

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

MINUTES OF MEETING:

November 18, 2022

Cal. No. 464-21-S

The Applicant Nigerian Islamic Assoc. of USA, Inc. presented a written request for an extension of time in which to establish a religious assembly with an accessory community center in an existing building at the subject property 8561 S. South Chicago Avenue. The special use was approved on November 19, 2021 in Cal. No. 464-21-S.

The Applicant's representative, Nicholas Ftikas stated that the Applicant was working to meet its financing commitment for this project. The Applicant has now retained an architect who is scheduled to begin the permit submittal for the two (2) subject properties and this request for an extension is necessary to ensure the permit submittal and review process remain timely.

Acting Chairman Sanchez moved the request be granted and the time for obtaining the necessary permits be extended to December 21, 2023.

THE VOTE

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

MINUTES OF MEETING:

November 18, 2022

Cal. No. 465-21-S

The Applicant Nigerian Islamic Assoc. of USA, Inc. presented a written request for an extension of time in which to establish an off-site accessory parking lot at the subject property at 8550 S. South Chicago Avenue to satisfy the required thirty-seven parking spaces to serve a proposed religious assembly at 8561 S. South Chicago Avenue. The special use was approved on September 17, 2021 in Cal. No. 465-21-S.

The Applicant's representative, Nicholas Ftikas stated that the Applicant was working to meet its financing commitment for this project. The Applicant has now retained an architect who is scheduled to begin the permit submittal for the two (2) subject properties and this request for an extension is necessary to ensure the permit submittal and review process remain timely.

Acting Chairman Sanchez moved the request be granted and the time for obtaining the necessary permits be extended to December 21, 2023.

THE VOTE

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

APPROVED

CHAIRMAN

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

MINUTES OF MEETING:

November 18, 2022

Cal. No. 466-21-S

The Applicant Nigerian Islamic Assoc. of USA, Inc. presented a written request for an extension of time in which to establish a fifty-six space non-accessory parking lot at the subject property 8550 S. South Chicago. The special use was approved on September 17, 2021 in Cal. No. 466-21-S.

The Applicant's representative, Nicholas Ftikas stated that the Applicant was working to meet its financing commitment for this project. The Applicant has now retained an architect who is scheduled to begin the permit submittal for the two (2) subject properties and this request for an extension is necessary to ensure the permit submittal and review process remain timely.

Acting Chairman Sanchez moved the request be granted and the time for obtaining the necessary permits be extended to December 21, 2023.

THE VOTE

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



ZBA

JAN 23 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

GWENDOLYN BOHANNON
APPLICANT

404-22-Z and 405-22-Z
CALENDAR NUMBERS

2711 & 2717 EAST 92ND STREET
PREMISES AFFECTED

November 18, 2022
HEARING DATE

ACTION OF BOARD	THE VOTE	AFFIRMATIVE	NEGATIVE	ABSENT
The applications for variation are DENIED .	Brian Sanchez, Acting Chairman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 2711 EAST
92ND STREET AND 2711 EAST 92ND STREET BY GWENDOLYN
BOHANNON.**

I. SUMMARY

Gwendolyn Bohannon (the "Applicant") proposed to operate a banquet/meeting hall within a one-story existing building located at 2717 E. 92nd Street. In order to obtain licensing for such banquet/meeting hall, she required two variations: (1) a variation for a public place of amusement license ("PPA") at 2717 E. 92nd Street; and (2) a variation to allow for off-site parking at the currently vacant lot located at 2711 E. 92nd Street (2711 E. 92nd Street and 2717 E. 92nd Street, collectively, the "subject property"). The ZONING BOARD OF APPEALS held a public hearing on the Applicant's applications. At the public hearing, the Applicant and her engineer presented the Applicant's applications for variations to the Zoning Board of Appeals. Objections to these applications were made by neighbors of the subject property, the 7th Ward alderman, and a sergeant with the Chicago Police Department. At the conclusion of the public hearing, the ZONING BOARD OF APPEALS denied the applications.

II. APPLICATION BACKGROUND

The subject property is zoned B3-1. In a B3-1 zoning district, establishments that require a PPA under Article III of Chapter 4-156 of Municipal Code of Chicago (i.e., the Applicant's proposed banquet/meeting hall) may not be located within 125 feet of any RS-

1, RS-2 or R-S3 zoning district.¹ 2717 E. 92nd Street is located within 125 feet of a RS-3 zoning district. However, the ZONING BOARD OF APPEALS is authorized to grant a variation from this requirement.² Therefore, the Applicant submitted a variation application for a PPA at 2717 E. 92nd Street. The Applicant's proposed banquet/meeting hall required more accessory parking than could be provided on-site. In B3-1 zoning districts, all required accessory parking must be located on the same zoning lot as the building or use. However, when – as here – the distance between the nearest off-site accessory parking use and the entrance to the use to be served by such parking does not exceed 100 feet and the proposed off-site accessory parking is not located in a R or DR zoning district,³ the ZONING BOARD OF APPEALS is authorized to grant a variation from this requirement.⁴ As such, the Applicant submitted a second variation application to establish a six-stall parking lot at 2711 E. 9nd Street. Such parking lot would serve the proposed banquet/meeting hall use at 2711 E. 92nd Street and is currently owned by the church located at 2715 E. 92nd Street.

III. PUBLIC HEARING

In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted her proposed Findings of Fact. The ZONING BOARD OF APPEALS held a remote public hearing⁵ on the Applicant's special use and variation applications at its regular meeting held on Friday, November 18, 2022. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. The following people participated in the hearing:

Testimony in Support of the Variations

- The Applicant provided sworn testimony, including the following: that proposed variations were needed to properly run her banquet/meeting hall. She bought the building located at 2711 E. 92nd Street in 2007. She operated a banquet/meeting hall within the building from 2007 until 2021. The building was cited by the City for building code violations, and the City issued a cease-and-desist letter for operating the banquet/meeting hall without a PPA. She stated that once she received the cease-and-desist letter, she stopped operating the banquet/meeting hall. Most of the events she held at the building were baby showers, birthday parties, and repasts. She stated that she previously allowed caterers to supply alcohol at the location, but she would not allow any alcohol if she were awarded the PPA. She stated that the hours of the banquet/meeting hall would go no later than 11:00 PM, that the only music would be from a DJ, and that there were no cover charges. Security was not provided or required, but she would provide event

¹ Pursuant to Section 17-3-0301 of the Chicago Zoning Ordinance.

² Pursuant to Section 17-13-1101-M of the Chicago Zoning Ordinance.

³ Pursuant to Section 17-10-0603-A of the Chicago Zoning Ordinance.

⁴ Pursuant to Section 17-13-1101-A of the Chicago Zoning Ordinance.

⁵ In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.* The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021). 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. A video recording of the hearing is available at: https://youtu.be/A_GvltkAn-E.

security if she was awarded the variations. She further stated that she would provide 16 off-street parking spots⁶, and the maximum occupancy in not greater than 100.

- Olabode Beckley (engineer) of Beckley Engineering LLC, 343 Danielle Road, Matteson, IL 60443 provided sworn testimony, including the following: that there would be 12 off-street parking spaces and that everything would be fenced in, including the trash receptacles. He questioned any objector's claims of littering or increased violence because of the proposed banquet/meeting hall. He stated that the Applicant would provide security during hours of operation. Additionally, he stated that the Applicant's plans include landscaping and parkway tree planting.

Testimony in Objection to the Variations

- Sergeant Steven Carroll of the Chicago Police Department provided sworn testimony, including the following: the Applicant's banquet/meeting hall received a cease-and-desist after large, late-night gatherings. He stated that fliers to an event at the building were circulating and ended up getting forwarded from the City to the Chicago Police Department. He questioned if there would be event security if the PPA was approved and if the Applicant would grant the Chicago Police Department access to the building if 9-1-1 was called.
- Patricia Faulkner of 2648 E. 92nd Street, provided sworn testimony, including the following: that the private events at the location last beyond 11:00pm, that the off-street parking for the banquet/meeting hall is not enough for 100-person occupancy, that banquet/meeting hall patrons take up residential parking spaces, and that banquet/meeting hall patrons are loud, on occasion violent, they litter, drink alcohol, and loiter. She stated that the neighborhood is residential with senior housing. She also stated that even if the banquet/meeting hall closes earlier than 11:00pm, the banquet/meeting hall patrons hang out after the event is over. She stated that the neighbors wanted it to continue being "a nice, quiet neighborhood."
- Andre Pennix of 2645 E. 92nd Street, provided sworn testimony, including the following: that he agreed with Ms. Faulkner. He emphasized the increased public drinking, loitering, littering, and parking issues.
- Fredrick Lawrence of 2652 E. 92nd Street, provided sworn testimony, including the following: that he agreed to all the points made by Ms. Faulkner and Mr. Pennix. He also stated that in addition to the senior housing across the street, there is also an adult residential rehab center on the corner.
- Girija Javvaji of 2707 E. 92nd Street, provided sworn testimony, including the following: that there is trash around the building. He agreed with Ms. Faulkner, Mr. Pennix, and Mr. Lawrence. He also stated his concern with loitering at the back of the building and the back of the church located at 2715 E. 92nd Street.
- Dwayne Collins of 2655 E. 92nd Street, provided sworn testimony, including the following: that he was in agreement with Mr. Lawrence, Mr. Pennix, and Ms.

⁶ The Applicant was mistaken in this. Only twelve (12) spaces would be provided.

Faulkner. He emphasized that the banquet/meeting hall did not have adequate space and that the garbage and the loitering after 11:00pm is irritating.

- 7th Ward Alderman Greg Mitchell provided sworn testimony, including the following: that he agreed with the other objectors. He stated that to build a parking lot on the vacant lot at 2711 E. 92nd Street will cost \$30,000 to \$40,000. He stated that he would not support alley access to the parking lot and that CDOT standards would not allow for a curb cut to the parking lot off of 92nd Street. He stated that this neighborhood is primarily residential, and a PPA license would not be appropriate here. He stated that he was concerned with the way the Applicant has conducted business in the past. He stated that he would support a different type of business at that location, one that better suits the neighborhood.

At the conclusion of the hearing, the ZONING BOARD OF APPEALS took the matter under advisement.

IV. OVERVIEW OF CRITERIA

1. **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.

V. FINDINGS OF FACT

1. After careful consideration of the evidence, testimony and the entire record, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a variation pursuant to Sections 17-13-1107-A, B, and C of the Chicago Zoning Ordinance:

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

The ZONING BOARD OF APPEALS finds that strict compliance with the standards of the Chicago Zoning Ordinance would not create practical difficulties or particular hardships. Pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance, the ZONING BOARD OF APPEALS may only determine practical difficulties or hardships exist if the ZONING BOARD OF APPEALS finds evidence the variation will not alter the essential character of the neighborhood. In the instant case, the ZONING BOARD OF APPEALS finds that the essential character of the neighborhood is a quiet, residential neighborhood. As will be discussed in greater detail below, the ZONING BOARD OF APPEALS finds the proposed variations will alter this essential character.

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

The essential character of this neighborhood is a quiet, residential neighborhood. The only non-residential use in the neighborhood is a church. A banquet/meeting hall in this setting would alter the character of the neighborhood. Based on the testimony of the objectors and the Applicant, the Applicant had been operating her banquet/meeting hall without a license for the better part of a decade until she received a cease-and-desist order. At the hearing, neighbors complained about noise, loitering, and occasional violence at night. Even if these issues were not caused by the previously unlawful operation of the banquet/meeting hall, the ZONING BOARD OF APPEALS finds that approval of the variations would make these issues worse, especially as the Applicant plans to operate the banquet/meeting hall until 11:00pm. Furthermore, the granting of the variations would allow a parking lot in the middle of a residential street. Residents would be subjected to the noise and raucous behavior associated with people and their vehicles leaving the banquet/meeting hall in the late evening hours. This would be detrimental to the public welfare of the neighborhood. Taking all testimony into consideration the ZONING BOARD OF APPEALS finds that neither the proposed PPA nor the six-stall parking lot would fit with the essential character of the neighborhood.

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

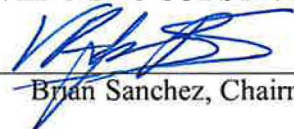
The ZONING BOARD OF APPEALS finds that the requested variations are inconsistent with the stated purpose and intent of the Chicago Zoning Ordinance. As established by the testimony of Ms. Faulkner, Mr. Pennix, Mr. Lawrence, Mr. Collins and the Alderman, the subject property is located in a quiet, residential neighborhood. As also established by the testimony of Ms. Faulkner, Ms. Pennix, Mr. Lawrence, Mr. Collins and the Alderman, the proposed variations will be detrimental to this quiet, residential neighborhood. As such, the propose variations are inconsistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) not promoting the public health, safety and general welfare pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance; (2) not preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance; (3) not protecting the character of established residential neighborhoods pursuant to Section 17-1-0503; and (4) not maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance.

CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS


1. **Variation.** For all the above reasons, the ZONING BOARD OF APPEALS finds that the Applicant has not 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 Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance.
2. The ZONING BOARD OF APPEALS hereby DENIES the Applicant's applications for variations.

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

APPROVED AS TO SUBSTANCE

By: 
Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 1/23, 2023.


