

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

**MINUTES OF MEETING:**

April 22, 2021

Cal. No. 436-20-S

The Applicant Jokes and Notes, Inc. dba Renaissance Bronzeville presented a written request for an extension of time in which to establish a proposed 375 square foot one-story addition and to add a 1,190 square foot at grade patio in the rear of the existing tavern in an existing one-story commercial building at the subject property 4641 S. Dr. Martin Luther King Jr. Dr. The special use was approved on December 18, 2020 in Cal. No. 436-20-S.

The Applicant's representative, Thomas Moore stated that the Applicant was in the process of obtaining the permits for renovations to the subject property. However, in the last year, the applicant was unable to obtain financing or permitting on time especially with the pandemic restrictions and the increase in the outdoor dining applications because of the pandemic.

Chairman Knudsen moved the request be granted and the time for obtaining the necessary permits be extended to January 20, 2023.

**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

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

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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 5/23, 2022

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Cortez Prince dba Lucky's 725, LLC Cal. No. 104-22-S  
**APPEARANCE FOR:** Same as Applicant  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 725 W. 111<sup>th</sup> Street

**MINUTES OF MEETING:**  
 April 22, 2022

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

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**MAY 23 2022**

CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 / barber shop; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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 5/23, 2022.



**APPROVED AS TO SUBSTANCE**



**CHAIRMAN**



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

**APPLICANT:** Robin King dba Seekr Seer Productions, LLC Cal. No.105-22-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1851 W. Chicago Avenue

**NATURE OF REQUEST:** Application for a special use to establish a body art/tattoo facility.

**ACTION OF BOARD – APPLICATION APPROVED**



**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 body art/tattoo facility; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I 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 5/23, 2022

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Martin Nesbitt

**CAL. NO.:** 106-22-Z

**APPEARANCE FOR:** James McCoy

**MINUTES OF MEETING:**  
April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4820 S. Woodlawn Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 80.22' to 0.67', south side setback from 6' to zero (north to be 0.33), combined side yard setback from 18' to 1.58' for a proposed wrought iron fence and masonry columns at 6.5' tall at the front of the existing three-story residence.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 0.67', south side setback to zero (north to be 0.33), combined side yard setback to 1.58' for a proposed wrought iron fence and masonry columns at 6.5' tall at the front of the existing three-story 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 5/23 2022

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



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

**APPLICANT:** 1407 N. Hoyne, LLC **CAL. NO.:** 107-22-Z  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
April 22, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1407 N. Hoyne Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 42' to 25.08', north side setback from 5' to 0.11' (south to be 9.54' which abuts a public street) combined side yard setback to be 9.65' for a proposed new second story addition and third story addition, a new rear two-story addition, new basement level addition containing an indoor pool and one new unenclosed parking space on an existing four-story single-family residence and an existing rear two-story building containing two new enclosed parking spaces.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**MAY 23 2022**

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

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

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 25.08', north side setback to 0.11' (south to be 9.54' which abuts a public street) combined side yard setback to be 9.65' for a proposed new second story addition and third story addition, a new rear two-story addition, new basement level addition containing an indoor pool and one new unenclosed parking space on an existing four-story single-family residence and an existing rear two-story building containing two new enclosed parking spaces; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the 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 5/23/22, 2022.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



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

**APPLICANT:** 3335-3337 N. Sheffield, LLC

**CAL. NO.:** 108-22-Z

**APPEARANCE FOR:** Patrick Turner

**MINUTES OF MEETING:**  
April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3335-3337 N. Sheffield, LLC

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 9.23' to 3.0' rear setback from 33.56' to 25.23' for a proposed four-story seven dwelling unit building, the rear building projects and seven interior and exterior parking stalls.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**



**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 3.0' rear setback to 25.23' for a proposed four-story seven dwelling unit building, the rear building projects and seven interior and exterior parking stalls; an additional variation was granted to the subject property in Cal. No. 109-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** 3335-3337 N. Sheffield, LLC

**CAL. NO.:** 109-22-Z

**APPEARANCE FOR:** Patrick Turner

**MINUTES OF MEETING:**  
April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3335-3337 N. Sheffield, LLC

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard open space from the required 293.67 square feet to 0.9 square feet for a proposed four-story, seven dwelling unit building, the rear building projects, seven interior and exterior parking stalls.

**ACTION OF BOARD - VARIATION GRANTED**



**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 0.9 square feet for a proposed four-story, seven dwelling unit building, the rear building projects, seven interior and exterior parking stalls; an additional variation was granted to the subject property in Cal. No. 108-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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**APPROVED AS TO SUBSTANCE**



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

**APPLICANT:** MJ Bar Holdings, LLC

**CAL. NO.:** 110-22-Z

**APPEARANCE FOR:** Joseph Barbaro

**MINUTES OF MEETING:**  
April 22, 2022

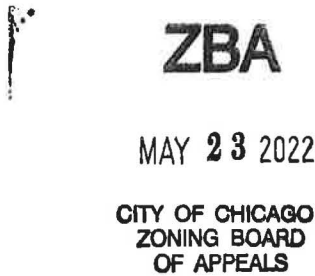
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2708 N. Albany Avenue

**NATURE OF REQUEST:** Application for a variation to increase the existing non-conforming floor area from 3,705.42 square feet to 4,255.42 square feet for a proposed rear two-story addition to the existing three-story, two dwelling unit building to deconvert to a single-family residence and new detached two car garage with rooftop deck.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**



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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 existing non-conforming floor area to 4,255.42 square feet for a proposed rear two-story addition to the existing three-story, two dwelling unit building to deconvert to a single-family residence and new detached two car garage with rooftop deck; 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 5/23, 2022.

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



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

**APPLICANT:** Neighborhood Little Italy, LLC Cal. No.111-22-S  
**APPEARANCE FOR:** Mariah DiGrino **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None April 22, 2022  
**PREMISES AFFECTED:** 1429-31 W. Taylor Street

**NATURE OF REQUEST:** Application for a special use to convert an existing four-story museum into a five story thirty-five room hotel with ground floor retail.

**ACTION OF BOARD – APPLICATION APPROVED**



**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to convert an existing four-story museum into a five story thirty-five room hotel with ground floor retail; a variation was also granted to the subject property in Cal. No. 112-22-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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, Neighborhood Little Italy, and the development is consistent with the design and layout of the Cover Sheet/TSL Plan, Site Plan, Fifth Floor Plan, and Roof Plan dated January 31, 2022, with Demolition Plans (three sheets), Lower Level Plan, Second Floor Plan and Elevations (four sheets) dated January 14, 2022, and with First Floor Plan and Landscape Plan dated February 4, 2022, all prepared by Von Weise Associates.

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 5/23, 2022

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Neighborhood Little Italy, LLC **CAL. NO.:** 112-22-Z  
**APPEARANCE FOR:** Mariah DiGrino **MINUTES OF MEETING:**  
April 22, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1429-31 W. Taylor Street

**NATURE OF REQUEST:** Application for a variation to reduce the required of-street parking spaces from thirteen to two to convert an existing four-story museum to a thirty-five room five-story hotel with ground floor retail. This is a transit served location.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**THE VOTE**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 required of-street parking spaces from thirteen to two to convert an existing four-story museum to a thirty-five room five-story hotel with ground floor retail. This is a transit served location; a special use was also approved for the subject property in Cal. No. 111-22-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): the special use is issued solely to the applicant, Neighborhood Little Italy, and the development is consistent with the design and layout of the Cover Sheet/TSL Plan, Site Plan, Fifth Floor Plan, and Roof Plan dated January 31, 2022, with Demolition Plans (three sheets), Lower Level Plan, Second Floor Plan and Elevations (four sheets) dated January 14, 2022, and with First Floor Plan and Landscape Plan dated February 4, 2022, all prepared by Von Weise Associates.

