with an ADA accessible entrance that directly abuts the sidewalk, thereby providing unfettered pedestrian access without any vehicular interference. The proposed tavern is intended to service and to draw from the immediate neighborhood, in terms of patronage and staffing, which will reduce any vehicular traffic to the subject property. The applicant expects most patrons to arrive by foot or bicycle as the subject property is also in a Transit Served Location, serviced by multiple CTA Bus Lines. The applicant's security plan is also intended to ensure that pedestrians do not congregate outside the proposed tavern so that the shared pedestrian way remains unincumbered.

CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS

1. **Special Use.** For all the above reasons, the ZBA finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance.
2. The ZBA hereby APPROVES the Applicant's application for a special use, and pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use SUBJECT TO THE FOLLOWING CONDITIONS:(1) the special use is issued solely to the applicant, PG6 Inc.; (2) the development is consistent with the design and layout of the Alta/NSPS Land Title Survey, dated May 9, 2022, prepared by Pi Surveying Group, and the floor plan and elevations plans and documents, dated August 20, 2021, prepared by Beehyve; (3) the tavern use is contained solely within the single story, commercial building; and (4) no outdoor space can be utilized for tavern use without prior review and approval by the Zoning Board of Appeals of an expansion of this special use.

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: 
Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 7/24, 2023.


Janine Klich-Jensen

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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TEL: (312) 744-3888
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ZBA

JUL 24 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

Maverick Ales & Lagers, LLC
APPLICANT(S)

134-23-S
CALENDAR NUMBER(S)

2137 W. Walnut St.
PREMISES AFFECTED

April 21, 2023
HEARING DATE

ACTION OF BOARD	THE VOTE	AFFIRMATIVE	NEGATIVE	ABSENT
The application for the special use was APPROVED SUBJECT TO CONDITIONS.	Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(vacant position)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FINDINGS OF THE ZONING BOARD OF APPEALS

I. SUMMARY

Maverick Ales & Lagers, LLC (the “Applicant”) submitted an application for special use for 2137 W. Walnut Street (the “subject property”), in order to establish an accessory outdoor rooftop patio to serve an existing brewery with taproom on the ground floor with a second-floor expansion and addition to an existing two-story building. The ZONING BOARD OF APPEALS (“ZBA”) held a public hearing on the Applicant’s application. At the public hearing, the ZBA heard testimony from the Applicant and from some objectors. At the conclusion of the public hearing, the ZBA approved the application.

II. APPLICATION BACKGROUND

The subject property is located in the Near West Side neighborhood. It is zoned PMD-4A and is improved with an existing, 26,752 square foot, one-story and partial two-story, brick former manufacturing building with parking lot. There are two building occupants, the Applicant, and a wedding/event venue. The applicant occupies the east 120’ section and operates a microbrewery and taproom in the space. The second floor is being converted into additional taproom space. The Applicant proposed to add an outdoor (rooftop) patio on its one-story section which would be accessed directly from the two-story portion of this occupant’s space. Pursuant to Section 17-6-0403-G(5)(A) of the Chicago Zoning Ordinance, an accessory outdoor patio is a special use in a PMD-4

district. The ZBA is authorized to hear and decide special use applications.¹ Therefore, the Applicant submitted a special use application to the ZBA. 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" and the "Department") recommended: approval of the proposed rooftop patio to serve an existing brewery with taproom on the ground floor with a second-floor expansion and addition to an existing one- and two-story building provided the special use is issued solely to the applicant, Maverick Ales & Lagers, LLC and the development is consistent with the design and layout of the previously approved Landscape Plan (related to existing approved/installed landscaping only), prepared by GMA Architects, approved November 28, 2018, and Site & 151 Floor Plan, dated April 20, 2023, 2nd Floor Plan, dated January 30, 2022, Roof Plan, dated December 13, 2022, and Exterior Elevations (2 sheets), dated November 4, 2022, all prepared by Arko Architecture.

III. PUBLIC HEARING

In accordance with the ZBA's Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The ZBA held a public hearing on the Applicant's special use application at its regular meeting held on Friday, April 21, 2023. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. The list of participants who provided sworn testimony is attached as the **Hearing Participant Exhibit**. At the conclusion of the hearing, the ZBA took the matter under advisement. Prior to the conclusion of the meeting, the ZBA voted on the matter.

IV. OVERVIEW OF CRITERIA

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

Additional Criteria for Special Use in a Planned Manufacturing District. Pursuant to 17-13-0905-C of the Chicago Zoning Ordinance, in acting on any special use application within a planned manufacturing district, the Zoning Board of Appeals must apply the General (approval) Criteria of Sec. 17-13-0905 and make specific findings on the probable effects of the proposed use on: (1) existing manufacturing activities, including the potential for land use conflicts and nuisance complaints; and (2) efforts to market other property within the planned manufacturing district for industrial use.

¹ Pursuant to Section 17-14-302-B of the Chicago Zoning Ordinance.

V. FINDINGS OF FACT

Special Use. After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZBA 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:

A (1). It complies with all applicable standards of the Chicago Zoning Ordinance

The subject property is located in a PMD-4A zoning district. Since an outdoor patio is a special use in this zoning district, the Applicant requires a special use. The proposed use complies with all other standards set forth in the Chicago Zoning Ordinance because it is only the requirement to request a special of use from the Zoning Board of Appeals that prevents full compliance with all applicable standards of the Chicago Zoning Ordinance.

A (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.

As evidenced by the testimony provided by Cameron Compton as well as the testimony and report submitted by Toby Sorenson, the proposed use is in the interest of the public convenience because it will provide a socialization space for transient workers, as well as destination for those who would enjoy patronizing the proposed outdoor (rooftop) patio. The subject property is also situated within an area that contains a harmonious mixture of industrial and service uses, and a concentration of brewery/taproom properties with seasonal outdoor seating areas. Patios are common amenities for many of the microbreweries in the area.

As evidenced by the testimony provided by Cameron Compton as well as the testimony and report submitted by Toby Sorenson, the proposed use will not have a significant adverse impact on the general welfare of the neighborhood or community because there are also other commercial occupants in the immediate area, including an event hosting venue within the subject's larger building, and an event hosting venue/restaurant/club/dance hall across Leavitt Street to the west of the subject property's larger building. The latter use has a large outdoor entertainment area that is consistent with that which is proposed for the subject property. This area is also located in relative proximity to the Randolph Street restaurant/entertainment corridor, and the tech and corporate center development of the Fulton Market area. Residential uses are not permitted in the area, so with no residential properties in the immediate area, the proposed patio use will have no impact on an existing resident population.

The ZBA heard from objectors who objected to the existence of any establishment which sells alcohol in the area.² The ZBA did not find the objectors to be credible.

² The ZBA noted that that the Applicant's microbrewery and taproom has been in operation since 2017 with no issues.

Aside from vague statements, none of objectors were able to articulate or support by evidence or personal knowledge why they believed the addition of the accessory outdoor patio would have a significant adverse impact on the general welfare of the community.

A (3). It is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

As evidenced by the testimony provided by Cameron Compton as well as the testimony and report submitted by Toby Sorenson the proposed use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the outdoor rooftop patio will be situated on the existing, 98-year-old, manufacturing building, which is consistent with most of the older warehouses and industrial structures in the surrounding area. The rehabilitation work at the subject site will add to the viability of this building, by preserving the existing industrial design and aesthetics of the traditional storage and industrial buildings to ensure the character of the immediate neighborhood is not altered.

A (4). It is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.

As evidenced by the testimony provided by Cameron Compton as well as the testimony and report submitted by Toby Sorenson, the proposed use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because the proposed rooftop patio will enhance the existing microbrewery and complement the diversity of the active uses surrounding it. They include general industrial uses, entertainment venues (including a use to the west with an existing outdoor patio), and a media studio. There are also a number of breweries in the Kinzie PMD, many of which have outdoor seating areas. The taproom has mid-afternoon and evening hours of operation, Tuesday through Sunday. Most of the microbrewery's hours of operation are after core business hours and on the weekend, when traffic in the area is reduced and parking is more readily available. Given the hours of operation, the proposed improvement will not likely increase traffic for the neighborhood. There will be little impact of the outdoor rooftop patio on nearby uses from potential noise, parking, traffic, or lighting.