Janine Klich-Jensen

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

APPLICANT: Jonathan Velez dba Johnlegendhands Barber Shop, LLC Cal. No.406-22-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1617 N. Ashland Avenue

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

ACTION OF BOARD – APPLICATION APPROVED



ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



ZBA

DEC 19 2022

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

High Hopes Chicago, LLC
APPLICANT

407-22-S
CALENDAR NUMBER

622-24 W. Roosevelt Road
PREMISES AFFECTED

November 18, 2022
HEARING DATE

ACTION OF BOARD

THE VOTE

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

Brian Sanchez, Acting
Chairman
Angela Brooks
Zurich Esposito
Sam Toia

AFFIRMATIVE NEGATIVE ABSENT

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 622-24 W.
ROOSEVELT ROAD BY HIGH HOPES CHICAGO, LLC.**

I. BACKGROUND

High Hopes Chicago, LLC (the "Applicant") submitted a special use application for 622-24 W. Roosevelt Road (the "subject property"). The subject property is currently zoned DS-3 and is improved with a three-story vacant building (the "building"). The Applicant proposed to establish an adult use cannabis dispensary in the building's basement and first floor. As such, the Applicant sought a special use to establish an adult use cannabis dispensary at the subject property. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Zoning Administrator") recommended approval of the proposed adult use cannabis dispensary provided that: (1) the special use was issued solely to the Applicant; (2) all on-site customer queuing occurred within the building; and (3) the development was consistent with the design and layout of the plans and documents dated November 3, 2022, prepared by MDT Architecture.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing¹ on the Applicant's special use application at its regular meeting on November 18, 2022, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Facts. The Applicant's manager Ms. Meesha Joy Pike and its attorney Mr. Rolando Acosta were present. Also present on behalf of the Applicant were its operations consultants Ms. Portia Mittons and Mr. James Straus, its project architect Mr. Patrick Thompson and its MAI certified real estate appraiser Mr. Peter Poulos. The statements and testimony given during the 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 manager Ms. Meesha Joy Pike offered testimony in support of the application.

The Applicant's operations consultant Ms. Portia Mittons offered testimony in support of the application.

The Applicant's operations consultant Mr. James Strauss offered testimony in support of the application.

The Applicant's project architect Mr. Patrick Thompson offered testimony in support of the application.

The Applicant's MAI certified real estate appraiser Mr. Peter Poulos offered testimony in support of the application.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Straus and Ms. Pike offered further testimony.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Acosta offered to make Ms. Pike one of the personal guarantors on the lease for the subject property.

B. Criteria for a Special Use for a Cannabis Business Establishment

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.

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

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

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 proposed special use is 500' or more from a school as required by Section 17-9-0129(3) of the Chicago Zoning Ordinance. The proposed special use complies with all bulk, density, off-street parking and loading requirements of the Chicago Zoning Ordinance. The subject property is located in a DS-3 zoning district. Adult use cannabis dispensaries are a special use in a DS-3 zoning district.² In other words, it is only the use of the subject property as an adult use cannabis dispensary that makes the proposed special use not meet all applicable standards of the Chicago Zoning Ordinance. The Applicant is seeking no other relief from the Chicago Zoning Ordinance. For the reasons set forth below, the ZONING BOARD OF APPEALS has decided to grant the special use. Because the ZONING BOARD OF APPEALS has decided to grant the special use to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards of the Chicago Zoning Ordinance.

² Pursuant to Section 17-4-0207-AAA(1) of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience as it will provide retail products that are in high demand. Further, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood. The ZONING BOARD OF APPEALS finds that while Ms. Pike does not have much experience running a dispensary, she is a certified cannabis and dispensary care specialist. Further, she has partnered with the Bridge City Collective to ensure that the proposed special use will operate smoothly and safely. The ZONING BOARD OF APPEALS finds that whether or not an adult use cannabis dispensary – as with all special uses that involve a controlled substance and cash – has a significant adverse impact on the general welfare of the neighborhood depends on the operation of the adult use cannabis dispensary. From Ms. Pike’s testimony with respect to the Applicant’s operations and Mr. Straus’ testimony with respect to the Applicant’s security protocols, the ZONING BOARD OF APPEALS finds that the proposed special use will be operated in such a manner that it will not have a significant adverse impact on the general welfare of the 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 located within the building. As can be seen from Mr. Poulos’ report, the building is compatible with the character of the surrounding area in terms of site planning and building scale. In terms of project design, the primary entrance will remain on Roosevelt Road, actively engaging the street frontage. Further, all deliveries will occur off the alley at the rear of the building. As such, the proposed special use is compatible with the character of the surrounding area in terms of 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.*

The subject property is located along a commercial corridor centered on West Roosevelt Road. This area contains a variety of larger retailers (Binny’s, Petco, Home Depot, Best Buy) as well as other smaller retails restaurant and service uses (CorePower Yoga, Sola Salons, Manny’s Restaurant). The Applicant’s proposed hours of operation are therefore compatible with nearby retail uses. On premises cannabis consumption is not allowed in the City of Chicago, and the Applicant’s plan of operations requires that all queuing will take place inside the building. This shall ensure there is no excess noise. The Applicant will provide an odor

absorbing ventilation and exhaust system that any cannabis odor generated inside the business is not detected outside (either on adjacent property or on public rights-of-way). The exterior of the building shall be well-lit for safety. As set forth in Mr. Poulos' report, traffic generation characteristics for the proposed special use are similar to other nearby uses. Further, the Applicant plans to use a pre-order option so that customers are efficiently served. Based on all this, the ZONING BOARD OF APPEALS, finds 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.*

The proposed special use will greatly enhance security of the subject property in the form of security cameras and trained on-site security personnel. This enhanced security will promote pedestrian safety and comfort. As the Applicant is committed to ensuring that there are no outdoor customer queuing lines, the Applicant's customers will not block sidewalks or otherwise obstruct the public way for pedestrians. All product deliveries will occur on-site and at the rear of the building. This will ensure the building's primary entrance is not overwhelmed by both customers and service deliveries. There are no additional curbcuts proposed by the special use; therefore, there will be no interaction between vehicular traffic generated by the special use and pedestrians. Given the foregoing, 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, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-G of the Chicago Zoning Ordinance:

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

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 and 17-13-0905-G of 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:

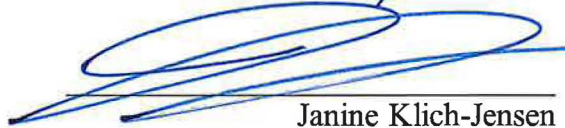
1. The special shall be issued solely to the Applicant;
2. All on-site customer queuing shall occur within the building;
3. The development shall be consistent with the design and layout of the plans and documents dated November 3, 2022, prepared by MDT Architecture; and
4. Ms. Meesha Joy Pike shall be added as a personal guarantor on the lease for the subject property.

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

APPROVED AS TO SUBSTANCE

By: 
Brian Sanchez, Acting Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 12/19, 2022.


Janine Klich-Jensen

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

APPLICANT: 1508 State LLC

Cal. No.: 408-22-Z

APPEARANCE FOR: Rolando Acosta

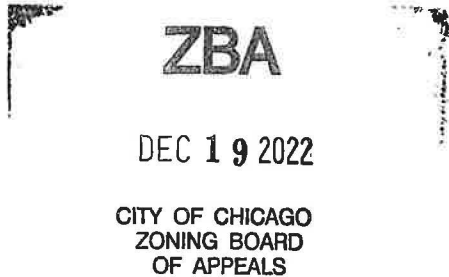
MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1508 N. State Parkway

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 39.6' to 14.87', north side setback from 4.5' to 0.5' (south to be 5'), combined side yard setback from 10' to 5.5' for a proposed third floor addition, two roof top stair enclosures and an exterior stair to an existing seven dwelling unit building to be deconverted to four dwelling units.

ACTION OF BOARD - VARIATION GRANTED



BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 14.87', north side setback to 0.5' (south to be 5'), combined side yard setback to 5.5' for a proposed third floor addition, two roof top stair enclosures and an exterior stair to an existing seven dwelling unit building to be deconverted to four dwelling units; an additional variation was granted to the subject property in Cal. No. 409-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1508 State LLC

Cal. No.: 409-22-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1508 N. State Parkway

NATURE OF REQUEST: Application for a variation to increase the floor area ratio from 2.0 (13,200 square feet) to 2.18 (14,355) to for a proposed third floor addition, three rooftop stair enclosures and an exterior stair to an existing seven- dwelling unit building to be de-converted four dwelling units.

ACTION OF BOARD - VARIATION GRANTED

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		


WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: the applicant shall be permitted variation to increase the floor area ratio to 2.18 (14,355) to for a proposed third floor addition, three rooftop stair enclosures and an exterior stair to an existing seven- dwelling unit building to be de-converted four dwelling units; an additional variation was granted to the subject property in Cal. No. 408-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Harthill Corp. Cal. No.410-22-S

APPEARANCE FOR: Timothy Barton **MINUTES OF MEETING:**
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1300 W. Addison Street

NATURE OF REQUEST: Application for a special use to establish an existing tavern with a rear outdoor patio.

ACTION OF BOARD – APPLICATION APPROVED



DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an existing tavern with a rear outdoor patio; 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, Harthill Corp., and the development is consistent with the design and layout of the Site Plan dated November 17, 2022, prepared by Axios Architects and Consultants.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: RLW Property Preservation, LLC **Cal. No.:** 411-22-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** November 18, 2022
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2740 W. Warren Boulevard

NATURE OF REQUEST: Application for a variation to reduce the east side setback from the required 2' to zero (west to be 3'), combined side yard setback from 3.5' to 3', rear setback from 34.41' to 24', for a proposed fourth floor rooftop stairway enclosure addition, second floor covered open rear deck and access stair, a third floor open rear deck and bridge connection to a proposed accessory coach house with roof deck. The existing three-story, two dwelling unit building to be converted to a single-family residence with a roof deck and to erect a one-car detached garage with an additional dwelling unit coach house that has a second-floor access stair on the south elevation and a roof deck above.

ACTION OF BOARD - VARIATION GRANTED

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022;
and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the east side setback to zero (west to be 3'), combined side yard setback to 3', rear setback to 24', for a proposed fourth floor rooftop stairway enclosure addition, second floor covered open rear deck and access stair, a third floor open rear deck and bridge connection to a proposed accessory coach house with roof deck. The existing three-story, two dwelling unit building to be converted to a single-family residence with a roof deck and to erect a one-car detached garage with an additional dwelling unit coach house that has a second-floor open access stair on the south elevation and a roof deck above; two additional variations were granted to the subject property in Cal. No. 412-22-Z and 413-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: RLW Property Preservation, LLC **Cal. No.:** 412-22-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** November 18, 2022
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2740 W. Warren Boulevard

NATURE OF REQUEST: Application for a variation to increase the existing floor area from 3,130.9 square feet to 3,206.59 square feet for a proposed fourth floor rooftop stairway enclosure addition, second floor covered open rear deck and access stair, a third floor open rear deck and bridge connection to a proposed accessory coach house with roof deck. The existing three-story, two dwelling unit building to be converted to a single-family residence with a roof deck and to erect a one-car detached garage with an additional dwelling unit coach house that has a second-floor open access stair on the south elevation and a roof deck above.

ACTION OF BOARD - VARIATION GRANTED



THE VOTE

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the existing floor area to 3,206.59 square feet for a proposed fourth floor rooftop stairway enclosure addition, second floor covered open rear deck and access stair, a third floor open rear deck and bridge connection to a proposed accessory coach house with roof deck. The existing three-story, two dwelling unit building to be converted to a single-family residence with a roof deck and to erect a one-car detached garage with an additional dwelling unit coach house that has a second-floor open access stair on the south elevation and a roof deck above; two additional variations were granted to the subject property in Cal. No. 411-22-Z and 413-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: RLW Property Preservation, LLC **Cal. No.:** 413-22-Z

APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2740 W. Warren Boulevard

NATURE OF REQUEST: Application for a variation to relocate the required 139.78 square feet of rear yard open space to a proposed accessory coach house building roof deck for a proposed fourth floor rooftop stairway enclosure addition, second floor covered open rear deck and access stair, a third floor open rear deck and bridge connection to a proposed accessory coach house with roof deck. The existing three-story, two dwelling unit building to be converted to a single-family residence with a roof deck and to erect a one-car detached garage with an additional dwelling unit coach house that has a second-floor open access stair on the south elevation and a roof deck above.

ACTION OF BOARD - VARIATION GRANTED

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to relocate the required 139.78 square feet of rear yard open space to a proposed accessory coach house building roof deck for a proposed fourth floor rooftop stairway enclosure addition, second floor covered open rear deck and access stair, a third floor open rear deck and bridge connection to a proposed accessory coach house with roof deck. The existing three-story, two dwelling unit building to be converted to a single-family residence with a roof deck and to erect a one-car detached garage with an additional dwelling unit coach house that has a second-floor open access stair on the south elevation and a roof deck above; two additional variations were granted to the subject property in Cal. No. 411-22-Z and 412-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Patrick W. Blegen and Jodi L. Garvey **Cal. No.:** 414-22-Z

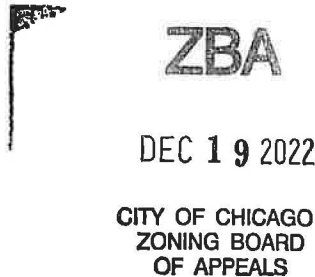
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2204 N. Oakley Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 2' for a new stair bridge connection that will access a proposed roof top deck on an existing detached two car garage from an existing rear open balcony at an existing three-story, four dwelling unit building.