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 5/23/22, 2022

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



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

**APPLICANT:** Amanda Diedrich dba Blohaute, Inc. Cal. No.113-22-S  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:** April 22, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 807 W. Dickens Avenue

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

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**MAY 23 2022**

CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

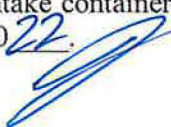
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair salon; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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 5/23, 2022.



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



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

**APPLICANT:** 3350 N. Ashland, LLC **CAL. NO.:** 114-22-Z  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
April 22, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3352 N. Ashland Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from 30' to 23.5' for a proposed five-story, eight dwelling unit building with required on-site parking.

**ACTION OF BOARD - VARIATION GRANTED**



**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 23.5' for a proposed five-story, eight dwelling unit building with required on-site parking; 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 5/23, 2022.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** South Chicago Blues Club, Inc. dba Lee's Unleaded Blues

**CAL. NO.:** 115-22-Z

**APPEARANCE FOR:** Timothy Barton

**MINUTES OF MEETING:**  
April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 7401 S. South Chicago Avenue

**NATURE OF REQUEST:** Application for a variation to establish a public place of amusement license to provide live entertainment and charging at the door which is with 125' of a residential zoning district.

**ACTION OF BOARD - VARIATION GRANTED**



**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 and charging at the door which is with 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 5/23, 2022.

**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



**ZBA**

SEP 19 2022

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

**LoCHomes, LLC**  
APPLICANT

**116-22-Z, 117-22-Z,  
118-22-Z & 119-22-Z**  
CALENDAR NUMBERS

**1946 S. Desplaines St. & 2000 S.  
Desplaines St.**  
PREMISES AFFECTED

**June 17, 2022**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The variation applications for 1946 S. Desplaines St. are approved. The variation applications for 2000 S. Desplaines are approved.

Timothy Knudsen,  
Chairman  
Zurich Esposito  
Brian Sanchez  
Sam Toia

AFFIRMATIVE    NEGATIVE    ABSENT

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 1946 S.  
DESPLAINES ST. AND 2000 S. DESPLAINES ST. BY LOCHOMES, LLC.**

**I. BACKGROUND**

LoCHomes, LLC (the “Applicant”) submitted two variation applications for 1946 S. Des Plaines St. (the “1946 S. Desplaines property”) and two variation applications for 2000 S. Desplaines St. (the “2000 S. Desplaines property”). Both properties are zoned RT-4 and are currently vacant and unimproved. The Applicant proposed to construct a three-story, three dwelling unit building and detached garage at the 1946 S. Desplaines property (the “1946 S. Desplaines development”). The Applicant further proposed to construct a three-story, three dwelling unit building and detached garage at the 2000 S. Desplaines property (the “2000 S. Desplaines development”).

In order to construct the 1946 S. Desplaines development, the Applicant sought two variations. The first variation was to reduce the minimum lot area from the required 3,000 square feet to 2,925 square feet. The second variation was to reduce: (1) the front setback from 10.97’ to 8’; (2) the rear setback from 29.25’ to 2.08’; (3) the north setback from 2.4’ to 0’ (south to be 0’); and (4) the combined setback from 6’ to 0’.



In order to construct the 2000 S. Desplaines development, the Applicant sought two variations. The first variation was to reduce the minimum lot area from the required 3,000 square feet to 2,925 square feet. The second variation was to reduce: (1) the front setback from 12' to 8'; (2) the rear setback from 29.25' to 2.08'; (3) the north setback from 2.4' to 0' (south to be 0'); and (4) the combined setback from 6' to 0'.

## II. PUBLIC HEARING

### A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing<sup>1</sup> on the Applicant's variation applications at its regular meeting held on June 17, 2022, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*, and as continued without further notice pursuant to Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The Applicant's manager Mr. Nicholas Lochmatow and its attorney Mr. Nick Ftikas were present. The Applicant's architect Peter Sterniuk was also present. Present and in opposition to the applications were Mr. Mario Kote and Ms. Rocio Negrete (collectively, "the Objectors"). The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).

The Applicant's attorney Nick Ftikas provided an overview of the applications.

The Applicant's manager Mr. Nicholas Lochmatow offered testimony in support of the applications.

The Applicant's architect Mr. Peter Sterniuk offered testimony in support of the applications.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Ftikas made clarifying statements.

Mr. Mario Kote, of 1948 S. Desplaines St., offered testimony in opposition to the applications.

Ms. Rocio Negrete, also of 1948 S. Desplaines St., offered testimony in opposition to the applications.

In response to questions by Mr. Kote, Mr. Ftikas made a statement and Mr. Sterniuk offered further testimony.

In response to further questions by the ZONING BOARD OF APPEALS, Mr. Ftikas made further statements and Mr. Sterniuk offered further testimony.

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

Mr. Ftikas then made a brief closing statement.

The Objectors offered further testimony in opposition to the applications.

#### B. Criteria for a Variation

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

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

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

### III. FINDINGS OF FACT

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



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

**1946 S. Desplaines**

The subject property is severely substandard in lot depth<sup>2</sup>. In fact, it is only 97.5' deep – over 25' shorter than a standard City lot. Therefore, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property.

**2000 S. Desplaines**

The subject property is severely substandard in lot depth. In fact, it is only 97.5' deep – over 25' shorter than a standard City lot. Therefore, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property.

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

**1946 S. Desplaines**

The requested variations will allow for the construction of the 1946 S. Desplaines development. As can be seen from comparing the plans and drawings of the 1946 S. Desplaines development with photographs of the surrounding neighborhood, the ZONING BOARD OF APPEALS finds that the Applicant has designed a very thoughtful residential development that is both sensitive to the improvements on the adjacent properties as well as consistent with the character of the residential neighborhood. As such, the variations are consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance; (3) protecting the character of established residential neighborhoods pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance; (4) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance; (5) ensuring adequate light, air, privacy, and access to property pursuant to Section 17-1-0509 of the Chicago Zoning Ordinance; (6) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance; and (7) accommodating growth and

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<sup>2</sup> See Section 17-17-02174 of the Chicago Zoning Ordinance.

development that complies with the preceding stated purposes pursuant to Section 17-1-0514 of the Chicago Zoning Ordinance.

**2000 S. Desplaines**

The requested variations will allow for the construction of the 2000 S. Desplaines development. As can be seen from comparing the plans and drawings of the 2000 S. Desplaines development with photographs of the surrounding neighborhood, the ZONING BOARD OF APPEALS finds that the Applicant has designed a very thoughtful residential development that is both sensitive to the improvements on the adjacent properties as well as consistent with the character of the residential neighborhood. As such, the variations are consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance; (3) protecting the character of established residential neighborhoods pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance; (4) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance; (5) ensuring adequate light, air, privacy, and access to property pursuant to Section 17-1-0509 of the Chicago Zoning Ordinance; (6) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance; and (7) accommodating growth and development that complies with the preceding stated purposes pursuant to Section 17-1-0514 of the Chicago Zoning Ordinance.

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

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

**1946 S. Desplaines**

Without the variations, the substandard lot depth of the 1946 S. Desplaines property limits development to a two-dwelling unit building. However, as set forth by the Applicant in its reasonable return economic analysis, a two-dwelling unit building would yield no return. Therefore, the 1946 S. Desplaines property cannot yield a reasonable return if permitted to be used only in accordance with the Chicago Zoning Ordinance.

**2000 S. Desplaines**



Without the variations, the substandard lot depth of the 2000 S. Desplaines property limits development to a two-dwelling unit building. However, as set forth by the Applicant in its reasonable return economic analysis, a two-dwelling unit building would yield no return. Therefore, the 2000 S. Desplaines property cannot yield a reasonable return if permitted to be used only in accordance with the Chicago Zoning Ordinance.

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

#### **1946 S. Desplaines**

The substandard lot depth is a unique circumstance not generally applicable to other residential property. Most property in the City is 125' in depth.

#### **2000 S. Desplaines**

The substandard lot depth is a unique circumstance not generally applicable to other residential property. Most property in the City is 125' in depth.

