

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

APPLICANT: Greg Milsk

CAL NO.: 353-21-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
September 17, 2021

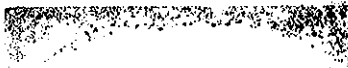
APPEARANCE AGAINST: None

PREMISES AFFECTED: 2215 S. Christiana Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 202.31 square feet to zero for two proposed additional dwelling units within an existing one and two-story building to be converted to a three dwelling unit building.

ACTION OF BOARD – Continued to November 19, 2021

THE VOTE



OCT 18 2021

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Greg Milsk **CAL NO.:** 354-21-Z

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

September 17, 2021

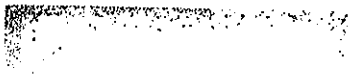
APPEARANCE AGAINST: None

PREMISES AFFECTED: 2215 S. Christiana Avenue

NATURE OF REQUEST: Application for a variation to reduce the required off-street parking from the required two spaces to zero for two additional proposed dwelling units within an existing one and two-story building to be converted to three dwelling unit building.

ACTION OF BOARD – Continued to November 19, 2021

THE VOTE

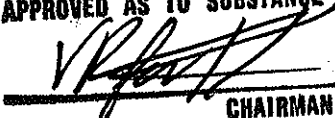


OCT 18 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Rashedat Onanubi dba Unique Braids Cal. No.355-21-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
September 17, 2021

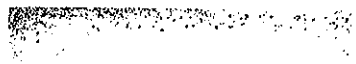
APPEARANCE AGAINST: None

PREMISES AFFECTED: 8204 S. Cottage Grove Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE



OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Cecilia Siciliano

CAL. NO.: 356-21-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
September 17, 2021

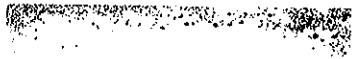
APPEARANCE AGAINST: None

PREMISES AFFECTED: 2319 W. Cullom Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.25' to 22.08' for a proposed elevated walkway for access to a garage roof deck from the existing rear deck of the two-story, single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE



OCT 18 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 22.08' for a proposed elevated walkway for access to a garage roof deck from the existing rear deck of the two-story, single-family residence; an additional variation was granted to the subject property in Cal. No. 357-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Cecilia Siciliano **CAL. NO.:** 357-21-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
September 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2319 W. Cullom Street

NATURE OF REQUEST: Application for a variation to relocate the required 365 square feet of rear yard open space from grade to a detached roof top garage which serves the existing two-story, single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE


 OCT 18 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ANN MACDONALD
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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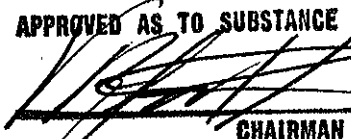
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021;

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to relocate the required 365 square feet of rear yard open space from grade to a detached roof top garage which serves the existing two-story, single-family residence; an additional variation was granted to the subject property in Cal. No. 356-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3928 Ashland, LLC

CAL. NO.: 358-21-S

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:

September 17, 2021

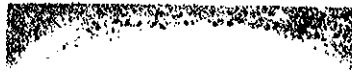
APPEARANCE AGAINST: None

PREMISES AFFECTED: 3928 N. Ashland Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed four-story, three dwelling unit building with roof top enclosure, first floor front terrace, front decks on floors two through four, rear porches on floors one through three, four story rear stairs and detached three-car garage with roof top deck.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE



OCT 18 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed four-story, three dwelling unit building with roof top enclosure, first floor front terrace, front decks on floors two through four, rear porches on floors one through three, four story rear stairs and detached three-car garage with roof top deck; a variation was also granted to subject property in Cal. No. 359-21-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 10, 2021, prepared by Hanna Architects, Inc.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3928 Ashland, LLC

CAL. NO.: 359-21-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
September 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3928 N. Ashland Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 3,000 square feet to 2,875 square feet for a proposed four-story, three dwelling unit building with roof top enclosure, first floor front terrace, front decks on floors two through four, rear porches on floors one through three, four story rear stairs and detached three-car garage with roof top deck.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum lot area to 2,875 square feet for a proposed four-story, three dwelling unit building with roof top enclosure, first floor front terrace, front decks on floors two through four, rear porches on floors one through three, four story rear stairs and detached three-car garage with roof top deck; a special use was also approved for the subject property in Cal. No. 358-21-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 10, 2021, prepared by Hanna Architects, Inc.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3928 Ashland, LLC

CAL. NO.: 360-21-S

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:

September 17, 2021

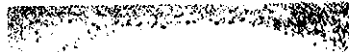
APPEARANCE AGAINST: None

PREMISES AFFECTED: 3930 N. Ashland Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed four-story, three dwelling unit building with roof top enclosure, first floor front terrace, front decks on floors two through four, rear porches on floors one through three, four story rear stairs and detached three-car garage with roof top deck.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE


OCT 18 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ANN MACDONALD
 BRIAN H. SANCHEZ
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AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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THE RESOLUTION:

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WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed four-story, three dwelling unit building with roof top enclosure, first floor front terrace, front decks on floors two through four, rear porches on floors one through three, four story rear stairs and detached three-car garage with roof top deck; a variation was also granted to subject property in Cal. No. 361-21-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 10, 2021, prepared by Hanna Architects, Inc.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 3928 Ashland, LLC

CAL. NO.: 361-21-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
September 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3930 N. Ashland Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 3,000 square feet to 2,875 square feet for a proposed four-story, three dwelling unit building with roof top enclosure, first floor front terrace, front decks on floors two through four, rear porches on floors one through three, four story rear stairs and detached three-car garage with roof top deck.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum lot area to 2,875 square feet for a proposed four-story, three dwelling unit building with roof top enclosure, first floor front terrace, front decks on floors two through four, rear porches on floors one through three, four story rear stairs and detached three-car garage with roof top deck; a special use was also approved for the subject property in Cal. No. 360-21-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 10, 2021, prepared by Hanna Architects, Inc.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: 2207 W. 18th, LLC

CAL. NO.: 362-21-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
September 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2207 W. 18th Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 0.75', west side setback from 2' to 1.2' for a proposed three- and four-story addition, a three-car attached garage, a third-floor addition, five car parking stalls and twenty-eight bike stalls to the existing two-story residential building with an attached three-car garage. This is a transit served location.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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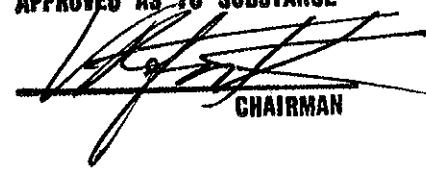
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 0.75', west side setback to 1.2' for a proposed three- and four-story addition, a three-car attached garage, a third-floor addition, five car parking stalls and twenty-eight bike stalls to the existing two-story residential building with an attached three-car garage. This is a transit served location; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Poder Learning Center Cal. No.363-21-S

APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:**
September 17, 2021

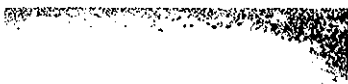
APPEARANCE AGAINST: None

PREMISES AFFECTED: 3357 W. 55th Street

NATURE OF REQUEST: Application for a special use to establish a community center in an existing two-story building with a one-story addition.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE



OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a community center in an existing two-story building with a one-store addition; 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, Poder Learning Center; (2) the development is consistent with the design and layout of the plans and drawings dated December 18, 2020, with site/landscape plan and details date September 15, 2021, landscape tree index dated May 7, 2021, and landscape roof plan dated April 6, 2021, all prepared by FGP Atelier LLC and Scalaplus, LLC.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Kozio Solutions, LLC dba HG Parlor Cal. No.364-21-S

APPEARANCE FOR: Ximena Castro

MINUTES OF MEETING:

September 17, 2021

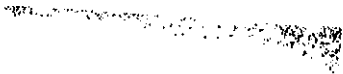
APPEARANCE AGAINST: None

PREMISES AFFECTED: 5525 N. Milwaukee Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE


 OCT 18 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ANN MACDONALD
 BRIAN H. 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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021



APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Tomasz Tomaszewski

CAL. NO.: 365-21-Z

APPEARANCE FOR: Frederick Agustin

MINUTES OF MEETING:

September 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6742 W. Byron Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from 40.64' to 20.42' for a proposed second floor addition to the existing two-story single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

[Faint stamp]

OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 20.42' for a proposed second floor addition to the existing two-story single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: CulvLP, LLC

Cal. No.366-21-S

APPEARANCE FOR: Barry Ash

MINUTES OF MEETING:
September 17, 2021

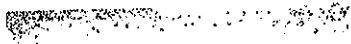
APPEARANCE AGAINST: None

PREMISES AFFECTED: 3100-10 W. Peterson Ave./6001-13 N. Lincoln Ave./600-28 N. Albany Ave.

NATURE OF REQUEST: Application for a special use to establish a dual lane drive through facility to serve a one-story restaurant with an outdoor patio and thirty-five on-site parking spaces.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE



OCT 18 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. 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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a dual lane drive through facility to serve a one-story restaurant with an outdoor patio and thirty-five on-site parking spaces; Melvyn A.Gerstein, M.D., property owner of 3034 W. Peterson, submitted a Public Testimony Request Form in opposition to the application, however he did not attend the remote public hearing and thus neither entered his appearance nor objected at the public hearing; 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, CulvLP, LLC, and the development is consistent with the site and landscape plans dated September 16, 2021, prepared Kimley-Horn and Associates, Inc., and floor plan, dated March 11, 2021, and elevations, dated September 14, 2021, prepared by Ollmann Ernest Martin Architects; and property owner provides Public Use Permit to continue to allow signage within the public right-of-way.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



MAR 21 2022

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

Starbucks Corporation

APPLICANT

367-21-S

CALENDAR NUMBER

3557 N. Long Avenue

PREMISES AFFECTED

January 21, 2022

HEARING DATE

ACTION OF BOARD

THE VOTE

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

Timothy Knudsen,
Chairman
Zurich Esposito
Vaishali Rao (alt.)
Jolene Saul
Sam Toia

AFFIRMATIVE NEGATIVE ABSENT

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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 3557 N. LONG
AVENUE BY STARBUCKS CORPORATION.**

I. BACKGROUND

Starbucks Corporation (the “Applicant”) submitted a special use application for 3557 N. Long Avenue (the “subject property”). The subject property is zoned B1-1 and is currently improved with a vacant automobile repair and service station. The Applicant proposed to raze the existing improvements on the subject property and construct a one-story commercial building with a one-lane drive-through facility (the “proposed Starbucks”). Such proposed Starbucks would not offer indoor dining and would instead be limited to automobile order pick-up through the one-lane drive-through facility and pedestrian pick-up through a pick-up window. To permit this, the Applicant sought a special use to establish a one-lane drive through (the “proposed special use”). In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City’s Department of Planning and Development (the “Zoning Administrator” and the “Department”) recommended denial of the proposed special use.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing¹ on the Applicant's special use and variation applications at its regular meeting held on January 21, 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 as provided under Section 17-13-108-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 store development manager Mr. Tom Hanrahan and its attorney Ms. Sara Barnes were present. The Applicant's MAI certified real estate appraiser Mr. Terrance O'Brien and its traffic engineer Mr. Michael Werthmann were present. Mr. Adam Secher from the Applicant was also present. Mr. Frank Rizzo, Ms. Patricia Conroy and Ms. Pamela Conroy were present. Mr. Rizzo and Ms. Pamela Conroy were in opposition to the application. Department Assistant Commissioner Nancy Radzevich was present on behalf of the Zoning Administrator. The alderman for the 30th Ward Alderman Ariel Reboyras (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).²

The Applicant's attorney Ms. Sara Barnes provided a brief overview of the applications.

The Applicant's store development manager Mr. Tom Hanrahan offered testimony in support of the application.

The Applicant's MAI certified real estate appraiser Mr. Terrance O'Brien offered testimony in support of the application.

The Applicant's traffic engineer Mr. Michael Werthmann offered testimony in support of the application.

Mr. Frank Rizzo, of 5400 W. Addison Street, offered testimony in opposition to the application. Mr. Rizzo's opposition stemmed solely from the fact that the proposed Starbucks would not offer indoor dining services.

Ms. Patricia Conroy, of 5515 W. Pensacola Avenue and president of the Portage Park Neighborhood Association (the "Association"), testified that the Association had not taken a position on the proposed special use. She testified that the Association was concerned because the Association did not believe the site plan had been properly disseminated to the community due to the Association's belief that the Alderman's community meeting on the application had not been well-advertised or well-attended.

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

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

Ms. Pamela Conroy, of 5529 W. Pensacola Avenue, offered testimony in opposition to the application.

Department Assistant Commissioner Nancy Radzevich offered testimony in opposition to the application.

The Alderman offered testimony in support of the application.

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

Ms. Barnes then made a brief closing statement.

B. Criteria for a Special Use

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

III. FINDINGS OF FACT

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

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

The ZONING BOARD OF APPEALS finds that the special use complies with all applicable standards of the Chicago Zoning Ordinance. First, although aldermen often do host community meetings for matters affecting their respective wards, there is no requirement in the Chicago Zoning Ordinance that mandates that a ward alderman disseminate a site plan for a proposed special use by means of a community meeting. The only notice requirements set forth in the Chicago Zoning Ordinance for special uses are set forth in Sections 17-13-0107-A, B and C. The ZONING BOARD OF APPEALS finds that such statutory notice requirements have been met. Second, the subject property is located in a B1-1 zoning district. The Applicant's

proposed one-lane drive-through is a special use in a B1-1 zoning district.³ The Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special use that brings it before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the special use to the Applicant, the Applicant's proposed special use therefore complies with all use, bulk and density standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience because it will allow a long idle property to be returned to productive use. Indeed, the ZONING BOARD OF APPEALS notes that the subject property has been vacant for over five years. Further, the proposed special use will serve not only those residing in the neighborhood but also those commuters traveling along Addison and Long.