ACTION OF BOARD - VARIATION GRANTED



BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 2' for a new stair bridge connection that will access a proposed roof top deck on an existing detached two car garage from an existing rear open balcony at an existing three-story, four dwelling unit building; two additional variations were granted to the subject property in Cal. No. 415-22-Z and 416-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Patrick W. Blegen and Jodi L. Garvey **Cal. No.:** 415-22-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** November 18, 2022
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2204 N. Oakley Avenue

NATURE OF REQUEST: Application for a variation to relocate the required rear yard open space of 313.30 square feet on the roof of a garage to allow a new stair bridge connection that will access a proposed roof top deck on an existing detached two car garage from an existing rear open balcony for the existing three-story, four dwelling unit building.

ACTION OF BOARD - VARIATION GRANTED

ZBA

DEC 19 2022

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		


WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to relocate the required rear yard open space of 313.30 square feet on the roof of a garage to allow a new stair bridge connection that will access a proposed roof top deck on an existing detached two car garage from an existing rear open balcony for the existing three-story, four dwelling unit building; two additional variations were granted to the subject property in Cal. No. 414-22-Z and 416-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022.

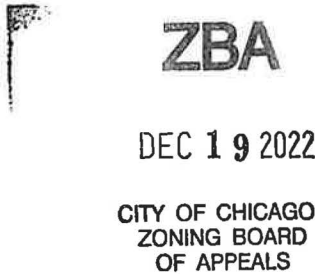
APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Patrick W. Blegen and Jodi L. Garvey **Cal. No.:** 416-22-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** November 18, 2022
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2204 N. Oakley Avenue

NATURE OF REQUEST: Application for a variation to allow an increase in the area occupied by an accessory building in a required rear setback by not more than the maximum 10% of the maximum allowable area of 867.60 square feet to allow a detached garage (361.56 square feet), three-car garage (520.57 square feet) 882.13 square feet for the existing three-story, four dwelling unit building.

ACTION OF BOARD - VARIATION GRANTED



BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to allow an increase in the area occupied by an accessory building in a required rear setback by not more than the maximum 10% of the maximum allowable area of 867.60 square feet to allow a detached garage (361.56 square feet), three-car garage (520.57 square feet) 882.13 square feet for the existing three-story, four dwelling unit building; two additional variations were granted to the subject property in Cal. No. 414-22-Z and 415-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Alexis Rivas dba Weird Girl Ink, LLC Cal. No.417-22-S

APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1441 W. Morse Avenue

NATURE OF REQUEST: Application for a special use to establish a body art service facility on the first floor of an existing three-story building.

ACTION OF BOARD – APPLICATION APPROVED

ZBA
DEC 19 2022
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a body art service facility on the first floor of an existing three-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:

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19/22.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: David Stern and Ann Monahan **Cal. No.:** 418-22-Z
APPEARANCE FOR: Joan Berg **MINUTES OF MEETING:**
November 18, 2022
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3738 N. Lakewood Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 14.86' to 6.75', north and south side setback from 2.4' each to zero, combined side yard setback from 6' to zero, rear setback from 37.15' to 3.12' for a proposed front open porch with balcony above, rear two-story addition, third floor addition to an existing two-story, two dwelling unit building to be deconverted to a single-family residence with a new detached garage and roof deck.

ACTION OF BOARD - VARIATION GRANTED

ZBA
DEC 19 2022
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 6.75', north and south side setback to zero, combined side yard setback to zero, rear setback to 3.12' for a proposed front open porch with balcony above, rear two-story addition, third floor addition to an existing two-story, two dwelling unit building to be deconverted to a single-family residence with a new detached garage and roof deck; three additional variations were granted to the subject property in Cal. No. 419-22-Z, 420-22-Z, and 421-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022.

APPROVED AS TO SUBSTANCE

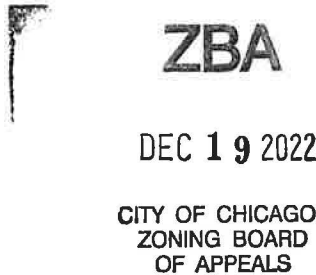
CHAIRMAN

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

APPLICANT: David Stern and Ann Monahan **Cal. No.:** 419-22-Z
APPEARANCE FOR: Monica Shamass **MINUTES OF MEETING:**
 November 18, 2022
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3738 N. Lakewood Avenue

NATURE OF REQUEST: Application for a variation to increase the building height from the maximum 35' to 36.25' zero for a proposed front open porch with balcony above, rear two-story addition, third floor addition to an existing two-story, two dwelling unit building to be deconverted to a single-family residence with a new detached garage and roof deck.

ACTION OF BOARD - VARIATION GRANTED



BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the building height to 36.25' zero for a proposed front open porch with balcony above, rear two-story addition, third floor addition to an existing two-story, two dwelling unit building to be deconverted to a single-family residence with a new detached garage and roof deck; three additional variations were granted to the subject property in Cal. No. 418-22-Z, 420-22-Z, and 421-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: David Stern and Ann Monahan **Cal. No.:** 420-22-Z

APPEARANCE FOR: Monica Shamass **MINUTES OF MEETING:** November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3738 N. Lakewood Avenue

NATURE OF REQUEST: Application for a variation to allow the expansion of the existing floor area by 42.155 square feet for a proposed front open porch with balcony above, rear two-story addition, third floor addition to an existing two-story, two dwelling unit building to be deconverted to a single-family residence with a new detached garage and roof deck.

ACTION OF BOARD - VARIATION GRANTED



DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to allow the expansion of the existing floor area by 42.155 square feet for a proposed front open porch with balcony above, rear two-story addition, third floor addition to an existing two-story, two dwelling unit building to be deconverted to a single-family residence with a new detached garage and roof deck; three additional variations were granted to the subject property in Cal. No. 418-22-Z, 419-22-Z, and 421-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE


[Signature]
CHAIRMAN

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

APPLICANT: David Stern and Ann Monahan **Cal. No.:** 421-22-Z
APPEARANCE FOR: Monica Shamass **MINUTES OF MEETING:**
November 18, 2022
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3738 N. Lakewood Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 241.48 square feet to zero for a proposed front open porch with balcony above, rear two-story addition, third floor addition to an existing two-story, two dwelling unit building to be deconverted to a single-family residence with a new detached garage and roof deck.

ACTION OF BOARD - VARIATION GRANTED


DEC 19 2022
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear yard open space to zero for a proposed front open porch with balcony above, rear two-story addition, third floor addition to an existing two-story, two dwelling unit building to be deconverted to a single-family residence with a new detached garage and roof deck; three additional variations were granted to the subject property in Cal. No. 418-22-Z, 419-22-Z, and 420-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Jeffrey A. Brennan & Allison E. Batzel **Cal. No.:** 422-22-Z

APPEARANCE FOR: Ximena Castro **MINUTES OF MEETING:**
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1741 N. Mozart Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 28' to 23.39' to erect a partially covered rear open deck and bridge connection at 5.67' in height, an open access stair on west elevation of proposed accessory building that projects out 5.83' and is 11.08' in height for he proposed detached two-car garage with roof deck that will serve the existing two-story, single-family residence.

ACTION OF BOARD - VARIATION APPROVED



DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 23.39' to erect a partially covered rear open deck and bridge connection at 5.67' in height, an open access stair on west elevation of proposed accessory building that projects out 5.83' and is 11.08' in height for he proposed detached two-car garage with roof deck that will serve the existing two-story, single-family residence; an additional variation was granted to the subject property in Cal. No. 423-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Jeffrey A. Brennan & Allison E. Batzel **Cal. No.:** 423-22-Z

APPEARANCE FOR: Ximena Castro **MINUTES OF MEETING:**
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1741 N. Mozart Avenue

NATURE OF REQUEST: Application for a variation to relocate rear yard open space of 225 square feet to the proposed accessory building roof deck for a proposed partially covered first floor rear open deck at 5.67' and second floor rear open deck at 15.25' in height in the existing principal two-story, single-family residence that will include a proposed detached two-car garage with roof deck.

ACTION OF BOARD - VARIATION APPROVED

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to relocate rear yard open space of 225 square feet to the proposed accessory building roof deck for a proposed partially covered first floor rear open deck at 5.67' and second floor rear open deck at 15.25' in height in the existing principal two-story, single-family residence that will include a proposed detached two-car garage with roof deck; an additional variation was granted to the subject property in Cal. No. 422-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake-container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19/22, 20

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Maryville Academy Cal. No.424-22-S

APPEARANCE FOR: Kate Duncan **MINUTES OF MEETING:** November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2608 W. Addison Street

NATURE OF REQUEST: Application for a special use to establish a transitional shelter.

ACTION OF BOARD – APPLICATION APPROVED



ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a transitional shelter on the first floor of an existing three-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, Maryville Academy, and the development is consistent with the design and layout of the Site Plan, dated September 9, 2022, and Floor Plan, dated July 12, 2022, prepared by MKB Architects.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1237 N. California HHDC, LLC

Cal. No.: 425-22-Z

APPEARANCE FOR: Steve Friedland

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1237 N. California Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 4.65' to 3', north side setback from 2.67' to zero, rear setback from 30' to zero for a proposed six-story, forty dwelling unit building with an attached fourteen car garage with seven unenclosed parking spaces, one unenclosed loading space and fencing exceeding 6' in height.

ACTION OF BOARD - VARIATION APPROVED

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 3', north side setback to zero, rear setback to zero for a proposed six-story, forty dwelling unit building with an attached fourteen car garage with seven unenclosed parking spaces, one unenclosed loading space and fencing exceeding 6' in height; an additional variation was granted to the subject property in Cal. No. 426-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 1237 N. California HHDC, LLC **Cal. No.:** 426-22-Z

APPEARANCE FOR: Steve Friedland **MINUTES OF MEETING:**

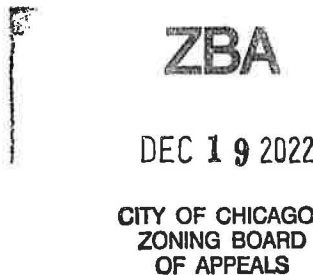
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1237 N. California Avenue

NATURE OF REQUEST: Application for a variation to eliminate the 7' landscape setback (with trees, shrubs, and ornamental metal fence) and to allow a 6' high masonry screen wall to be installed along W. Crystal St. instead of the required maximum 5' high ornamental metal fence for the proposed six-story, multi-unit building with forty dwelling units and on-site parking.

ACTION OF BOARD - VARIATION APPROVED



BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to eliminate the 7' landscape setback (with trees, shrubs, and ornamental metal fence) and to allow a 6' high masonry screen wall to be installed along W. Crystal St. instead of the required maximum 5' high ornamental metal fence for the proposed six-story, multi-unit building with forty dwelling units and on-site parking; an additional variation was granted to the subject property in Cal. No. 425-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Evergreen Imagine JV, LLC

Cal. No.: 427-22-Z

APPEARANCE FOR: Steve Friedland

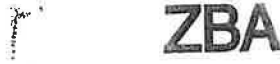
MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 751-57 W. 79th Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 8' for a proposed five-story building with thirty dwelling units above the ground floor, ground floor general restaurant and retail and an attached eight car garage with six unenclosed off-street parking spaces and one unenclosed loading zone accessed by a public alley.

ACTION OF BOARD - VARIATION APPROVED



DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 8' for a proposed five-story building with thirty dwelling units above the ground floor, ground floor general restaurant and retail and an attached eight car garage with six unenclosed off-street parking spaces and one unenclosed loading zone accessed by a public alley; an additional variation was granted to the subject property in Cal. No. 428-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Evergreen Imagine JV, LLC

Cal. No.: 428-22-Z

APPEARANCE FOR: Steve Friedland

MINUTES OF MEETING:

November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 751-57 W. 79th Street

NATURE OF REQUEST: Application for a variation to not comply with the pedestrian street building location standards to allow a proposed five-story building with thirty dwelling units above the ground floor general restaurant and retail and an attached eight car garage with six unenclosed off-off-street parking spaces and one unenclosed loading zone accessed by a public alley.

ACTION OF BOARD - VARIATION APPROVED



DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to not comply with the pedestrian street building location standards to allow a proposed five-story building with thirty dwelling units above the ground floor general restaurant and retail and an attached eight car garage with six unenclosed off-off-street parking spaces and one unenclosed loading zone accessed by a public alley; an additional variation was granted to the subject property in Cal. No. 427-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Jares Blade Masters LLC

Cal. No.429-22-S

APPEARANCE FOR: Frederick Agustin

MINUTES OF MEETING:

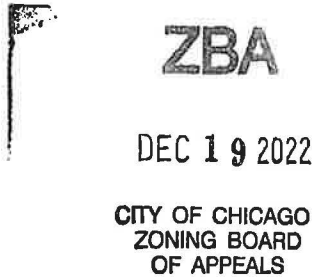
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6142 W. North Avenue

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

ACTION OF BOARD – APPLICATION APPROVED



THE VOTE

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a barber shop on the first floor of an existing three-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:

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19/22, 20

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: JBMM Investments, LLC

Cal. No.: 430-22-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2015 W. Addison Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 11' to 9.7', west setback from 2' to 0.1' (east to be 2.85'), combined side yard setback from 4.8' to 2.95' for a proposed two-story addition and a new rear two-story addition and a second story front porch and a new rear deck on an existing two-story, single-family residence with basement and front porch.