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

#### **1946 S. Desplaines**

Again, the requested variations will allow for the construction of the 1946 S. Desplaines development. As can be seen from comparing the plans and drawings of the 1946 S. Desplaines development with photographs of the neighborhood, the variations will not alter the essential character of the neighborhood. On the contrary, the ZONING BOARD OF APPEALS finds that the Applicant's development will be consistent with and complementary to other residential improvements in the neighborhood.

#### **2000 S. Desplaines**

Again, the requested variations will allow for the construction of the 2000 S. Desplaines development. As can be seen from comparing the plans and drawings of the 2000 S. Desplaines development with photographs of the neighborhood, the variations will not alter the essential character of the neighborhood. On the contrary, the ZONING BOARD OF APPEALS finds that the Applicant's development will be consistent with and complementary to other residential improvements in the neighborhood.

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

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

**1946 S. Desplaines**

Given the 1946 S. Desplaines property's severely substandard lot depth, strict compliance with current zoning regulations would result in a particular hardship to the Applicant. The 1946 S. Desplaines property is currently vacant. As set forth in the Applicant's reasonable return economic analysis, without the variations, the Applicant will yield no return on developing the 1946 S. Desplaines property. The ZONING BOARD OF APPEALS finds that this lack of return is far more than a mere inconvenience and instead results in a particular hardship upon the Applicant.

**2000 S. Desplaines**

Given the 2000 S. Desplaines property's severely substandard lot depth, strict compliance with current zoning regulations would result in a particular hardship to the Applicant. The 2000 S. Desplaines property is currently vacant. As set forth in the Applicant's reasonable return economic analysis, without the variations, the Applicant will yield no return on developing the 2000 S. Desplaines property. The ZONING BOARD OF APPEALS finds that this lack of return is far more than a mere inconvenience and instead results in a particular hardship upon the Applicant.

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

**1946 S. Desplaines**

The substandard lot depth is a condition that is not applicable, generally, to other property within the same RT-4 zoning classification. As mentioned above, a standard City lot is 125' deep. In this case, the lot depth of the property is 97.5' – over 25' shorter than a standard City lot.

**2000 S. Desplaines**



The substandard lot depth is a condition that is not applicable, generally, to other property within the same RT-4 zoning classification. As mentioned above, a standard City lot is 125' deep. In this case, the lot depth of the property is 97.5' – over 25' shorter than a standard City lot.

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

#### **1946 S. Desplaines**

The purpose of the variations is to allow for a financially viable residential development to be erected on a very substandard lot. As such, the variations are not solely to make more money out of the subject property but rather to allow the property to overcome its substandard lot depth and be put to productive use.

#### **2000 S. Desplaines**

The purpose of the variations is to allow for a financially viable residential development to be erected on a very substandard lot. As such, the variations are not solely to make more money out of the subject property but rather to allow the property to overcome its substandard lot depth and be put to productive use.

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

#### **1946 S. Desplaines**

The Applicant did not create the 1946 S. Desplaines property's severely substandard lot depth.

#### **2000 S. Desplaines**

The Applicant did not create the 2000 S. Desplaines property's severely substandard lot depth.

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

#### **1946 S. Desplaines**

Again, and as set forth above the variations will allow for the construction of the 1946 S. Desplaines development. As can be seen from comparing the plans and drawings with photographs of the neighborhood, granting the variations will not be detrimental to the public welfare or injurious to other property or improvements in

the neighborhood. In fact, as the variations will allow for a brand-new, all masonry development on a vacant lot, granting the variations will both improve the public welfare and be beneficial to other property or improvements in the neighborhood.

### **2000 S. Desplaines**

Again, and as set forth above the variations will allow for the construction of the 1946 S. Desplaines development. As can be seen from comparing the plans and drawings with photographs of the neighborhood, granting the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. In fact, as the variations will allow for a brand-new, all masonry development on a vacant lot, granting the variations will both improve the public welfare and be beneficial to other property or improvements in the neighborhood.

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

### **1946 S. Desplaines**

Again, and as set forth above the variations will allow for the construction of the 1946 S. Desplaines development. The ZONING BOARD OF APPEALS does not at all agree with the Objectors' characterization of the 1946 S. Desplaines development and resolves all credibility in favor of the Applicant. As can be seen from comparing the plans with photographs of the surrounding neighborhood, the 1946 S. Desplaines development will not impair an adequate supply of light and air to adjacent property. The 1946 S. Desplaines development will maintain the required 3' north and south side setbacks for the principal building. Similarly, the principal building will also meet the required rear yard setback as it will be set 34' from the rear property line. It is only the one-story detached garage that requires the side and rear setback reductions. This is a direct result of the severe substandard depth of the lot; otherwise, the detached garage would be a permitted obstruction in the rear yard setback and no side or rear setback reductions would be necessary<sup>3</sup>. Nor will the front setback reduction impair an adequate supply of light and air to adjacent property. As can be seen from the block site plan, the requested front setback reduction is consistent with the rest of the block. Moreover, and as can be seen from the site block plan, the Applicant has inset the front stair so that it will be inobtrusive. The 1946 S. Desplaines development will provide all three required on-site parking spaces; therefore, the variations will not increase congestion in the public streets. The 1946 S. Desplaines development will be of all masonry

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<sup>3</sup> Cf. Section 17-9-0201-D of the Chicago Zoning Ordinance *with* Section 17-17-0309 of the Chicago Zoning Ordinance.



construction; therefore, the variations will not increase the danger of fire. As the 1946 S. Desplaines development will replace a currently vacant lot, the variations will neither endanger the public safety nor impair or diminish property values in the neighborhood. On the contrary, the 1946 S. Desplaines development will likely increase public safety and improve property values in the neighborhood.

### **2000 S. Desplaines**

Again, and as set forth above the variations will allow for the construction of the 2000 S. Desplaines development. The ZONING BOARD OF APPEALS does not at all agree with the Objectors' characterization of the 2000 S. Desplaines development and resolves all credibility in favor of the Applicant. As can be seen from comparing the plans with photographs of the surrounding neighborhood, the 2000 S. Desplaines development will not impair an adequate supply of light and air to adjacent property. The 2000 S. Desplaines development will maintain the required 3' north and south side setbacks for the principal building. Similarly, the principal building will also meet the required rear yard setback as it will be set 34' from the rear property line. It is only the one-story detached garage that requires the side and rear setback reductions. This is a direct result of the severe substandard depth of the lot; otherwise, the detached garage would be a permitted obstruction in the rear yard setback and no side or rear setback reductions would be necessary<sup>4</sup>. Nor will the front setback reduction impair an adequate supply of light and air to adjacent property. As can be seen from the block site plan, the requested front setback reduction is consistent with the rest of the block. Moreover, and as can be seen from the site block plan, the Applicant has inset the front stair so that it will be inobtrusive. The 2000 S. Desplaines development will provide all three required on-site parking spaces; therefore, the variations will not increase congestion in the public streets. The 2000 S. Desplaines development will be of all masonry construction; therefore, the variations will not increase the danger of fire. As the 2000 S. Desplaines development will replace a currently vacant lot, the variations will neither endanger the public safety nor impair or diminish property values in the neighborhood. On the contrary, the 2000 S. Desplaines development will likely increase public safety and improve property values in the neighborhood.

## IV. CONCLUSION

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

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<sup>4</sup> *Id.*

The ZONING BOARD OF APPEALS hereby approves the Applicant's applications for variations for the 1946 S. Desplaines property, and the Zoning Administrator is authorized to permit said variations.

The ZONING BOARD OF APPEALS hereby approves the Applicant's applications for variations for the 2000 S. Desplaines property, 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, Acting 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 9/19, 2022.