The ZONING BOARD OF APPEALS further finds that the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community. The ZONING BOARD OF APPEALS makes this finding on the testimony of Mr. Hanrahan and the testimony and reports of Mr. O'Brien and Mr. Werthmann. The ZONING BOARD OF APPEALS finds Mr. Hanrahan, Mr. O'Brien and Mr. Werthmann to be very credible witnesses. The proposed Starbucks – including the proposed special use – is a model that the Applicant has been refining over many years. For instance, it is clear from hearing Mr. Hanrahan's testimony and looking at the site plans, that the proposed drive-through (with its stacking and its means of ingress and egress) has been well-designed so that it will not interfere with the adjacent residential use. Indeed, the second pick-up window for pedestrians and bicyclists – as well as the outdoor seating area show the care in which the Applicant has designed the entire facility so that it be pedestrian friendly. With respect to traffic, as the proposed Starbucks will be an "infill store," it will – as Mr. Werthmann very credibly testified – generate less traffic than many coffee shops. Further, and as Mr. Werthmann also credibly testified, coffee shops in general generate the majority of their traffic from traffic already on the roadway system. And, as Mr. O'Brien testified, there are other, far more intensive automobile centered uses along this stretch of Addison, including an auto store, two twenty-four (24) hour gas stations and two fast food stores.

³ Pursuant to Section 17-3-0207-Z of the Chicago Zoning Ordinance.

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

First, the ZONING BOARD OF APPEALS is in agreement with Mr. O'Brien that Addison is a primary thoroughfare at this location. The subject property itself is located on an intersection, and as Mr. O'Brien also credibly testified, other commercial uses along Addison are typically found at the intersections (i.e., Addison and Lockwood, Addison and Laramie, etc.). The ZONING BOARD OF APPEALS is in further agreement with Mr. O'Brien that some of these commercial uses – such as the gas stations and the auto repair shop – are much more intensive uses than the proposed special use and are also directly adjacent to residential use. It is clear, therefore, that the surrounding area is mixed-use. As can be seen from the site plans as well as the testimony of Mr. Hanrahan and Mr. Werthmann, the proposed special use has been designed with great care so that it will be harmonious with this mixed-use area. For instance, the proposed special will be located in a modest, one-story building so that it will not overwhelm the single-family home immediately west of the subject property. There will also be a six-foot high wooden fence separating the proposed special use from the single-family home immediately west of the subject property. The proposed special use has been designed so that all ingress to the proposed special will occur from Long and all egress from the proposed special use will occur on Addison. This ensures that there are not two curb cuts off of Addison. A single curb cut along Addison as well as the outdoor patio and pedestrian pick-up window will ensure that this stretch of Addison remains pedestrian friendly and that Applicant's use of the subject property – like other commercial uses on this stretch of Addison – remains pedestrian oriented. Based on all this, the ZONING BOARD OF APPEALS finds that the proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

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

As noted above, the surrounding area is mixed-use. The proposed special use will operate between 5:00 AM – 10:00 PM. These hours of operation are much less intensive than the twenty-four (24) hour gas stations to the east on Addison. Further, and as Mr. Hanahan testified, the peak hours of the proposed special use will be 7:00 AM – 10:00 AM on the weekdays and 8:00 AM – 11:00 AM on the weekends. As Mr. Werthmann testified, this is an infill store and will generate less traffic than other coffee shops as most customers of the proposed Starbucks will be from the neighborhood. Further, coffee shops on the whole generate the majority of their traffic from existing traffic on the roadway. Thus, any traffic

generated by the proposed special use will be appropriate for this mixed-use area. From the landscape plans, it is clear that the landscaping and fencing will mitigate any noise or outdoor lighting that the proposed special use may generate from spilling over onto the adjacent properties. Thus, the ZONING BOARD OF APPEALS finds that the proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.

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

As noted above, the proposed special use has been designed so that all ingress to the proposed special will occur from Long and all egress from the proposed special use will occur on Addison. This ensures that there are not two curb cuts off of Addison. A single curb cut along Addison as well as the outdoor patio and pedestrian pick-up window will ensure that this stretch of Addison remains pedestrian friendly and that Applicant's use of the subject property – like other commercial uses on this stretch of Addison – remains pedestrian oriented. As part of the Applicant's development of the subject property, the Applicant will be installing robust landscaping as well as an active business on what is currently a vacant site. The Applicant will also be providing an outdoor patio and a pedestrian pick-up window for both pedestrians and bicyclists. The Applicant will be providing ten on-site parking spaces as well as installing external surveillance cameras. Based on all this, the ZONING BOARD OF APPEALS finds that the proposed use is designed to promote pedestrian safety and comfort.

IV. CONCLUSION

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

The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a special use, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use subject to the following conditions:

1. The special use shall be issued solely to the Applicant; and
2. Development shall be consistent with the design and layout of the plans and drawings dated December 21, 2021, prepared by Design Studio 24, LLC.

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the mail on 3/21, 2022.


Janine Klich-Jensen

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

APPLICANT: OHL, 2252 N. Clark, LLC Cal. No.368-21-S
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
September 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2252 N. Clark Street

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor in an existing three-story, mixed use two dwelling unit building to be converted to a three dwelling unit building.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

OCT 18 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ANN MACDONALD
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

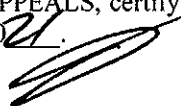
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor in an existing three-story, mixed use two dwelling unit building to be converted to a three dwelling unit building; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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

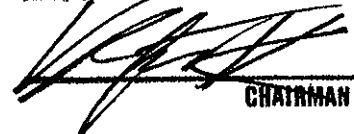
RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated June 18, 2021, prepared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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.



APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: McDonald's Corporation Cal. No.369-21-S

APPEARANCE FOR: Elvin E. Charity **MINUTES OF MEETING:**

September 17, 2021

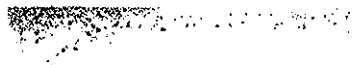
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1831 W. Devon Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE



OCT 18 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. 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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a dual lane drive through to serve and existing fast-food restaurant; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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, McDonald's Corporation, and the development is consistent with the design and layout of the site and landscape plans dated September 13, 2021, with truck turning plan dated Sept 14, 2021, prepared by Watermark Engineering Resources, LTD., and the building plans dated August 11, 2021 and elevations dated September 10, 2021, all prepared by Lingle Design Group, Inc.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Uriel Beauty Hair Braiding, Inc. Cal. No.370-21-S

APPEARANCE FOR: Ebera Ekechukwu **MINUTES OF MEETING:**
September 17, 2021

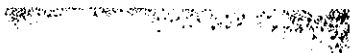
APPEARANCE AGAINST: None

PREMISES AFFECTED: 52 E. 110th Place

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE


OCT 18 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ANN MACDONALD
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

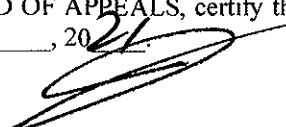
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

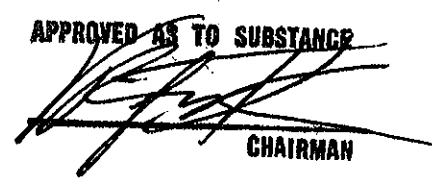
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair braiding shop; expert testimony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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021



APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Professional Piercing, Inc. Cal. No.371-21-S

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

September 17, 2021

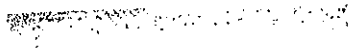
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1425 N. Milwaukee, Suite #2

NATURE OF REQUEST: Application for a special use to establish a body art facility (tattoo shop).

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE



OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. 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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Becca Iturralde Art, LLC Cal. No.372-21-S

APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
September 17, 2021

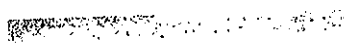
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1902 S. Leavitt Street

NATURE OF REQUEST: Application for a special use to establish a body art facility (tattoo shop).

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE



OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Southern.Beauty.Inked LLC* Cal. No.373-21-S

APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
September 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1425 N. Milwaukee Avenue, Suite #4

NATURE OF REQUEST: Application for a special use to establish a body art service (micro blading and tattoo salon).

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and


WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a body art service (micro blading and tattoo 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):

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on _____, 20____.

*Scrivener's error

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Art of Alchemy Salon

Cal. No.374-21-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
September 17, 2021

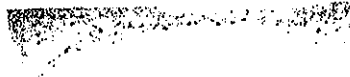
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1922 N. Damen

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE



OCT 18 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

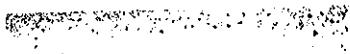
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: MB Narragansett, LLC Cal. No.375-21-S
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
September 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6340 W. Belmont Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed five-story, mixed use building to be converted to a twenty-seven* dwelling unit building.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE



OCT 18 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ANN MACDONALD
 BRIAN H. 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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

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

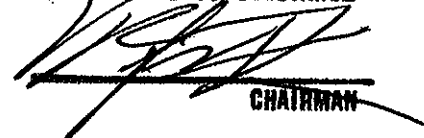
RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 8, 2021,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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

*Amended at hearing

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: MB Narragansett, LLC Cal. No.376-21-S

APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
September 17, 2021

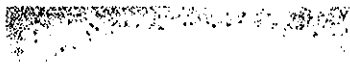
APPEARANCE AGAINST: None

PREMISES AFFECTED: 3207 N. Narragansett Avenue

NATURE OF REQUEST: Application for a special use to establish three* business live / work units on the ground floor and new mezzanine to convert the existing five-story mixed use building to a twenty-eight five-story residential unit building.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE



OCT 18 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 7, 2021, prepared by Jonathan Splitt Architects LTD.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

*Amended at hearing

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 5035 W. Lawrence, LLC Cal. No.377-21-S

APPEARANCE FOR: Robert Gamrath **MINUTES OF MEETING:**
September 17, 2021

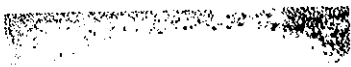
APPEARANCE AGAINST: None

PREMISES AFFECTED: 5027-35 W. Lawrence Avenue

NATURE OF REQUEST: Application for a special use to establish a gas station with ten* parking spaces and a convenience store.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE



OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a gas station with ten* parking spaces and a convenience 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 the special use is issued solely to the applicant, 5035 W Lawrence, LLC., and the development is consistent with the design and layout of the site, landscape and tree removal plans, elevations, and associated landscaping and site details, dated September 16, 2021, prepared by Ilekis Architects, with the proposed floor plan, dated May 6, 2020, prepared by GPD Group.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

*Amended at hearing

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 5035 W. Lawrence, LLC

CAL. NO.: 378-21-Z

APPEARANCE FOR: Robert Gamrath

MINUTES OF MEETING:

September 17, 2021

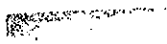
APPEARANCE AGAINST: None

PREMISES AFFECTED: 5027-35 W. Lawrence Avenue

NATURE OF REQUEST: Application for a variation to reduce the west side setback from the required 4' to zero for a proposed gas station with seventeen parking spaces and a convenience store.

ACTION OF BOARD - VARIATION WITHDRAWN

THE VOTE



OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Chicago Title and Land Trust ATUT#8002372907 CAL. NO.: 379-21-Z

APPEARANCE FOR: Mark Kupiec / Agnes Plecka

MINUTES OF MEETING:

September 17, 2021

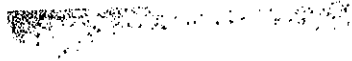
APPEARANCE AGAINST: None

PREMISES AFFECTED: 2104 W. Fremont Street

NATURE OF REQUEST: Application for a variation to reduce the north setback from the required 2' to zero (south to be zero), combined side yard setback from 4.4' to zero for a proposed two-story rear addition to the existing two-story single-family residence with detached garage and roof deck with access.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE



OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Sonia and Henry Ospina

CAL. NO.: 380-21-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
September 17, 2021

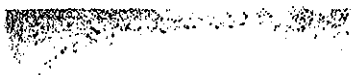
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1402 W. Superior Street / 742 N. Noble Street

NATURE OF REQUEST: Application for a variation to reduce the east side setback from 2.32' to zero (west side setback to be 0.05'), combined side yard setback from 5.8' to 0.05' to allow the subdivision of one zoning lot into two zoning lots. The existing three-story, six dwelling unit building at 1402 W. Superior shall remain. A four-story, three dwelling unit building with a detached garage is proposed for 736 N. Noble Street.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE



OCT 18 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the east side setback to zero (west side setback to be 0.05'), combined side yard setback to 0.05' to allow the subdivision of one zoning lot into two zoning lots. The existing three-story, six dwelling unit building at 402 W. Superior shall remain. A four-story, three dwelling unit building with a detached garage is proposed for 736 N. Noble Street; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: David Bolick

CAL. NO.: 381-21-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
September 17, 2021

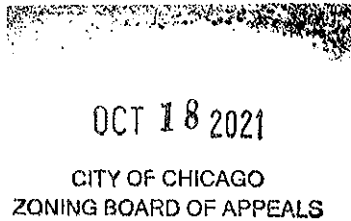
APPEARANCE AGAINST: None

PREMISES AFFECTED: 2413 W. Belden Avenue

NATURE OF REQUEST: Application for a variation to increase the height of the existing four-story, two dwelling unit building to from 31' to 34.08' with a fourth story dormer addition.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE


OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the height of the existing four-story, two dwelling unit building to 34.08' with a fourth story dormer addition; an additional variation was granted to the subject property in Cal. No. 382-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: David Bolick

CAL. NO.: 382-21-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
September 17, 2021

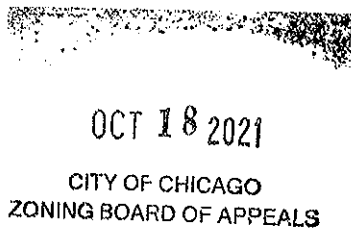
APPEARANCE AGAINST: None

PREMISES AFFECTED: 2413 W. Belden Avenue

NATURE OF REQUEST: Application for a variation to increase the existing 4,775.24 square feet of floor area by 84.76 square feet for a total of 4,860 square feet with a proposed fourth story dormer addition to the existing four story, two dwelling unit building.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE


OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. 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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

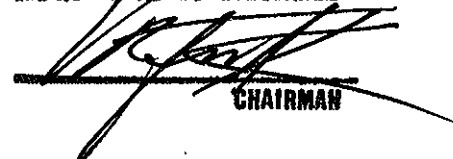
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the existing 4,775.24 square feet of floor area by 84.76 square feet for a total of 4,860 square feet with a proposed fourth story dormer addition to the existing four story, two dwelling unit building; an additional variation was granted to the subject property in Cal. No. 381-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: JPN Profnails, Inc. Cal. No.383-21-S
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
September 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 852 N. Ashland Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. 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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/15, 2021.



APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Ricardo Soto and Eunice Sanchez **CAL. NO.:** 384-21-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:** September 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3506 N. Keeler Avenue

NATURE OF REQUEST: Application for a variation to reduce the south side setback from the required 7.94' to 1.38' (north setback to be 3'), combined side yard setback from 19.86' to 4.38' for a proposed two-story, single-family residence with rear deck and an attached two car garage.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

OCT 18 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ANN MACDONALD
 BRIAN H. 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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: the applicant shall be permitted variation to reduce the south side setback to 1.38' (north setback to be 3'), combined side yard setback to 4.38' for a proposed two-story, single-family residence with rear deck and an attached two car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 20 21.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: 1520 N. Ashland, LLC Cal. No.385-21-S

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

September 17, 2021

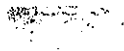
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1520 N. Ashland Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed four-story, two dwelling unit building with an attached two car garage with overhanging rear porch and stair.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE



OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. 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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed four-story, two dwelling unit building with an attached two car garage with overhanging rear porch and stair; Ed Tamminga, of 2157 West Evergreen, Chicago and chairman of the Wicker Park preservation and development committee, submitted a Public Testimony Request Form in opposition to the application; he entered his appearance at the remote public hearing and testified that upon receiving more information prior to the remote public hearing, he no longer objected to the application; he then withdrew his objection; a variation was also granted to the subject property in Cal. No. 386-21-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 10, 2021, prepared by Hanna Architects; and the side and rear facades of the building as well as the attached garage are masonry.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1520 N. Ashland, LLC

CAL. NO.: 386-21-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:

September 17, 2021


APPEARANCE AGAINST: None

PREMISES AFFECTED: 1520 N. Ashland Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 8' for a proposed four-story, two dwelling unit building with attached garage with overhanging rear porch/stair.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE


OCT 18 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ANN MACDONALD
 BRIAN H. 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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback on floors containing dwelling units to 8' for a proposed four-story, two dwelling unit building with attached garage with overhanging rear porch/stair; Ed Tamminga, of 2157 West Evergreen, Chicago and chairman of the Wicker Park preservation and development committee, submitted a Public Testimony Request Form in opposition to the application; he entered his appearance at the remote public hearing and testified that upon receiving more information prior to the remote public hearing, he no longer objected to the application; he then withdrew his objection; a special use was also approved for the subject property in Cal. No. 385-21-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 10, 2021, prepared by Hanna Architects; and the side and rear facades of the building as well as the attached garage are masonry.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Roosevelt Operations Inc. Cal. No.387-21-S

APPEARANCE FOR: Tyler Manic **MINUTES OF MEETING:**
September 17, 2021

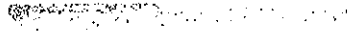
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1549-59 W. Roosevelt Road

NATURE OF REQUEST: Application for a special use to establish gas station with a one-story mini mart.

ACTION OF BOARD – Continued to November 19, 2021

THE VOTE



OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Roosevelt Operations, Inc.

CAL. NO.: 388-21-Z

APPEARANCE FOR: Tyler Manic

MINUTES OF MEETING:
September 17, 2021

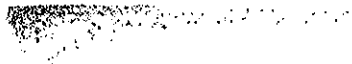
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1549-59 W. Roosevelt Road

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 20,000 square feet to 14,719 square feet for a proposed gas station and a one-story mini mart.

ACTION OF BOARD – Continued to November 19, 2021

THE VOTE



OCT 18 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN


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

APPLICANT: 116-18 Willard, LLC Cal. No.389-21-S
APPEARANCE FOR: Tyler Manic **MINUTES OF MEETING:**
September 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 116-120 W. Willard Court

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed five-story, seven dwelling unit building with roof deck, rooftop stairway and elevator enclosure with an attached seven car garage with roof deck.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE



OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

THE RESOLUTION:

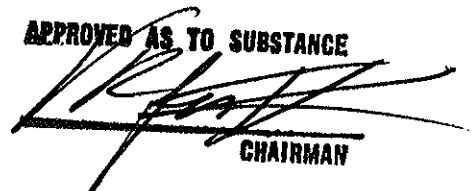
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed five-story, seven dwelling unit building with roof deck, rooftop stairway and elevator enclosure with an attached seven car garage with roof deck; two variations were also granted to subject property in Cal. Nos. 390-21-Z and 391-21-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 13, 2021, prepared by 360 Design Studio.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 116-18 Willard, LLC

CAL. NO.: 390-21-Z

APPEARANCE FOR: Tyler Manic

MINUTES OF MEETING:

September 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 116-120 W. Willard Court

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 1.6' for a proposed five-story, seven dwelling unit building with roof deck, roof top stairway and elevator enclosure and attached seven car garage with roof deck.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

10/18/21

OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. 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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback on floors containing dwelling units to 1.6' for a proposed five-story, seven dwelling unit building with roof deck, roof top stairway and elevator enclosure and attached seven car garage with roof deck; a special use and variation were also approved for the subject property in Cal. Nos. 389-21-S and 391-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 13, 2021, prepared by 360 Design Studio.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 116-18 Willard, LLC

CAL. NO.: 391-21-Z

APPEARANCE FOR: Tyler Manic

MINUTES OF MEETING:
September 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 116-120 W. Willard Court

NATURE OF REQUEST: Application for a variation to increase the allowable height from 50' to 54.47' for a proposed five-story, seven dwelling unit building with roof deck, roof top stairway and elevator enclosure with an attached seven car garage with roof deck.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the allowable height to 54.47' for a proposed five-story, seven dwelling unit building with roof deck, roof top stairway and elevator enclosure with an attached seven car garage with roof deck; a special use and variation were also approved for the subject property in Cal. Nos. 389-21-S and 390-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 13, 2021, prepared by 360 Design Studio.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Elias Lopez **CAL. NO.:** 392-21-Z
APPEARANCE FOR: Robert Martinez **MINUTES OF MEETING:**
APPEARANCE AGAINST: None September 17, 2021
PREMISES AFFECTED: 5114 S. California Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 35' to 2.08', south side yard setback from 3.84' to 0.17' (north to be 4.41') combined side yard setback from 9.6' to 4.58' for a proposed carport and 8' high rolling gate.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE


OCT 18 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ANN MACDONALD
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 2.08', south side yard setback to 0.17' (north to be 4.41') combined side yard setback to 4.58' for a proposed carport and 8' high rolling gate; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Andrea Berland & Rafael Vargas **CAL. NO.:** 393-21-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:** September 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1136 W. Oakdale

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 36.86' to 23.58' for a proposed walkway from an existing porch to a proposed garage roof deck serving a multi-unit building.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

OCT 18 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ANN MACDONALD
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 23.58' for a proposed walkway from an existing porch to a proposed garage roof deck serving a multi-unit building; an additional variation was granted to the subject property in Cal. No. 394-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Andrea Berland & Rafael Vargas **CAL. NO.:** 394-21-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:** September 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1136 W. Oakdale

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 675 square feet to zero for a proposed walkway from an existing rear porch to a proposed garage roof deck serving a multi-unit building.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

OCT 18 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ANN MACDONALD
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
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X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear yard open space to zero for a proposed walkway from an existing rear porch to a proposed garage roof deck serving a multi-unit building; an additional variation was granted to the subject property in Cal. No. 393-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JAN 24 2022

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

Prosperous Piggy, LLC

APPLICANT

395-21-Z

CALENDAR NUMBER

1512 N. Hoyne Street

PREMISES AFFECTED

November 19, 2021

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is denied.

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

AFFIRMATIVE NEGATIVE ABSENT

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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 1512 N. HOYNE
STREET BY PROSPEROUS PIGGY, LLC.**

I. BACKGROUND

Prosperous Piggy, LLC (the "Applicant") submitted a variation application for 1512 N. Hoyne Street (the "subject property"). The subject property is currently zoned RT-4 and is improved with a three-story, two-unit building (the "building") and detached garage. The building is orange-rated¹ and is located in the Wicker Park Historic District (the "District").² The Applicant proposed to erect an addition to the building in order to make a single-family home for the Applicant's sole member Mr. Cullen Davis (the "proposed addition"). The proposed addition had been previously approved by the Commission on Chicago Landmarks' ("Landmarks") permit review committee ("PRC").³ In order to permit the addition, the Applicant sought a variation to reduce: (1) the north side yard setback from 3.84' to 2' (south to remain at 1.92'⁴); and (2) combined side yard setback from 9.6' to 3.92.'

¹ Under the Chicago Historic Resources Survey.

² Established pursuant to an ordinance adopted by the City Council of the City of Chicago ("City Council") on April 12, 1991 and published in the *Journal of Proceedings of the City Council* for such date at pages 32375 through 32387.

³ See March 4, 2021 minutes of the Commission on Chicago Landmarks. The proposed addition was approved 4-0.

⁴ The agenda mistakenly states 2.92'. The ZONING BOARD OF APPEALS apologizes for this error.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing⁵ on the Applicant's variation application at its regular meeting on November 19, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune* and as continued without further notice as provided under Section 17-13-0108-A. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Facts. The Applicant's sole member Mr. Cullen Davis and the Applicant's attorney Mr. Thomas S. Moore were present. Mr. Davis' girlfriend Ms. Lisa Forbes and the Applicant's architect Mr. Gary Beyerl were present. Dr. Louis Moretti was present and in opposition to the application. Dr. Moretti's attorney Mr. Lenny Asaro and land planner and architect Mr. George Kisiel were present. Also present and in opposition to the application (although unrepresented by counsel) were Mr. Grantland Drutchas, Mr. Mark Yee, Mr. Joe Stanfield, Mr. Edward Varndell, Ms. Phyllis Mategrano, Mr. Rick Ellison, Mr. Ed Tamminga, Mr. Matthew Cerney, Ms. Bonnie Stanfield and Ms. Claudia Langman (collectively, the "Unrepresented 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 Mr. Thomas S. Moore provided a brief overview of the applications.

The Applicant offered the testimony of its sole member's girlfriend Ms. Lisa Forbes in support of the application.

The Applicant offered the testimony of its architect Mr. Gary Beyerl in support of the application.

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

Mr. Asaro then cross-examined Ms. Forbes and Mr. Beyerl.

Dr. Moretti offered the testimony of his land planner and architect Mr. George Kisiel in opposition to the application.

Dr. Louis Moretti, of 1520 N. Hoyne, offered testimony in opposition to the application.

Mr. Grantland Drutchas, of 1421 N. Hoyne, offered testimony in opposition to the application.

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

Mr. Mark Yee, of 1406 N. Hoyne, offered testimony in opposition to the application.

In response to Mr. Lee's testimony, Mr. Beyerl offered further testimony.

Mr. Joe Stanfield, of 1510 N. Hoyne, offered testimony in opposition to the application.⁶

Mr. Edward Vardell, of 2153 W. North Avenue, offered testimony in opposition to the application.

Ms. Phyllis Mategrano, of 1228 W. Flourney, offered testimony in opposition to the application.⁷

Mr. Rick Ellison, of 1524 N. Hoyne, offered testimony in opposition to the application.

Mr. Edward Tamminga, of 2157 W. Evergreen and chair of the Wicker Park Preservation and Development Committee, offered testimony in opposition to the application.

Mr. Matt Cereny, of 2112 W. Le Moyne, offered testimony in opposition to the application.

Ms. Bonnie Stanfield, of 1510 N. Hoyne, offered testimony in opposition to the application.

Ms. Mategrano offered further testimony in opposition to the application.

Ms. Claudia Langman, of 2129 W. Concord Place, offered testimony in opposition to the application.

In response to the testimony from Mr. Kisiel, Dr. Moretti and the Unrepresented Objectors, Ms. Forbes and Mr. Beyerl offered further testimony.

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

Mr. Moore then made a brief closing statement.

B. Criteria for a Variation

⁶ The ZONING BOARD OF APPEALS would like to correct a few of Mr. Stanfield's misstatements for the record. First, the ZONING BOARD OF APPEALS does not set precedent. Second, PRC approved the Applicant's proposed addition 4-0 not 3-0.

⁷ The ZONING BOARD OF APPEALS would like to correct a few of Ms. Mategrano's misstatements for the record. First, lots without improvements are considered vacant (whether or not they are landscaped). Second, 23' wide lots are buildable lots. The ZONING BOARD OF APPEALS routinely sees 23' wide lots (and even 20' wide lots) on its call. Third, property index numbers are solely for property taxation purposes and have no bearing on the Chicago Zoning Ordinance.

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 and Mr. Kisiel's report, 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 not create practical difficulties or particular hardships for the subject property.*

It is up to the Applicant to prove its case. While the ZONING BOARD OF APPEALS understands and agrees with Landmarks' position that the proposed addition should look like a standalone home, the Applicant never provided a satisfactory answer as to why such proposed addition could not comply with the north side setback. Mr. Beyerl testified that if the proposed addition was not as wide, the proposed addition would be taller and thus out of place with the rest of the District. However, such an answer pre-supposes that any addition to the home must be exactly this particular square footage. But as Mr. Kisiel credibly testified, the proposed addition contains an inordinate amount of redundant circulation for an addition and, if such redundant circulation were removed, the Applicant could still provide the same or similar type of addition to the home on the subject property while still complying with the north side setback. The ZONING BOARD OF APPEALS finds Mr. Kisiel to be a very credible witness with respect to this criterion.

In contrast, the ZONING BOARD OF APPEALS does not find any of the Applicant's witnesses to be particularly credible. For instance, the Applicant's witnesses attempted to make compliance with Landmarks and compliance with the north side setback an either/or condition (i.e., either the proposed addition complied with Landmarks *or* the proposed addition complied with the north side setback requirement). This is disingenuous. The ZONING BOARD OF APPEALS finds it particularly telling that the Applicant's renderings did *not* include a rendering that was both Landmarks' compliant (i.e., a proposed addition that looked like a standalone home) and abided by the north side setback. Nor did any of the Applicant's witnesses provide any sort of credible testimony as to why the proposed addition needed to be as wide as it did and what practical difficulty or particular hardship would be overcome by the north side setback reduction. For instance, there was no testimony that without the north side setback reduction, the interior of the proposed addition would be too narrow to pass building codes for habitability.