ACTION OF BOARD - VARIATION APPROVED

ZBA

THE VOTE

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 9.7', west setback to 0.1' (east to be 2.85'), combined side yard setback to 2.95' for a proposed two-story addition and a new rear two-story addition and a second story front porch and a new rear deck on an existing two-story, single-family residence with basement and front porch; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/17, 2022.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Lil' Kickers Illinois, LLC Cal. No.431-22-S

APPEARANCE FOR: Janet Stengle **MINUTES OF MEETING:**
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1901-21 W. Lake Street

NATURE OF REQUEST: Application for a special use to establish a sports and recreation, participant (children's activity facility).

ACTION OF BOARD – APPLICATION APPROVED



ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the special use is issued solely to the applicant, Lil' Kickers Illinois, LLC, and the development is consistent with the design and layout of the Proposed Site Plan and Proposed Landscape Plan, dated November 11, 2022 and First Floor Plan and Elevations, dated December 1, 2015, all prepared by Hutter 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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19/22, 20

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



ZBA

JAN 23 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

World of Weed, Inc.
APPLICANT

432-22-S
CALENDAR NUMBER

3115 W. Armitage Avenue
PREMISES AFFECTED

December 16, 2022
HEARING DATE

ACTION OF BOARD	THE VOTE	AFFIRMATIVE	NEGATIVE	ABSENT
The application for special use was APPROVED .	Brian Sanchez, Acting Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ann MacDonald	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 3115 W.
ARMITAGE AVENUE BY WORLD OF WEED, INC.**

I. SUMMARY

World of Weed, Inc. (the “Applicant”) proposed to operate an adult use cannabis dispensary at 3115 W. Armitage Avenue (the “subject property”). In order to operate an adult use cannabis dispensary at the subject property, the Applicant submitted an application for a special use. The ZONING BOARD OF APPEALS held a public hearing on the Applicant’s application. At the public hearing, the Applicant’s representative, the Applicant’s urban planner and the Applicant’s appraiser offered testimony in support of the special use application. Community members offered testimony in support of and in opposition to the special use application. At the conclusion of public hearing, the ZONING BOARD OF APPEALS approved the application.

II. APPLICATION BACKGROUND

The subject property is located in the Logan Square neighborhood. It is zoned C1-2 and is improved with a single-story commercial building¹ and parking lot. The Applicant proposed to convert a portion of the building into an adult use cannabis dispensary. The Applicant further proposed to bring the parking lot into compliance with the Landscape Ordinance. In a C-1 zoning district, a special use is required for an adult use cannabis

¹ At the time of the hearing, a laundromat was currently operating in the building.

dispensary.² The ZONING BOARD OF APPEALS is authorized to hear and decide special use applications.³ Therefore, the Applicant submitted a special use application to the ZONING BOARD OF APPEALS to operate an adult use cannabis dispensary at the subject property. 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) all on-site customer queuing occurs within the building; (3) the development was consistent with the design and layout of the landscape plan dated November, 3, 2022, prepared by Daniel Weinbach & Partners and floor plans and elevations (two sheets) dated November 17, 2022, prepared by Collective Office, Architecture, Interiors, Design and Strategy; and (4) prior to any portion of the first floor identified NIC⁴ on the floor plan and/or any portion of any basement space (if applicable) being utilized, the Applicant must file an application with and receive approval from the ZONING BOARD OF APPEALS to amend this special use⁵.

III. PUBLIC HEARING

In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted their proposed Findings of Fact. The ZONING BOARD OF APPEALS held a remote public hearing⁶ on the Applicant's special use application at its regular meeting held on Friday, December 16, 2022. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune* and as continued without further notice as provided under Section 17-13-108-A of the Chicago Zoning Ordinance. The following people participated in the hearing:

Testimony in Support of the Application

- Gregory Elliott, of 4255 S. Indiana, Chicago Illinois, provided sworn testimony, including the following: that he is one of the owners of the Applicant and that the subject property is convenient as it is accessible by bus lines on Armitage and Kedzie. He testified that the subject property is also close to the North Bloomingdale Trail. He testified that the proposed dispensary will employ 25 to 35 full time employees and that 10-12 employees will work per shift. He testified to the types of products the Applicant will offer at the proposed dispensary. He testified that the proposed dispensary's operating hours will be 9:00 AM to 10:00 PM Monday through Thursday, 8:00 AM to 10:00 PM on Friday and Saturday, and 9:00 AM to 7:00 PM on Sundays.

² See Section 17-03-0207-AAA(1) of the Chicago Zoning Ordinance.

³ See Section 17-14-0302-B of the Chicago Zoning Ordinance.

⁴ "Not in Contract"

⁵ In accordance with Section 17-13-0910 of the Chicago Zoning Ordinance.

⁶ In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.* The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021). 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.

- Adam Rak, of 116 W. Main Street, St. Charles, Illinois, provided sworn testimony, including the following: that he is an urban planner and that he is familiar with the subject property and the properties in the surrounding area. He testified that all operations will be conducted inside the premises and that no schools are located within 500 feet of the subject property. He testified that he prepared a special use analysis for the Applicant and then provided a summary of that analysis, testifying as to how all criteria for a proposed special use were met in this instance.
- Peter Poulos, of 230 W. Monroe, Chicago, Illinois, provided sworn testimony, including the following: that he is a licensed appraiser in the state of Illinois and is familiar with the subject property. He testified that he also prepared a special use analysis for the Applicant and then testified that his analysis agreed with the analysis prepared by Mr. Rak. He testified that a cannabis dispensary will not have a negative impact on property values.
- Daniel Farrell, of 3601 W. 22 Algonquin, Rolling Meadows, Illinois, provided sworn testimony, including the following: that he is co-owner of Silver Star Protection Group along with his brother (a retired US Marshal). He testified that Silver Star Protection Group provided the security plan for the Applicant, as well as over 100 cannabis business in Illinois, Michigan and Missouri. He testified the Applicant will have concentric circles of protection to ensure safety that will start in the parking lot (which will have sufficient lighting) and then there will be cameras on the entire exterior of the building. He testified that every inch of the building will have camera coverage except the bathrooms and that the proposed dispensary will be limited access. He testified that there will be no products that customers will have access to on the floor; instead, everything is behind counters or in a vault. He testified that (as required by law) the vault will adhere to Drug Enforcement Agency standards. He testified to the regular inspections the Illinois State Police and the Illinois Department of Professional Financial Regulation will conduct. He testified to how customers will move through the proposed dispensary and how Silver Star Protection guards will keep customers and employees safe.
- Nilda Esparza, of 2808 N. Milwaukee Avenue, Chicago, Illinois, provided sworn testimony, including the following: that she is the executive director of the Logan Square Chamber of Commerce (the "Chamber"). She testified that while she was disappointed that the Applicant did not reach out to the Chamber, the Chamber's board of directors was nevertheless in support of the project. She testified that the Applicant's parking lot is a benefit to a cannabis dispensary, and that she has not seen any data to support the idea that cannabis dispensaries increase crime. She testified that the other cannabis dispensary (Ascend MOCA on Milwaukee Avenue) that has opened in Logan Square has helped increase foot traffic.

Testimony in Opposition to the Application

- Douglas Raul Williams of 1935 N. Kedzie Avenue, Chicago, Illinois, provided sworn testimony, including the following: that he has lived in the area since 1998 and that community members have spent a lot of effort to rid the neighborhood of the Latin Kings and the drug trade. He testified that he opposes a cannabis

dispensary in the neighborhood and is concerned about delivery trucks blocking the alley. He testified that because people are already drinking and smoking cannabis in the alley, a cannabis dispensary in the area would only make it worse. He testified that parking on the residential streets will get worse because of the Applicant's customers.

- Lupe Marino at 1921 N. Kedzie Avenue, Chicago, Illinois, provided sworn testimony, including the following: that she agreed with everything that Mr. Williams said, and that she opposes a cannabis dispensary at this location. She stated that the proposed special use is not compatible with the surrounding area and would prefer a grocery store as a grocery store would be more beneficial to the neighborhood residents.⁷

Additional Testimony on the Application

- Alderman Daniel LaSpata, of 1958 N. Milwaukee Avenue, Chicago, Illinois, provided sworn testimony, including the following: that he is the Alderman of the 1st Ward and over 60 community member signed a petition in opposition of this special use. He testified he did not oppose the application, but that he did want to ensure that the ZONING BOARD OF APPEALS would hear and address the community concerns.
- Nicholas Zettel, also of 1958 N. Milwaukee Avenue, Chicago, Illinois, provided sworn testimony, including the following: that he supported the chief of staff for Alderman LaSpata and that he wished to affirm for the record that the Alderman had helped with community outreach for the proposed special use.

At the conclusion of the hearing, the ZONING BOARD OF APPEALS took the matter under advisement.

IV. OVERVIEW OF CRITERIA

- 1. Criteria for a Special Use.** Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use application may be approved unless the 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

⁷ During Ms. Marino's testimony she testified that the only adult use cannabis dispensary special use application the ZONING BOARD OF APPEALS denied was the application for 12 W. Maple (Cal. No. 152-20-S). That is incorrect. Nor was she correct when she implied that the application for 12 W. Maple was denied because the opposition to that application was represented by counsel. 12 W. Maple was denied because it failed to receive three affirmative votes in accordance with Section 17-13-0907 of the Chicago Zoning Ordinance. The ZONING BOARD OF APPEALS notes that it denied an application for an adult use cannabis dispensary at 212 E. Ontario (Cal. No. 269-22-S). The ZONING BOARD OF APPEALS further notes that the opposition to that application was not represented by counsel.

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

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

V. FINDINGS OF FACT

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

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

The ZONING BOARD OF APPEALS finds that this proposed special use complies with all applicable standards of the Chicago Zoning Ordinance at the time of the hearing. The subject property is zoned C1-2 and an adult use cannabis dispensary is allowed to operate in a property zoned C1-2 if the ZONING BOARD OF APPEALS grants a special use. Pursuant to 17-9-0129(3) of the Chicago Zoning Ordinance, such a dispensary shall be located no closer than 500 feet from any school. The ZONING BOARD OF APPEALS finds that this subject property is not closer than 500 feet from a school. Since the ZONING BOARD OF APPEALS approves of the proposed special use (the reasons for which are set forth in greater detail below), the proposed special use complies with Section 17-13-0905-A of the Chicago Zoning Ordinance.

A (2). It is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community.

The ZONING BOARD OF APPEALS finds that this proposed special use is in the interest of the public convenience as it will provide a safe, well-run and easily accessible facility

for the public to legally purchase cannabis product. The ZONING BOARD OF APPEALS finds that whether or not an adult use cannabis dispensary – as with all special uses that involve a controlled substance – has a significant adverse impact on the general welfare of the neighborhood depends on the operation of the adult use cannabis dispensary. From Mt. Elliott’s testimony regarding the Applicant’s operations and Mr. Ferrell’s testimony with respect to the Applicant’s security protocols, the ZONING BOARD OF APPEALS finds that the proposed special use will be operated in such a manner that it will not have a significant adverse impact on the general welfare of the neighborhood. In addition, the Applicant is planning on investing \$500,000-\$700,000 in interior and exterior improvements to the property.

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

The ZONING BOARD OF APPEALS finds that this proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design as the building is an existing one. As can be seen from Mr. Rak’s testimony, the subject property is compatible to the surrounding properties on Armitage Ave in both scale and design.

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

The ZONING BOARD OF APPEALS finds that the proposed special use is compatible with the operating characteristics of the surrounding area. The ZONING BOARD OF APPEALS finds that Armitage Avenue at this location is a commercial corridor. The ZONING BOARD OF APPEALS further finds that there are other businesses in the area, and that the hours of operation for the proposed special use are similar to other businesses in the area. The ZONING BOARD OF APPEALS finds that adding the proposed special use to this commercial corridor will not see an increase in traffic or noise. The Applicant will also be providing sufficient outdoor lighting to the parking lot.

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

The ZONING BOARD OF APPEALS finds that the proposed special use is designed to promote pedestrian safety and comfort because the subject property is well situated for public transportation, cycling, pedestrian amenities and parks. The retail corridor creates an opportunity to walk for goods and services. The ZONING BOARD OF APPEALS further finds that the new exterior lighting and security cameras add to overall safety, including pedestrian safety.

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

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

CONCLUSION OF THE ZONING BOARD OF APPEALS

1. **Special Use.** For all the above reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved their 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 and 17-13-0905-G of the Chicago Zoning Ordinance.
2. 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:
 - a. The special use shall be issued solely to the Applicant;
 - b. All on-site customer queueing shall occur within the building;
 - c. The development shall be consistent with the design and layout of the landscape plan dated November, 3, 2022, prepared by Daniel Weinbach & Partners and floor plans and elevations (two sheets) dated November 17, 2022, prepared by Collective Office, Architecture, Interiors, Design and Strategy; and
 - d. Prior to any portion of the first floor identified NIC on the floor plan and/or any portion of any basement space (if applicable) being utilized, the Applicant shall (pursuant to Section 17-13-0910 of the Chicago Zoning Ordinance) file an application with and receive approval from the ZONING BOARD OF APPEALS to amend this special use.