The ZBA heard testimony from objectors who expressed concerns about potential noise generation. When questioned by the ZBA, the objectors were not able to credibly testify to any existing noise generated by the Applicant. The ZBA finds the objections regarding potential future noise generation to be conjecture unsupported by evidence.

A (5). It is designed to promote pedestrian safety and comfort.

As evidenced by the testimony provided by Cameron Compton as well as the testimony and report submitted by Toby Sorenson, the proposed use is designed to promote pedestrian safety and comfort because the subject property is positioned in relative proximity to CTA rail stations (Damen and Western Avenues). This area is also located in relative proximity to the Randolph Street restaurant/entertainment corridor, and the technology and corporate center development of the Fulton Market area. The proposed use will be seasonal, and is located on the rooftop, away from streetscapes and traffic, and with requisite safety barriers.

Additional Criteria. After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZBA hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-C of the Chicago Zoning Ordinance

C (1) findings on the probable effects of the proposed use on existing manufacturing activities, including the potential for land use conflicts and nuisance complaints:

The rooftop patio will operate Tuesday through Sunday, from midafternoon until late evening. The immediately surrounding area currently has a mixture of commercial and light industry businesses. The companies in the area, including the Applicant's have been in the neighborhood for a number of years. The proposed use is a common accessory use to microbreweries and should not disrupt the business operations and existing relationships between commercial and industrial activities.

C (2) Findings on the probable effects of the proposed use on efforts to market other property within the planned manufacturing district for industrial use:

The district is one where industrial and commercial uses, such as the proposed rooftop patio, complement each other. As such, efforts to market other properties within the PMD for alternate use are unlikely to be negatively impacted.

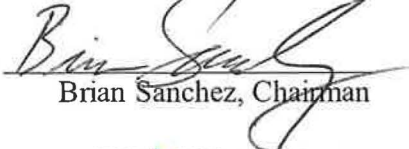
CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS

1. **Special Use.** For all the above reasons, the ZBA finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Section 17-13-0905-A and 17-13-0905-C of the Chicago Zoning Ordinance.
2. The ZBA hereby APPROVES the Applicant's application for a special use, and pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use **SUBJECT TO THE FOLLOWING CONDITIONS:** the special use is issued solely to the applicant, Maverick Ales & Lagers, LLC and the development is consistent with the design and layout of the previously approved Landscape Plan (related to existing approved/installed landscaping only), prepared by GMA Architects, approved

November 28, 2018, and Site & 151 Floor Plan, dated April 20, 2023, 2nd Floor Plan, dated January 30, 2022, Roof Plan, dated December 13, 2022, and Exterior Elevations (2 sheets), dated November 4, 2022, all prepared by Arko Architecture.

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: 
Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 7/24, 2023.


Janine Klich-Jensen

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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ZBA

AUG 21 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

5069 N. Northwest Highway, LLC
APPLICANT(S)

135-23-Z & 136-23-Z
CALENDAR NUMBER(S)

5069-75 N. Northwest Highway
PREMISES AFFECTED

April 21, 2023
HEARING DATE

ACTION OF BOARD	THE VOTE	AFFIRMATIVE	NEGATIVE	ABSENT
The variation applications were APPROVED.	Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(vacant position)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FINDINGS OF THE ZONING BOARD OF APPEALS

I. SUMMARY

5069 N. Northwest Highway, LLC (the "Applicant(s)") submitted applications for variations for 5071 N. Northwest Highway (the "subject property"), to build a 3-story, fourteen (14) dwelling unit building with fourteen (14) on-site parking spaces. The Zoning Board of Appeals ("ZBA") held a public hearing on the Applicant's applications. At the public hearing, the Applicant, its architect and the Alderperson testified in support of the application. A different neighbor testified in objection to the variations. At the conclusion of the public hearing, the ZBA approved the applications.

II. APPLICATION BACKGROUND

The subject property is located in the Jefferson Park neighborhood. It is zoned RM-4.5 and is a vacant lot. The Applicant seeks variations from the Chicago Zoning Ordinance to (1) reduce the front setback from 15' to 7.5', rear setback from 30' to 18.75' for a proposed three-story, fourteen (14) dwelling unit building with on-site parking and (2) reduce the rear yard open space from the required 763.72 to 477 square feet for a proposed three-story, fourteen (14) dwelling unit building with on-site parking. The ZBA is authorized to hear

and decide variations.¹ Therefore, the Applicant submitted a variation application to the ZBA.

III. PUBLIC HEARING

In accordance with the ZBA's Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The ZBA held a public hearing on the Applicant's variation applications at its regular meeting held on Friday, April 21, 2023. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. The list of participants who provided sworn testimony is attached as the **Hearing Participant Exhibit**. At the conclusion of the hearing, the ZBA took the matter under advisement. Prior to the conclusion of the meeting, the ZBA voted on the matter.

IV. OVERVIEW OF CRITERIA

Pursuant to Section 17-13-1107-A of the Chicago Zoning Ordinance, no variation application may be approved unless the ZBA 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 ZBA 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 ZBA 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

¹ Pursuant to Section 17-13-1101 of the Chicago Zoning Ordinance.

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.

V. FINDINGS OF FACT

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

A (1). Strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships.

The subject property is zoned RM-4.5 and can, by right, permit a sixteen (16) dwelling unit building. The Applicant is proposing a fourteen (14) dwelling unit building, but because of the irregular, substandard, pentagon parcel shape (see survey dated January 29, 2021), Applicant needs variations from the Chicago Zoning Ordinance. Furthermore, the ZBA finds that strict compliance with the standards of the Chicago Zoning Ordinance **would** create practical difficulties or particular hardships because the following criteria under B(1)-(3) are **met**:

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

As evidenced by the testimony of the Applicant, this project would not be feasible as Applicant has already reduced the dwelling units permitted in a RM-4.5 zoned property by two (2) dwelling units. The ZBA reviewed the Applicant's submitted reasonable return analysis and deems that a 6% return on investment is not a reasonable return for a for-profit endeavor given the instability of inflation, costs, real estate taxes, and insurance.

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

As evidenced by the survey dated January 29, 2021, this property is five (5) sided and bordered by two streets and an alley, none of which follow the north-south and east-west grid system the City is known for. Additionally, Carmen Avenue is an east-west street that only varies from that orientation at the Applicant's property, where it runs diagonally.

B (3). The variation, if granted, will not alter the essential character of the neighborhood.

As evidenced by the testimony of the Objector and the Architect, this is a residential neighborhood, and the proposed building is also residential in use. Also, while the proposed building is three (3) stories tall and the neighboring properties are two-story buildings, the Applicant did not come before the ZBA for a height variation. The ZBA finds that the granting of the requested variations will not alter the essential character of the neighborhood.

The ZBA also finds that strict compliance with the standards of the Chicago Zoning Ordinance **would** create practical difficulties or particular hardships after taking into consideration the extent to which evidence has been submitted under C(1)-(6):

C (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.

As evidenced by the survey dated January 29, 2021, this property is five (5) sided and bordered by two streets and an alley, none of which follow the north-south and east-west grid system the City is known for. Carmen Avenue is an east-west street that only varies from that orientation at the Applicant's property, where it runs diagonally. Further, while the other lots on this section of Northwest Highway have a standard lot depth, the Applicant's parcel does not because Carmen Avenue changes direction. This change cuts the Applicant's parcel short in depth by over 20 feet.

C (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.

As evidenced by the survey dated January 29, 2021, this property is five (5) sided and bordered by two streets and an alley, none of which follow the north-south and east-west grid system the City is known for. Additionally, Carmen Avenue is an east-west street that only varies from that orientation at the Applicant's property, where it runs diagonally. The requested variations are due to the irregular shape of this parcel, a condition that other RM-4.5 zoned properties do not possess.

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

As evidenced by the testimony of the Applicant, this Applicant has already reduced the dwelling units permitted in a RM-4.5 zoned property by two (2) dwelling units. The Applicant is permitted by right in this zoning classification to build additional units. He is not. Further, it is possible for the Applicant to not provide limited on-site parking at the subject property due to the nearby public transportation. However, Applicant is providing one parking space per unit to satisfy objections

from the Jefferson Park Association. Providing parking is a cost that the Applicant was not necessarily obligated to take.

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

The hardship, as evidenced by the survey dated January 29, 2021, is that this property is five (5) sided and bordered by two streets and an alley, none of which follow the north-south and east-west grid system the City is known for. Carmen Avenue is an east-west street that only varies from that orientation at the Applicant's property, where it runs diagonally. This is the way the City laid out the streets, and no evidence was presented that the Applicant had anything to do with creating that hardship.