In short, the ZONING BOARD OF APPEALS finds – like Mr. Kisiel – that the Applicant is attempting to use the District to create a practical difficulty or particular hardship with respect to the north side setback where none exists. While the north side setback may not allow the Applicant to have as large of an addition as the Applicant's sole member wishes, this is not practical difficulty or particular hardship for the *subject property*.

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

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

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

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

It is up to the Applicant to prove its case. The Applicant provided no credible evidence that without the variation, the subject property could not yield a reasonable return. Again, while the Applicant provided sufficient justification as to why the proposed addition needed to appear as a standalone building, the Applicant provided no justification as to why the proposed addition needed to be so wide. As such, this is not a case where the Applicant can only provide for a District compliant addition if the north side setback is reduced. Instead, the Applicant can provide for a District compliant addition while staying within the north side setback. It simply will not be as large of an addition. However, and as Mr. Kisiel stated in his report, the building already includes such amenities as an entertainment room, master bedroom suit and outdoor deck, mudroom and expanded modern kitchen. Further, the Applicant purchased the subject property without the proposed addition for an excess of \$1.6 million. Thus, the contention that the subject property cannot yield a reasonable return without such a large addition is not sustainable.

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

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or particular hardship. To the extent that there is a practical difficulty or particular hardship in this matter, it is simply that the Applicant cannot build as large of an addition as its sole member wishes. However, this is not a unique circumstance and is indeed generally applicable to other improved residential property within the City.

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

It is up to the Applicant to prove its case. While Mr. Beyerl testified that the adjacent properties in the area generally have reduced north side setbacks, Mr. Kisiel testified that these properties have an increased setback along their south side property lines to off-set the north side setback reduction. This would not be the case with the subject property as the building is set only 1.92' off the south side property line. Further, the ZONING BOARD OF APPEALS agrees with Mr. Kisiel that such north side setback reduction is not consistent throughout the rest of the block. Again, the ZONING BOARD OF APPEALS find Mr. Kisiel to be a very credible witness. As such, the ZONING BOARD OF APPEALS finds that the Applicant failed to prove that the reduction to the north side setback would not alter the essential character of the neighborhood.

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact and Mr. Kisiel's report, 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 not result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.*

There is nothing about the particular physical surroundings, shape or topographical condition of the subject property that results in a particular hardship upon the Applicant. The ZONING BOARD OF APPEALS agrees completely with Mr. Kisiel's analysis that a 48' wide lot is not narrow in this instance. The subject property is regular in shape. While the subject property is improved with an orange-rated building and is located within the District, these topographical conditions and particular physical surroundings – as noted above – do not prevent the Applicant from providing both a Landmarks' complaint and north setback compliant addition. Further, the ZONING BOARD OF APPEALS agrees with

Mr. Kisiel that there is no sustained pattern of development in the area that necessitates a reduced north side setback. It is simply that without the variation, the addition cannot be as wide as the Applicant's sole member wishes it to be. This is a mere inconvenience.

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

The Applicant is requesting the variation so that it can construct a larger addition than what would otherwise be allowed. Such a condition is applicable, generally, to other property within the RT-4 zoning classification.

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

The Applicant's sole member wishes to construct the proposed addition so that he may live on the subject property with his family. As such, the variation is not based exclusively upon a desire to make more money out of the subject property.

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

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or a particular hardship. To the extent there is a practical difficulty or particular hardship, such difficulty or hardship stems from the fact that the Applicant designed an addition that is wider than what the side setbacks for the subject property allows.

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

It is up to the Applicant to prove its case. The Applicant provided no credible evidence as to this criterion – only conclusory assertions.

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

It is up to the Applicant to prove its case. The Applicant provided no credible evidence as to this criterion – only conclusory assertions. As the variation will allow for the proposed addition, the variation will not substantially increase congestion in the public streets. As the proposed addition would not be built

unless and until a valid building permit was issued, the variation will not increase the danger of fire or endanger the public safety. However, aside from bare conclusory statements, the record is bereft of any evidence to support the Applicant's contention that the variation will not substantially diminish or impair property values. As such, the ZONING BOARD OF APPEALS finds that there is insufficient evidence to show the the variation will not substantially diminish or impair property values.

IV. CONCLUSION

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

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

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

APPROVED AS TO SUBSTANCE

By: 

Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the mail on 1/24, 2022.


Janine Klich-Jensen

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

APPLICANT: Edward Rolek **CAL. NO.:** 396-21-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
September 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 10831 S. Drake Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 22.03' to 15.2' for a proposed front covered porch on an existing two-story single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

OCT 18 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ANN MACDONALD
 BRIAN H. 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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 15.2' for a proposed front covered porch on an existing two-story single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Rosa Bacio

CAL. NO.: 397-21-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
September 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3930 W. 61st Place

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 19.07' to 16.11', west side setback from 2' to .90' (east to be 2.95'), combined side yard setback from 5' to 3.85' to permit the subdivision of one zoning lot to into two zoning lots. The existing two-story, single family shall remain. A two-story single-family residence with detached two-car garage is proposed for 3928 W. 61st Place.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. 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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and


WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 16.11', west side setback to .90' (east to be 2.95'), combined side yard setback to 3.85' to permit the subdivision of one zoning lot to into two zoning lots. The existing two-story, single family shall remain. A two-story single-family residence with detached two-car garage is proposed for 3928 W. 61st Place; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JAN 24 2022

CITY OF CHICAGO
ZONING BOARD OF APPEALS

3235 Lakewood LLC

APPLICANT

398-21-Z
CALENDAR NUMBER

3235 N. Lakewood Ave.

PREMISES AFFECTED

September 17, 2021

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is denied.

Timothy Knudsen,
Chairman
Ann MacDonald (Alt.)
Brian Sanchez
Jolene Saul
Sam Toia

AFFIRMATIVE NEGATIVE ABSENT

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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 3235 N.
LAKEWOOD AVE. BY 3235 LAKEWOOD LLC.**

I. BACKGROUND

3235 Lakewood LLC (the "Applicant") submitted a variation application for 3235 N. Lakewood Avenue (the "subject property"). The subject property is currently zoned RT-4. The Applicant is currently constructing a three-story, four dwelling unit building (the "building") and a detached five-car garage (the "garage"). The Applicant designed both the building and the garage. Once the building and the garage were complete, the Applicant intended to create a condominium association on the subject property and sell the dwelling units as condominium units. While construction was still underway, the Applicant proposed a revision to its building permit to allow for the construction of a garage rooftop deck that would be accessed by a twelve inch (12") bridge that attached to the building's rear stairs (the "proposed connector"). In order to permit the proposed connector, the Applicant sought a variation to reduce: (1) the rear setback from the required 37.5' to 2'; and (2) the north side yard setback from 4.8' to 0' (no south side setback required which abuts the street).

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing¹ on the Applicant's variation application at its regular meeting on September 17, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Facts. The Applicant's manager Mr. Stephen O'Neill and the Applicant's attorney Mr. Thomas S. Moore were present. The Applicant's architect Mr. Christopher Dasse was also present. The alderman for the 44th Ward Mr. Tom Tunney (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. March 22, 2021)².

The Applicant offered the testimony of its manager Mr. Stephen O'Neill in support of its application.

The Applicant offered the testimony of its architect Mr. Christopher Dasse in support of the application.

In response to questions by the ZONING BOARD OF APPEALS, the Applicant's attorney Mr. Thomas S. Moore made statements.

The Alderman testified that he had no objection to the application.

B. Criteria for a Variation

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

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

Pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance, in making its determination of whether practical difficulties or particular hardships exist, the ZONING

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

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

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 not create practical difficulties or particular hardships for the subject property.*

The Applicant has requested the proposed variation so that it can construct the proposed connector between the building and the proposed garage rooftop deck. The Applicant argued the proposed connector was the most efficient way to access the proposed garage rooftop deck. However, the fact remains that the Applicant *chose* a plan of development for the subject property that required a variation. Its reason for choosing such a plan of development is purely for profit, as the plan of development for the subject property maximizes every inch of the lot.³ Further, the Applicant also *chose* to begin construction of the building prior to obtaining a variation. Its reason for doing so was to expedite building permits. However, a practical difficulty or particular hardship cannot mean that "piece of property is better adapted for a forbidden use than the one for which it is permitted, or that a variation would be to the owner's profit or advantage or convenience." *River Forest State & Trust Co. v. Zoning Board of Appeals of*

³ Indeed, the fact that the Applicant cannot provide an access stair from grade to the garage roof deck (as allowed pursuant to Section 17-17-0309 of the Chicago Zoning Ordinance) without violating the subject property's minimum required rear yard open space is proof of this – especially as the subject property is of standard lot depth (i.e., 125').

Maywood, 34 Ill.App.2d 412, 419 (1st Dist. 1961). In this case, as the variation is solely for the Applicant's profit or advantage or convenience, it cannot be a practical difficulty or particular hardship.

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

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

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

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

If the variation is denied, the subject property will still be improved with the building and garage. The garage will simply not have a garage roof deck. It is up to the Applicant to prove its case, and Mr. O'Neill – the only witness for the Applicant to testify as to reasonable return – had zero credibility as a witness with respect to this criterion. Indeed, the ZONING BOARD OF APPEALS found his testimony that without the requested variation, the Applicant would have unsaleable units due to the lack of the "standard amenity" of "outdoor space" on a garage roof deck to be entirely disingenuous as the Applicant deliberately designed the building (and, indeed, began constructing the building) in such a manner that the *only* way to provide such open space was by way of the variation. Further, the ZONING BOARD OF APPEALS does not find Mr. O'Neill credible when he testified that the units would be unsellable. He testified that he was a

“small time builder” who did “one project per year.” As such, the ZONING BOARD OF APPEALS declines to accept Mr. Moore’s statement that Mr. O’Neill knows what is standard in the industry. The ZONING BOARD OF APPEALS finds that without the variation the condominium units might be worth less than Mr. O’Neill desires them to be but that is not the same as unsellable; it is also not the same as the subject property not yielding a reasonable return.

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

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or particular hardship. To the extent that there is a practical difficulty or particular hardship in this matter, it is simply that without the garage rooftop deck, the Applicant may make less money on its investment. However, this is not a unique circumstance and is indeed generally applicable to any property purchased for real estate development. Real estate development vehicles such as the Applicant often do not make as much as they would like on their investments. Such loss is inherent to the real estate market.

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

It is up to the Applicant to prove its case. The Applicant provided no credible evidence as to this criterion. While Mr. Dasse’s affidavit made conclusory averments regarding other garage roof decks in the area, no evidence was produced as to how these garage roof decks were accessed. Tellingly, the Applicant provided no testimony or pictures to show that said garage roof decks were accessed by means of an access bridge such as the proposed connector.

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 not result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.*

The subject property is regular in shape and size.⁴ With respect to topographical condition, the Applicant has already erected the shell of the building. The shell of

⁴ It is a so-called “double lot,” consisting of two 24’ wide by 125’ deep lots.

the building, however, cannot be considered a particular hardship to the Applicant. Indeed, the Applicant knowingly chose a program of development for which a variation was needed, erected the building without the variation and then came to the ZONING BOARD OF APPEALS for the variation. This is not a practical difficulty or particular hardship; this is a strategic decision by the Applicant for its profit and convenience. Nor did the Applicant provide any evidence that the subject property's physical surroundings somehow caused a practical difficulty or particular hardship.

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

The Applicant is requesting the variation so that it can make more money out of the subject property. Such a condition is applicable, generally, to other property within the RT-4 zoning classification as – generally speaking – all property owners of RT-4 zoned property would like to make more money out of the property (whether they are developing, renting or occupying the property).

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

It is clear from the Applicant's plans that its program of development for the subject property is solely to maximize its profit out of the subject property.

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

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or a particular hardship. To the extent there is a practical difficulty or particular hardship⁵, such difficulty or hardship stems from the fact that the Applicant chose a program of development that did not comply with the Chicago Zoning Ordinance and then began building said program of development. Such alleged practical difficulty or particular hardship is therefore self-created.

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

⁵ As noted above, a practical difficulty or particular hardship cannot mean that "piece of property is better adapted for a forbidden use than the one for which it is permitted, or that a variation would be to the owner's profit or advantage or convenience." *River Forest State & Trust Co. v. Zoning Board of Appeals of Maywood*, 34 Ill.App.2d 412, 419 (1st Dist. 1961).

It is up the Applicant to prove his case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. The Applicant provided no credible evidence as to this criterion. The Applicant argued in its proposed Findings of Fact that the building would not change; however, it is not the building that is at issue. Instead, it is the proposed connector that is at issue.

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

Aside from a bare conclusory allegation the record is bereft of any evidence to support that the variation will not impair an adequate supply of light and air to adjacent property. As such, the ZONING BOARD OF APPEALS finds that there is insufficient evidence to show that the variation will not impair an adequate supply of light and air to adjacent property. The variation will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety. However, aside from a bare conclusory allegation, the record is bereft of any evidence to support the Applicant's contention that the variation will not substantially diminish or impair property values. As such, the ZONING BOARD OF APPEALS finds that there is insufficient evidence to show that the variation will not substantially diminish or impair property values.

IV. CONCLUSION

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

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

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the mail on 1/24, 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



NOV 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

662 Wellington, LLC
APPLICANT

399-21-Z
CALENDAR NUMBER

662-664 W. Wellington Ave.
PREMISES AFFECTED

September 17, 2021
HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is approved.

Timothy Knudsen,
Chairman
Ann MacDonald (Alt.)
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 662-664 W.
WELLINGTON AVENUE BY 662 WELLINGTON, LLC.**

I. BACKGROUND

662 Wellington, LLC¹ (the "Applicant") submitted a variation application for 662-664 W. Wellington Avenue (the "subject property"). The subject property is zoned RM-4.5/RM-5. It is currently improved with a dilapidated apartment building (the "building") and coach house. The Applicant proposed to raze the coach house and rehabilitate the building. As part of the Applicant's rehabilitation efforts, the Applicant proposed a rear addition to the building (the "proposed addition"). In order to permit the proposed addition, the Applicant sought a variation to reduce the rear setback from the required 45.6' to 28'.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing² on the Applicant's variation application at its regular meeting held on September 17, 2021, after

¹ Mr. Pappas' testimony makes clear that the Applicant is the single-purpose entity for Chicago Apartment Place a second-generation family-owned business specializing in the restoration of historic apartment buildings in Lakeview, Lincoln Park and Wrigleyville.