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

APPROVED AS TO SUBSTANCE

By: 
Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 11/23, 2023.


Janine Klich-Jensen

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

APPLICANT: Little Angels Family Daycare II, Inc. **Cal. No.:** 433-22-Z

APPEARANCE FOR: Caryn Shaw **MINUTES OF MEETING:**
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6706 S. Emerald Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 43.5' to 22' for a proposed two-story day care use with an attached one car garage and three unenclosed parking spaces.

ACTION OF BOARD - VARIATION APPROVED



DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 22' for a proposed two-story day care use with an attached one car garage and three unenclosed parking spaces; an additional variation was granted to the subject property in Cal. No. 434-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Little Angels Family Daycare II, Inc. **Cal. No.:** 434-22-Z

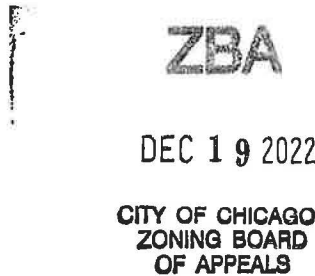
APPEARANCE FOR: Caryn Shaw **MINUTES OF MEETING:**
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6706 S. Emerald Avenue

NATURE OF REQUEST: Application for a variation to reduce the required off-street parking from five spaces to four for a proposed two-story daycare with an attached one-car private garage and three unenclosed parking spaces.

ACTION OF BOARD - VARIATION APPROVED



BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the required off-street parking to four for a proposed two-story daycare with an attached one-car private garage and three unenclosed parking spaces; an additional variation was granted to the subject property in Cal. No. 433-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Enchanted Rock 3, LLC

Cal. No.: 435-22-Z

APPEARANCE FOR: Carol Stubblefield

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 626 E. 40th Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 12.6' to zero, rear setback from 31.54' to zero, west setback from 5' to 3' for a proposed 16.79' high solid masonry wall and the installation of electrical equipment.

ACTION OF BOARD - VARIATION APPROVED



DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
RECUSED		
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 November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to zero, rear setback to zero, west setback from 5' to 3' for a proposed 16.79' high solid masonry wall and the installation of electrical equipment; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Ider Maldonado **Cal. No.:** 436-22-Z
APPEARANCE FOR: Richard Toth **MINUTES OF MEETING:**
November 18, 2022
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2949 N. Lotus Avenue

NATURE OF REQUEST: Application for a variation to reduce the south side setback from the required 2.4' to 1.92' (north to be 3.08'), combined side yard setback from 6' to 5' for a proposed third floor and rear two-story addition to the existing two-story, single-family residence.

ACTION OF BOARD - VARIATION APPROVED

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the south side setback to 1.92' (north to be 3.08'), combined side yard setback to 5' for a proposed third floor and rear two-story addition to the existing two-story, single-family residence; an additional variation was granted to the subject property in Cal. No. 437-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Ider Maldonado

Cal. No.: 437-22-Z

APPEARANCE FOR: Richard Toth

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2949 N. Lotus Avenue

NATURE OF REQUEST: Application for a variation to expand the existing floor area by 352.86 square feet for a proposed third floor and a rear two-story addition on an existing two-story single-family residence.

ACTION OF BOARD - VARIATION APPROVED

ZBA

DEC 19 2022

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to expand the existing floor area by 352.86 square feet for a proposed third floor and a rear two-story addition on an existing two-story single-family residence; an additional variation was granted to the subject property in Cal. No. 436-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



ZBA

MAR 20 2022

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

Baoliang Song
APPLICANT

438-22-Z
CALENDAR NUMBER

1448 West Flourney St.
PREMISES AFFECTED

January 20, 2023
HEARING DATE

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 1448 WEST
FLOURNOY ST. BY BAOLIANG SONG.**

I. SUMMARY

Baoliang Song (the "Applicant") submitted an application for a variation for 1448 W. Flourney St. (the "subject property") in order to build a three-story, two-dwelling unit building (the "Proposed Home"). The Applicant also proposed to build a detached two-car garage with rooftop deck; however, while such garage was part of the Applicant's overall plan of development for the subject property, only the Proposed Building required the variation. The ZONING BOARD OF APPEALS held a public hearing on the Applicant's application. At the public hearing, the Applicant and his architect appeared with counsel, Richard Toth, and offered testimony in support of the application. A member of the public also offered testimony in support of the application. The Applicant's next-door neighbors (both at 1446 W. Flourney) offered testimony in opposition to the application (collectively, the "Objectors"). At the conclusion of the public hearing, the ZONING BOARD OF APPEALS approved the application.

II. APPLICATION BACKGROUND

The subject property is located in the Little Italy neighborhood. It is zoned RT-4 and is improved with an existing foundation.¹ The Applicant proposed to build the Proposed Home on the existing foundation. To do so, the Applicant proposed to reduce: (1) the front setback from 13.34 feet to 1.91 feet²; (2) the east side setback from 2 feet to 1.16 feet (west to be 2.25 feet)³; and (3) combined side yard setback from 4.8 feet to 3.41 feet.⁴ The ZONING BOARD OF APPEALS is authorized to hear and decide variations for the reduction of any setback pursuant to Section 17-13-1101-B of the Chicago Zoning Ordinance. Therefore, the Applicant submitted a variation application to the ZONING BOARD OF APPEALS.

III. PUBLIC HEARING

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 ZONING BOARD OF APPEALS held a remote public hearing⁵ on the Applicant's variation application at its regular meeting held on Friday, January 20, 2023. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune* and as continued without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. The following people participated in the hearing:

- Richard Toth, counsel for the Applicant, provided an opening statement, including the following: The Applicant is seeking a variation to reduce the front yard setback and east side setback. The subject property is 24 feet by 111 feet, which is narrower and shorter than the standard 25 by 125 foot City of Chicago ("City") lot on which the Chicago Zoning Ordinance is based. Undersized lot sizes are typical for the block as are reduced front and side setback. Due to this, no less than seven properties on the block have received variations.

Testimony in Support of the Application

- Baoliang Song, of 614 S. Laflin St. Unit C, Chicago, IL 60607, provided sworn testimony, including the following: He and his wife had purchased the subject property a little over two years ago. At the time, the subject property was improved with two-story, two flat (the "Prior Building"). The Prior Building had

¹ When the Applicant purchased the subject property, it was improved with a two-story, two flat building. The Applicant originally proposed to renovate the building. During the renovation process, it was discovered that the existing brickwork was not capable of standing renovation, and the building was demolished. The Applicant then reinforced the original foundation with a new layer of concrete.

² See Section 17-2-0305-B of the Chicago Zoning Ordinance.

³ See Section 17-2-0309-A of the Chicago Zoning Ordinance.

⁴ *Id.*

⁵ In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.* The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021). 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.

legal nonconforming reduced front yard and east side yard setbacks. He and his wife had lived in Little Italy for over twenty-six years. He and his wife had purchased the subject property with the intention of living out their retirement years on the subject property. As such, they planned to substantially rehabilitate the Prior Building. Such rehabilitation included a rear addition (“Rear Addition”) and third floor expansion as well as internal reconfiguration to accommodate future installation of an elevator in case he and his wife had future mobility needs. During renovation of the Prior Building, the masonry contractor determined that the foundational and structural problems of the Prior Building required demolition of the Prior Building. This demolition caused the Prior Building to lose its prior legal nonconforming status with respect to the front and east side setbacks⁶. After demolition, Mr. Song – acting as general contractor – mistakenly reinforced the Prior Building’s foundation without a permit. To obtain a building permit for the Proposed Home, Mr. Song therefore sought a variation to continue to build on the footprint of the Prior Building’s foundation (with its reduced front and east side setbacks). Mr. Song testified that he had budgeted \$600,000 for the entire project and had already spent \$70,000 on the excavation, grading and foundation work so far.

- Ronald A. Vari, of 824 North Racine, Chicago, IL, provided sworn testimony, including the following: He is a licensed Illinois architect and is familiar with the Prior Building, the development plans, and the project work. He testified that the subject property’s lot size is not typical of other properties within the same RT-4 zoning classification. He testified that the Applicant’s proposed plan of development for the subject property was to build on the Prior Building’s original foundation.⁷ He testified that the front setback⁸ of the nearest ten buildings to the subject property is 2.72 feet and four of these ten buildings have no front setback. He testified that the property next east to the subject property has only a 1.5 foot side setback facing the subject property. He testified that the property next west to the subject property has only a 1.05 foot side setback facing the subject property. Mr. Vari testified that Mr. Song had no role in creating the Prior Building’s inadequate foundational and structural problems. He testified that the Prior Building’s existing foundation remains on the subject property but was reinforced. He testified that he does not believe the proposed variation will be detrimental to the public welfare or injurious to other property in the neighborhood. He testified that the variation would not impair an adequate supply of light and air to the neighboring property because the front and east side setbacks for the Proposed Home would be no different from the Prior Building that had been on the subject property for decades. Mr. Vari testified that the Applicant had obtained building permits for the Rear Addition and that the Rear Addition did not require setback relief. He testified that neither the length of the

⁶ See Section 17-15-304-B of the Chicago Zoning Ordinance.

⁷ He testified that the Applicant also proposed to build on the foundation of the Rear Addition (as such foundation had already been poured). However, as the Rear Addition met all setback requirements, no variation was required.

⁸ As calculated by Section 17-2-0305-A of the Chicago Zoning Ordinance.

Proposed Home nor the height of the Proposed Home were issues with respect to the variation the Applicant is seeking. Finally, Mr. Vari pointed out that most of the windows on the Objectors' property facing the subject property were on the first floor and noted that the Objectors' light and air would therefore be affected by any building constructed on the subject property.

- Wade Arends, whose business address is 10129 Western Avenue, Chicago, IL 60643, provided sworn testimony, including the following: He had been trying to assist the Applicant in negotiating an agreement with the Objectors, but they were unable to reach an agreement. He stated that the project in question would be a good project for the neighborhood and the placement of a two-car garage on the subject property would help ease congestion.

Testimony in Opposition to the Application

- Antonio Musillani, of 1446 W. Flournoy, Chicago, IL 60607, provided sworn testimony, including the following: the Objectors had been negotiating with the Applicant but were unable to come to an agreement, but would be open to continuing negotiations. He stated while the testimony concerning the site plan and the lot size was accurate, he did not believe it is accurate to state that the Applicant is rebuilding the Prior Building. Furthermore, he argued that the Applicant's hardship was self-created because had the Applicant properly applied for permits and been denied them, he would not have spent \$70,000 on the foundation. He expressed concern that as the plans for the Proposed Home were longer and taller than the Prior Building, the Proposed Home would impact light and ventilation on his property (which abuts the subject property). His primary concern was the Applicant's proposed garage and fence (which were not before the ZONING BOARD OF APPEALS). Mr. Musillani described a narrow gangway between the Objectors' property and the subject property, and explained that were Mr. Song to be allowed to build the proposed fence and garage, it would impact the Objectors' ability to use the subject property to access the back alley.⁹ He stated he would be willing to accept the requested front and east setbacks in exchange for keeping his access to the alley open.
- Kelly Gisburne, of 1446 W. Flournoy, Chicago, IL 60607, provided sworn testimony, including the following: Ms. Gisburne agreed with everything that Mr. Musillani stated.

⁹ At the hearing, Mr. Musillani stated that the Objectors and the Applicant were at odds over the Objectors' belief they had a prescriptive easement over the subject property. Mr. Toth correctly noted that any adverse possession rights the Objectors may have in the subject property were not before the ZONING BOARD OF APPEALS. After all, "The City does not enforce or keep a record of private agreements." Section 17-1-1003 of the Chicago Zoning Ordinance. Nevertheless, in the event that the Objectors do file and eventually prevail in their suit to quiet title against the Applicant, the Applicant would have to remove the fence and alter the garage as Section 17-1-1003 of the Chicago Zoning Ordinance also states that "[i]f the provisions of a valid, enforceable private agreement impose greater restrictions than this Zoning Ordinance, the provisions of the private agreement will control."

At the conclusion of the hearing, the ZONING BOARD OF APPEALS took the matter under advisement. Prior to the conclusion of the meeting, the ZONING BOARD OF APPEALS voted on the matter.

IV. OVERVIEW OF CRITERIA

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

V. FINDINGS OF FACT

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

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

The subject property is both shorter and narrower than a standard City lot. It is located on a block that is either improved with older buildings with legal nonconforming front and side yard setbacks or improved with buildings that have had front and side yard setbacks reduced by the ZONING BOARD OF APPEALS. Due to this short and narrow lot depth, the ZONING BOARD OF APPEALS finds that strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships because the following criteria under B(1)-(3) are met:

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

The Applicant has budgeted \$600,000 for the Proposed Home. Since the Applicant will continue to own the subject property and will be – along with his wife – residing at the subject property, the ZONING BOARD OF APPEALS finds that reasonable return in this instance is properly measured in terms of the subject property's livability. The subject property's reduced lot dimensions – that is, its short lot depth and narrow lot width – greatly impacts the ability to design a modern, functional home that complies with all setbacks. This is evidenced by the fact that seven other variations have been granted in this block for front and side yard setback reductions on similarly sized lots. Without the variation, therefore, the subject property cannot yield a reasonable return in that the Applicant and his wife cannot have a modern, functional home in their retirement despite their substantial investment in the subject property.