C (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.

No evidence was provided that the proposed variations would be injurious to other properties or improvements or detrimental to the public welfare. Absent any such evidence, the ZBA cannot find otherwise. The ZBA finds that granting these variances for this residential development will not be detrimental to the public welfare or be injurious to other property or improvements as it is being built per plans created by a licensed architect and approved by City's building department. The subject property is a vacant lot across from a train line.

C (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.

As evidenced by the submitted photos, the subject property is vacant. No evidence was submitted to the ZBA that the proposed variations would impair an adequate supply of light and air to adjacent property, increase the danger of fire, or substantially diminish or impair property values within the neighborhood. While adding 14 residential units with 14 parking spaces to what was a vacant lot will increase traffic in the area, the ZBA finds that that alone will not substantially increase congestion in the public streets. It is probable that people without cars will find this development attractive given the nearby public transportation. The ZBA considered the objector's concerns and finds that granting the variations will not endanger the public safety to pedestrians as the setbacks allow for adequate sightlines for vehicle drivers and pedestrians.

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

The requested variation(s) will allow for the (1) reduction of the front setback from 15' to 7.5', rear setback from 30' to 18.75' for a proposed three-story, fourteen (14) dwelling unit building with on-site parking and (2) reduction of the rear yard open space from the required 763.72 to 477 square feet for a proposed three-story, fourteen (14) dwelling unit building with on-site parking on the subject property. The ZBA finds that variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by:

- Promoting the public health, safety and general welfare, pursuant to Section 17-1-0501, by developing a vacant lot in a residential neighborhood.
- Preserving the overall quality of life for residents and visitors, pursuant to Section 17-1-0502, by adding 14 dwelling units to the neighborhood housing stock.
- Protecting the character of established residential neighborhoods, pursuant to Section 17-1-0503, adding a residential building without any commercial units.
- Maintaining orderly and compatible land use and development patterns, pursuant to Section 17-1-0508, by developing residential housing within the RM-4.5 zoning parameters.
- Maintaining a range of housing choices and options, pursuant to Section 17-1-0512, adding 14 rental dwelling units to the neighborhood housing stock.

CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS

For all the above reasons, the ZBA 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 Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

The ZBA hereby APPROVES the Applicant's applications for a variation, and the Zoning Administrator is authorized to permit said variations.

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

APPROVED AS TO SUBSTANCE

By: 
Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 8/21, 2023.


Janine Klich-Jensen

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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Chicago, Illinois 60602
TEL: (312) 744-3888
www.chicago.gov/zba



ZBA

JUL 24 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

JG IL, LLC
APPLICANT(S)

137-23-S
CALENDAR NUMBER(S)

3455-59 S. Ashland Avenue
PREMISES AFFECTED

April 21, 2023
HEARING DATE

ACTION OF BOARD	THE VOTE	THE VOTE		
		AFFIRMATIVE	NEGATIVE	ABSENT
The application for the special use was APPROVED.	Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(vacant position)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FINDINGS OF THE ZONING BOARD OF APPEALS

I. SUMMARY

JG IL, LLC (the “Applicant”) submitted an application for special use for 3455-59 S. Ashland Avenue (the “subject property”), to establish an adult use cannabis dispensary within an existing single-story commercial building at the subject property. The ZONING BOARD OF APPEALS (“ZBA”) held a public hearing on the Applicant’s application. At the public hearing, a motion to continue the case was made Alderman Lee and denied by the ZBA Chair. The Applicant, its experts, and members of the community testified in support of the application. Alderman Lee provided neutral testimony. Two members of the community testified in opposition of the application. At the conclusion of the public hearing, the ZBA approved the application for special use.

II. APPLICATION BACKGROUND

The subject property is located in the McKinley Park neighborhood. It is zoned C1-1 and is improved with an existing single-story commercial building. The Applicant proposed to establish an adult use cannabis dispensary on the subject property. Pursuant to Section § 17-9-0129 of the Chicago Zoning Ordinance, an adult use cannabis dispensary is a special use in a C1-1 district. The ZBA is authorized to hear and decide special use applications.¹ Therefore, the Applicant submitted a special use application to the ZBA. In

¹ Pursuant to Section 17-14-302-B of the Chicago Zoning Ordinance.

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" and the "Department") recommended approval.

III. PUBLIC HEARING

In accordance with the ZBA's Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The ZBA held a public hearing on the Applicant's special use application at its regular meeting held on Friday, April 21, 2023. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. The list of participants is attached as the **Hearing Participant Exhibit**. At the conclusion of the hearing, the ZBA took the matter under advisement. Prior to the conclusion of the meeting, the ZBA voted on the matter.

IV. OVERVIEW OF CRITERIA

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

Additional Special Use Criteria for Cannabis Business Establishment. Pursuant to Section 17-13-0905-G of the Chicago Zoning Ordinance, no special use for a cannabis business establishment may be approved unless the ZONING BOARD OF APPEALS finds that the applicant for such special use has held at least one community meeting in the ward in which the cannabis business establishment is proposed to be located for the purpose of explaining the proposal and soliciting comments on it. Such community meeting must be held no later than two weeks prior to the date of the anticipated special use hearing before the ZONING BOARD OF APPEALS. The applicant must notify the Chairman of the ZONING BOARD OF APPEALS and the Alderman of the ward in which the cannabis business establishment is proposed to be located in writing of the time, place and purpose of the community meeting. The applicant must publish such notice in a newspaper of general circulation within the ward and the applicant must send written notice by USPS first class mail to the property owner of the subject property and to all property owners within 250 feet of the property lines of the subject property. Such applicant shall furnish a complete list of the names and last known addresses of the persons provided with such written notice as well as a written affidavit certifying compliance with such written notice to the Chairman of the ZONING BOARD OF APPEALS on or before the public hearing is held by the ZONING BOARD OF APPEALS, in a

form prescribed by the Commissioner of the Department of Planning and Development

V. FINDINGS OF FACT

Special Use. After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZBA 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:

A (1). It complies with all applicable standards of the Chicago Zoning Ordinance

As evidenced by the Okrent Kisiel Land Use Evaluation report and testimony set forth in the attached witness affidavits, except with respect to the matters for which the Applicant is seeking this special use, the Proposed Dispensary will comply with applicable provisions of the Chicago Zoning Ordinance. The proposal involves the interior build-out of approximately 2,757 square feet of an existing one-story masonry commercial building constructed in the 1960s and expanded in the 1990s. The Existing Building on the subject property was built in compliance with all zoning codes present at the time of its construction, and no additions to or expansion of the existing building are proposed as a part of this application.

A (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.

As evidenced by Okrent Kisiel Land Use Evaluation report and testimony set forth in the attached witness affidavits, granting of the special use is in the interest of the public convenience because there is clearly a significant demand for additional adult use cannabis dispensaries. The addition of a complimentary use such as an adult use cannabis dispensary will draw more consumers from around the city, as well as serve the local daytime population and local residents, all in the interest of the public convenience.

A (3). It is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

As evidenced by the Okrent Kisiel Land Use Evaluation report and testimony set forth in the attached witness affidavits, the proposed special use will be located in an existing building that was constructed in the 1960s and has long been occupied by commercial uses. The existing one-story structure is in character and scale with the surrounding commercial node in which it is located. The project calls for significant cosmetic enhancements to the building's exterior, but its massing will remain unchanged. Access to the parking lot serving the proposed use will remain

unchanged. Landscape and screening improvements will serve to lessen the parking lot's impact on surrounding uses and adjacent street frontages.

A (4). It is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.

As evidenced by the Okrent Kisiel Land Use Evaluation report and testimony set forth in the attached witness affidavits, the Proposed Dispensary will operate in a manner consistent with the commercial character of the area. Outdoor lighting will not be disruptive or invasive and will be designed to meet all necessary standards. Anticipated hours of operation for the proposed use are between 9AM and 9PM, Monday through Saturday, and 9AM and 7PM on Sunday. These hours of operation are compatible with adjacent commercial uses and not in conflict with nearby industrial uses or other uses in the area. The use will operate in a similar fashion as other retail uses in the area, but with much more structured and regulated procedures for security, deliveries and loading. Outdoor lighting will be consistent with all applicable ordinances, and will not be out of character with nearby uses. The proposed use is comparable in size to other similar uses in the neighborhood. As such, it is anticipated that traffic generation will be consistent with other uses in the area. Given a maximum of twelve employees and an average of 350 transactions per day anticipated, the location of the subject property near transit options, and ample vehicular and bicycle parking available onsite, limited impact from vehicular traffic is anticipated.