  
Janine Klich-Jensen

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

**APPLICANT:** Noble Network of Charter Schools **CAL. NO.:** 120-22-Z  
**APPEARANCE FOR:** Kate Duncan **MINUTES OF MEETING:** April 22, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 6350 S. Stewart Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from 15' to 0.33' for a proposed planter with attached benches and new louvered roof supported by column over entry plaza for the existing school.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS**

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

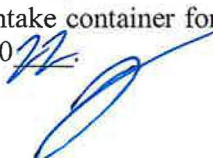
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 0.33' for a proposed planter with attached benches and new louvered roof supported by column over entry plaza for the existing school; an additional variation was granted to the subject property in Cal. No.121-22-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 5/23, 2022.



**APPROVED AS TO SUBSTANCE**



**CHAIRMAN**



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

**APPLICANT:** Noble Network of Charter Schools **CAL. NO.:** 121-22-Z

**APPEARANCE FOR:** Kate Duncan **MINUTES OF MEETING:** April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6350 S. Stewart Avenue

**NATURE OF REQUEST:** Application for a variation to waive the interior landscape (around 730 square feet and six trees) and to waive 7' landscape setback (with trees and shrubs) along 64th street and S. Eggleston Avenue and to allow an existing ornamental metal fence to remain at the property line instead of 5' from the property line for the existing charter school with on-site parking lot.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

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

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 waive the interior landscape (around 730 square feet and six trees) and to waive 7' landscape setback (with trees and shrubs) along 64th street and S. Eggleston Avenue and to allow an existing ornamental metal fence to remain at the property line instead of 5' from the property line for the existing charter school with on-site parking lot; an additional variation was granted to the subject property in Cal. No.120-22-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 5/23, 2022.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Southport Salon Concepts, LLC dba Indira Salon and Spa Cal. No.122-22-S

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3337 N. Southport Avenue

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

**ACTION OF BOARD – APPLICATION APPROVED**



**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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; an additional special use was approved at the subject property in Cal. No. 123-22-S; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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, Southport Salon Concepts, LLC dba Indira Salon and Spa, and the establishment maintains clear non-reflective windows on the street-facing building facade, which shall not painted over, darkened or obstructed in any way, so that the reception and waiting area is visible from the street.

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 5/23, 2022.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Southport Salon Concepts, LLC dba Indira Salon and Spa Cal. No.123-22-S

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3337 N. Southport Avenue

**NATURE OF REQUEST:** Application for a special use to establish a massage establishment.

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**THE VOTE**

**MAY 23 2022**  
**CITY OF CHICAGO**  
**ZONING BOARD**  
**OF APPEALS**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 massage establishment; an additional special use was approved at the subject property in Cal. No. 122-22-S; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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, Southport Salon Concepts, LLC dba Indira Salon and Spa, and the establishment maintains clear non-reflective windows on the street-facing building facade, which shall not painted over, darkened or obstructed in any way, so that the reception and waiting area is visible from the street.

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 5/23, 2022.

**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



ZBA

JUL 18 2022

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

**Connolly Brothers, LLC**  
APPELLANT

**124-22-A**  
CALENDAR NUMBER

**3135 N. Oakley Avenue**  
PREMISES AFFECTED

**April 22, 2022**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The decision of the Zoning Administrator is reversed.

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

AFFIRMATIVE    NEGATIVE    ABSENT

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**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE APPEAL OF A DECISION BY THE ZONING  
ADMINISTRATOR BY THE CONNOLLY BROTHERS, LLC.**

**I. BACKGROUND**

Connolly Brothers, LLC (the “Appellant”) owns 3135 N. Oakley (the “subject property”). The subject property is located in a RS-3 zoning district and is currently improved with a two-story principal building at the front of the subject property (the “principal building”) and a two-story coach house (the “coach house”) at the rear of the subject property. The Appellant purchased the subject property in 2020 and began a program of renovation. During its program of renovation, the Appellant discovered that the garden unit of the principal building had never been established as a legal dwelling unit. The Appellant thus attempted to seek an administrative adjustment from the Office of the Zoning Administrator (“Zoning Administrator”) to establish the garden unit of the principal building as a legal dwelling unit pursuant Section 17-13-1003-BB of the Chicago Zoning Ordinance, which reads as follows:

**17-13-1003-BB Additional Dwelling Unit.** In the case of building permit applications for the repair, remodeling, and/or alteration of buildings that have been in lawful existence for 50 or more years, containing not more than 6 dwelling units, sought to correct Notices of Violation cited by the Department of Buildings, or for the voluntary rehabilitation of such

The ZONING BOARD OF APPEALS held a public hearing on the Appellant's appeal at its regular meeting of April 22, 2022, after due notice thereof as provided under Section 17-13-1206 of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Appellant had submitted its proposed Findings of Fact. The Appellant's manager Mr. Neil Connolly and its attorney Mr. Nick Ftikas were present. Assistant Zoning Administrator Mr. Steven Valenziano was present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).<sup>2</sup>

The Appellant's attorney Mr. Nick Ftikas made his arguments. In particular, he stated that while the Appellant understood that the Zoning Administrator was within its jurisdiction to deny the Appellant an administrative adjustment, the Zoning Administrator could not unilaterally deny the Appellant the right to make its case before the ZONING BOARD OF APPEALS.

The Assistant Zoning Administrator Mr. Steven Valenziano made his arguments. In particular, he testified that as there were uncorrected violations for the subject property (which the September 2007 building permit had been issued to correct) that the Zoning Administrator had withheld the official certification of zoning denial pursuant to Section 17-16-503-A. He further testified that if the Appellant proceeded to correct the outstanding violations under the September 2007 building permit, the Appellant would not be able to legally establish the basement garden unit (as part of the September 2007 building permit was to deconvert the illegal basement garden unit).

In response to these arguments, the ZONING BOARD OF APPEALS asked both Mr. Ftikas and Mr. Valenziano to discuss the contradiction inherent between Sections 17-13-1003-BB and 17-16-0503-A, and after said discussion, asked each party to reconcile the sections in light of Section 17-1-1002 of the Chicago Zoning Ordinance, which reads as follows:

**17-1-1002 Conflict with Other City Regulations.** If the provisions of this Zoning Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision will control. The more restrictive provision is the one that imposes greater restrictions or more stringent controls on development.

Both parties made their respective arguments.

Mr. Ftikas then provided a brief timeline of events that led the Appellant to the ZONING BOARD OF APPEALS. Mr. Valenziano confirmed this timeline.

## B. Criteria

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<sup>2</sup> Such Emergency Rules were issued by the Chairman in accordance with his emergency rule-making powers set forth in the Rules of Procedure.

structures, in which there is evidence that the building has been converted, altered or used for a greater number of dwelling units than existed at the time of its construction, the Zoning Administrator is authorized to approve an administrative adjustment to make zoning certification of the increased density, not to exceed more than 1 unit above its original construction, upon review of documented evidence supporting such increase in density.

The Zoning Administrator informed the Appellant that due to the building permit history for the subject property, namely the September 2007 building permit to deconvert the garden unit, that the Appellant was not eligible for an administrative adjustment. The Appellant then attempted to seek a variation before the ZONING BOARD OF APPEALS pursuant to Section 17-13-1101-A of the Chicago Zoning Ordinance, which reads as follows:

**17-13-1101-A** The Zoning Board of Appeals is authorized to grant a variation for any matter expressly authorized as an administrative adjustment in Sec. 17-13-1001.

However, the Zoning Administrator denied the Appellant the opportunity to come before the ZONING BOARD OF APPEALS. In particular, the Zoning Administrator refused to issue to the Appellant an official denial of zoning certification.<sup>1</sup> The Zoning Administrator's refusal to issue an official denial of zoning certification was made pursuant to Section 17-16-0503-A of the Chicago Zoning Ordinance, which reads as follows:

**17-16-0503-A** City officials may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Zoning Ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City. This provision applies regardless of whether the current property owner or applicant is responsible for the violation in question.

The Appellant appealed such refusal to issue an official denial of zoning certification to the ZONING BOARD OF APPEALS. As part of its request relief, the Appellant asked that the ZONING BOARD OF APPEALS reverse the Zoning Administrator's decision to refuse to issue an official denial of zoning certification to the Appellant. In the alternative, the Appellant asked the ZONING BOARD OF APPEALS to unilaterally legalize the basement garden unit.