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

The hardship for the subject property is the lot size. The subject property is undersized, measuring 24 feet by 111 feet. As Mr. Vari credibly testified, the subject property's lot size is not typical of other properties within the same RT-4 zoning classification.

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

The block is comprised of short, narrow lots. In consequence, the majority of the buildings have reduced front and side yard setbacks, either due to the fact that the buildings are (like the Prior Building) legal nonconforming or have had their setbacks reduced by the ZONING BOARD OF APPEALS. The variation the Applicant is proposing for the Proposed Home is in line with the other buildings on the block. As Mr. Vari credibly testified, the front yard setback of the nearest ten buildings to the subject property is 2.72 feet and four of these buildings have no front setback. In addition, the property next east to the subject property has only a 1.5 foot side setback facing the subject property, and the property next west to the subject property has only a 1.05 foot side setback facing the subject property. Therefore, the requested setbacks will be in conformance with the neighboring residences. Moreover, the variation itself will allow the Proposed Home to follow the front setback and the east side setback of the Prior Building, and the Prior Building had existed on the subject property for decades. Based on all this, the ZONING BOARD OF APPEALS finds that the variation, if granted, will not alter the essential character of the neighborhood.

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

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

The shape of the subject property would result in a particular hardship upon the Applicant if the strict letter of the regulations were carried out. The subject property is 24 feet wide by 111 feet deep, which is both narrower and shorter than a standard City lot. The ZONING BOARD OF APPEALS finds this is far more a mere inconvenience since reduced lot size impacts the ability to design a modern, functional home. As Mr. Vari very credibly testified, homes on substandard lots such as the subject property typically have reduced setbacks – even those original construction buildings that predate the Chicago Zoning Ordinance (and thus, like the Prior Building, have legal nonconforming reduced setbacks).

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

The conditions which led the Applicant to seek a variation are not generally applicable to other property within the RT-4 zoning classification. The subject property has a unique size, measuring 24 feet by 111 feet, which as Mr. Vari credibly testified is not typical of properties within the RT-4 zoning classification.

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

The Applicant credibly testified that he and his wife purchased the subject property for their future long-term home. Indeed, the Proposed Home was designed to accommodate the Applicant and his wife and to allow for the installation of an elevator to accommodate possible future needs of the owners who are approaching their senior years. As such, the variation is not being requested for resale or commercial development of the subject property and is therefore not based exclusively upon a desire to make more money out of the subject property.

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

The Applicant and his wife did not create the substandard lot size.

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

The ZONING BOARD OF APPEALS agrees with Mr. Vari that the variation will not be detrimental to the public welfare or injurious to other property in the neighborhood. Instead, the variation will allow the Proposed Home to follow the front and east side setbacks of the Prior Building, which reduced setbacks have existed on the subject property for decades. The Objectors conceded that their primary concern with respect to the Applicant's program of development was the garage and fence, as such fence and garage would keep the Objectors from accessing the alley from the subject property. Neither the fence nor the garage are part of the variation request, and thus the variation itself would not alter the Objectors' access to the alley.

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

The variation will allow the Proposed Home to follow the front and east side setbacks of the Prior Building. The requested setbacks match those of the Prior Building before it was demolished for renovation and therefore will not impair an adequate supply of light and air to adjacent property. The ZONING BOARD OF APPEALS finds Mr. Vari – a licensed architect – to be very credible on this point. Like the Prior Building, the Proposed Home will have two dwelling units, and so the variation will not increase congestion in the public street. The Applicant has budgeted \$600,000 for the project and thus the variation will not impair property

values. The Proposed Home will be built in accordance with all City codes and will therefore not increase the danger of fire or endanger the public safety.

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


The requested variation will allow for the Applicant to build a modern, functional home that follows the Prior Building's front and east side setbacks. The ZONING BOARD OF APPEALS finds that the variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by (1) protecting the character of established residential neighborhoods, pursuant to Section 17-1-0503, by allowing the east and side setbacks of the Prior Building to be reestablished; (2) maintaining orderly and compatible land use and development patterns, pursuant to Section 17-1-0508, in that the front and east setback reductions will allow the Applicant to follow the pattern of development on the block; (3) ensuring adequate light, privacy and access to property pursuant to Section 17-1-0509 by reestablishing setbacks on the subject property that have existed for decades and, as Mr. Vari testified, such setbacks did not interfere with light and air to adjacent property; and (4) maintaining a range of housing choices and options, pursuant to Section 17-1-0512, by allowing the Applicant and his wife to construct a home for their retirement in their long-time neighborhood of Little Italy.

CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS

1. **Variation.** For all the above 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.
2. 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: 
 Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 3/20, 2023.

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Janine Klich-Jensen

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

APPLICANT: Cheder Lubavitch Hebrew Day School Inc. Cal. No.439-22-S

APPEARANCE FOR: Frederick Agustin

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7400-10 N. California Avenue/2800-10 W. Jarvis Avenue

NATURE OF REQUEST: Application for a special use to establish a parking lot.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

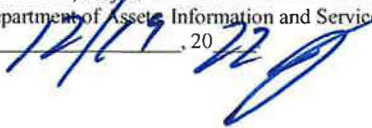
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a parking lot; an additional special use was approved and two variations were granted at the subject property in Cal. Nos. 440-22-S, 441-22-Z, and 442-22-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the special use is issued solely to the applicant, Cheder Lubavitch Hebrew Day School Inc., and the development is consistent with the design and layout of the plans and documents dated November 10, 2022, prepared by Auebach Architects.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19/2022, 20



APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Cheder Lubavitch Hebrew Day School Inc. Cal. No.440-22-S

APPEARANCE FOR: Frederick Agustin

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7400-10 N. California Avenue/2800-10 W. Jarvis Avenue

NATURE OF REQUEST: Application for a special use to provide required accessory off-site parking for an existing school at 7350 N. California Avenue which is located not more than 600' from the served use to allow a new second floor addition to an existing two-story school.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to provide required accessory off-site parking for an existing school at 7350 N. California Avenue which is located not more than 600' from the served use to allow a new second floor addition to an existing two-story school; an additional special use was approved and two variations were granted at the subject property in Cal. Nos. 439-22-S, 441-22-Z, and 442-22-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the special use is issued solely to the applicant, Cheder Lubavitch Hebrew Day School Inc., and the development is consistent with the design and layout of the plans and documents dated November 10, 2022, prepared by Auebach Architects.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assocs. Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/17/22, 20

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Cheder Lubavitch Hebrew Day School Inc. **Cal. No.:** 441-22-Z

APPEARANCE FOR: Frederick Agustin **MINUTES OF MEETING:** November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7400-10 N. California Avenue/2800-10 W. Jarvis Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 20' to 1.15', west side setback from 12.5' to 2' (east to be 1.15'), combined side yard setback from 37.51' to 3.15' for a proposed parking lot.

ACTION OF BOARD - VARIATION APPROVED

ZBA

THE VOTE

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 1.15', west side setback to 2' (east to be 1.15'), combined side yard setback to 3.15' for a proposed parking lot; two special uses were approved and an additional variation was granted to the subject property in Cal. No. 439-22-S, 440-22-S, and 442-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): the special use is issued solely to the applicant, Cheder Lubavitch Hebrew Day School Inc., and the development is consistent with the design and layout of the plans and documents dated November 10, 2022, prepared by Auebach Architects.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Cheder Lubavitch Hebrew Day School Inc. **Cal. No.:** 442-22-Z

APPEARANCE FOR: Frederick Agustin **MINUTES OF MEETING:**
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7400-10 N. California Avenue/2800-10 W. Jarvis Avenue

NATURE OF REQUEST: Application for a variation to eliminate the required hose bibs* for the required accessory off-site parking lot for an existing private school located at 7320-50 N. California Avenue.

ACTION OF BOARD - VARIATION APPROVED

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to eliminate the required hose bibs* for the required accessory off-site parking lot for an existing private school located at 7320-50 N. California Avenue; two special uses were approved and an additional variation was granted to the subject property in Cal. No. 439-22-S, 440-22-S, and 441-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): the special use is issued solely to the applicant, Cheder Lubavitch Hebrew Day School Inc., and the development is consistent with the design and layout of the plans and documents dated November 10, 2022, prepared by Auebach Architects.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

*Amended at Hearing

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Cheder Lubavitch Hebrew Day School Inc. **Cal. No.:** 443-22-Z

APPEARANCE FOR: Frederick Agustin **MINUTES OF MEETING:** November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7320-50 N. California Avenue/2801-2801-11 W. Jarvis Avenue

NATURE OF REQUEST: Application for a variation to increase the maximum floor area from 0.65 (21, 506 square feet) to 0.90 (29,625 square feet) for a proposed second floor addition to the existing two-story school.

ACTION OF BOARD - VARIATION APPROVED

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the maximum floor area to 0.90 (29,625 square feet) for a proposed second floor addition to the existing two-story school; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information, and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Vista Holdings, LLC

Cal. No.: 444-22-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1333 S. Claremont Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 12' to 5' for a proposed two-story single-family residence.

ACTION OF BOARD - VARIATION APPROVED



ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 5' for a proposed two-story single-family residence; an additional variation was granted to the subject property in Cal. No. 445-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Vista Holdings, LLC

Cal. No.: 445-22-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1333 S. Claremont Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 225 square feet with a minimum diameter of 12' to zero for a proposed two-story, single-family residence.

ACTION OF BOARD - VARIATION APPROVED



ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear yard open space from the required 225 square feet with a minimum diameter of 12' to zero for a proposed two-story, single-family residence; an additional variation was granted to the subject property in Cal. No. 444-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Parkview Mart, Inc. Cal. No.446-22-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6700 S. Jeffery Boulevard

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

ACTION OF BOARD – Continued to April 21, 2023

ZBA

FEB 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO COMPLIANCE

CHAIRMAN

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

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

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6700 S. Jeffery Boulevard

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

ACTION OF BOARD – Continued to April 21, 2023

ZBA

FEB 22 2022

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Ulises and Marjorie Sanabria

Cal. No.: 448-22-Z

APPEARANCE FOR: Nicholas Ftikas

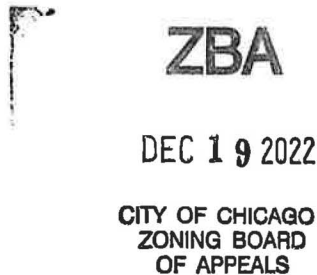
MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2213 N. Lamon Avenue

NATURE OF REQUEST: Application for a variation to increase the maximum floor area from the existing 2,574.11 square feet to 3,686.11 square feet (increase of 272.61 square feet) for a proposed rear first and second floor addition and a rear deck on the existing three-story single-family residence.

ACTION OF BOARD - VARIATION APPROVED



BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the maximum floor area to 3,686.11 square feet (increase of 272.61 square feet) for a proposed rear first and second floor addition and a rear deck on the existing three-story single-family residence; two additional variations were granted to the subject property in Cal. Nos. 449-22-Z and 450-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Ulises and Marjorie Sanabria

Cal. No.: 449-22-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2213 N. Lamon Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 246.53 square feet to zero for a proposed rear first and second floor addition and rear deck to the existing three-story, single-family residence.

ACTION OF BOARD - VARIATION APPROVED

ZBA

THE VOTE

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear yard open space to zero for a proposed rear first and second floor addition and rear deck to the existing three-story, single-family residence; two additional variations were granted to the subject property in Cal. Nos. 448-22-Z and 450-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Ulises and Marjorie Sanabria

Cal. No.: 450-22-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2213 N. Lamon Avenue

NATURE OF REQUEST: Application for a variation to reduce the north side setback from the required 2.4' to 2.26' (south to be 2.64'), combined side yard setback from 6' to 4.9' for a proposed first and second floor addition and rear deck to the existing three-story single-family residence.

ACTION OF BOARD - VARIATION APPROVED

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the north side setback to 2.26' (south to be 2.64'), combined side yard setback to 4.9' for a proposed first and second floor addition and rear deck to the existing three-story single-family residence; two additional variations were granted to the subject property in Cal. Nos. 448-22-Z and 449-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19/22.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Sarah Ansari and Rehan Haque **Cal. No.:** 451-22-Z

APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2044-46 W. Erie Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.02' to 26' for a proposed rear one-story addition to connect a two-story single-family residence and roof top deck to a rear detached two car garage.

ACTION OF BOARD - VARIATION APPROVED

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 26' for a proposed rear one-story addition to connect a two-story single-family residence and roof top deck to a rear detached 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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 4100 Sheridan, LLC Cal. No.452-22-S

APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4102 N. Sheridan Road

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed transit served, four-story, thirty-two dwelling unit (twenty-seven dwelling units and five efficiency units) building with sixteen parking spaces and thirty-two bicycle spaces on-site.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed transit served, four-story, thirty-two dwelling unit (twenty-seven dwelling units and five efficiency units) building with sixteen parking spaces and thirty-two bicycle spaces on-site; 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 Site/Landscape and Parking Area Plans, dated November 9, 2022, Ground Floor Plan, Second Floor Plan, and West and East Elevations, dated September 21, 2022, Third Floor Plan, Fourth Floor Plan, Roof Plan, North Elevation, and South Elevation, dated July 18, 2022, all 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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022.