A (5). It is designed to promote pedestrian safety and comfort.

As evidenced by the Okrent Kisiel Land Use Evaluation report and testimony set forth in the attached witness affidavits, the proposal makes no physical changes to the existing property that would negatively impact pedestrian safety and comfort. In fact, screening, landscaping, and façade enhancements proposed as part of this application should only serve to increase the sense of pedestrian safety and comfort on both 35th Street and Ashland Avenue. All deliveries will occur via a secure delivery area to the east of the existing building, within the paved parking area, and will not interfere with pedestrian safety or comfort. No additional curb cuts are proposed and, according to the applicant's security plan, personnel will be made available as necessary to manage vehicular and pedestrian traffic at the perimeter of the subject property, as well as to direct customers to the facility. The enhanced security requirements for the proposed use, including trained on-site security personnel and enhanced surveillance systems, will provide an added measure of safety and security to the pedestrian environment.

Additional Special Use Requirements for Cannabis Business Establishment. After careful consideration of the evidence, testimony and the entire record, the ZBA hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-G of the Chicago Zoning Ordinance:

Based on the Applicant's submissions to the ZBA, the ZBA finds that the Applicant has held its required community meeting in accordance with Section 17-13-0905-G of the Chicago Zoning Ordinance.

CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS


Special Use. For all the above reasons, the ZBA finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Section 17-13-0905-A and 17-13-0905-G of the Chicago Zoning Ordinance.

The ZBA hereby APPROVES the Applicant's application for a special use, and pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use SUBJECT TO THE FOLLOWING CONDITIONS:

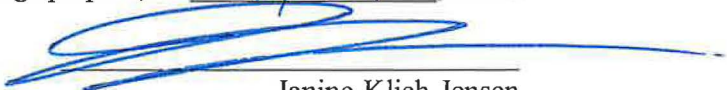
1. The special use is issued solely to the applicant JG IL, LLC;
2. All onsite customer queueing shall occur within the building; and,
3. The development is consistent with the design and layout of the site plan and landscape plan dated April 18, 2023, and floor plan dated April 20, 2023, prepared by IDeA - Insight Design Architects, LLC, and exterior elevations dated April 13, 2023 prepared by Architectures SP.

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: 
Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 7/24, 2023.


Janine Klich-Jensen

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

APPLICANT: PMJ2445, LLC **Cal. No.:** 138-23-Z
APPEARANCE FOR: Alfred Quijano **MINUTES OF MEETING:**
April 21, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2443-47 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license to provide live entertainment which is located within 125' of a residential zoning district.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAY 22 2023
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

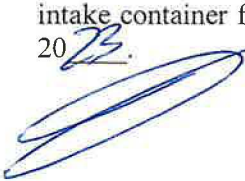
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023.



APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3710 N. Kenmore, LLC **Cal. No.:** 139-23-Z
APPEARANCE FOR: Andrew Scott **MINUTES OF MEETING:**
APPEARANCE AGAINST: None April 21, 2023
PREMISES AFFECTED: 3710 N. Kenmore Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 3', south side setback from 5' to 3.83' for a proposed four-story, four dwelling unit building with front balconies, three enclosed parking spaces and four bicycles. This is a transit served location which is located within 2,640' from a CTA rail station entrance.

ACTION OF BOARD - VARIATION GRANTED



MAY 22 2023
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 3', south side setback to 3.83' for a proposed four-story, four dwelling unit building with front balconies, three enclosed parking spaces and four bicycles. This is a transit served location which is located within 2,640' from a CTA rail station entrance; an additional variation was granted to subject property in Cal. No. 140-23-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.

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APPROVED AS TO SUBSTANCE

Janine Klich-Jensen
CHAIRMAN

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

APPLICANT: 3710 N. Kenmore, LLC **Cal. No.:** 140-23-Z
APPEARANCE FOR: Andrew Scott **MINUTES OF MEETING:**
 April 21, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3710 N. Kenmore Avenue

NATURE OF REQUEST: Application for a variation to increase the off-street parking requirement from two spaces to three for a proposed four-story, four dwelling unit building with front balconies, three enclosed parking spaces and four bicycle spaces. This is a transit served location which is located within 2,640' from a CTA rail station entrance.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAY 22 2023
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the off-street parking requirement to three for a proposed four-story, four dwelling unit building with front balconies, three enclosed parking spaces and four bicycle spaces. This is a transit served location which is located within 2,640' from a CTA rail station entrance; an additional variation was granted to subject property in Cal. No. 139-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Kenneth Pecyna & Roberta Parkinson **Cal. No.:** 141-23-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:** April 21, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3836 N. Alta Vista Terrace

NATURE OF REQUEST: Application for a variation to reduce the north side setback from the required 2' to 0.48' (south to be zero), combined side yard setback from 4.8' to 0.48' for a proposed front second story addition along Seminary Avenue frontage at an existing attached two-story single-family residence on a through lot.

ACTION OF BOARD - VARIATION GRANTED

ZBA

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

THE VOTE

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the north side setback to 0.48' (south to be zero), combined side yard setback to 0.48' for a proposed front second story addition along Seminary Avenue frontage at an existing attached two-story single-family residence on a through lot; an additional variation was granted to subject property in Cal. No. 142-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023.



APPROVED AS TO SUBSTANCE

Brian H. Sanchez
CHAIRMAN

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

APPLICANT: Kenneth Pecyna & Roberta Parkinson **Cal. No.:** 142-23-Z

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

APPEARANCE AGAINST: None **April 21, 2023**

PREMISES AFFECTED: 3836 N. Alta Vista Terrace

NATURE OF REQUEST: Application for a variation to expand the existing 1,485 square feet of floor that has been existence for more than fifty years by 73.25 square feet for a total of 1,571.75 square feet for a proposed front two-story addition along Seminary Avenue frontage at an existing attached two-story single-family residence on a through lot.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to expand the existing 1,485 square feet of floor that has been existence for more than fifty years by 73.25 square feet for a total of 1,571.75 square feet for a proposed front two-story addition along Seminary Avenue frontage at an existing attached two-story single-family residence on a through lot; an additional variation was granted to subject property in Cal. No. 141-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22/23.

APPROVED AS TO SUBSTANCE

Brian H. Sanchez
CHAIRMAN

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

APPLICANT: Estate of Kathy A. Poczatek, Jeff Poczatek, executor

Cal. No.: 143-23-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2821 N. Orchard Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 3.22' to 2.17', rear setback from 30' to 4', north side setback from 2' to 1' (south to be 5.17'), combined side setback from 7.20' to 6.17' for a proposed five-story, five dwelling unit building. This is a transit served location within 2,640' of a CTA rail station entrance.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 2.17', rear setback to 4', north side setback to 1' (south to be 5.17'), combined side setback to 6.17' for a proposed five-story, five dwelling unit building. This is a transit served location within 2,640' of a CTA rail station entrance; two additional variations were granted to subject property in Cal. Nos. 144-23-Z and 145-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023.

APPROVED AS TO SUBSTANCE

Brian Sanchez
CHAIRMAN

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

APPLICANT: Estate of Kathy A. Poczatek, Jeff Poczatek, executor

Cal. No.: 144-23-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2821 N. Orchard Street

NATURE OF REQUEST: Application for a variation to increase the number of off-street parking spaces for a transit served location from three to five for a proposed five-story, five dwelling unit building and five car garage. This is a transit served location within 2,640' of a CTA rail station entrance.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the number of off-street parking spaces for a transit served location to five for a proposed five-story, five dwelling unit building and five car garage. This is a transit served location within 2,640' of a CTA rail station entrance; two additional variations were granted to subject property in Cal. Nos. 143-23-Z and 145-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023.



APPROVED AS TO SUBSTANCE

Brian Sanchez
CHAIRMAN

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

APPLICANT: Estate of Kathy A. Poczatek, Jeff Poczatek, executor

Cal. No.: 145-23-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2821 N. Orchard Street

NATURE OF REQUEST: Application for a variation to increase the building height from the maximum 50' to 55' for a proposed five-story, five dwelling unit building with five car garage. This is a transit served location within 2,640' of a CTA rail station entrance.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAY 22 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the building height to 55' for a proposed five-story, five dwelling unit building with five car garage. This is a transit served location within 2,640' of a CTA rail station entrance; two additional variations were granted to subject property in Cal. Nos. 143-23-Z and 144-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023.