## II. PUBLIC HEARING

### A. The Hearing

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<sup>1</sup> An official denial of zoning certification is necessary for a complete application for a variation.



Pursuant to Section 17-13-1201 of the Chicago Zoning Ordinance, the ZONING BOARD OF APPEALS is granted authority to hear and decide appeals when it is alleged there is an error in any order, requirement, decision or determination by the Zoning Administrator in the administration or enforcement of the Chicago Zoning Ordinance.

Pursuant to Section 17-13-1208 of the Chicago Zoning Ordinance, an appeal may only be sustained if the ZONING BOARD OF APPEALS finds that the Zoning Administrator erred. Pursuant to Section 17-13-1207 of the Chicago Zoning Ordinance, the Zoning Administrator's decision must be granted a presumption of correctness by the ZONING BOARD OF APPEALS, placing the burden of persuasion of error on the Appellants.

### III. FINDINGS OF FACT.

After careful consideration of the evidence, testimony and the entire record, the ZONING BOARD OF APPEALS hereby makes the following findings with respect to the Appellants' appeal:

1. The narrow issue on appeal is whether or not the Zoning Administrator erred in refusing to issue the Appellant an official denial of zoning certification.
2. The ZONING BOARD OF APPEALS finds that the Zoning Administrator did err in refusing to issue the Appellant an official denial of zoning certification. The ZONING BOARD OF APPEALS finds that there is an inherent contradiction with respect Sections 17-13-1003-BB and 17-16-503-A of the Chicago Zoning Ordinance. As set forth in Section 17-1-1002 of the Chicago Zoning Ordinance, the more restrictive provision of the Chicago Zoning Ordinance controls. The ZONING BOARD OF APPEALS find that Section 17-13-1003-BB of the Chicago Zoning Ordinance is the more restrictive provision because – by its plain language – it imposes greater restrictions and more stringent controls on the development of the subject property.
3. The ZONING BOARD OF APPEALS declines to consider the Appellant's request to unilaterally legalize the basement garden unit. That is far beyond the scope of the Appellant's appeal. The only issue before the ZONING BOARD OF APPEALS is whether or not the Zoning Administrator erred in refusing to grant the Appellant an official denial of zoning certification.

### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Appellants have met their burden of persuasion that the Zoning Administrator has erred as required by Section 17-13-1208 of the Chicago Zoning Ordinance.

Pursuant to Section 17-13-11207 of the Chicago Zoning Ordinance, the ZONING BOARD OF APPEALS hereby reverses the decision of the Zoning Administrator, and the Zoning Administrator is hereby ordered to issue the official denial of zoning certification to the Appellant.

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

APPROVED AS TO SUBSTANCE

By:  \_\_\_\_\_

Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 7/18/2022, 2022.



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

**APPLICANT:** Clarke 2112, LLC series 3018-24 W. Armitage Cal. No.125-22-S

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3018-24 W. Armitage Avenue

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

**ACTION OF BOARD – APPLICATION APPROVED**



**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair / nail salon; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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 5/13, 2022.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Clarke 2112, LLC series 3018-24 W. Armitage Cal. No.126-22-S

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2724-28 N. Lincoln Avenue

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

**ACTION OF BOARD – APPLICATION APPROVED**



**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair / nail salon; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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 5/23, 2022.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Shivdada, Inc. dba Clarendon Food Wine and Spirits

Cal. No.127-22-S

**APPEARANCE FOR:** Matthew Allee

**MINUTES OF MEETING:**  
April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4183-85 N. Clarendon Avenue

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

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**THE VOTE**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a liquor store; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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 5/23, 2022.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** 2426 W. Augusta Boulevard **CAL. NO.:** 128-22-Z  
**APPEARANCE FOR:** Sylvia Michas **MINUTES OF MEETING:**  
 April 22, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2426 W. Augusta Boulevard

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area from the required 3,000 square feet to 2,981.76 square feet for a proposed three-story, three dwelling unit building with three open on-site parking spaces.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS**

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 2,981.76 square feet for a proposed three-story, three dwelling unit building with three open on-site parking spaces; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the 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, 2022.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** WJ South Ashland, LLC Cal. No.129-22-S  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
April 22, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 224 S. Ashland Avenue

**NATURE OF REQUEST:** Application for a special use to establish residential use below the second floor for a proposed five-story, fifty-six dwelling unit building with a fifty-six-car garage on the first story with front and rear balconies and rooftop deck with pergola.

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**  
  
**MAY 23 2022**  
  
**CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS**

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the development is consistent with the design and layout of the plans and drawings dated December 20, 2021, prepared by Axios Architects and 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 5/23, 2022.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Campus Construction, Inc. Cal. No.130-22-S  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:** April 22, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4311 S. Indiana Avenue

**NATURE OF REQUEST:** Application for a special use to establish residential use below the second floor for a proposed three-story, three-dwelling unit building with rear open deck / stair and detached three-car garage.

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**THE VOTE**

**MAY 23 2022**

**CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the development is consistent with the design and layout of the plans and drawings dated April 20, 2022, with undated color rendering, all prepared by Michael T Ryan, Licensed Architect.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I 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 5/23, 2022.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Campus Construction, Inc. Cal. No.131-22-S  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
April 22, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4315 S. Indiana Avenue

**NATURE OF REQUEST:** Application for a special use to establish residential use below the second floor for a proposed three-story, three dwelling unit building with rear open deck / stair and detached three car garage.

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed three-story, three dwelling unit building with rear open deck / stair and detached three car garage; a variation was also granted to the subject property in Cal. No. 132-22-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the development is consistent with the design and layout of the plans and drawings dated April 20, 2022, with undated color rendering, all prepared by Michael T Ryan, Licensed Architect.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I 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 5/23, 2022.  
Page 29 of 47

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



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

**APPLICANT:** Campus Construction

**CAL. NO.:** 132-22-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4315 S. Indiana Avenue

**NATURE OF REQUEST:** Application for a variation to increase the maximum coverage of the required rear setback by an accessory building from 480 square feet to 525 square feet to serve a proposed three-story, three dwelling unit building.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 maximum coverage of the required rear setback by an accessory building to 525 square feet to serve a proposed three-story, three dwelling unit building; a special use was also approved for the subject property in Cal. No. 131-22-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): the development is consistent with the design and layout of the plans and drawings dated April 20, 2022, with undated color rendering, all prepared by Michael T Ryan, Licensed Architect.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I 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 5/23, 2022.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Campus Construction, Inc. Cal. No.133-22-S

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

**APPEARANCE AGAINST:** None April 22, 2022

**PREMISES AFFECTED:** 4317 S. Indiana Avenue

**NATURE OF REQUEST:** Application for a special use to establish residential use below the second floor for a proposed three-story, three dwelling unit building with rear open deck / stairs and detached three-car garage.