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

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 submitted its proposed Findings of Fact. The Applicant's member Mr. Marcelo Pappas and its attorney Mr. Thomas Moore were present. The Applicant's architect Mr. Jack Stoneberg was present. The alderman for the 44th ward Mr. Thomas Tunney (the "Alderman") was present and in support of the application. Ms. Amina Helstern and Mr. Ben Brabston were present and in opposition to the application. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. March 22, 2021).

The Applicant's attorney Mr. Thomas Moore presented a brief overview of the Applicant's application.

The Applicant's member Mr. Marcelo Pappas offered testimony in support of the application.

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

Ms. Amina Helstern, of 3012 N. Waterloo Court #10 and member of the board of the Waterloo Court Condominiums, offered testimony in opposition to the application.

Mr. Ben Brabston, of 702 W. Wellington, offered testimony in opposition to the application.

In response to Ms. Helstern's testimony, Mr. Stoneberg offered further testimony.

In response to Ms. Helstern and Mr. Brabston's testimony as well as questions from the ZONING BOARD OF APPEALS, Mr. Pappas offered further testimony.

The Alderman offered testimony in support of the application

B. Criteria for a Variation

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

Pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance, in order to determine that practical difficulties or particular hardships exist, the ZONING BOARD OF APPEALS must find evidence of each of the following: (1) the property in question

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

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

III. FINDINGS OF FACT.

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

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

The subject property is located in the Lakeview Historic District ("District"). Such district is recognized by the state and federal governments (though not the City³), and the building has been recognized as a contributing building to the District. Therefore, if the Applicant is to rehabilitate⁴ the building, it is required

³ As testified by the Alderman, the Commission on Chicago Landmarks ("Commission") has not recommended that the District be landmarked.

⁴ Mr. Pappas testified that the building is not an orange rated building under the Chicago Historic Resources Survey, and both he and Mr. Stoneberg testified what could be built if the building were torn down. Therefore, the ZONING BOARD OF APPEALS concludes, given its knowledge of both the state and federal historic guidelines, that the building can be demolished – despite its contributing building status

to rehabilitate the building in accordance with the historic preservation guidelines set forth by the Illinois Historic Preservation Agency and the National Park Service. Because of this, the Applicant cannot disrupt the building's façade. As such, any addition to the building can only occur at the rear of the subject property. Mr. Pappas very credibly testified that the Applicant requires the proposed addition in order to make the rehabilitation of the building economically feasible. Thus, strict compliance with the regulations and standards of the Chicago Zoning Ordinance creates practical difficulties or particular hardships for the subject property in that the building cannot be preserved without an addition, and the only place an addition can be placed is the rear of 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 addition which in turn will allow for the rehabilitation of the building. 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 the building to be rehabilitated⁵; (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 the building to be rehabilitated; (3) protecting the character of the established residential neighborhood pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance by ensuring that the building is preserved as a contributing building to both the District and the neighborhood; (4) maintaining orderly and compatible land use and development patterns pursuant to section 17-1-0508 by allowing an addition that will be cognizant of and respectful to the improvements on the adjacent properties; (5) ensuring adequate light, air, privacy and access to property pursuant to Section 17-1-0509 by allowing an addition to the building that is sensitive to the improvements on the adjacent properties in terms of light, air, privacy and access to property; (6) promoting rehabilitation and reuse of older buildings pursuant to Section 17-1-0511 in that the proposed addition will make it economically feasible to rehabilitate the building; and (7) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance in that the building will continue to offer rental units.

to the District. It is only because the Applicant is going to rehabilitate the building that the guidelines come into play.

⁵ On this point, the ZONING BOARD OF APPEALS found the Alderman's testimony regarding the history and current state of the building to be quite helpful. As was Mr. Stoneberg's testimony regarding the rats and the drainage issues.

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

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

The Applicant purchased the subject property with the sole intention of rehabilitating the building. To make such rehabilitation economically viable, the Applicant requires additional dwelling units. However, as the building is a contributing building in the District, any rehabilitation of the building must be done in accordance with all state and federal guidelines. Therefore, the Applicant cannot build an upper-story addition. Instead, to ensure that the façade is preserved, the only addition the Applicant can build is a rear addition. As such, the Applicant requires a reduction to the rear setback. As the Applicant needs additional dwelling units in the building to make rehabilitation of the building economically feasible and as the Applicant solely purchased the subject property with the intention of rehabilitating the building, the ZONING BOARD OF APPEALS finds that without the proposed variation, 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 particular hardships facing the subject property, that is, the fact that the building is a contributing building in the District, is unique circumstance that is not generally applicable to other improved residential property. For instance, if the building were not a contributing building in the District, the Applicant could alter the façade and therefore provide an upper story addition. Instead, as the Applicant cannot alter the façade, the only addition the Applicant can construct is a rear addition.

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

As can be seen from comparing the aerial and other photographs of the neighborhood with the proposed addition's plans and drawings, the variation, if granted, will not alter the essential character of the neighborhood. Indeed, the proposed addition will not alter the façade of the building. Further, the proposed addition will improve the current rear condition of the subject property. The

Applicant will be removing the coach house, the rear, open multi-story deck and the current outdoor parking. The Applicant will also be improving the site grading and drainage issues. In addition, the Applicant's team has worked very hard to ensure that the proposed addition is respectful to the surrounding improvements. For instance, the Applicant has made strategic window placements to avoid any privacy concerns. The Applicant has designed its rear landscaping so that the nonconforming improvements directly north of the subject property (i.e., the Waterloo Court property) are minimally impacted. The ZONING BOARD OF APPEALS finds Mr. Pappas, Mr. Stoneberg and the Alderman to be very credible witnesses. In contrast, the ZONING BOARD OF APPEALS does not find either Ms. Helstern or Mr. Brabston to be particularly credible with respect to their analysis of the proposed addition, especially with respect to the amount of shade it will produce. The ZONING BOARD OF APPEALS instead finds Mr. Stoneberg's testimony to be far more credible, especially when one compares the plans and drawings of the proposed addition with the photographs of the current rear of the building and the coach house.⁶

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

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

The particular physical surroundings (that is, the fact the subject property is located in the District) and the topographical condition (that is, the fact the subject property is improved with a contributing building in the District) of the subject property would result in particular hardship upon the Applicant. If the strict letter of the Chicago Zoning Ordinance were carried out, the Applicant would not have the financial capacity to rehabilitate the building. Instead, the Applicant could only demolish the building. As the Applicant and, indeed, Chicago Apartment Place are solely in the business of rehabilitating historic buildings, the inability of the Applicant to rehabilitate the building results in particular hardship upon the Applicant as distinguished from a mere inconvenience.

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

⁶ No party produced the shade studies to the ZONING BOARD OF APPEALS; therefore, the ZONING BOARD OF APPEALS is limited to the photographs in the record, the plans and drawings and the testimony provided at the hearing.

The ZONING BOARD OF APPEALS finds that the subject property's location in the District as well as it being improved with a contributing building in the District are not conditions applicable, generally, to other property in the RM-4.5 and RM-5 zoning classifications.

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

The variation is requested so that the Applicant can erect the proposed addition. While the proposed addition is necessary to make rehabilitation of the building financially viable, it is clear from Mr. Pappas' very credible testimony that the variation is not based exclusively upon a desire to make more money out of the subject property. Indeed, if the Applicant wished to exclusively make more money of the subject property, the Applicant could simply demolish the building on the subject property and erect a much larger building than what currently exists on the subject property.

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

The Applicant did not create the District. Nor did the Applicant create the building's status as a contributing building in the District.

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

The variation will allow the Applicant to construct the proposed addition, and, in turn, rehabilitate the building. As can be seen by comparing the proposed building's plans and drawings with the aerial and other photographs of the neighborhood, the proposed addition will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. On the contrary, and very credibly testified by Mr. Pappas and Mr. Stoneberg, the proposed addition has been designed to ensure that it will not be injurious to other property or improvements in the neighborhood, particularly the improvements on the adjacent properties. Further, and as very credibly testified by the Mr. Stoneberg and the Alderman, the rehabilitation of the building will improve the public welfare.

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 addition and, in turn, rehabilitate the building. As very credibly testified by Mr. Pappas and Mr. Stoneberg and as can be seen by a comparison of the plans and drawings with the aerial and other photographs of the neighborhood, the proposed addition has been designed so that there will continue to be an adequate supply of light and air to adjacent property, even the property immediately north of the subject property (i.e., Waterloo Courts). As the proposed addition will include on-site, indoor parking, the variation will not substantially increase the congestion in the public streets. The proposed addition will not be built unless and until a valid building permit is issued and thus the variation will not increase the danger of fire or endanger the public safety. As the variation will allow for the proposed addition which, in turn, will allow the Applicant to rehabilitate the building, the variation will not substantially diminish or impair property values within the neighborhood. On the contrary, due to the terrible condition the building is in now and the care the Applicant has taken to design the proposed addition so that it will not impact the adjacent properties, the variation will increase property values in the neighborhood.

IV. CONCLUSION

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

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

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.


Janine Klich-Jensen

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



ZBA

MAR 24 2022

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

Muhammed Abdallah
APPLICANT

400-21-S & 401-21-Z*
CALENDAR NUMBERS

12701 S. Halsted Street
PREMISES AFFECTED

January 21, 2022
HEARING DATE

ACTION OF BOARD

THE VOTE

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

Timothy Knudsen,
Chairman
Zurich Esposito
Vaishali Rao (alt.)
Jolene Saul
Sam Toia

AFFIRMATIVE NEGATIVE ABSENT

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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE AND VARIATION APPLICATIONS
FOR 12701 S. HALSTED STREET BY MUHAMMED ABDALLAH.**

I. BACKGROUND

Mr. Muhammed Abdallah (the "Applicant") submitted a special use application and a variation application for 12701 S. Halsted Street (the "subject property"). The subject property is zoned C2-1 and is improved with a one-story commercial building that was formerly a three-bay gas station but is currently an auto repair shop (the "current building"). The Applicant proposed to re-establish a gas station on the subject property. As part of this re-establishment of a gas station, the Applicant proposed to convert the current building into a convenience store and install three gas service stations (each containing two gas pumps). To permit the gas station, the Applicant sought: (1) a special use to establish a gas station; and (2) a variation to reduce the minimum lot area for a gas station from the required 20,000 square feet to 13,284 square feet. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator" and the "Department") recommended approval of the proposed special use provided that: (1) the special use was issued solely to the Applicant; (2) the development was consistent with the design and layout of the plans and drawings dated November 12, 2021, prepared by BAU Design and Development; and (3) the hours of operation were consistent with other area businesses opening no earlier than 6:00 AM and closing no later than 10:00 PM.

*Scrivener's error

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing¹ on the Applicant's special use and variation applications at its regular meeting held on January 21, 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 as provided under Section 17-13-108-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 his proposed Findings of Fact. The Applicant Mr. Muhammed Abdallah and his attorney Mr. John Pikarski were present. The Applicant's land planner Mr. William James, his MAI certified real estate appraiser Mr. Joseph Ryan and his project architect Mr. Damian Babicz were also present. The executive director of the Community Retail Association Mr. Rush Darwish was present. Department Assistant Commissioner Nancy Radzevich was present on behalf of the Zoning Administrator. The alderman of the 34th Ward Alderman Carrie Austin (the "Alderman") was present. Present and in opposition to the applications were Ms. Annette Cain, Ms. Sharon Evans, Ms. Peggy Pointer and Ms. Lisa Young (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).²

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

The Applicant Mr. Muhammed Abdallah offered testimony in support of the applications.

The Applicant's land planner Mr. William James offered testimony in support of the applications.

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

The Applicant's architect Mr. Damian Babicz offered testimony in support of the applications.

The executive director of the Community Retail Association Mr. Rush Darwish offered testimony in support of the applications.

Department Assistant Commissioner Nancy Radzevich offered testimony in support of the Department's recommendation to limit the hours of the gas station.

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

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

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

The Alderman offered testimony in support of the applications.

Ms. Annette Cain, of 727 W. Vermont, offered testimony in opposition to the applications.

In response to Ms. Cain's testimony, Mr. Abdallah offered further testimony.

Ms. Cain then offered further testimony.

Ms. Sharon Evans, of 12650 S. Emerald Avenue, offered testimony in opposition to the applications.

Ms. Peggy Pointer, of 12819 S. Union Avenue, offered testimony in opposition to the applications.

Ms. Lisa Young, of 12818 S. Union Avenue, offered testimony in opposition to the applications.

Ms. Cain then offered further testimony.

Mr. Pikarski made a brief closing statement.

In response to questions by the ZONING BOARD OF APPEALS, Department Assistant Commissioner Nancy Radzevich offered further testimony

B. Criteria for a Special Use

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

C. Criteria for a Variation

Pursuant to Section 17-13-1107-A of the Chicago Zoning Ordinance, no variation application may be approved unless the ZONING BOARD OF APPEALS finds, based upon the evidence presented to it in each specific case, that: (1) strict compliance with the

standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships; and (2) the requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance.

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

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

III. FINDINGS OF FACT

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

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

The subject property is located in a C2-1 zoning district. A gas station is a special use in a C2-1 zoning district.³ Other than the accompanying variation, the Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special use and the variation that brings it before the ZONING BOARD OF APPEALS. Since

³ See Section 17-3-0207.HH of the Chicago Zoning Ordinance.

the ZONING BOARD OF APPEALS has decided to grant the special use and the variation to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience because it will allow the Applicant to provide the public with a brand-new gas station on the subject property. The gas station will also provide the public with a brand-new food mart.

Further, due to the conditions imposed by the ZONING BOARD OF APPEALS, particularly the condition limiting the proposed special use's hours of operation on the subject property, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or the community. While the ZONING BOARD OF APPEALS does not agree with the Objectors' speculations that a gas station – twenty-four (24) hour or otherwise – will increase criminal activity in the area, the ZONING BOARD OF APPEALS does find – after looking at the photographs and listening to the testimony of what currently exists in the neighborhood – that this particular neighborhood is predominately residential. While Halsted itself is commercial in nature, directly east and directly west of Halsted is residential. This may be best seen from the Department's overhead aerial photograph of the neighborhood. Moreover, the commercial uses on this stretch of Halsted are low intensity commercial uses that do not generate high automobile traffic. Most of these businesses close at 5:00 or 6:00 PM. The outliers to this are the Dollar General to the north of the subject property and the Harold's to the west. The ZONING BOARD OF APPEALS finds Ms. Cain to be very credible on the hours of operation for the businesses in the neighborhood as she lives within a 250-foot radius of the subject property. The ZONING BOARD OF APPEALS also finds the Department very credible as to the make-up of the neighborhood. In contrast, the ZONING BOARD OF APPEALS does not find relevant the hours of other gas stations at other locations in the City as such locations are not in this particular neighborhood.