APPROVED AS TO SUBSTANCE
Brian Sanchez
CHAIRMAN

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

APPLICANT: Neal Carlson **Cal. No.:** 146-23-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
April 21, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3301 W. Hirsch Street

NATURE OF REQUEST: Application for a variation to reduce the east side yard setback from the required 2.036' to 0.36' (west to be 3.12'), combined side yard setback from 5.09' to 3.48' for the as built three-story single-family residence with a proposed detached two car garage with a driveway access.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

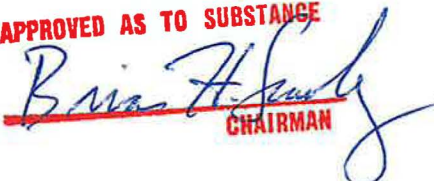
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the east side yard setback to 0.36' (west to be 3.12'), combined side yard setback to 3.48' for the as built three-story single-family residence with a proposed detached two car garage with a driveway access; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Panfilo Carrazco **Cal. No.:** 147-23-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
APPEARANCE AGAINST: None April 21, 2023
PREMISES AFFECTED: 1619 S. Loomis Street

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 3,000 square feet to 2,804 square feet to convert the existing two-story, two dwelling unit building to a three dwelling unit building by adding a dwelling unit to the basement.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum lot area to 2,804 square feet to convert the existing two-story, two dwelling unit building to a three dwelling unit building by adding a dwelling unit to the basement; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023.



APPROVED AS TO SUBSTANCE

Brian H. Sanchez
CHAIRMAN

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

APPLICANT: Craig Castelli & Shannon Haffey **Cal. No.:** 148-23-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:** April 21, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2528 W. Superior Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 37.37' to 2', west setback from 3.36' to 1' (east to be 5'), combined side setback from 8.4' to 6' and the minimum distance for parking from the front property line from 20' to zero for a proposed second floor and two-story rear addition and a one-story breezeway with a two-car attached garage with residential space above and a one car unenclosed parking stall in the front of an existing two story, single family residence.*

ACTION OF BOARD - VARIATION GRANTED



THE VOTE

MAY 22 2023
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 2', west setback to 1' (east to be 5'), combined side setback to 6' and the minimum distance for parking from the front property line to zero for a proposed second floor and two-story rear addition and a one-story breezeway with a two-car attached garage with residential space above and a one car unenclosed parking stall in the front of an existing two 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.

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22

20
 *Amended at Hearing

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Portage Gentleman Shop, LLC Cal. No.149-23-S

APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5128 W. Irving Park Road

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

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

MAY **22** 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and


WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a barber shop; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony has offered that the use complies with all 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:

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22/23.



APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Knightsbridge Development, LLC **Cal. No.:** 150-23-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:** April 21, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2720 W. 23rd Street

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area per unit from the required 3,000 square feet to 2,984 square feet for a proposed two-story, three dwelling unit building and rear three space parking pad.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAY 22 2023
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

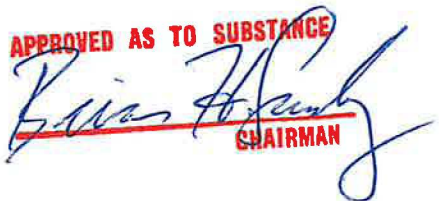
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum lot area per unit to 2,984 square feet for a proposed two-story, three dwelling unit building and rear three space parking pad; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023.



APPROVED AS TO SUBSTANCE

CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

City Hall Room 905
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-3888
www.chicago.gov/zba



ZBA

JUL 24 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

**Wilson Dover Investment
Partners, LLC**
APPLICANT(S)

**151-23-S, 152-23-Z, 153-23-Z,
154-23-Z, 155-23-Z**
CALENDAR NUMBER(S)

4553 N. Dover Street
PREMISES AFFECTED

April 21, 2023
HEARING DATE

ACTION OF BOARD	THE VOTE	THE VOTE		
		AFFIRMATIVE	NEGATIVE	ABSENT
The special use application was APPROVED SUBJECT TO CONDITIONS.	Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The variation applications were APPROVED.	Zurich Esposito	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(vacant position)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FINDINGS OF THE ZONING BOARD OF APPEALS

I. SUMMARY

Wilson Dover Investment Partners, LLC (the "Applicant") submitted applications for special use and variation for 4553 N. Dover Street (the "subject property"), in order to construct a five-story 28 dwelling-unit residential building with attached parking garage. The ZONING BOARD OF APPEALS ("ZBA") held a public hearing on the Applicant's applications. At the conclusion of the public hearing, the ZBA approved the applications.

II. APPLICATION BACKGROUND

The subject property is located in the Sheridan Park Historic District in the Uptown neighborhood. It is zoned B3-3 and is currently improved with a one-story multi-tenant retail building and surface parking lot. The Applicant proposed to redevelop the property and construct a new five-story residential building with 28 units on the subject property.

The Applicant seeks variations from the Chicago Zoning Ordinance to (i) reduce the required front setback from 50 feet to 15 feet, (ii) reduce the south side setback from 2 feet to 0 feet, (iii) reduce the rear setback from 30 feet to 3.25 feet, (iv) allow a reduction of 1% of the required off-street residential parking spaces from 28 to 25, (v) reduce the number of required off-street loading spaces from 1 to 0, (vi) allow an increase of 10% of

the maximum allowed height from 60 feet to 66 feet. The ZBA is authorized to hear and decide variations.¹ Therefore, the Applicant submitted a variation application to the ZBA.

The Applicant also seeks a special use to permit residential uses below the second floor. Pursuant to Section 17-3-0207-A(4c) of the Chicago Zoning Ordinance, dwelling units located below the second floor in a B-3 zoning district is a special use. The ZBA is authorized to hear and decide special use applications.² Therefore, the Applicant submitted a special use application to the ZBA. 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" and the "Department") recommended: approval to establish residential use below the second floor for a proposed five-story, twenty-eight dwelling unit building, with garage with a twenty-five automobile parking spaces and twenty-nine bike parking spaces provided the development is consistent with the design and layout of the Site Plan, Landscape Plan and First Floor Plan, dated April 12, 2023, and Second Floor Plan, 3rd thru 5th Floor Plan, Roof Plan, North Elevation, East and West Elevations, and South Elevation, dated March 21, 2023, all prepared by Axios Architects and Consultants.

III. PUBLIC HEARING

In accordance with the ZBA's Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The ZBA held a public hearing on the Applicant's special use and variation applications at its regular meeting held on Friday, April 21, 2023. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. The list of participants who provided sworn testimony is attached as the **Hearing Participant Exhibit**. At the conclusion of the hearing, the ZBA took the matter under advisement. Prior to the conclusion of the meeting, the ZBA voted on the matter.

IV. OVERVIEW OF CRITERIA

- 1. Criteria for a Variation.** Pursuant to Section 17-13-1107-A of the Chicago Zoning Ordinance, no variation application may be approved unless the ZBA 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 ZBA 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.

¹ Pursuant to Section 17-13-1101 of the Chicago Zoning Ordinance.

² Pursuant to Section 17-14-302-B of the Chicago Zoning Ordinance.

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 ZBA 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.

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

V. FINDINGS OF FACT

1. **Variation.** After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZBA hereby makes the following findings with reference to the Applicant's application for a variation pursuant to Sections 17-13-1107-A, B, and C of the Chicago Zoning Ordinance:

A (1). Strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships.

Strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships due to the irregular lot shape and size and the subject property's location next to special districts. Furthermore, the ZBA finds that strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships because the following criteria under B(1)-(3) are met:

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

As evidenced by the testimony of Nadeya Khalil, Ayman Khalil, Bill Kokalias, and Kareem Musawwir, the Applicant would be unable to fully utilize the entitlements afforded by the underlying B3-3 zoning based on the irregular lot size and shape, and its location in proximity to historic residential districts. Without the requested zoning relief, the proposed building footprint would be limited to approximately 88 ft. on a lot measuring 168.19 feet in depth. The proposed variations would allow for a shorter, wider building to utilize the underlying zoning entitlements.