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**THE VOTE**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed three-story, three dwelling unit building with rear open deck / stairs and detached three-car garage; a variation was also granted at the subject property in Cal. No. 134-22-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the development is consistent with the design and layout of the plans and drawings dated April 20, 2022, with undated color rendering, all prepared by Michael T Ryan, Licensed Architect.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I 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 5/23, 2022.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



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

**APPLICANT:** Campus Construction

**CAL. NO.:** 134-22-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4317 S. Indiana Avenue

**NATURE OF REQUEST:** Application for a variation to increase the maximum allowed coverage of the rear setback by an accessory building from 480 square feet to 525 square feet for a three-car garage to serve a proposed three-story, three dwelling unit building.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**THE VOTE**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 maximum allowed coverage of the rear setback by an accessory building to 525 square feet for a three-car garage to serve a proposed three-story, three dwelling unit building; a special use was also approved for the subject property in Cal. No. 133-22-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): the development is consistent with the design and layout of the plans and drawings dated April 20, 2022, with undated color rendering, all prepared by Michael T Ryan, Licensed Architect.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I 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 5/23, 2022.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



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

**APPLICANT:** Jeff and Heather Becker

**CAL. NO.:** 135-22-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**

April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1745 W. School Street

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 12.03' to 9.77', west setback from 3' to 2.92' (east to be 4.5'), combined side yard setback from 7.5' to 7.42' to permit the as built single family residence and detached garage with proposed pergola and trellis to the existing garage roof deck.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 9.77', west setback to 2.92' (east to be 4.5'), combined side yard setback to 7.42' to permit the as built single family residence and detached garage with proposed pergola and trellis to the existing garage roof deck; 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): the development is consistent with the design and layout of the plans and drawings dated April 20, 2022, with undated color rendering, all prepared by Michael T Ryan, Licensed Architect.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I 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 5/23 2022.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Avery’s Hair Emporium, Inc. Cal. No.136-22-S

**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:** April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1455 ½ W. Devon Street

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

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair salon; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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 5/23, 2022.

**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



**ZBA**

**AUG 22 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**J & P Contractors**  
APPLICANT

**137-22-Z**  
CALENDAR NUMBER

**1243 N. Marion Court**  
PREMISES AFFECTED

**May 20, 2022**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

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

Timothy Knudsen,  
Chairman  
Zurich Esposito  
Brian Sanchez  
Sam Toia

AFFIRMATIVE    NEGATIVE    ABSENT

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**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 1243 N.  
MARION COURT BY J & P CONTRACTORS**

**I. BACKGROUND**

J & P Contractors (the “Applicant”) submitted a variation application for 1243 N. Marion Court (the “subject property”). The subject property is 24’ wide by 107’ deep and is zoned RS-3. The subject property is a through lot<sup>1</sup> and is currently vacant. It was previously improved with a single-family home (the “prior home”). The manager of Marion Court Venture LLC (the owner of the subject property) Mr. Richard Gillman attempted to renovate the prior home. This renovation resulted in the prior home collapsing on to the homes of the adjacent neighbors. Mr. Gillman then sought a variation from the ZONING BOARD OF APPEALS to build a new single-family home with a detached garage on the subject property. The ZONING BOARD OF APPEALS denied such variation on March 19, 2021 in Board Cal. No. 122-21-Z. The Applicant proposed to purchase the subject property from Marion Court Venture LLC and construct a single-family home with a detached garage (the “proposed home”). In order to permit this construction, the Applicant sought a variation to reduce: (1) the front setback (N. Honore Street) from the required 7.92’ to 2’; and (2) the front property line setback for parking from 20’ to 2’.

<sup>1</sup> As defined in Section 17-17-02177 of the Chicago Zoning Ordinance.



## II. PUBLIC HEARING

### A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing<sup>2</sup> on the Applicant's variation applications at its regular meeting held on May 20, 2022, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune* and as continued without further notice pursuant to Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The Applicant's president and sole shareholder Mr. Joseph Lyons and the Applicant's attorney Mr. Thomas S. Moore were present. The Applicant's architect Mr. Jack Stoneberg was present. The adjacent neighbor to the south Ms. Melinda Sullivan and the adjacent neighbor to the north Mr. A.J. Hermann were both present and in opposition to the application. 1st ward alderman Mr. Daniel La Spata (the "Alderman") was present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).<sup>3</sup>

The Applicant's attorney Mr. Thomas S. Moore provided an overview of the application. In particular, he acknowledged the concerns of the adjacent neighbors with respect to new construction on the subject property given what had occurred with the prior home. He stated that prior to the hearing, he and the Applicant had met with the Alderman and the adjacent neighbors and had stipulated that, should the ZONING BOARD OF APPEALS grant the variation, the Applicant would ask that the grant of such variation and the building permit that followed be limited solely to the Applicant. In other words, Mr. Gillman would not obtain the benefit of either the variation or the building permit.

The Applicant's president and sole shareholder Mr. Joseph Lyons offered testimony in support of the application.

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

The adjacent neighbor to the south Ms. Melinda Sullivan, of 1242 N. Marion Court, offered testimony. In particular, she first testified that she was in support of the proposed variation if and only if the variation could be limited to the Applicant as both the applicant for the variation and as the owner of the subject property. She then offered testimony in opposition to the application.

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

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

In response to a question raised by Ms. Melinda Sullivan, Mr. Moore confirmed that the Applicant's requested setback relief could not be approved via administrative adjustment as such requested relief was greater than 50%.<sup>4</sup> In other words, a variation needed to be sought.

Mr. Stoneberg then testified as to how this setback relief had been calculated: namely that the Applicant was requesting a reduction of the front property line setback for parking from 20' to 2' as set forth in the Applicant's official denial of zoning certification.<sup>5</sup>

The adjacent neighbor to the north Mr. A.J. Hermann, of 1245 N. Marion Court, offered testimony in opposition to the application.

In response to the Ms. Sullivan's and Mr. Hermann's testimony, Mr. Lyons and Mr. Stoneberg offered further testimony.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Lyons offered further testimony.

Mr. Moore then made a brief closing statement.

The Alderman testified he remembered when the prior home fell on the adjacent neighbors' homes, and he understood their frustration and anger. He further testified that he was in support of the application provided that the variation went solely to the Applicant. He testified that if the contract for sale for the subject property fell through, and the variation somehow went to Mr. Gillman, he would be opposed to the variation.

#### B. Criteria for a Variation

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

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

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<sup>4</sup> Pursuant to Section 17-13-1003-I of the Chicago Zoning Ordinance.

<sup>5</sup> Which is greater than 50%.

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

### III. FINDINGS OF FACT.

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

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

As can be seen from both the plat of survey and Mr. Stoneberg's block site context plan, the subject property is a through lot. Therefore, it has two front setbacks. As Mr. Stoneberg very credibly testified, in a RS-3 zoning district, a single-family house requires two off-street parking spaces. This is true regardless of whether such off-street parking spaces are located within a garage or on a parking pad. Neither garages nor parking pads can be located within a front setback. The subject property's substandard width and depth can only support a single-family house. Therefore, without the requested variation, the subject property would remain unbuildable (as it could not provide the required parking). Consequently, the ZONING BOARD OF APPEALS finds that strict compliance with the regulations and standards of the Chicago 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 the Chicago Zoning Ordinance.*

The requested variation will allow for the proposed home to be constructed on the subject property. As such, the requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance by allowing a currently weed-filled and rat-infested vacant lot to be improved with all new construction; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance by again allowing a currently weed-filled and rat-infested vacant lot to be improved with all new construction; (3) protecting the character of the established residential neighborhood pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance by ensuring that the proposed home matches the context of the block (i.e., the garage facing N. Honore Ct. and the front of the proposed home facing N. Marion Court; (4) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance by allowing the subject property to be improved in a manner consistent with the surrounding properties; (5) ensuring adequate light, air, privacy and access to property pursuant to Section 17-1-0509 of the Chicago Zoning Ordinance as can be seen from a comparison of the plans of the proposed home and the photographs of the neighborhood; and (6) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance by allowing the proposed home.

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

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

Without the variation, the subject property is unbuildable. As set forth above, the subject property can only support a single-family home. However, in a RS-3 zoning district, the Chicago Zoning Ordinance requires two off-street parking spaces per single-family home. Such off-street parking spaces cannot be in the front setback. As the subject property is a through lot, it only has front setbacks. In other words, if the variation were not granted, the subject property would remain vacant and unusable. 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.