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

The proposed special use will be reusing the current building on the subject property. Moreover, it is clear from comparing the plans and drawings of the proposed special use with photographs of the surrounding area that the proposed

special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design. Indeed, and as can be seen from the plans and drawings and through the testimony of Mr. Babicz, the Applicant will be greatly improving the current site with a new, safer curb cut off of 127th Street and landscaping.

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

Due to the conditions imposed by the ZONING BOARD OF APPEALS, particularly the condition limiting the proposed special use's hours of operation on the subject property, the proposed special use will be compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation. Again, and as noted above, the ZONING BOARD OF APPEALS finds that this particular neighborhood is predominately residential and that the commercial uses on this stretch of Halsted complement this predominately residential nature by keeping operating hours that do not conflict with this residential use and therefore similarly ensure that any outdoor lighting, noise and traffic generation produced by these commercial uses similarly do not conflict with this residential use.

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

As can be seen from comparing pictures of the subject property with the plans and drawings of the proposed special use, the Applicant will be improving the subject property with new concrete sidewalks and new landscaping. Moreover, and as testified to by Mr. Babicz at the hearing, the Applicant will be relocating the current curb cut off of 127th Street so that it will be farther away from the intersection of 127th Street and Halsted. As such, the ZONING BOARD OF APPEALS finds that the proposed special use is designed to promote pedestrian safety and comfort.

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

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

The subject property was originally improved with a gas station in 1974. However, and as Mr. Ryan testified, the three-bay gas station became obsolete as oil companies no longer wished gas station operators to operate auto repair facilities with their product brand. Because of this, the prior gas station on the subject property lost its franchise and became an auto repair facility. The Applicant would like to re-establish the gas station at the subject property. However, due to changes in the Chicago Zoning Ordinance, the subject property is now too small. As Mr. Pikarski noted at the hearing, there is no ability for the Applicant to expand the subject property's lot area as the subject property is bordered on three sides by public right of way and bordered on the fourth side by a two-story masonry building. Because of this inability to expand the subject property's lot area, strict compliance with the regulations and standards of the Chicago Zoning Ordinance creates 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 a gas station to be re-established on the subject property. This gas station, as can be seen comparing the photographs of the subject property with the gas station's plans and drawings, will greatly improve the subject property's safety (i.e., the new concrete sidewalks and the new safer curb cut off of 127th Street) and aesthetics (i.e., the new landscaping and renovation of the current building). Therefore, it will promote the public health, safety and general welfare pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance and preserve the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance. Due to the conditions imposed by the ZONING BOARD OF APPEALS with respect to the hours of operation of the proposed gas station, the gas station will promote the character of established residential neighborhoods pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance. As the Applicant will be renovating the current building on the subject property and adding new landscaping, the variation will maintain economically vibrant as well as attractive business and commercial areas pursuant to Section 17-1-0504 of the Chicago Zoning Ordinance. The variation will allow a gas station to be re-established on the subject property thus maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance. As the Applicant will be renovating the current building on the subject property, the variation will promote rehabilitation and reuse of older buildings pursuant to Section 17-1-0511 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 application for a variation pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance:

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

The Applicant is in the business of operating gas stations. Although the subject property was improved with a gas station in 1974, the current Chicago Zoning Ordinance does not allow for re-establishment of a gas station on the subject property due to insufficient minimum lot area. Therefore, without the requested variation, 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 historical use of the subject property as a gas station combined with an inability to expand the subject property so that it has sufficient lot area to re-establish a gas station under the current Chicago Zoning Ordinance is a unique circumstance that is not generally applicable to other commercial property.

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

The variation will allow for the re-establishment of a gas station on the subject property. As can be seen from the plans and drawings for the proposed gas station, the gas station will greatly improve the current condition of the subject property. Further, due to the conditions imposed by the ZONING BOARD OF APPEALS with respect to the hours of operation of the gas station, the gas station will not alter the predominately residential character of the neighborhood.

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

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

The particular physical surroundings - that is, the fact it is surrounded on three sides by public right of way and by a two-story masonry building on the fourth side and thus cannot expand the lot area - and the particular topographical condition - that is, the fact the subject property was originally improved with a gas station -- would result in a particular hardship upon to both the Applicant and the property owner if the strict letter of the Chicago Zoning Ordinance were carried out. As noted above, the Applicant is in the business of operating gas stations. The Applicant has a contract to purchase the subject property from the

property owner. If the variation were not granted, the Applicant would no doubt cancel the contract for sale of the subject property. This would be more than 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.*

Not all property located in a C2-1 zoning district was previously improved with a gas station. Not all property located in a C2-1 zoning district is surrounded on three sides by public way and on the fourth side by a two-story masonry building.

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

The purpose of the variation is not based exclusively upon a desire to make more money out of the subject property but rather to re-establish a gas station use on the subject property.

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

Neither the property owner nor the Applicant created the current minimum lot area requirements for gas stations. Neither the Applicant nor the property owner created the public rights of way. Neither the Applicant nor the property owner created the two-story building

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 for the proposed gas station. As can be seen from comparing the plans and drawings of the proposed gas station with photographs of the subject property, the proposed gas station will be a great improvement to the current conditions on the subject property. Further, due to the conditions imposed by the ZONING BOARD OF APPEALS with respect to the hours of operation of the gas station, the gas station use will not negatively impact the predominately residential nature of the neighborhood. As such, 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 subject property is located.

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 for the proposed gas station. As can be seen from comparing the plans and drawings of the proposed building with the photographs of the neighborhood, it is clear that the variation will not impair an adequate supply of light and air to adjacent property. Due to the relocation of the curb cut on 127th Street to be farther away from the intersection of Halsted and 127th, the variation will not substantially increase congestion in the public streets. As the proposed gas station will not be built unless and until all proper building permits have been issued, the variation will not increase the danger of fire or endanger the public safety. As the variation will allow the Applicant to improve the subject property by means of new landscaping, new sidewalks, a new curb cut and substantive renovations to the current building, the variation will not substantially diminish or impair property values within the neighborhood.

IV. CONCLUSION

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

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

The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a special use, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use subject to the following conditions:

1. The special use shall be issued solely to the Applicant;
2. The development shall be consistent with the design and layout of the plans and drawings dated November 12, 2021, prepared by BAU Design and Development; and
3. The hours of operation shall be consistent with other area businesses opening no earlier than 6:00 AM and closing no later than 10:00 PM.

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

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify
that I caused this to be placed in the mail on 3/24, 2022.


Janine Klich-Jensen

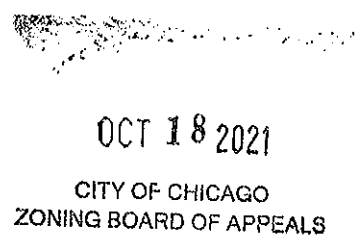
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: Armand Candea **CAL. NO.:** 402-21-Z
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
September 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5630-32 N. Broadway

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 16.96' for a proposed five-story, four dwelling unit, mixed use building with attached four car garage.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE


 OCT 18 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ANN MACDONALD
 BRIAN H. 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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback on floors containing dwelling units to 16.96' for a proposed five-story, four dwelling unit, mixed use building with attached four car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



JAN 24 2022

CITY OF CHICAGO
ZONING BOARD OF APPEALS

William Dodds

APPLICANT

403-21-Z

CALENDAR NUMBER

4343 S. Forrestville Avenue

PREMISES AFFECTED

October 15, 2021

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is approved.

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

AFFIRMATIVE NEGATIVE ABSENT

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 4343 S.
FORRESTVILLE AVENUE BY MR. WILLIAM DODDS.**

I. BACKGROUND

Mr. William Dodds (the "Applicant") submitted a variation application for 4343 S. Forrestville Avenue (the "subject property"). The subject property is zoned RT-4. The subject property had been previously improved with a row house (the "former row house"). Although the former row house has been long demolished, portions of the party walls that connected the former row house to the existing row homes at the adjacent properties of 4341 S. Forrestville and 4345 S. Forrestville still remain¹. The Applicant proposed to construct a single-family home and detached garage (the "proposed home") on the subject property. As the portions of the party walls that remain are on the subject property's north and south property lines, they are unpermitted obstructions in the side setbacks of the subject property². Therefore, in order to permit any new construction on the subject property, a variation is required to reduce the side setbacks to zero (as the

¹ As can clearly be seen from the pictures and the plat of survey. At the hearing, there was great debate as to whether the portions of the party walls that remain were part of the adjacent homes at 4341 S. Forrestville or 4345 S. Forrestville (and were thus encroachments by Dr. Lana and Mr. Carter's row homes onto the subject property) or whether the party walls were part of the former row house (and thus belonged to the Applicant). However, ownership of the party walls is immaterial for zoning purposes. The fact that the remaining portions of the party walls are there at all (regardless of ownership) is what necessitates the variation.

² As they are over 6' in height and are more than 20% opaque.

remaining portions of the party walls are, again, on the subject property's north and south property lines). Consequently, in order to permit construction of the proposed home, the Applicant sought a variation to reduce: (1) the north side setback from 2' to 0'; (2) the south side setback from 2' to 0'; and (3) the combined side yard setback from 4' to 0'.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing³ on the Applicant's variation application at its regular meeting held on October 15, 2021⁴, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune* and as continued without further notice as provided under Section 17-13-0108-A. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant submitted its proposed Findings of Fact. The Applicant Mr. William Dodd and his attorney Mr. John Pikarski were present. The Applicant's architect Ms. Andrea Borromeo was present. Mr. Roger Carter, of 4341 S. Forrestville Ave., and Dr. Valentina Lana, of 4345 S. Forrestville Ave., were present and opposed the application. Their attorney Mr. Eliot Wiczer was present. Prior to the hearing, Mr. Wiczer had submitted a letter to the ZONING BOARD OF APPEALS. The Assistant Zoning Administrator Mr. Steven Valenziano was present.

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

The Applicant Mr. William Dodds offered testimony in support of the application.

The Applicant offered the testimony of his architect Ms. Andrea Borromeo in support of the application.

Mr. Wiczer cross-examined Ms. Borromeo, and Ms. Borromeo offered further testimony.

Mr. Wiczer cross-examined Mr. Dodds, and Mr. Dodds offered further testimony.

Mr. Pikarski made a closing statement.

Ms. Borromeo then offered further testimony.

In response questions from the ZONING BOARD OF APPEALS, Mr. Wiczer conceded that Mr. Carter and Dr. Lana were aware of the party walls when they purchased their respective properties.

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

⁴ The application was briefly heard on September 17, 2021. However, the application was continued so that Dr. Lana could retain counsel. Further, Mr. Carter was not present. As such, the ZONING BOARD OF APPEALS finds that October 15, 2021 is the relevant hearing date for this application.

The Assistant Zoning Administrator Mr. Steven Valenziano offered testimony.

B. Criteria for a Variation

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

Pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance, in order to determine that practical difficulties or particular hardships exist, the ZONING BOARD 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 and Mr. Wiczer's letter, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for variation pursuant to Section 17-13-1107-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 the photographs and from the plat of survey, the subject property is improved with portions of party walls from the former row house. The party wall on the north side of the subject property is almost entirely intact and runs the length of the subject property. Only a small 5.25' x .40' portion of the party walls on the south side of the subject property remains. As Mr. Valenziano very credibly testified, when row houses are demolished, party walls (or portions of party walls) often cannot be removed without damaging the walls of the remaining row homes. In the instant case, as portions of the party walls were not removed when the prior row home was demolished, these portions clearly remain to ensure the structural integrity of the walls of the existing row houses at 4341 S. Forrestville Ave and 4345 S. Forrestville Ave.

However, because these portions of the party walls are on the subject property's north and south property lines, no building permit can be issued for the subject property unless and until a variation is granted to reduce the north, south and combined yard setbacks to 0'. This is clear from the Zoning Administrator's denial of zoning certification⁵, and Mr. Valenziano's very credible testimony that such denial was calculated because the portions of the party walls are already at 0' side setbacks. Thus, without the requested variation, nothing can ever be built on the subject property, and the property would remain (with the exception of the remaining portions of the party walls) vacant and unused. As such, 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.

Further, even if portions of the remaining party walls did not exist on the subject property, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would still create practical difficulties for the subject property due to the subject property's 20' lot width. As Ms. Borromeo credibly testified, if the Applicant provided the required 2' on both the north and south side setbacks, this would allow only for a home with a 14' wide interior. Such a home would not be livable and would not pass Chicago building codes.

⁵ As a reminder, without a zoning certificate, no building permit can be issued. See Section 17-13-1300 of the Chicago Zoning Ordinance.

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 vacant lot to be improved with a brand new home; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance by allowing brand new construction on what is – for all intents and purposes – a vacant lot; (3) protecting the character of the established residential neighborhood pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance by ensuring that subject property is improved with a home that matches the character of the row houses on this side of S. Forrestville (i.e., the row houses at 4329, 4331, 4333, 4335, 4337, 4339, 4341 and 4345 S. Forrestville); (4) promoting orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance by allowing a vacant lot between two row homes to be improved with a new home that will match the character of the remaining row houses on this side of S. Forrestville; (5) ensuring adequate light, air, privacy and access to property pursuant to Section 17-1-0509 by providing (as can be seen by comparing the plans and drawings with the photographs and survey) new construction that is sensitive to the adjacent properties; 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 and Mr. Wiczer's letter, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for variation pursuant to Section 17-13-1107-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.*

As set forth above, no building permit for the subject property can be issued unless and until a variation is granted that legalizes the remains of the existing party walls on the subject property. Therefore, without the requested variation, the subject property would remain – for all intents and purposes – vacant. The ZONING BOARD OF APPEALS finds such vacancy renders the subject property unable to realize a reasonable return. After all, the subject property is located in a well-developed residential neighborhood and is – in fact – the only unimproved property between 4329 and 4345 S. Forrestville. Moreover, even if the remains of

the existing party walls did not require the Applicant to reduce the north, south and combined side setbacks to 0', the 20' lot width would still require some form of zoning relief because even if the Applicant had the entirety of the 20' lot width to work with, this would allow only for a 14' wide home which, as Ms. Borromeo very credibly testified, would not meet the requirements of the City's building codes.