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

As evidenced by the testimony of Nadeya Khalil, Ayman Khalil, Bill Kokalias, and Kareem Musawwir, the subject property is a trapezoidal corner lot with atypical shape and dimensions abutting a residential zoning district and neighboring special purpose overlay districts. The front and side setback requirements are triggered by the abutting RT-4 district, as on its own a B3-3 zoned lot would not have these same requirements. The irregular lot size and shape, its corner lot location, and the neighboring special overlay districts all taken together create unique practical difficulties necessitating the requested zoning relief.

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

As evidenced by the testimony of Nadeya Khalil, Ayman Khalil, Bill Kokalias, and Kareem Musawwir, the proposed development will permit new residential construction that follows the pattern of development in the subject area. The subject area is comprised of a mix of two, three, and four-story multi-unit residential buildings. Even though the subject property is located in a different zoning district than the abutting properties, the building use and design was done so that it will blend in with the surrounding buildings in the neighborhood.

Objectors who appeared objected to aspects of the project design, including front setbacks believing that it would alter the essential character of the neighborhood. The objectors and mistakenly believed that the subject property was located within the special district. The ZBA was not persuaded by the objections.

The ZBA also finds that strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships after taking into consideration the extent to which evidence has been submitted under C(1)-(6):

C (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.

As evidenced by the testimony of Nadeya Khalil, Ayman Khalil, Bill Kokalias, and Kareem Musawwir, the subject lot's irregular size and shape, along with the adjacent residential zoning districts and historic district, COMED appurtenances and poles in the alley along the real lot line create practical difficulties upon the property owner. If the variations were not approved, the owner would have to develop the property with an unmarketable all-commercial or retail building, or a significantly shallower residential building with less residential density than what the underlying B3-3 zoning district allows.

C (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.

As evidenced by the testimony of Nadeya Khalil, Ayman Khalil, Bill Kokalias, and Kareem Musawwir, not all zoning lots located in the B3-3 zoning district are irregularly shaped Transit Served Locations (TSL) adjacent to residential zoning districts and special purpose districts. These lot specific conditions make the subject property unique when compared to a typical zoning lot created in the B3-3 zoning district. The requested variations are directly related to these unique zoning lot conditions.

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

As evidenced by the testimony of Nadeya Khalil, Ayman Khalil, Bill Kokalias, and Kareem Musawwir, the requested variations are intended to allow the Applicant to overcome existing lot conditions and are not exclusively based upon a desire to make more money from the property. The applicant will build a five story residential building that otherwise complies with the bulk allowances in the B3-3 zoning district, overcomes the irregular lot size and shape, and still compliments the established pattern of development in the subject area.

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

As evidenced by the testimony of Nadeya Khalil, Ayman Khalil, Bill Kokalias, and Kareem Musawwir, the applicant did not create the unique lot conditions, including the subject lot's irregular size and shape and the abutting zoning districts.

C (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 evidenced by the testimony of Nadeya Khalil, Ayman Khalil, Bill Kokalias, and Kareem Musawwir, the resulting building will compliment the immediate area and will not be detrimental to the public welfare or neighboring properties or improvements because the variations will allow for a new multi-unit residential building to be built in an area comprised of other multi-unit residential buildings. The subject property is located on the end of a residential block and was designed to transition between North Dover to the south and West Wilson to the north. The requested height increase from 60 feet to 66 feet is in order to permit the elevator override only and otherwise complies with the height limitations in the B3-3 zoning district.

C (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.

As evidenced by the testimony of Nadeya Khalil, Ayman Khalil, Bill Kokalias, and Kareem Musawwir, the variations will not impair an adequate supply of light and air to adjacent property because the proposed building is located on a corner with two street frontages and a public alley and the front setback matches the neighboring buildings to the south. Further, the variations will not increase the danger of fire or endanger the public safety because the project will be fully permitted to ensure safe residential occupancy of the multi-unit residential building. The variations will not substantially diminish or impair property values in the area because the proposed development results in the highest and best use of the subject property based on the underlying zoning entitlements.

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

The requested variation(s) will allow for the construction of a five-story, twenty-eight dwelling unit building, with garage with a twenty-five automobile parking spaces and with bike parking on the subject property. The ZBA finds that variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by:

- Promoting pedestrian, bicycle and transit use, pursuant to Section 17-1-0507, by providing bicycle storage facilities and relocating the driveway away from a residential street.
- Maintaining orderly and compatible land use and development patterns, pursuant to Section 17-1-0508, by complimenting neighboring uses which are comprised of other multi-unit residential buildings.
- Maintaining a range of housing choices and options, pursuant to Section 17-1-0512, by constructing a residential building in an area in need of additional residential units.

- 2. Special Use.** After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZBA 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:

A (1). It complies with all applicable standards of the Chicago Zoning Ordinance

The subject property is located in a B3-3 zoning district. Since a residential use below the second floor is a special use in this zoning district, the Applicant requires a special use. With the exception of the requested variations in the variation applications, the proposed use complies with all other standards set forth in the Chicago Zoning Ordinance because it is only the requirement to request a special of use from the Zoning Board of Appeals that prevents full compliance with all applicable standards of the Chicago Zoning Ordinance.

A (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.

As evidenced by the testimony given by Kareem Musawwir and Alderman Cappleman, the proposed use is in the interest of the public convenience and will not have a significant impact on the general welfare of the neighborhood or community because it will serve a need and demand in the marketplace by providing additional housing inventory in a sought-after area with a low vacancy rate comprised of other multi-residential buildings. The subject property is underutilized, consisting of a large asphalt parking lot and single-story building. There are a number of vacant storefronts in the community and the area is in extraordinary need of additional apartment units. Therefore this new use would be beneficial to the community by eliminating a vacant storefront and providing new residential housing.

A (3). It is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

As evidenced by the testimony given by Kareem Musawwir, the proposed use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the proposed use is located on a stretch of North Dover Street that is improved with 3 to 4-story multi-unit brick and masonry residential buildings while West Wilson Avenue has improvements with 4 to 5-stories or more.

The objectors who appeared objected to the brick design and scale of the building due to its proximity to a landmark district and stated that the design should be more embellished and distinctive in character. Objectors mistakenly believed that the subject property was located within the special district but it is not. The ZBA was not persuaded by the objections.

A (4). It is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.

As evidenced by the testimony given by Kareem Musawwir and Bill Kokalias, the proposed use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and

traffic generation because the proposed use, like the surrounding area, is residential in nature. The proposed use will function and operate like the other ground floor residential uses already established in the surrounding area. Off-street parking and bicycle accommodations will assist in to ensure that the use does not create an undue amount of traffic.

A (5). It is designed to promote pedestrian safety and comfort.

As evidenced by the testimony given by Kareem Musawwir, Bill Kokalias, and Nadeya Khalil, the proposed use is designed to promote pedestrian safety and comfort because the proposed building design calls for the removal of the driveway along N. Dover (a residential street) and locates a new driveway on the east side of the property along W. Wilson Ave. The applicant noted that existing utility infrastructure did not allow them to use the alley for garage access. The existing driveway will be replaced and restored to curb and sidewalk. The proposed exits, entrance, and driveway to the garage are all designed to promote pedestrian safety and reduce pedestrian-vehicle conflict points. Additionally, to increase safety, there will be light and sound indicators to alert pedestrians when the garage door opens to allow ingress and egress of vehicles. Furthermore, the garage was designed to accept deliveries made by box truck, which will help alleviate blockage of walkways and sight paths. The subject property also will promote bicycling with the inclusion of mounted bicycle racks. The subject property is also a Transit Served Location based on its proximity to the CTA station on Wilson Avenue.

The Objectors who appeared objected to the curb cut and driveway on Wilson which were moved to that location by the Applicant as a response to community feedback. The ZBA was not convinced by the objectors that the proposed use and plans would be detrimental to pedestrian safety.

CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS

1. **Variation.** For all the above reasons, the ZBA 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 Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance.
2. The ZBA hereby APPROVES the Applicant's applications for a variation, and the Zoning Administrator is authorized to permit said variations.
3. **Special Use.** For all the above reasons, the ZBA finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance.
4. The ZBA hereby APPROVES the Applicant's application for a special use, and pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use

SUBJECT TO THE FOLLOWING CONDITIONS: the development is consistent with the design and layout of the Site Plan, Landscape Plan and First Floor Plan, dated April 12, 2023, and Second Floor Plan, 3rd thru 5th Floor Plan, Roof Plan, North Elevation, East and West Elevations, and South Elevation, dated March 21, 2023, all prepared by Axios Architects and Consultants.