APPROVED AS TO SUBSTANCE

CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



ZBA

MAR 20 2022

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

Raina 24th Western, LLC
APPLICANT

453-22-S
CALENDAR NUMBER

2448 W. 24th Street
PREMISES AFFECTED

January 20, 2023
HEARING DATE

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 2448 W. 24TH
ST. BY RAINA 24TH WESTERN, LLC.**

I. SUMMARY

Raina 24th Western, LLC (the “Applicant”) submitted an application for special use for 2448 W. 24th Street (the “subject property”) to establish a dual-lane drive through to serve a proposed Dunkin’ Donuts restaurant. The ZONING BOARD OF APPEALS held a public hearing on the Applicant’s special use application. At the public hearing, the Applicant’s representative and its witnesses offered testimony in support of the special use application. A community member offered testimony in opposition to the special use application. After the conclusion of the public hearing, the ZONING BOARD OF APPEALS approved the application.

II. APPLICATION BACKGROUND

The subject property is located in the Heart of Chicago neighborhood. It is zoned M2-3 and is vacant and unimproved.¹ The Applicant proposed to build a new single-story

¹ The ZONING BOARD OF APPEALS notes the property is sometimes described in the Applicant’s application as vacant and unimproved and at other times described as improved with a surface parking lot. From the pictures, it is clear from a zoning standpoint that the property is vacant and unimproved as any parking provided on the subject property is not compliant with the Chicago Zoning Ordinance.

restaurant building with a drive through, with two lanes for ordering, which merge into a single drive-through lane for pick up and exit. Pursuant to Section 17-5-207-P of the Chicago Zoning Ordinance, a drive-through is a special use in a M2 zoning district. The ZONING BOARD OF APPEALS is authorized to hear and decide special use applications.² Therefore, the Applicant submitted a special use application to the ZONING BOARD OF APPEALS to operate a restaurant and drive-through at the subject property. 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 application provided the special use was issued solely to the applicant, Raina 24th Western, LLC, and provided that the development was consistent with the design and layout of the site plan and landscape dated January 20, 2023, and consistent with the site details, key site plan, landscape details, exterior elevations, two sheets and floor plan dated September 28, 2022.

III. PUBLIC HEARING

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 ZONING BOARD OF APPEALS held a remote public hearing³ on the Applicant's special use application at its regular meeting held on Friday, January 20, 2023. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune* and as continued without further notice as provided under Section 17-13-108-A of the Chicago Zoning Ordinance. The following people participated in the hearing:

- Nick Ftikas of the Law Offices of Samuel V.P. Banks, provided an overview of the application, including the following: the Applicant currently operates a Dunkin' Donuts location at 2356 West Cermak. This Cermak location is part of a larger strip mall and does not have a drive-through facility. There had been several incidents involving safety of both customers and employees of the Applicant's business and other businesses at the location. The Applicant made the decision to relocate its restaurant in part due to safety but also because of the opportunity to operate a drive-through at the new location (the subject property). Mr. Ftikas noted that the subject property is zoned M2-3 (manufacturing) which would not support any residential use.

Testimony in Support of the Application

² See Section 17-14-0302-B of the Chicago Zoning Ordinance.

³ In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.* The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021). 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.

- Sanjeev Khatau,⁴ of 16 Gene Darfler Court, Naperville, Illinois 60565, provided sworn testimony, including the following: Mr. Khatau was the manager of the Applicant. The Applicant intended to develop the subject property with a new one-story building to operate a Dunkin' Donuts restaurant with a dual-lane drive-through. Mr. Khatau has twenty (20) years of experience operating fast food restaurants in Chicago and twenty (20) of the current locations he operates have drive-through lanes. He believed that drive-through lanes were a critical component to the Applicant's businesses. Mr. Khatau also testified to additional safety features that will be added to improve pedestrian safety along South Western Avenue.
- Nikoletta Scarlatis, of 5405 West 127th Street, Crestwood, Illinois, provided sworn testimony, including the following: Ms. Scarlatis is a licensed architect in the State of Illinois and is the Applicant's project architect. She designed the program of development for the proposed restaurant and dual drive-through lane at the subject property. She designed the drive-through traffic to circle back and exit the subject property onto 24th Street. She testified that this design provided maximum separation between the drive-through lane and the entrance to the school to the north of the subject property. Ms. Scarlatis testified that due to the site plan, the vehicle traffic will be directed away from the school and toward the intersection at 24th Street.
- Kareem Musawwir, of 221 North LaSalle Street, Chicago, Illinois, provided sworn testimony, including the following: Mr. Musawwir is the Applicant's land planning consultant. He inspected the subject property and surrounding area and provided an analysis report summarizing his findings and conclusions. He testified that it was his professional opinion that the Applicant's special application meets all of the approval criteria for a special use. He also testified that there are a number of more intensive vehicle uses that are permitted without special use approval in the subject property's zoning district. He testified that some of these uses permitted by right included motor vehicle repair, freight terminal, RV and boat storage, manufacturing and production, and recycling facilities.
- Ruben Franko, the Director of Legislative Affairs for the 25th Ward Office ("Ward Office"), provided sworn testimony, including the following: the Ward Office made sure that the Applicant and the subject property's neighbors had an opportunity to have a community meeting about the Applicant's application. He testified that the Ward Office had been involved in assisting the Applicant in relocating from the location on Cermak. He testified that Alderman Sigcho-Lopez had no objection to the Applicant's application but understood there was some objection by the most immediate neighbors to the subject property.

Testimony in Opposition to the Application

⁴ Sweta Khatau served to recite/amplify Sanjeev Khatau's testimony and answers for him so that the ZONING BOARD OF APPEALS could hear him.

- Rick Bak of 2414 South Western Avenue, first floor, Chicago, IL 60608, provided sworn testimony, including the following: Mr. Bak objected to the construction of a drive-through. He testified that the neighborhood is predominantly mixed use and pedestrian oriented. He testified that the subject property is located in a transit-oriented corridor and hoped that developers would take advantage of building transit-oriented projects. Mr. Bak was concerned about the additional traffic, litter, and vehicle exhaust that a Dunkin' drive-through would bring to the neighborhood, using the nearby Taco Bell as an example of a "horrible neighbor" which generates these negative externalities. Mr. Bak also expressed concern for pedestrian safety, especially since the proposed special use would be next to a school.

At the conclusion of the hearing, the ZONING BOARD OF APPEALS took the matter under advisement. Prior to the conclusion of the meeting, the ZONING BOARD OF APPEALS voted on the matter.

IV. OVERVIEW OF CRITERIA

1. **Criteria for a Special Use.** Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use application may be approved unless the 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.

V. FINDINGS OF FACT

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

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

The Applicant's proposed one-story restaurant building is permitted by right in an M2-3 light industry district. Further, and as noted in Mr. Musawwir's report, the Applicant's proposed drive-through facility meets all standards for drive-through facilities as set forth in the Chicago Zoning Ordinance. However, the proposed drive-through facility still requires special use approval from the ZONING BOARD OF APPEALS before it complies with all applicable standards of the Chicago Zoning

Ordinance. The ZONING BOARD OF APPEALS has authority to grant the special use, and hereby does so; thus, the ZONING BOARD OF APPEALS finds that the proposed special use complies with all applicable standards of the Chicago Zoning Ordinance.

A (2). It is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community.

The proposed Dunkin' Donuts will replace the community's existing Dunkin' Donuts walk-in store located at the corner of Cermak and Western. The proposed special use will make the proposed Dunkin' Donuts the only coffeeshop with a drive-through facility within a mile-and-a-half of the subject property. As such, the ZONING BOARD OF APPEALS finds that proposed special use is in the interest of the public convenience as a drive-through coffeeshop is an amenity for neighborhood residents and the general public. Further, the ZONING BOARD OF APPEALS finds that the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood. The ZONING BOARD OF APPEALS makes this finding due to the careful design of the proposed special use. As set forth in the testimony of Mr. Mussawir and Ms. Scarlatis, the design of the proposed special use will not only allow for efficient patron ingress and egress but more importantly will greatly improve pedestrian conditions along South Western Avenue.

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

The stretch of South Western Avenue on which the subject property is located is improved with other one-story service uses, including another drive-through facility for food service and a car wash facility. As can be seen from the Applicant's plans, the proposed special use is therefore compatible with the character of the surrounding area in terms of site planning and building scale. This stretch of South Western Avenue is also improved with small pockets of residential use and a public school. As such, the Applicant's enhancements to pedestrian safety (including its blinking pedestrian crossing sign), emphasis on ensuring vehicular traffic is drawn away from the school (including its right-out only driveway on South Western Avenue) and attention to aesthetics (including its masonry trash enclosure and 5,634 square foot landscaping area) in its overall site plan for the subject property ensures that the proposed special use is compatible with the character of the surrounding area in terms of project design.

At the hearing, Mr. Bak argued that the proposed special use is not compatible with the character of the surrounding area in terms of project design as he believed that the Applicant's drive-through facility would create an increase of idling vehicles in the neighborhood as well as pedestrian safety issues due to the nearby school. The ZONING BOARD OF APPEALS does not at all agree with Mr. Bak's characterization of the proposed special use. In fact, the ZONING BOARD OF APPEALS finds that due to Ms. Scarlatis' careful project design, the proposed special

use will not have idling cars and will not in any way negatively impact pedestrian safety and comfort.

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

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. As Mr. Mussawir testified, the drive-through facility's hours of operation are compatible with other service uses in the surrounding area. Lighting will be muted on the subject property. Due to the Applicant's careful project design, ingress to and from the proposed special use will be efficient, ensuring that there will not be increased noise or traffic generation from the proposed special use.

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

The drive-through facility has been designed so that all ingress and egress to the drive-through occurs off of 24th Street and away from the school to the north of the subject property. Further, the Applicant has incorporated additional safety features into the overall development of the subject property, particularly with respect to the driveway onto Western Avenue. This driveway will be right-turn exit only and will include a blinking pedestrian crossing sign. These features were added to improve pedestrian conditions and reduce potential pedestrian conflicts along South Western Avenue. The driveway proposed on South Western Avenue will include a blinking pedestrian crossing sign and make the driveway a right-turn-only exit. These features were added to improve pedestrian conditions and reduce potential pedestrian conflicts along South Western Avenue. Pedestrian walkways located on the north side of the subject site will not intersect with the proposed drive-through facility or the dedicated two directional driveway serving the drive-through facility. The subject property will be improved with new landscaping, including several new parkway trees. Based on all this, the ZONING BOARD OF APPEALS finds that the proposed special use is designed to promote pedestrian safety and comfort.

CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS

1. **Special Use.** For all the above 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 Section 17-13-0905-A of the Chicago Zoning Ordinance.
2. 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:

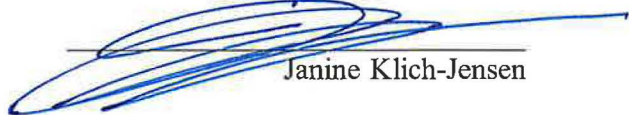
- a. The special use shall be issued solely to the Applicant; and
- b. The development shall be consistent with the design and layout of the site plan and landscape plan dated January 20, 2023, and site details, key site plan, landscape details, exterior elevations (two sheets) and floor plan, dated September 28, 2022, all developed by Nick Scarlatis & Associates, Ltd.

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

APPROVED AS TO SUBSTANCE

By: 
Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 3/20, 2023.


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

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

Westside Visionaries, LLC
APPLICANT

454-22-S
CALENDAR NUMBER

1233 S. Wabash Avenue
PREMISES AFFECTED

November 18, 2022
HEARING DATE

ACTION OF BOARD

THE VOTE

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

Brian Sanchez, Acting
Chairman
Angela Brooks
Zurich Esposito
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 1233 S.
WABASH AVENUE BY WESTSIDE VISIONARIES, LLC.**

I. BACKGROUND

Westside Visionaries, LLC (the “Applicant”) submitted a special use application for 1233 S. Wabash Avenue (the “subject property”). The subject property is currently zoned DX-7 and is improved with a three-story, mixed-use building (the “building”). The Applicant proposed to establish an adult use cannabis dispensary in the building’s vacant ground floor retail unit. As such, the Applicant sought a special use to establish an adult use cannabis dispensary at the subject property. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City’s Department of Planning and Development (“Zoning Administrator”) recommended approval of the proposed adult use cannabis dispensary provided that: (1) the special use was issued solely to the Applicant; (2) all on-site customer queuing occurred within the building and on the ground floor; (3) the development was consistent with the design and layout of the landscape plan dated November 14, 2022, prepared by G. Studio, and the ground floor plan dated September 26, 2022, and elevations dated May 19, 2022, prepared by Senga Architects, Inc.; and (4) prior to any portion of the building other than the ground floor being utilized as an adult use cannabis dispensary, the Applicant would file an application and would receive approval from the ZONING BOARD OF APPEALS to amend the special use.¹

¹ In accordance with Section 17-13-0910 of the Chicago Zoning Ordinance.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing² on the Applicant's special use application at its regular meeting on November 18, 2022, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Facts. One of the Applicant's managers Mr. Rickey Hendon and its attorney Mr. Nick Ftikas were present. Also present on behalf of the Applicant were its operations consultant Mr. Ross Morreale, its security consultant Mr. Paul Ohm, its land planning consultant Mr. George Kisiel, its MAI certified real estate appraiser Mr. Terrence O'Brien and its traffic consultant Mr. Peter Lemmon. Present and in support of the application was president and chief executive director of the Near South Planning Board Ms. Bonnie Sanchez-Carlson. Present and in opposition to the application was Ms. Kasmer Quinn. The statements and testimony given during the hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).