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 stem from the fact that the subject property was improved with the former row house and portions of the remaining party walls of the former row house still exist on the subject property. These are unique circumstances that are not generally applicable to vacant residential property in the City. Further, even if the portions of the party walls did not exist, the subject property's lot width of 20' is also a practical difficulty or particular hardship as it is a unique circumstance (as most lots in the City are either 24' or 25' wide) and not generally applicable to other vacant residential property.

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

As can be seen from Mr. Dodds' testimony, Ms. Borromeo's testimony and by comparing the photographs of the neighborhood and the plats of survey with the proposed home's plans and drawings, the variation, if granted, will not alter the essential character of the neighborhood. On the contrary, the ZONING BOARD OF APPEALS finds that as the variation will allow for the subject property to be developed in a manner that architecturally respects and is consistent with the remaining row houses at 4329, 4331, 4333, 4335, 4337, 4339, 4341 and 4345 S. Forrestville, the variation, if granted, will protect the essential character of the neighborhood.

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

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

The shape of the subject property – that is, its narrow 20’ width – and the particular topographical condition of the subject property – that is, the fact that portions of the remaining party walls of the prior row house still exist on the subject property’s side property lines – result in particular hardship upon the Applicant. If the strict letter of the Chicago Zoning Ordinance were carried out, the Applicant would be limited to a vacant lot (as no new construction could be erected since no building permit could be issued). Such a result is far more than a mere inconvenience as a vacant lot is not the highest and best use of the property, does not fit within the character of the neighborhood (especially this block of row houses) and does not allow the subject property to realize a reasonable return.

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 fact that the subject property was improved with the former row house and that portions of the party walls of the former row house still remain on the subject property are conditions not applicable, generally, to other property within the RT-4 zoning classification. The ZONING BOARD OF APPEALS further finds that the fact that the subject property is only 20’ wide is also not a condition applicable, generally, to other property within the RT-4 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. Although the variation requested is required to build any new construction on the subject property, the Applicant proposes (as can be seen from the plans and drawings) to construct only a modest single-family home that contextually fits with the rest of the row homes on this side of S. Forrestville. The Applicant further proposes that he and his family will live on the subject property.

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

The Applicant did not create the remaining portions of the party walls. The Applicant also did not create the 20’ lot width. Both are conditions inherited from the former row house which the Applicant also did not create.

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. As can be seen by comparing the proposed home's plans and drawings with photographs of the neighborhood, the proposed home will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. Further, as Ms. Borremeo very credibly testified, the Applicant will ensure that proposed home is built on L-shaped footings so that it will not impede on the improvements of the adjacent properties.

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 very credible testimony Mr. Dodds and Ms. Borromeo and from comparing the plans and drawings with the plat of survey and the photographs, the proposed home will not impair an adequate supply of light and air to adjacent properties. As the variation will allow the Applicant to provide all required on-site parking, the proposed variation will not substantially increase congestion in the public streets. As the proposed home will not be constructed unless and until the Applicant has received valid building permits, the variation will not increase the danger of fire or endanger the public safety. Finally, as the variation will allow for all new construction what is – for all intents and purposes – a vacant lot, the variation will not substantially diminish or impair property values within the neighborhood.

IV. CONCLUSION

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

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

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/24, 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



JAN 24 2022

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Zach Shaw

APPLICANT

404-21-Z
CALENDAR NUMBER

5544 S. Woodlawn Avenue

PREMISES AFFECTED

September 17, 2021

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the
variation is denied.

Timothy Knudsen,
Chairman
Ann MacDonald (Alt.)
Brian Sanchez
Jolene Saul
Sam Toia

AFFIRMATIVE NEGATIVE ABSENT

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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 5544 S
WOODLAWN AVENUE BY ZACH SHAW.**

I. BACKGROUND

Mr. Zach Shaw (the "Applicant") submitted a variation application for 5544 S. Woodlawn Avenue (the "subject property"). The subject property is currently zoned RS-3 and is currently improved with a single-family home (the "home"). The Applicant purchased the home in 2015. The Applicant proposed to construct a one-story, two-car tandem garage at the rear of the subject property (the "proposed garage"). The Applicant further proposed to connect the proposed garage to the home by means of an underground passageway (the "proposed connector"). In order to permit the proposed connector, the Applicant sought a variation to reduce: (1) the rear setback from the required 50' to 2'; and (2) the south side setback from the required 4' to 2' (north to be 29.92' and the combined side yard setback to be 31.92').

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing¹ on the Applicant's variation use application at its regular meeting on September 17, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted his proposed Findings of Facts. The Applicant Mr. Zach Shaw and the Applicant's attorney Mr. John Pikarski were present. The Applicant's architect Mr. Ron Elkins 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. March 22, 2021)².

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

The Applicant Mr. Zach Shaw offered testimony in support of the application.

The Applicant offered the testimony of his architect Mr. Ron Elkins in support of the application.

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

B. Criteria for a Variation

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

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

Pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance, in making its determination of whether practical difficulties or particular hardships exist, the ZONING BOARD OF APPEALS must take into consideration the extent to which evidence has been submitted substantiating the following facts: (1) the particular physical

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

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

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 not create practical difficulties or particular hardships for the subject property.*

The ZONING BOARD OF APPEALS fails to see how strict compliance with the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. The only purpose for this variation is to allow for the proposed connector. The Applicant argued that the proposed connector is necessary for safety. However, the ZONING BOARD OF APPEALS declines to find that safety is a practical difficulty or particular hardship *to the subject property*. It is up to the Applicant to prove his case. The Applicant provided no credible evidence to show that this particular property has any concerns with safety. General, conclusory assertions regarding crime are not specific to this particular property.³ Anecdotal evidence regarding a car-jacking down the street⁴ is not specific to this particular property. Further, the Applicant's speculative arguments regarding bad weather creating problems for his wife (due to her profession) and his mother and his mother-in-law (due to their ages) are not practical difficulties and particular hardships⁵.

³ The ZONING BOARD OF APPEALS takes judicial notice of the fact that crime can happen anywhere in the City of Chicago.

⁴ The ZONING BOARD OF APPEALS takes judicial notice of the fact that car-jackings can happen anywhere in the City of Chicago.

⁵ As a reminder, a "particular hardship" does not mean one that is self-imposed, or that a piece of property is better adapted for a forbidden use than for one which is permitted or that a variation would be to the owner's profit or advantage or convenience." *River Forest State Bank & Trust Co. v. Zoning Bd. of Appeals of Maywood*, 34 Ill.App.2d 412, 419 (1st Dist. 1961). This variation is solely for the Applicant's convenience.

Indeed, to the extent that any problems for his wife, his mother and his mother-in-law do actually occur because of bad weather, these problems are personal to the property owner and not to this particular property.⁶

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

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

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

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

It is clear that the subject property can yield a reasonable return if permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance. The ZONING BOARD OF APPEALS notes that the Applicant purchased the subject property in 2015 for \$1.7 million without the requested variation.

To the extent that the Applicant argued that reasonable return was not financial in this instance but was instead livability of the subject property, the ZONING BOARD OF APPEALS finds that the subject property is livable without the requested variation. Indeed, the Applicant purchased the subject property without the requested variation. The Applicant provided no credible evidence that this particular property is so uniquely targeted by crime that the requested variation is necessary. Further, although the Applicant argued at the hearing that his mother and his mother-in-law

⁶ *Karasik v. City of Highland Park*, 130 Ill.App.2d 566 (2d Dist. 1970).

needed the variation because he was afraid they would fall on the icy driveway during the winter months, the Applicant's architect testified that the driveway to the proposed garage would be heated. Similarly, any arguments regarding the Applicant's wife having to dig her car out of the snow during the winter months are negated by both the heated driveway and the proposed garage.

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

The ZONING BOARD OF APPEALS declines to find safety and the weather unique circumstances. Crime occurs all throughout the City of Chicago. Likewise, ice and snow occur all throughout the City of Chicago.

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

The ZONING BOARD OF APPEALS finds that the Applicant failed to prove that the variation will not alter the essential character of the neighborhood. Simply because the variation will not be visible from the street does not mean that the variation will not alter the essential character of the neighborhood.

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

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

Nothing about the particular physical surroundings, shape or topographical condition of the subject property results in hardship to the Applicant. The Applicant argued that the subject property is deeper than a standard City of Chicago lot. However, as the Chicago Zoning Ordinance does not allow a detached garage to be attached to a home via an underground passageway without a variation, the ZONING BOARD OF APPEALS fails to see how a deeper than average lot depth is a particular hardship to the Applicant in this instance. Having to strictly comply with the Chicago Zoning Ordinance in this instance means that the Applicant and his family will need to traverse above ground and outside from the home to the proposed garage. The ZONING BOARD OF APPEALS finds this to be, at most, a mere inconvenience.

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

As discussed above, the reasons given for the Applicant's request for variation are crime and the weather. The ZONING BOARD OF APPEALS finds that such conditions are applicable, generally, to every other property within the RS-3 zoning classification.

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

The Applicant has no intention of selling the subject property but plans to live there for the immediate future. Further, the purpose of the variation is to allow the Applicant to improve the subject property according to his family's preferences. Thus, the ZONING BOARD OF APPEALS finds that the variation is not based exclusively upon a desire to make more money out of the subject property.

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

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or a particular hardship. To the extent that there exists a practical difficulty or particular hardship in relation to the construction of the proposed connector, such practical difficulty or particular hardship is attributable solely to the Applicant's desire as the Applicant has chosen to construct an underground connection between the home and the proposed garage.

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

It is up to the Applicant to prove his case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. The Applicant provided no credible evidence as to this criterion. The Applicant argued in his proposed Findings of Fact that the variation would not be determinantal because it would not be visible. However, simply because the proposed variation cannot be seen does not mean that the proposed variation will not be detrimental to the public welfare. Indeed, the ZONING BOARD OF APPEALS notes that as the variation will allow for a below grade connection, it could negatively impact water drainage in the neighborhood.

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

As the variation will allow for an underground connection between the home and the proposed garage, the variation will not impair an adequate supply of light and air to adjacent property. Similarly, the variation will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety. However, aside from a bare conclusory allegation, the record is bereft of any evidence to support the Applicant's contention that the variation will not substantially diminish or impair property values. As such, the ZONING BOARD OF APPEALS finds that there is insufficient evidence to show that the variation will not substantially diminish or impair property values.

IV. CONCLUSION

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

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

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the mail on 1/24, 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



NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Henry Tam

APPLICANT

405-21-Z & 406-21-Z
CALENDAR NUMBERS

3146 S. Shields Avenue

PREMISES AFFECTED

September 17, 2021

HEARING DATE

ACTION OF BOARD

THE VOTE

The applications for the variations are approved.

AFFIRMATIVE NEGATIVE ABSENT

Timothy Knudsen,
Chairman
Ann MacDonald (Alt.)
Brian Sanchez
Jolene Saul
Sam Toia

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 3146 S.
SHIELDS AVENUE BY HENRY TAM.**

I. BACKGROUND

Mr. Henry Tam (the "Applicant") submitted two variation applications for 3146 S. Shields Avenue (the "subject property"). The subject property is a through lot¹ and is zoned RT-4. It is currently improved with a substandard frame building (the "current improvements"). The Applicant proposed to raze the current improvements to construct a three-story, three dwelling unit building (the "proposed building"). In order to permit the proposed building, the Applicant sought the following variations to reduce: (1) the front setback² on Stewart Avenue from the required 15' to 0' and the required parking setback from the front property line on Stewart Avenue to prevent obstruction of the sidewalk by parked cars from 20' to 0'; and (2) the north unobstructed open space³ from 5' to 2' and the south side unobstructed open space from 5' to 3'.

II. PUBLIC HEARING

A. The Hearing

¹ Section 17-17-02177 of the Chicago Zoning Ordinance.

² Section 17-2-0309-C of the Chicago Zoning Ordinance.

³ *Id.*

The ZONING BOARD OF APPEALS held a remote public hearing⁴ on the Applicant's variation applications at its regular meeting held on September 17, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant submitted its proposed Findings of Fact. The Applicant Mr. Henry Tam and his attorney Mr. John Pikarski were present. The Applicant's architect Mr. Steven Smutny was also present. Mr. Herman Moy and Ms. Kiran Moy were present. The alderman for the 11th ward Mr. Patrick Thompson (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. March 22, 2021).

The Applicant's attorney Mr. John Pikarski presented a brief overview of the Applicant's applications.

The Applicant Mr. Henry Tam offered testimony in support of the applications.

The Applicant offered the testimony of his architect Mr. Steven Smutny in support of the applications.

Mr. Herman Moy, of 3514 S. Parnell and owner of 3150 S. Shields, questioned the Applicant; in particular, he questioned if the Applicant was requesting to reduce the south side unobstructed open space from 5' to 0'. He testified that if this was indeed the case, he was in objection as it would harm his building at 3150 S. Shields.

Mr. Smutny testified that the Applicant was only requesting to reduce the south side unobstructed open space from 5' to 3' and that, in consequence, there would be 3' separation between the proposed building and Mr. Moy's building.

Mr. Moy then testified that said 3' separation was fine.

The Alderman offered testimony in support of 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

⁴ In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.*

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 Applicants' 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 can be seen from the plat of survey, the subject property is a through lot; that is, it fronts both Stewart Avenue and Shields Avenue. As such, it has two front property lines. As the subject property is 125' in depth, it also has a requirement for unobstructed open space. Because of all these setback requirements, new construction on the subject property is incredibly difficult if not impossible. As such, 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 variations are consistent with the stated purpose and intent of the Chicago Zoning Ordinance.*

The requested variations will allow for the proposed building to be constructed on the subject property. As such, the requested 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 by allowing an underdeveloped lot to be improved with a brand new three-dwelling unit building; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance by allowing brand new construction on the subject property; (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 building matches the other buildings on this block of North Shields; (4) ensuring adequate light, air, privacy and access to property pursuant to Section 17-1-0509 by ensuring that there is adequate separation between the proposed building and the improvements on the adjacent properties; and (5) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance by allowing the proposed building.