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

The ZONING BOARD OF APPEALS finds that the particular hardships and practical difficulties facing the subject property; that is: its substandard lot width and depth combined with its through lot nature are due to unique circumstances. Although Ms. Sullivan argued that every lot on the east side of this block of N. Marion Court was a through lot and had a substandard lot width and depth, that does not in and of itself prove that the subject property's circumstances are not unique. "Similarly situated" in this instance means other vacant and unimproved residentially zoned property within the City of Chicago, most of which is of a standard lot depth and not located on a through lot. As can be seen from Mr. Stoneberg's block site context plan, most of the residentially zoned property on the block is improved (the exceptions being the subject property and 1227 N. Marion Court). Indeed, most of this residentially zoned property is improved not only with a single-family home but also a garage. Thus, the rest of the block is not similarly situated in the fact that not only are the majority of the lots improved with single-family homes but also these single-family homes meet their required off-street parking.

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

As can be seen from comparing the photographs of the neighborhood with the plans and renderings of the proposed home, the variation, if granted, will not alter the essential character of the neighborhood. On the contrary, the ZONING BOARD OF APPEALS finds that the variation will allow the subject property to be improved in a manner consistent with the rest of the block (i.e., the front of the proposed home facing Marion Court and the garage facing Honore Court).

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

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

If the strict letter of the Chicago Zoning Ordinance were carried out, the Applicant would not be able to build anything on the subject property, and it

would remain vacant. Therefore, the particular physical surroundings (that is, the fact the subject property is a through lot) and the particular shape (that is, the subject property's substandard lot width and depth) of the subject property result in particular hardship upon the property owner<sup>6</sup> as distinguished from a mere inconvenience.

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

The ZONING BOARD OF APPEALS finds that the subject property's substandard lot width and depth as well as its through lot nature are conditions that are not applicable, generally, to other property within the RS-3 zoning classification.

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

The variation is not based exclusively upon a desire to make more money out of the subject property. Instead, the variation is requested so that subject property can be utilized at all.

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

Neither the Applicant nor the property owner created the substandard lot width and depth of the subject property. Neither the Applicant nor the property owner created the through lot.

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

The variation will allow the Applicant to construct the proposed home. Due to the condition imposed by the ZONING BOARD OF APPEALS, the variation and any building permit issued in conjunction with the variation can only be issued to the Applicant with Mr. Lyons as 100% shareholder. As such, the variation may not be used by Mr. Gillman or any of his legal entities. This will ensure that the granting of the variation will not be detrimental to the public welfare or injurious

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<sup>6</sup> The Applicant is the contract purchaser of the subject property, and as Mr. Lyons testified, if the variation is not granted, the Applicant will not complete the purchase. As the subject property is unbuildable without the variation, this zoning contingency in the purchase agreement makes sense. Nevertheless, should the variation not be granted it would still be a hardship upon the property owner because the subject property is still unbuildable.



to other property or improvements in the neighborhood – particularly the homes of Ms. Sullivan and Mr. Hermann.

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

The variation will allow the Applicant to construct the proposed home. As can be seen from the plans and drawings, the proposed home will not impair an adequate supply of light and air to adjacent properties. As the variation is solely to allow the Applicant to provide the required off-street parking, the variation will not substantially increase congestion in the public streets. As the variation and any building permit issued in conjunction with the variation can only be issued to the Applicant with Mr. Lyons as 100% shareholder, the variation will not increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood.

#### IV. CONCLUSION

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

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

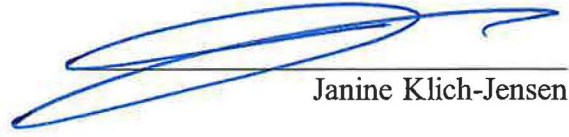
1. The variation and any building permit issued in conjunction with the variation shall be limited solely to the Applicant; the Applicant being J & P Contractors with Joseph Lyons as 100% shareholder.

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, Acting 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 8/22, 2022.



Janine Klich-Jensen

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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



ZBA

JUL 18 2022

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

**Cynthia Kim**

APPLICANT

**138-22-Z & 139-22-Z**

CALENDAR NUMBERS

**1932 N Seminary Ave.**

PREMISES AFFECTED

**April 22, 2022**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The applications for the variations are approved.

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

AFFIRMATIVE    NEGATIVE    ABSENT

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**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 1932 N.  
SEMINARY AVENUE BY CYNTHIA KIM.**

**I. BACKGROUND**

Cynthia Kim (the “Applicant”) submitted two variation applications for 1932 N Seminary Avenue (the “subject property”). The subject property is an irregularly shaped triangular lot and is currently zoned RT-4. The subject property is improved with single-family home (the “home”) and a coach house. The home is orange-rated<sup>1</sup> and is listed on the National Register of Historic Places (“National Register”). The Applicant proposed to renovate the home. This renovation included a proposed addition (the “proposed addition”). The proposed addition would attach the home to the coach house and make the coach house part of the home rather than an independent building. The proposed addition would also include a one-story garage that attached to the coach house (the “proposed garage”). In order to permit the proposed garage, the Applicant sought variations to: (1) reduce the rear setback from the required 44.5’ to 8.5’<sup>2</sup> and reduce the north side setback from 5’ to 0’; and (2) relocate the required 598 square feet of rear yard open space to a proposed roof deck.

**II. PUBLIC HEARING**

<sup>1</sup> Pursuant to the Chicago Historic Resources Survey.

<sup>2</sup> The Applicant originally requested to reduce the rear setback from the required 44.5’ to 0’. However, at the hearing, the Applicant amended its request for lesser relief.



## A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing<sup>3</sup> on the Applicant's variation applications at its regular meeting held on April 22, 2022, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted her proposed Findings of Fact. The Applicant Ms. Cynthia Kim and her attorney John Pikarski were present. The Applicant's architects Ms. Lauren Amt and Ms. Pamela Lamaster-Millett were also present. Present and in support of the applications were Ms. Natasha Conley and 43rd ward alderman Ms. Michele Smith (the "Alderman"). Present and in opposition to the applications Mr. John Determann, Ms. Kathy Iatarola, Ms. Lisa Hadesman and Dr. Howard Spector (collectively, the "Objectors"). Mr. Determann's attorney Mr. Adam Kingsley was also present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).<sup>4</sup>

The Applicant's attorney Mr. John Pikarski provided an overview of the applications.

One of the Applicant's architects Ms. Pamela Lamaster-Millet offered testimony in support of the applications.

The Applicant Ms. Cynthia Kim offered testimony in support of the applications.

Mr. John Determann, of 1930 N. Seminary Ave., offered testimony in opposition to the applications.

Mr. Determann's attorney Mr. Adam Kingsley then cross-examined Ms. Lamaster-Millet and Ms. Amt.

Ms. Kathy Iatarola, of 1945 N. Maud Ave., offered testimony in opposition to the applications.

Ms. Lisa Hadesman, of 1953 N. Maud Ave., offered testimony in opposition to the applications.

Dr. Howard Spector, of 1947 N. Maud Ave., offered testimony in opposition to the applications.

In response to the Objectors' testimony, Ms. Kim and Ms. Lamaster-Millet offered further testimony.

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<sup>3</sup> In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.*

<sup>4</sup> Such Emergency Rules were issued by the Chairman of the ZONING BOARD OF APPEALS in accordance with his emergency rule-making powers set forth in the Rules of Procedure.

Ms. Natasha Conley, of 1944 N. Seminary Ave., #2, offered testimony in support of the applications.

The Alderman offered testimony in support of the applications.

Mr. Pikarski then made a brief closing statement.

#### B. Criteria for a Variation

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

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

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

### III. FINDINGS OF FACT.

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby

makes the following findings with reference to the Applicant's applications for variations pursuant to Section 17-13-1107-A of the Chicago Zoning Ordinance:

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

As very credibly testified by Ms. Lamaster-Millett and Ms. Kim, strict compliance with the regulations and standards of the Chicago Zoning Ordinance creates practical difficulties and particular hardships for the subject property. The Applicant is attempting to maintain the historic integrity of the National Register home while bringing it up to the standards for a modern family. To do so, any renovation to the home – including the proposed addition – must be done in accordance with U.S. Department of Interior standards. For instance, the home's historic main stair is not compliant with the Chicago Building Code but nevertheless must – under U.S. Department of Interior standards – be maintained. As such, the Applicant proposes a new Chicago Building Code compliant stair. This new stair will displace the current on-site parking, and without the requested variations, there is nowhere to relocate this on-site parking.