At the start of the hearing, the applicant's attorney Mr. Nick Ftikas confirmed that Mr. Phil Stefani had no beneficial interest in the Applicant.³ Mr. Ftikas then provided a brief overview of the Applicant's application.

One of the Applicant's managers Mr. Rickey Hendon offered testimony in support of the application.

The Applicant's operations consultant Mr. Ross Morreale offered testimony in support of the application.

The Applicant's security consultant Mr. Paul Ohm offered testimony in support of the application.

The Applicant's land planning consultant Mr. George Kisiel offered testimony in support of the application.

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

The Applicant's traffic consultant Mr. Peter Lemmon offered testimony in support of the application.

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

³ Such confirmation was necessary; had Mr. Stefani had a beneficial interest, Commissioner Toia would have recused himself (due to Mr. Stefani's heavy involvement in the restaurant industry). The confusion arose due to Mr. Morreale's company (in addition to providing consulting services) licensing the "Green Rose" brand name to both the Applicant and to GRI Holdings LLC (which Mr. Stefani does have a beneficial interest in).

In response to questions by the ZONING BOARD OF APPEALS, Mr. Morreale offered further testimony and Mr. Ftikas provided further explanations.

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

The president and executive director of the Near North Planning Board Ms. Bonnie Sanchez-Carlson, of 2600 S. Michigan Avenue, offered testimony in support of the application.

Ms. Kasmer Quinn, of 1333 S. Wabash, offered testimony in opposition to the application.⁴

In response to Ms. Quinn's testimony, Mr. Ftikas provided explanations and Mr. Hendon offered further testimony.

In response to further questions from the ZONING BOARD OF APPEALS, Mr. Ftikas provided further explanations.

Mr. Ftikas then made a brief closing statement.

B. Criteria for a Special Use for a Cannabis Business Establishment

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.

Pursuant to Section 17-13-0905-G of the Chicago Zoning Ordinance, no special use for a cannabis business establishment may be approved unless the ZONING BOARD OF APPEALS finds that the applicant for such special use has held at least one community meeting in the ward in which the cannabis business establishment is proposed to be located for the purpose of explaining the proposal and soliciting comments on it. Such community meeting must be held no later than two weeks prior to the date of the anticipated special use hearing before the ZONING BOARD OF APPEALS. The applicant must notify the Chairman of the ZONING BOARD OF APPEALS and the Alderman of the ward in which the cannabis business establishment is proposed to be located in writing of the time, place and purpose of the community meeting. The

⁴ Ms. Quinn's opposition stemmed solely from her concern with respect to Applicant's social equity status under the Cannabis Regulation and Taxation Act, 410 ILCS 705/1-1 *et seq.* While the ZONING BOARD OF APPEALS applauds Ms. Quinn for her concern, such an issue is not only not a zoning matter but also a licensing issue for which the State of Illinois (and not the City) exercises full control.

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

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 proposed special use is 500' or more from a school as required by Section 17-9-0129(3) of the Chicago Zoning Ordinance. The proposed special use complies with all bulk, density, off-street parking and loading requirements of the Chicago Zoning Ordinance⁵. The subject property is located in a DX-7 zoning district. Adult use cannabis dispensaries are a special use in a DX-7 zoning district.⁶ In other words, it is only the use of the subject property as an adult use cannabis dispensary that makes the proposed special use not meet all applicable standards of the Chicago Zoning Ordinance. The Applicant is seeking no other relief from the Chicago Zoning Ordinance. For the reasons set forth below, the ZONING BOARD OF APPEALS has decided to grant the special use. Because the ZONING BOARD OF APPEALS has decided to grant the special use to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience as it will provide retail products that are in high demand. Further, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood. The ZONING BOARD OF APPEALS finds Mr. Hendon, Mr. Morreale and Mr. Ohm to be very credible witnesses as to the operations of the

⁵ As thoroughly set forth in Mr. Kisiel's report.

⁶ Pursuant to Section 17-4-0207-AAA(1) of the Chicago Zoning Ordinance.

proposed special use. The ZONING BOARD OF APPEALS finds that whether or not an adult use cannabis dispensary – as with all special uses that involve a controlled substance and cash – has a significant adverse impact on the general welfare of the neighborhood depends on the operation of the adult use cannabis dispensary. From their testimony, the ZONING BOARD OF APPEALS finds that the proposed special use will be operated in such a manner that it will not have a significant adverse impact on the general welfare of the 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 located within the building. As can be seen from both Mr. Kisiel's and Mr. O'Brien's reports, the building is compatible with the character of the surrounding area in terms of site planning and building scale. In terms of project design, the primary entrance will remain on Wabash Avenue, actively engaging the street frontage. Further, and as testified by Mr. Morreale, all deliveries will occur at the garage at the rear of the building. As such, the proposed special use is compatible with the character of the surrounding area in terms of 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.*

The subject property is located in the portion of the City known as the South Loop. As set forth in Mr. Kisiel's report, the South Loop is a vibrant, mixed-use neighborhood. The Applicant's proposed hours of operation are therefore compatible with nearby retail uses (such as Jewel-Osco, BP, Baskin Robbins, etc). On premises consumption of cannabis is not allowed in the City of Chicago, and the Applicant's plan of operations requires that all queuing will take place inside the building. This shall ensure there is no excess noise. Outdoor lighting will be consistent with the area and designed so that there is no spillage onto adjoining properties. The proposed special use will be well supported by existing traffic patterns and will not create an undue amount of new vehicle traffic in the area. Further, the subject property itself is located in very close proximity to public transit, particularly, the Orange/Red/Green Line CTA stop at Roosevelt Road. Based on all this, the ZONING BOARD OF APPEALS, finds 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.*

The proposed special use will greatly enhance security of the subject property in the form of security cameras and trained on-site security personnel. This enhanced security will promote pedestrian safety and comfort. As the Applicant is committed to ensuring that there are no outdoor customer queuing lines, the Applicant's customers will not block sidewalks or otherwise obstruct the public way for pedestrians. All product deliveries will occur on-site and at the rear of the building. This will ensure the building's primary entrance is not overwhelmed by both customers and service deliveries. There are no additional curbcuts proposed by the special use; therefore, there will be no interaction between vehicular traffic generated by the special use and pedestrians. The Applicant is providing enhanced landscaping and bicycle racks. Given the foregoing, 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, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-G of the Chicago Zoning Ordinance:

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

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 and 17-13-0905-G of 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 shall be issued solely to the Applicant;
2. All on-site customer queuing shall occur within the building and on the ground floor;
3. The development shall be consistent with the design and layout of the landscape plan dated November 14, 2022, prepared by G. Studio, and the ground floor plan dated September 26, 2022, and elevations dated May 19, 2022, prepared by Senga Architects, Inc.; and

4. Prior to any portion of the building other than the ground floor being utilized as an adult use cannabis dispensary, the Applicant shall file an application and shall receive approval from the ZONING BOARD OF APPEALS to amend the special use.⁷

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

APPROVED AS TO SUBSTANCE

By: 
Brian Sanchez, Acting Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 12/19, 2022.


Janine Klich-Jensen

⁷ In accordance with Section 17-13-0910 of the Chicago Zoning Ordinance.

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

APPLICANT: Andre Nalls

Cal. No.: 293-22-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 613-15 E. 103rd Street

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

ACTION OF BOARD - VARIATION APPROVED

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANN MACDONALD
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to establish a public place of amusement license to provide event space, live entertainment, music, and DJ which is located within 125' of a residential zoning district; Mr. Anthony Beale, Alderman of 9th Ward, entered his appearance at the remote public hearing and after having his questions answered by the applicant's attorney, testified that he not object and instead support the application; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: LeAnthony Brown/Fathers, Brothers, Sons, Inc.

Cal. No.: 310-22-Z

APPEARANCE FOR: David Kadzai

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 8215 S. LaSalle Street

NATURE OF REQUEST: Application for a variation to reduce the north side setback from 4' to 1.82' (south to be 3.71') combined side yard setback from 9' to 5.53' for a proposed second floor addition and a rear two-story addition with open deck and balcony for the existing single-family residence.

ACTION OF BOARD – Continued to February 17, 2022

THE VOTE

P
31

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Jann Dragovich

Cal. No.: 329-22-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2350 N. Clybourn Avenue

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

ACTION OF BOARD – Continued to February 17, 2022

THE VOTE

ZBA

DEC 19 2022

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3615 N. Wilton, LLC

Cal. No.: 330-22-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3615 N. Wilton Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 36.08' to 22', north side setback from 2.5' to zero (no south side setback required which abuts an alley), for a proposed new detached three car garage with roof deck and access stairs a new fourth story addition, a new rear porch on an existing three-story, three dwelling unit building to be converted to five dwelling units.

ACTION OF BOARD - VARIATION APPROVED

ZBA

THE VOTE

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on November 18, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on November 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 22', north side setback to zero (no south side setback required which abuts an alley), for a proposed new detached three car garage with roof deck and access stairs a new fourth story addition, a new rear porch on an existing three-story, three dwelling unit building to be converted to five dwelling units; three additional variations were granted to the subject property in Cal. Nos. 331-22-Z, 332-22-Z, and 333-22-Z; Ms. Terrie Culver, Attorney at Law, entered her appearance on behalf of the owners of the neighboring property at 3617 N. Wilton at the remote public hearing and after having her questions answered by the applicant's attorney, stated that she not object on behalf of her clients to the application; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 12/19, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3615 N. Wilton, LLC

Cal. No.: 331-22-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3615 N. Wilton Avenue

NATURE OF REQUEST: Application for a variation to relocate the required 180 square feet of rear yard open space onto a proposed garage roof deck, for a proposed new detached three car garage with roof deck and access stairs a new fourth story addition, a new rear porch on an existing three-story, three dwelling unit building to be converted to five dwelling units.

ACTION OF BOARD - VARIATION APPROVED

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

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 relocate the required 180 square feet of rear yard open space onto a proposed garage roof deck, for a proposed new detached three car garage with roof deck and access stairs a new fourth story addition, a new rear porch on an existing three-story, three dwelling unit building to be converted to five dwelling units; three additional variations were granted to the subject property in Cal. Nos. 330-22-Z, 332-22-Z, and 333-22-Z; Ms. Terrie Culver, Attorney at Law, entered her appearance on behalf of the owners of the neighboring property at 3617 N. Wilton at the remote public hearing and after having her questions answered by the applicant's attorney, stated that she not object on behalf of her clients to the application; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3615 N. Wilton, LLC

Cal. No.: 332-22-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3615 N. Wilton Avenue

NATURE OF REQUEST: Application for a variation to increase the floor area that has been in existence for more than 50 years from 6,014 square feet to 6,581 square feet (567 square feet) for a proposed new detached three car garage with roof deck and access stairs a new fourth story addition, a new rear porch on an existing three-story, three dwelling unit building to be converted to five dwelling units.

ACTION OF BOARD - VARIATION APPROVED

ZBA

DEC 19 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

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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 floor area that has been in existence for more than 50 years to 6,581 square feet (567 square feet) for a proposed new detached three car garage with roof deck and access stairs a new fourth story addition, a new rear porch on an existing three-story, three dwelling unit building to be converted to five dwelling units; three additional variations were granted to the subject property in Cal. Nos. 330-22-Z, 331-22-Z, and 333-22-Z; Ms. Terrie Culver, Attorney at Law, entered her appearance on behalf of the owners of the neighboring property at 3617 N. Wilton at the remote public hearing and after having her questions answered by the applicant's attorney, stated that she not object on behalf of her clients to the application; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3615 N. Wilton, LLC

Cal. No.: 333-22-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
November 18, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3615 N. Wilton Avenue

NATURE OF REQUEST: Application for a variation to reduce the off-street required parking spaces from five to three for a proposed new detached three car garage with roof deck and access stairs a new fourth story addition, a new rear porch on an existing three-story, three dwelling unit building to be converted to five dwelling units.

ACTION OF BOARD - VARIATION APPROVED

ZBA

DEC 19 2022

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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 off-street required parking spaces to three for a proposed new detached three car garage with roof deck and access stairs a new fourth story addition, a new rear porch on an existing three-story, three dwelling unit building to be converted to five dwelling units; three additional variations were granted to the subject property in Cal. Nos. 330-22-Z, 331-22-Z, and 332-22-Z; Ms. Terrie Culver, Attorney at Law, entered her appearance on behalf of the owners of the neighboring property at 3617 N. Wilton at the remote public hearing and after having her questions answered by the applicant’s attorney, stated that she not object on behalf of her clients to the application; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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