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

As can be seen from the plat of survey and photographs, the subject property is currently improved with a substandard frame building built into the rear of the lot. This is not in line with either the zoning district or the block face. Consequently, the Applicant proposes to demolish the current improvements and erect the proposed building. However, due to the fact that the subject property is a through lot, without the requested variations, the Applicant would not be able to build anything on the property as the Applicant would not be able to provide the required off-street parking. Further, the Applicant would not be able to provide a wide enough building to be habitable. As such, if the subject property were permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance, the subject property could not 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 particular hardships facing the subject property, that is: its through lot nature and the fact that it is surrounded by primarily three-dwelling unit buildings that front North Shields are unique circumstances that are not generally applicable to other property purchased for redevelopment.

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 proposed building's plans and drawings, the variations, if granted, will not alter the essential character of the neighborhood. On the contrary, the ZONING BOARD OF APPEALS finds that the variations requested will preserve the essential character of the neighborhood as the proposed building will be much more in character with the other buildings on the block than the current improvements.

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.*

The particular physical surroundings (that is, the subject property's location in a block of primarily three-dwelling unit buildings and its through lot nature) of the subject property would result in particular hardship upon the Applicant. If the strict letter of the Chicago Zoning Ordinance were carried out, the Applicant would either be limited to the substandard current improvements on the subject property or if the current improvements were demolished, a vacant lot (as no new construction could be erected since the on-site parking requirement could not be fulfilled). Such a result is far more than a mere inconvenience as neither the current improvements nor a vacant lot is the highest and best use of the property, fits within the character of the neighborhood or makes the subject property able to realize a reasonable return.

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 subject property's location in a block of primarily three-dwelling unit buildings and its through lot nature 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 variations are not based exclusively upon a desire to make more money out of the subject property. Instead, the variations are requested so that the subject property can be improved in a manner consistent with the surrounding area.

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

The Applicant did not create the subject property's through lot nature. Nor did the Applicant create the neighborhood condition of primarily three-dwelling unit buildings.

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

The variations will allow the Applicant to construct the proposed building. As can be seen by comparing the proposed building's plans and drawings with photographs of the neighborhood, the proposed building will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. On the contrary, as the proposed building will replace the substandard current improvements with all new brick construction, it will be beneficial to the public welfare and other property 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.*

The variations will allow the Applicant to construct the proposed building. As can be seen from the plans and drawings, the proposed building will not impair an adequate supply of light and air to adjacent properties. In particular, the proposed building will be set 3' feet from south property line and 2' feet from the north property line. The ZONING BOARD OF APPEALS find that this provides ample space between the proposed building and the adjacent properties. The proposed building will have a one-to-one dwelling unit to parking space ratio so it will not substantially increase congestion in the public streets. As the proposed

building will not be constructed unless and until the Applicants have received valid building permits, the variations will not increase the danger of fire or endanger the public safety. Finally, as the variations will allow for all new brick construction (as opposed to the current substandard frame improvements), the variations will not substantially diminish or impair property values within the neighborhood.

IV. CONCLUSION

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

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

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

APPROVED AS TO SUBSTANCE

By: 

Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.


Janine Klich-Jensen

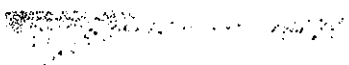
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: Alejandra Arevalo **CAL. NO.:** 407-21-Z
APPEARANCE FOR: Warren Silver **MINUTES OF MEETING:**
September 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6341 W. Henderson Street

NATURE OF REQUEST: Application for a variation to reduce the west side setback from the required 2.17' to 1.15' (east side setback will be 2.86'), combined side yard setback from 5.43' to 4.01' for a proposed third story addition for the existing two-story, single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE



OCT 18 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

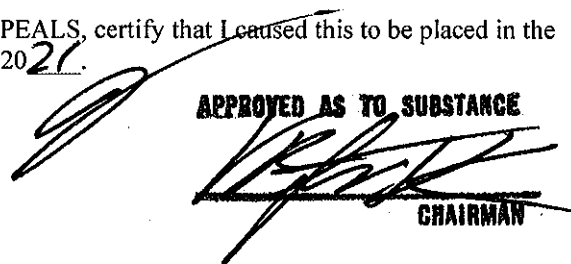
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the west side setback to 1.15' (east side setback will be 2.86'), combined side yard setback to 4.01' for a proposed third story addition for the existing two-story, single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE

 CHAIRMAN


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

APPLICANT: MG19 Salon Suites, LTD Cal. No.408-21-S
APPEARANCE FOR: Patrick Turner **MINUTES OF MEETING:**
September 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3240 W. 111th Street

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE



TIMOTHY R. KNUDSEN
 ANN MACDONALD
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

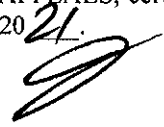
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

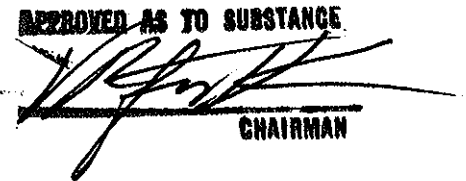
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair salon; expert testimony was offered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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.



APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Chicago Youth Centers

Cal. No.409-21-S

APPEARANCE FOR: Talar Berberion

MINUTES OF MEETING:
September 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 9207 S. Phillips Avenue

NATURE OF REQUEST: Application for a special use to convert a 14,300 square foot, one-story school to a community center.

ACTION OF BOARD – Continued to November 19, 2021

THE VOTE

OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
RECUSED		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Chicago Youth Centers
APPEARANCE FOR: Talar Berberian
APPEARANCE AGAINST: None
PREMISES AFFECTED: 9207 S. Phillips Avenue

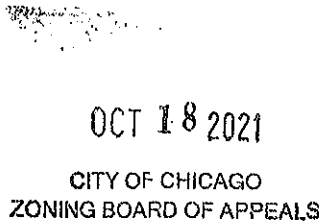
CAL. NO.: 410-21-Z

MINUTES OF MEETING:
September 17, 2021

NATURE OF REQUEST: Application for a variation to reduce the interior landscape from 1,100 square feet to around 650 square feet and to reduce interior trees from 9 to 2, reduce the landscape setback from 7' to 5' and to eliminate setback trees (30" h shrubs 3' o.c. to be planted only and ornamental metal fence to be installed at required landscape setback) for the proposed community center with existing on-site parking.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE


 OCT 18 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ANN MACDONALD
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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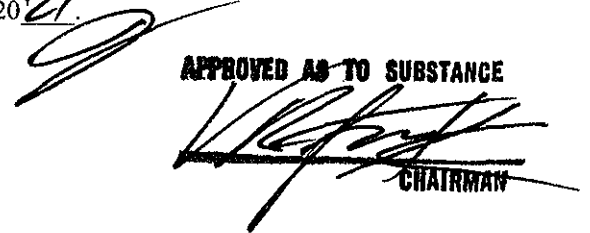
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the interior landscape to around 650 square feet and to reduce interior trees to 2, reduce the landscape setback to 5' and to eliminate setback trees (30" h shrubs 3' o.c. to be planted only and ornamental metal fence to be installed at required landscape setback) for the proposed community center with existing on-site parking; a special use related to the subject address was continued to November 19, 2021 in Cal. No. 409-21-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.


APPROVED AS TO SUBSTANCE
CHAIRMAN

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

APPLICANT: Cicero Food Mart, Inc. Cal. No.203-21-S

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

September 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2734-58 N. Cicero Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a gas station with an accessory car wash, convenience store and retail 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 (1) the special use is issued solely to the applicant, Cicero Food Mart, Inc.; (2) the development is consistent with the design and layout of the site and landscape plans dated August 24, 2021, prepared Watermark Engineering Resources, and the floor plans and elevations dated July 15, 2021, prepared by Ghulam Kamal/Lucid Engineering Services Group; (3) additional details are incorporation into the east and south facades of the convenience store building prior to issuance of a building permit; and (4) the flood lights are removed from the west building façade.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 1326 West George Street, LLC Cal. No.262-21-S
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
APPEARANCE AGAINST: None September 17, 2021
PREMISES AFFECTED: 1326 W. George Street

NATURE OF REQUEST: Application for a special use to expand an existing ground floor dwelling unit in an existing three-story, four dwelling unit building.

ACTION OF BOARD – APPLICATION WITHDRAWN

THE VOTE

OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 1326 West George Street, LLC

CAL. NO.: 263-21-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
September 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1326 W. George Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 28' for a three-story addition for the existing three-story, four dwelling unit building.

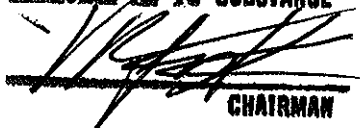
ACTION OF BOARD - VARIATION WITHDRAWN

THE VOTE

OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Guaranteed Investments, Inc. Cal. No.274-21-S

APPEARANCE FOR: Caryn Shaw **MINUTES OF MEETING:**

September 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7401 S. State Street

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

ACTION OF BOARD – Continued to December 17, 2021

THE VOTE

OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Tyffanni Bickhem, Exotic Beauty Spa. Inc. Cal. No.285-21-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
September 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2439 W. Lithuania Plaza

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE



TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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THE RESOLUTION:

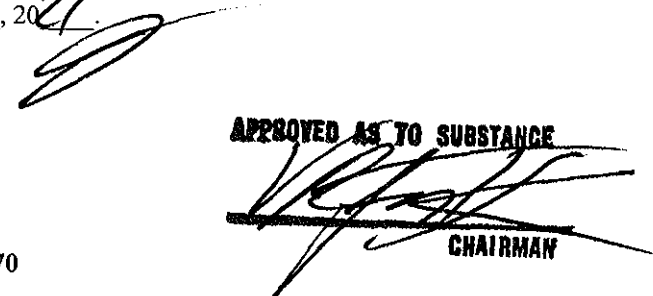
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.


APPROVED AS TO SUBSTANCE
CHAIRMAN

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

APPLICANT: Lakeside Bank, an Illinois Banking Corporation Cal. No.302-21-S
APPEARANCE FOR: Paul Kolpak **MINUTES OF MEETING:**
APPEARANCE AGAINST: None September 17, 2021
PREMISES AFFECTED: 2800 N. Ashland Avenue

NATURE OF REQUEST: Application for a special use to establish a drive through facility to serve an existing bank that is being increased to accommodate proposed parking.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

OCT 18 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ANN MACDONALD
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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RECUSED		
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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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a drive through facility to serve an existing bank that is being increased to accommodate proposed parking; 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, Lakeside Bank, an Illinois Banking Corporation, and the development is consistent with the design and layout of the plans and drawings dated July 20, 2021, prepared Pappageorge Haymes Partners.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Community United Development Group, LLC Cal. No.305-21-S

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
September 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6700 S. Halsted Street

NATURE OF REQUEST: Application for a special use to establish a gas station.

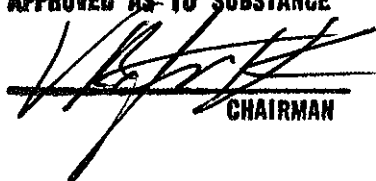
ACTION OF BOARD – Continued to November 19, 2021

THE VOTE

OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
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X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Community United Development Group, LLC

CAL. NO.: 306-21-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
September 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6700 S. Halsted Street

NATURE OF REQUEST: Application for a variation to reduce the minimum required lot area from 20,000 square feet to 15,299 square feet for a proposed gas station.

ACTION OF BOARD – November 19, 2021

THE VOTE

OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Waldo Cooney, Inc. dba Waldo Cooney's Pizza Cal. No.308-21-S

APPEARANCE FOR: Mark Kupiec / Agnes Plecka

MINUTES OF MEETING:
September 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2408 W. 111th Street

NATURE OF REQUEST: Application for a special use to establish a single lane drive-through to serve an existing restaurant.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

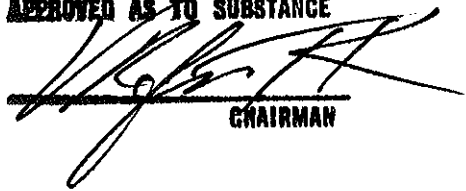
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: the applicant shall be permitted to establish a single lane drive-through to serve an existing restaurant; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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, Waldo Cooney, Inc. dba Waldo Cooney's Pizza and the development is consistent with the site/floor plan, dated July 28, 2021, and elevations dated April 8, 2021, prepared by Ridgeland Associates, Inc.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/13, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: GRO Community NFP Cal. No.310-21-S
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
APPEARANCE AGAINST: None September 17, 2021
PREMISES AFFECTED: 221 W. 109th Street

NATURE OF REQUEST: Application for a special use to establish a transitional residence within an existing one-story building and rear two-story building.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

OCT 18 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ANN MACDONALD
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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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 September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a transitional residence within an existing one-story building and rear two-story building; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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, GRO Community NFP; the development is consistent with the design and layout of the plans and drawings dated September 13, 2021, prepared by Gary L. Matthews, Licensed Architect; the facility is utilized as transitional housing and treatment exclusively for adult males recuperating from drug and alcohol addiction; there are no more than eight adult male residents at any time; a minimum 5 ft. high solid wood fence is installed along the side property lines; and the final linkage agreement with the Department of Corrections is provided prior to the issuance of any building permits.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Pit Stop Tavern, LLC

Cal. No.320-21-S

APPEARANCE FOR: Tamara Walker

MINUTES OF MEETING:
September 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 902 W. 119th Street

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

OCT 18 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ANN MACDONALD
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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THE RESOLUTION:

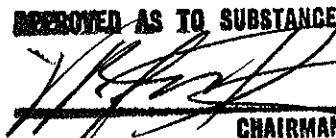
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a tavern; 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, Pit Stop Tavern, LLC; the development is consistent with the design and layout of the plans and drawings dated August 1, 2021, prepared by Brian McNichols Architect; and the tavern exclusively operates within the ground floor commercial space and does not operate outside the building.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 10/18, 2021

APPROVED AS TO SUBSTANCE

CHAIRMAN