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

The requested variations will allow for the proposed garage. The proposed garage will be set 2' off of the alley and its garage doors will, in fact, impact the Mr. Determann's property far less than the doors of the current garage. The proposed garage will not in any way interfere with the historic integrity of the National Registrar home, including its green space along Seminary Avenue, and it will not negatively impact light and air to Mr. Determann's adjacent property. Indeed, the proposed garage is only one-story and there will be 8.5' feet between the proposed garage and Mr. Determann's property. This space will be improved with permeable pavers. The ZONING BOARD OF APPEALS finds Ms. Lamaster-Millett and Ms. Kim to be a very credible witnesses. As such, the proposed variations are consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance; (3) protecting the character of established residential neighborhoods pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance; (4) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago



Zoning Ordinance; (5) encouraging environmentally responsible development practices pursuant to Section 17-1-0510 of the Chicago Zoning Ordinance; (6) promoting rehabilitation and reuse of older buildings pursuant to Section 17-1-0511 of the Chicago Zoning Ordinance; and (7) establishing a range of housing choices and options pursuant to Section 17-1-05012 of the Chicago Zoning Ordinance.

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

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

Since the Applicant will continue to own the subject property and will be – along with her husband and her children – residing at the subject property, the ZONING BOARD OF APPEALS finds that reasonable return in this instance is properly measured in terms of the subject property's livability. The proposed variations will allow the Applicant and her family to relocate their on-site parking so that the home itself may be renovated in a manner consistent with both the home's historic character and the needs of a modern family while still maintaining adequate on-site parking. With the variations, the subject property cannot yield a reasonable return.

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

The ZONING BOARD OF APPEALS finds that the practical difficulties and particular hardships facing the subject property, that is: the irregularly shaped triangular lot and the home's historical significance to be unique circumstances not generally applicable to other improved residential property.

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

As can be seen from comparing the photographs of the neighborhood with the plans and drawings, the variations will not alter the essential character of the neighborhood. Again, the variations will allow the proposed garage. The ZONING BOARD OF APPEALS agrees with Ms. Lamaster-Millett that the proposed garage is quite consistent with other garages on the alley, with the

garage doors facing directly into the alley and the cars pulling and out of the garages off of the alley and not off an inset driveway. Further, the proposed garage does not at all detract from the Seminary streetscape.

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

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

If the strict letter of the Chicago Zoning Ordinance were carried out, the particular shape of the subject property (that is, its irregular triangular shape) combined with its topographical condition (that is, the fact it is improved with a National Register home) would result in particular hardship upon the Applicant. If the Applicant strictly followed the Chicago Zoning Ordinance, she would not be able to provide adequate on-site parking for the subject property. The ZONING BOARD OF APPEALS finds that this is much more than a mere inconvenience.

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

The ZONING BOARD OF APPEALS finds that the irregular, triangular shape of the subject property combined with the home's listing on the National Register are conditions that are not applicable, generally, to other property within the RT-4 zoning classification.

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

The purpose of the variations are not exclusively based upon a desire to make more money out of the subject property. Instead, the variations are so that the Applicant can have adequate on-site parking.

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

The Applicant did not create the subject property's irregular, triangular shape. The Applicant also did not place the home on the National Register.

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

As set forth above, the variations are to allow the proposed garage. The ZONING BOARD OF APPEALS finds that the proposed garage will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. Again, the ZONING BOARD OF APPEALS finds Ms. Lamaster-Millett a very credible witness. In contrast, the ZONING BOARD OF APPEALS does not find any of the Objectors to be particularly credible with their characterization of the proposed garage, the alley or of the space upon which the proposed garage will be erected. As Ms. Kim credibly testified, this space is not part of the alley: it is part of the Applicant's private property. It is also not green space. It is a paved driveway. Moreover, and as very credibly testified by the Alderman the alley in question is standard in size and has more than adequate drainage.

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

Again, and as set forth above, the variations are to allow the proposed garage. The proposed garage is one-story in height and will be set 8.5' from Mr. Determann's home. The ZONING BOARD OF APPEALS therefore agrees with Ms. Lamaster-Millett that the proposed garage will not impair an adequate supply of light and air to adjacent property. The proposed garage will allow for three cars to park on the subject property. As the Alderman very credibly testified, the area is congested due to the nearby park, so three on-site and off-street parking spaces will lessen rather than increase traffic congestion. As the proposed garage will be set 8.5' away from the rear property line and will not be built unless and until a valid building permit is issued, the variations will not increase the danger of fire. The proposed garage will be set 2' off of the alley (like most garages in the alley) and the alley is standard in size (16'); therefore, the proposed garage will not endanger public safety. Further, and as Ms. Lamaster-Millet very credibly testified, the proposed garage will not substantially diminish or impair property values within the neighborhood. Again, this is an alley with many garages, and the Applicant's garage will be similar to other garages in the alley. Nevertheless, the Applicant has ensured that there is 8.5' feet between the north wall of the proposed garage and Mr. Determann's home.



IV. CONCLUSION

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

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

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

APPROVED AS TO SUBSTANCE

By:   
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 2/18, 2022.

  
Janine Klich-Jensen

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

**APPLICANT:** Green Therapy Cal. No.140-22-S

**APPEARANCE FOR:** Andrew Scott **MINUTES OF MEETING:**

**APPEARANCE AGAINST:** None April 22, 2022

**PREMISES AFFECTED:** 1720 N. Damen Avenue

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

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**THE VOTE**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 22, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 5, 2022; 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 was 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, Green Therapy; (2) all on-site customer queuing occurs within the building; (3) the development is consistent with the design and layout of the floor plans dated April 20, 2022, prepared by Prospective Image; and (4) prior to any portion of the first floor identified as "Note in Scope" on the floor plan and/or any portion of any basement space, if applicable, being utilized, the applicant must file an application and receive approval from the Zoning Board of Appeal to amend this special use.

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 5/23, 2022.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Grand Gas Mart, Inc. Cal. No.10-22-S

**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4755 W. Grand Avenue

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

**ACTION OF BOARD – Continue to May 20, 2022**

**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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



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

**APPLICANT:** Grand Gas Mart, Inc. Cal. No.76-22-S

**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4755 W. Grand Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area from the required 20,000 square feet to 17,367 square feet for a proposed four pump gas station with convenience store.

**ACTION OF BOARD – Continue to May 20, 2022**

**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

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

**APPLICANT:** Stony Fuel Mart, Inc. Cal. No.11-22-S

**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 9155 S. Stony Island Avenue

**NATURE OF REQUEST:** Application for a special use to expand an existing gas station building from 1,019 square feet to 1,632 square feet which is 60% increase in floor area.

**ACTION OF BOARD – Continue to June 17, 2022**

**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Chipotle Mexican Grill Inc. Cal. No.45-22-S

**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1615-19 N. Western

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

**ACTION OF BOARD – Continue to June 17, 2022**

**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



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

**APPLICANT:** Mohammad Shaikh Cal. No.49-22-S  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None April 22, 2022  
**PREMISES AFFECTED:** 33 N. Western Avenue

**NATURE OF REQUEST:** Application for a special use to expand an existing gas station from 1,000 square feet to 1,700 square feet.

**ACTION OF BOARD – Continue to June 17, 2022**

**ZBA**

MAY 23 2022

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

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

**APPLICANT:** Tri City Foods of Illinois, LLC Cal. No.67-22-S

**APPEARANCE FOR:** Michael Noonan **MINUTES OF MEETING:**  
April 22, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2449 W. Lawrence Avenue

**NATURE OF REQUEST:** Application for a special use to expand an existing single lane drive-through to a double lane drive-through to serve the existing fast-food restaurant.

**ACTION OF BOARD – WITHDRAWN**

**ZBA**

**MAY 23 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**



**CHAIRMAN**