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: 
Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 7/24, 2023.


Janine Klich-Jensen

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**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

City Hall Room 905
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-3888
www.chicago.gov/zba



ZBA

JUL 24 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

VILL-OPS, Inc.
APPLICANT(S)

156-23-S & 157-23-S
CALENDAR NUMBER(S)

1850 West Webster Avenue
PREMISES AFFECTED

April 21, 2023
HEARING DATE

ACTION OF BOARD	THE VOTE	THE VOTE		
		AFFIRMATIVE	NEGATIVE	ABSENT
The special use applications were APPROVED SUBJECT TO CONDITIONS.	Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(vacant position)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FINDINGS OF THE ZONING BOARD OF APPEALS

I. SUMMARY

VILL-OPS, Inc. (the “Applicant”) submitted special use applications for 1850 West Webster Ave (the “subject property”), in order to allow an adult use cannabis dispensary with an enclosed single lane drive-through facility. The ZONING BOARD OF APPEALS (“ZBA”) held a public hearing on the Applicant’s applications. At the conclusion of the public hearing, the ZBA approved the applications.

II. APPLICATION BACKGROUND

The subject property is located at the junction of three community areas: Lincoln Park, Logan Square, and West Town. It is zoned C2-3 and is improved with a one-story building with four drive-through bays previously used as a State of Illinois emissions testing facility. The Applicant proposed a Cannabis Dispensary and drive through on the subject property. A Cannabis Dispensary and drive through are special uses in a C2-3 Motor Vehicle-Related Commercial District pursuant to sections 17-3-0207(AAA)(1) and 17-3-0207(Z) of the Chicago Zoning Ordinance respectively. The ZBA is authorized to hear and decide special use applications.¹ Therefore, the Applicant submitted a special use application to the ZBA. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City’s Department of Planning and

¹ Pursuant to Section 17-14-302-B of the Chicago Zoning Ordinance.

Development (the “Zoning Administrator” and the “Department”) recommended: (1) the special uses are issued solely to the applicant, VILL-OPS, Inc.; (2) all on-site non-vehicular customer queuing shall occur within the building; and (3) the development is consistent with the design and layout of the Site Plan, dated April 19, 2023, Floor Plan and Public Access Plans, dated April 20, 2023, and North and West Elevations, dated April 14, 2023, and South and East Elevations, dated April 20, 2023, prepared by WT Group, and Landscape Plan, Landscape Details & Specifications, dated April 19, 2023, prepared Evergreen Design Group.

III. PUBLIC HEARING

In accordance with the ZBA’s Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The ZBA held a public hearing on the Applicant’s special use applications at its regular meeting held on Friday, April 21, 2023. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. The list of participants who provided sworn testimony is attached as the **Hearing Participant Exhibit**. At the conclusion of the hearing, the ZBA took the matter under advisement. Prior to the conclusion of the meeting, the ZBA voted on the matter.

IV. OVERVIEW OF CRITERIA

- 1. 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 ZBA finds that the proposed use in its proposed location meets **all** of the following criteria: (1) it complies with all applicable standards of the Chicago Zoning Ordinance; (2) it is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community; (3) it is compatible with the character of the surrounding area in terms of site planning and building scale and project design; (4) it is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation; and (5) it is designed to promote pedestrian safety and comfort.
- 2. Additional Special Use Criteria for Cannabis Business Establishment.** Pursuant to Section 17-13-0905-G of the Chicago Zoning Ordinance, no special use for a cannabis business establishment may be approved unless the ZONING BOARD OF APPEALS finds that the applicant for such special use has held at least one community meeting in the ward in which the cannabis business establishment is proposed to be located for the purpose of explaining the proposal and soliciting comments on it. Such community meeting must be held no later than two weeks prior to the date of the anticipated special use hearing before the ZONING BOARD OF APPEALS. The applicant must notify the Chairman of the ZONING BOARD OF APPEALS and the Alderman of the ward in which the cannabis business establishment is proposed to be located in writing of the time, place and purpose of the community meeting. The applicant must publish such notice in a newspaper of general circulation within the ward and the applicant must send written notice by USPS first class mail to the property owner of the subject property and to all property

owners within 250 feet of the property lines of the subject property. Such applicant shall furnish a complete list of the names and last known addresses of the persons provided with such written notice as well as a written affidavit certifying compliance with such written notice to the Chairman of the ZONING BOARD OF APPEALS on or before the public hearing is held by the ZONING BOARD OF APPEALS, in a form prescribed by the Commissioner of the Department of Planning and Development

V. FINDINGS OF FACT

- 1. Special Use.** After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZBA 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:

A (1). It complies with all applicable standards of the Chicago Zoning Ordinance

The subject property is located in a C2-3 zoning district. Since a Cannabis Dispensary and Drive-Through are special uses in this zoning district, the Applicant requires special use approval. The proposed uses comply with all other standards set forth in the Chicago Zoning Ordinance because it is only the requirement to request a special of use from the Zoning Board of Appeals that prevents full compliance with all applicable standards of the Chicago Zoning Ordinance.

A (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.

As evidenced by the testimony of Appraiser Poulos, the proposed use is in the interest of the public convenience because the subject property is located in a highly urbanized area with a significant population in the vicinity and there are no other dispensaries in the vicinity of the subject site. The site is along two well-traveled streets, West Webster Avenue and North Elston Avenue.

As evidenced by the testimony of Daniel Pettigrew, Taurin Lyons, security expert Tim Gorman, traffic expert Luay Aboona, appraiser Peter Poulos and architect Nadolskithe, the proposed use will not have a significant adverse impact on the general welfare of the neighborhood or community because the facility is located in an area where there is a mix of commercial and residential uses, including major retailers like Kohl's, entertainment facilities like Whirlyball, and other retail and commercial uses. All operations will occur within an enclosed building. The Applicant's operational team has significant experience in operating the proposed Special Use. The Applicant also provided credible information and data that indicate that no significant adverse impacts are associate with the operation of Adult Use Cannabis Dispensaries in terms of property values, crime or other parameters and, given the location, design and regulatory compliance of the proposed Special

Use, no significant adverse impacts are anticipated from the proposed use, including no substantial increase traffic as shown in the submitted traffic report. Furthermore, the proposed Special Use will have on-site security during operating hours and will have exterior cameras connected to the Illinois State Police, which provide an additional element of safety for the operations of the Special Use

As stated in the testimony of Daniel Pettigrew and Taurin Lyon, the proposed drive-in facility will facilitate the retrieval by customers of their pre-orders and as such will provide an additional means for the Applicant to serve its customers. The proposed drive-in facility will be completely enclosed and will be used only for pre-ordered items with no exterior ordering equipment. Traffic Expert Aboona credibly testified that he reviewed the location, use and impact of the drive-in portion of the facility and found that it would not have any adverse traffic impact.

A (3). It is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

As evidenced by the testimony of Architect Nadolski and Appraiser Poulos, the proposed Special Use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because it will be within an existing building which will not be significantly expanded. The building's interior will be design in a manner that suitably accommodates the proposed use and the building is setback from the adjacent streets with significant landscaping provided in the parking area and the along the property's perimeter.

A (4). It is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.

As evidenced by the testimony of Architect Nadolski, Appraiser Poulos and Traffic Expert Aboona, the proposed use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because the subject property is located in an area with a mix of commercial and residential uses. The residential uses are generally across North Lister Avenue and the site is separated from those uses to the east by the intervening right-of-way. To the north the site is bordered by a commercial property. To the west it separated from other uses by the existing railroad right-of-way and the Kennedy Expressway. To the south are a variety of commercial uses including major retailers, like Kohl's and Best Buy, an entertainment use, Whirlyball, and an BMO branch bank facility with five drive-through lanes. The proposed hours of operation of the proposed Special Use are generally consistent with those of nearby commercial uses. No significant exterior noise is anticipated as all operation of the proposed Special Use will occur within an enclosed building. Exterior lighting will be provided only to the extent needed for safety and will not be directed towards adjacent uses. Traffic Expert Aboona's study indicates that no significant traffic impact will occur

from the proposed Special Use, and his study has been reviewed by the Chicago Department of Transportation, which concurred with the study's findings.

A (5). *It is designed to promote pedestrian safety and comfort.*

As evidenced by the testimony of Architect Nadolski and Appraiser Poulos, the proposed Special Use will promote pedestrian safety and comfort because it will not interfere with pedestrian access along or from adjacent public ways as it is significantly separated from those public ways and will not require any additional curb cuts. In addition, the property will contain significant landscaping along its perimeter to enhance the pedestrian experience along such public ways and also within the parking areas, both of which will further shield the proposed use from the public way. Finally, one existing driveway located near the property's north end and closer to nearby residential uses will be eliminated, reducing the number of pedestrian-vehicle conflict points and breaks along the pedestrian sidewalk.

2. Additional Special Use Requirements for Cannabis Business Establishment.

After careful consideration of the evidence, testimony and the entire record, 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-G of the Chicago Zoning Ordinance:

Based on the Applicant's submissions to the ZONING BOARD OF APPEALS, the ZONING BOARD OF APPEALS finds that the Applicant has held its required community meeting in accordance with Section 17-13-0905-G of the Chicago Zoning Ordinance.

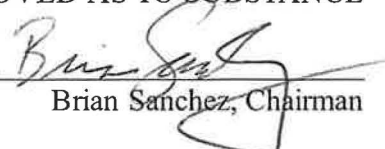
CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS

1. **Special Use.** For all the above reasons, the ZBA finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Section 17-13-0905-A and 17-13-0905-G of the Chicago Zoning Ordinance.
2. The ZBA hereby APPROVES the Applicant's applications for special use, and pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special uses SUBJECT TO THE FOLLOWING CONDITIONS: (1) the special uses are issued solely to the applicant, VILL-OPS, Inc.; (2) all on-site non-vehicular customer queuing shall occur within the building; and (3) the development is consistent with the design and layout of the Site Plan, dated April 19, 2023, Floor Plan and Public Access Plans, dated April 20, 2023, and North and West Elevations, dated April 14, 2023, and South and East Elevations, dated April 20, 2023, prepared by WT Group,

and Landscape Plan, Landscape Details & Specifications, dated April 19, 2023,
prepared Evergreen Design Group.

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: 
Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that
I caused this to be placed in the USPS mail, postage prepaid, on 7/24, 2023.


Janine Klich-Jensen

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

APPLICANT: KAP-JG, LLC Cal. No.158-23-S
APPEARANCE FOR: Danielle Cassel **MINUTES OF MEETING:**
April 21, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3340 N. Halsted Street

NATURE OF REQUEST: Application for a special use to establish an adult use cannabis dispensary.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; 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 adult use cannabis dispensary; 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 has offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: (1) the special use is issued solely to the applicant, KAP-JG, LLC; (2) all on-site customer queuing occurs within the building; and (3) the development is consistent with the design and layout of the Site & Landscape Plan, dated February 15, 2023, and Space Plan and Access Diagram, and Elevations, dated April 11, 2023, prepared by Interform Architecture + Design; and Delivery/Maneuvering Plans. (2 sheets), dated January 5, 2023, prepared by RTM Engineering Consultants.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023.



APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Parkview Mart, Inc. Cal. No.446-22-S
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
APPEARANCE AGAINST: None April 21, 2023
PREMISES AFFECTED: 6700 S. Jeffery Boulevard

NATURE OF REQUEST: Application for a special use to establish a gas station with an accessory retail convenience store.

ACTION OF BOARD – APPLICATION WITHDRAWN

ZBA

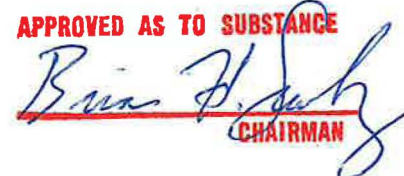
MAY 22 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Parkview Mart, Inc. Cal. No.447-22-S

APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**

April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6700 S. Jeffery Boulevard

NATURE OF REQUEST: Application for a variation to reduce the south side setback from the required 4.5' to zero for a proposed gas station with an accessory convenience store.

ACTION OF BOARD – APPLICATION WITHDRAWN

ZBA

MAY 22 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE
Brian H. Sanchez
CHAIRMAN

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

APPLICANT: Chicago Trust Company, N. A. (Trust #BEV-4182) **Cal. No.:** 40-23-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:

April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 65-77 E. 50th Street

NATURE OF REQUEST: Application for a variation to reduce the front wall setback facing a public street from the required 10' to 3' for a proposed four and five story townhouse development with seven dwelling units, attached thirteen car garage and roof top decks with operable pergolas.

ACTION OF BOARD – Continued to May 19, 2023

ZBA

MAY 22 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

Brian H. Leahy
CHAIRMAN

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

APPLICANT: Chicago Trust Company, N. A. (Trust #BEV-4182) **Cal. No.:** 41-23-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 65-77 E. 50th Street

NATURE OF REQUEST: Application for a variation to increase the building height from the maximum 47' to 49' for a proposed four and five story townhouse development with seven dwelling units, attached thirteen car garage and roof top decks with operable pergolas.

ACTION OF BOARD – Continued to May 19, 2023

ZBA

MAY 22 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

Brian H. Sanchez
CHAIRMAN

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

APPLICANT: Chicago Trust Company, N. A. (Trust #BEV-4182) **Cal. No.:** 42-23-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 65-77 E. 50th Street

NATURE OF REQUEST: Application for a variation to eliminate the 7' landscape setback (with one tree and a few shrubs) along south Michigan Avenue and to eliminate interior landscape (around 176 square feet with one tree) for the proposed seven dwelling unit townhouse development.

ACTION OF BOARD – Continued to May 19, 2023

ZBA

MAY 22 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

APPROVED AS TO SUBSTANCE
Brian H. Sanchez
CHAIRMAN

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

APPLICANT: 2925 W. Montrose, LLC
APPEARANCE FOR: Rolando Acosta
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4343 N. Richmond Street

Cal. No.: 44-23-S

MINUTES OF MEETING:
April 21, 2023

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

ACTION OF BOARD – Continued to June 16, 2023

THE VOTE

ZBA

MAY 22 2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

Brian H. Kelly
CHAIRMAN

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

APPLICANT: 2925 W. Montrose, LLC

Cal. No.: 45-23-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4343 N. Richmond Street

NATURE OF REQUEST: Application for a variation to reduce the north and south side setback from the required 3.94' to zero, combined side yard setback from 9.84' to zero for a proposed three-story, six dwelling unit building and ear six car garage.

ACTION OF BOARD – Continued to June 16, 2023

ZBA

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

APPROVED AS TO SUBSTANCE

Brian H. Sanby
CHAIRMAN

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

APPLICANT: 2925 W. Montrose, LLC

Cal. No.: 46-23-S

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4347 N. Richmond Street

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

ACTION OF BOARD – Continued to June 16, 2023

ZBA

MAY 22 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 2925 W. Montrose, LLC

Cal. No.: 47-23-S

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4353 N. Richmond Street

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

ACTION OF BOARD – Continued to June 16, 2023

THE VOTE


ZBA

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 2925 W. Montrose, LLC
APPEARANCE FOR: Rolando Acosta
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4357 N. Richmond Street

Cal. No.: 48-23-S

MINUTES OF MEETING:
April 21, 2023

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

ACTION OF BOARD – WITHDRAWN

ZBA


MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Elite Labor Services, Ltd. **Cal. No.:** 58-23-S

APPEARANCE FOR: Talar Berberian **MINUTES OF MEETING:**

April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3138 W. Cermak Rd. 1st Floor Unit D

NATURE OF REQUEST: Application for a special use to establish a day labor employment agency.

ACTION OF BOARD – Continued to June 16, 2023

ZBA

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE
Brian H. Sanchez
CHAIRMAN

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

APPLICANT: BabyLuv Beauty Bar, LLC Cal. No.75-23-S

APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 114 E. 47th Street

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

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

MAY 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; 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 has offered that the use complies with all 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:

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023



APPROVED AS TO SUBSTANCE
Brian H. Sanchez
CHAIRMAN

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

APPLICANT: Ami Kotecha

Cal. No.: 96-23-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
April 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1223 N. Marion Court

NATURE OF REQUEST: Application for a variation to reduce the east front setback from the required 6.62' to 2', north and south side setbacks from 2' to zero, combined side yard setback from 5, to zero for a proposed two-story, single-family residence with an attached two car garage on a through lot.

ACTION OF BOARD – WITHDRAWN

ZBA


MAY 22 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN