

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

**APPLICANT:** Deon Marshall, C&D Suites and Events Cal. No.171-22-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 304 W. 119<sup>th</sup> Street

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

**ACTION OF BOARD – Continued to July 15, 2022**

**THE VOTE**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**ZBA**

JUL 18 2022

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** CO & AG Inc. Cal. No.172-22-S  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
June 17, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 6551-53 N. Clark Street

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

**ACTION OF BOARD:** APPLICATION APPROVED



**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
SAM TOIA

**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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 2022; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 7/18, 2022.

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



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

**APPLICANT:** Angel Sanchez (dba Angel's Shop, LLC) Cal. No.173-22-S  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:** June 17, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 5752 W. Irving Park Road

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

**ACTION OF BOARD:** APPLICATION APPROVED

**ZBA**  
  
**JUL 18 2022**  
  
**CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS**

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN SANCHEZ  
 SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

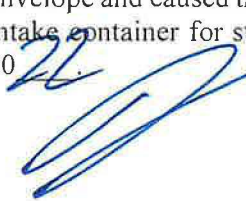
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 2022; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) 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 7/18, 2022.



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

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

APPLICANT: RCCG Grace Tabernacle & Greater Works Cal. No.174-22-S

APPEARANCE FOR: Same as Applicant MINUTES OF MEETING:

June 17, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1201 W. 115<sup>th</sup> Street

NATURE OF REQUEST: Application for a special use to convert an existing day care facility into a three-hundred and twenty-eight seat religious assembly facility with existing retail space and one hundred and one parking spaces.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

JUL 18 2022

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to convert an existing day care facility into a three-hundred and twenty-eight seat religious assembly facility with existing retail space and one hundred and one parking spaces; 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, RCCG Grace Tabernacle & Greater Works, and the development is consistent with the design and layout of the plans and documents, dated December 9, 2021, with Site Plan and Landscape Plan, dated June 10, 2022, prepared by Beckley Engineering, LLC.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I 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 7/18/22

APPROVED AS TO SUBSTANCE

  
CHAIRMAN



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

**APPLICANT:** Chicago Realism, LLC Cal. No.175-22-S  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
June 17, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 7040 W. Higgins Avenue

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

**ACTION OF BOARD:** APPLICATION APPROVED

**ZBA**

JUL 18 2022

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 2022; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 7/18/22.

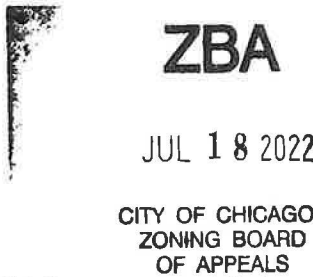
**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

**APPLICANT:** 554 W. Cullerton, LLC **CAL. NO.:** 176-22-Z  
**APPEARANCE FOR:** Ximena Castro **MINUTES OF MEETING:**  
June 17, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 554 W. Cullerton Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 27.67' for a proposed two-story, two dwelling unit building.

**ACTION OF BOARD - VARIATION GRANTED**



TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN SANCHEZ  
 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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 on floors containing dwelling units to 27.67' for a proposed two-story, two dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

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 7/18, 2022.

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



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

**APPLICANT:** Nathan Binkley and Emily Abramsohn **CAL. NO.:** 177-22-Z

**APPEARANCE FOR:** Rolando Acosta **MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 10 N. Throop Street

**NATURE OF REQUEST:** Application for a variation to reduce the north setback from 2' to zero (south setback shall be zero), combined side yard setback from 4.3 to zero for a proposed rear four story addition and new attached two car private garage accessed from a private alley at the existing two-story family residence.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 setback to zero (south setback shall be zero), combined side yard setback to zero for a proposed rear four story addition and new attached two car private garage accessed from a private alley at the existing two-story family residence; an additional variation was granted to the subject property in Cal. No. 178-22-Z; the Board finds 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 7/18, 2022.

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

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

**APPLICANT:** Nathan Binkley and Emily Abramsohn **CAL. NO.:** 178-22-Z  
**APPEARANCE FOR:** Rolando Acosta **MINUTES OF MEETING:** June 17, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 10 N. Throop Street

**NATURE OF REQUEST:** Application for a variation to relocate the required 101.47 square feet of rear yard open space to be located to a deck or patio that is four feet above grade for a proposed rear four-story addition and new two car detached garage for the existing two-story single-family residence.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS**

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN SANCHEZ  
 SAM TOIA

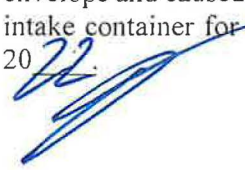
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 2022; and

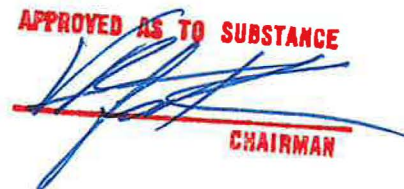
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to relocate the required 101.47 square feet of rear yard open space to be located to a deck or patio that is four feet above grade for a proposed rear four-story addition and new two car detached garage for the existing two-story single-family residence; an additional variation was granted to the subject property in Cal. No. 177-22-Z; the Board finds 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 7/18, 2022.



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



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

**APPLICANT:** Kevin and Heather Youngman  
**APPEARANCE FOR:** Rolando Acosta  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4053 W. Warwick Avenue

**CAL. NO.:** 179-22-Z

**MINUTES OF MEETING:**  
 June 17, 2022

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 24.38' to 22', east setback from 5.1' to 3.68' (west to be 24.54') for a combined side yard setback of 28.22' for a proposed new front and rear third story addition, a new rear one story addition, a new rear covered deck and a new rear open deck on the existing three-story single family residence with front porch.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**



TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN SANCHEZ  
 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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 22', east setback to 3.68' (west to be 24.54') for a combined side yard setback of 28.22' for a proposed new front and rear third story addition, a new rear one story addition, a new rear covered deck and a new rear open deck on the existing three-story single family residence with front porch; the Board finds 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 7/18, 2022

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

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

APPLICANT: 1643 N. Bell, LLC

CAL. NO.: 180-22-Z

APPEARANCE FOR: Michael Ezgur

MINUTES OF MEETING:  
June 17, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1643 N. Bell Avenue

NATURE OF REQUEST: Application for a variation to reduce the north side setback from the required 2' to zero, (south shall be zero), combined side yard setback from 5' to zero, rear yard setback from 37.43' to zero for a proposed open stair entry that exceeds 6' from grade for access to an existing two-story dwelling unit in an existing rear two-story, non-conforming coach house with rear two car garage at ground floor.

ACTION OF BOARD - VARIATION GRANTED



JUL 18 2022

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

THE VOTE

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 zero, (south shall be zero), combined side yard setback to zero, rear yard setback to zero for a proposed open stair entry that exceeds 6' from grade for access to an existing two-story dwelling unit in an existing rear two-story, non-conforming coach house with rear two car garage at ground floor; the Board finds 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 7/18, 2022.

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN



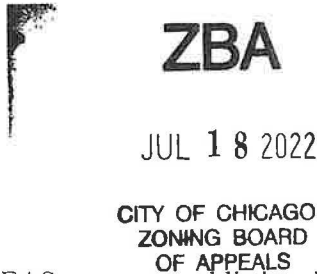
**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** 2134 W. Pierce Properties, LLC **CAL. NO.:** 181-22-Z  
**APPEARANCE FOR:** Rolando Acosta **MINUTES OF MEETING:**  
 June 17, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2134 W. Pierce Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required minimum from 48.6' to 6.75', east side setback from 5' to 1' (west to be 7.06'), combined side setback from 10' to 8.06' for a proposed elevated walkway connecting the existing coach house to the roof top deck of a proposed three-car garage.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**



TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN SANCHEZ  
 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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 6.75', east side setback to 1' (west to be 7.06'), combined side setback to 8.06' for a proposed elevated walkway connecting the existing coach house to the roof top deck of a proposed three-car garage; the Board finds 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 7/18, 2022.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Congregation Shaarei Tfilo Bnez Ruven Nusach Hoari Cal. No.182-22-S

**APPEARANCE FOR:** Fred Agustin

**MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6334-56 N. Whipple Street/3035-47 W. Devon Avenue

**NATURE OF REQUEST:** Application for a special use to expand an existing high school in an existing one-story high school and religious assembly use building with a new one- and two-story addition.

**ACTION OF BOARD – APPLICATION APPROVED**



**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 expand an existing high school in an existing one-story high school and religious assembly use building with a new one- and two-story addition; an additional special use was approved and four variations were granted to the subject property in Cal. Nos. 183-22-S, 184-22-Z, 185-22-Z, 186-22-Z, and 187-22-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, Congregation Shaarei Tfilo Bnez Ruven Nusach Hoari, and the development is consistent with the design and layout of the Site Plan, First Floor Plan and Elevations (4 sheets), dated February 1, 2022, and Ledge Plan and Second Floor Plan, dated February 24, 2022, all prepared by Morgante-Wilson Architect, 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 7/18, 2022

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Congregation Shaarei Tfilo Bnez Ruven Nusach Hoari Cal. No.183-22-S

**APPEARANCE FOR:** Fred Agustin

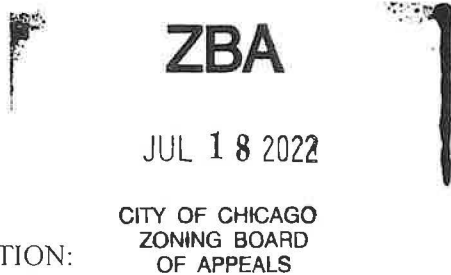
**MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6334-56 N. Whipple Street/3035-47 W. Devon Avenue

**NATURE OF REQUEST:** Application for a special use to expand an existing religious in an existing one-story high school and religious assembly use building with one- and two-story addition.

**ACTION OF BOARD – APPLICATION APPROVED**



TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 expand an existing religious in an existing one-story high school and religious assembly use building with one- and two-story addition; an additional special use was approved and four variations were granted to the subject property in Cal. Nos. 182-22-S, 184-22-Z, 185-22-Z, 186-22-Z, and 187-22-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, Congregation Shaarei Tfilo Bnez Ruven Nusach Hoari, and the development is consistent with the design and layout of the Site Plan, First Floor Plan and Elevations (4 sheets), dated February 1, 2022, and Ledge Plan and Second Floor Plan, dated February 24, 2022, all prepared by Morgante-Wilson Architect, 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 \_\_\_\_\_,

20

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

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

**APPLICANT:** Congregation Shaarei Tfilo Bnez Ruven Nusach Hoari **CAL. NO.:** 184-22-Z

**APPEARANCE FOR:** Fred Agustin **MINUTES OF MEETING:**

June 17, 2022

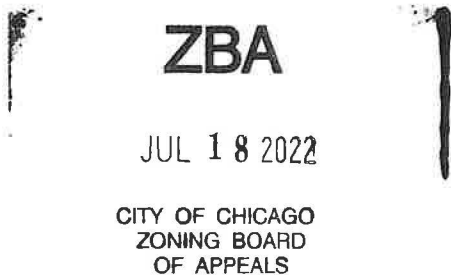
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6334-56 N. Whipple Street / 3035-47 W. Devon Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 9.97' to 7.5' to allow the expansion of an existing high school and religious assembly facility with a proposed one- and two-story addition with thirteen on-site parking spaces with an accessory roof deck.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**



TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN SANCHEZ  
 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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 7.5' to allow the expansion of an existing high school and religious assembly facility with a proposed one- and two-story addition with thirteen on-site parking spaces with an accessory roof deck; two special uses were approved and three additional variations were granted to the subject property in Cal. Nos. 182-22-S, 183-22-S, 185-22-Z, 186-22-Z, and 187-22-Z; the Board finds 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, Congregation Shaarei Tfilo Bnez Ruven Nusach Hoari, and the development is consistent with the design and layout of the Site Plan, First Floor Plan and Elevations (4 sheets), dated February 1, 2022, and Ledge Plan and Second Floor Plan, dated February 24, 2022, all prepared by Morgante-Wilson Architect, 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 7/18, 2022

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Congregation Shaarei Tfilo Bnez Ruven Nusach Hoari **CAL. NO.:** 185-22-Z

**APPEARANCE FOR:** Fred Agustin **MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6334-56 N. Whipple Street / 3035-47 W. Devon Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the off-street parking required for the expanded religious facility from fourteen spaces to thirteen spaces a proposed one- and two-story addition with an attached twelve car garage with an accessory amenity roof deck above and one open parking space at the rear of the existing one-story high school and religious assembly.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**



TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

WHEREAS, a removal of appeals 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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 off-street parking required for the expanded religious facility to thirteen spaces a proposed one- and two-story addition with an attached twelve car garage with an accessory amenity roof deck above and one open parking space at the rear of the existing one-story high school and religious assembly; two special uses were approved and three additional variations were granted to the subject property in Cal. Nos. 182-22-S, 183-22-S, 184-22-Z, 186-22-Z, and 187-22-Z; the Board finds 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, Congregation Shaarei Tfilo Bnez Ruven Nusach Hoari, and the development is consistent with the design and layout of the Site Plan, First Floor Plan and Elevations (4 sheets), dated February 1, 2022, and Ledge Plan and Second Floor Plan, dated February 24, 2022, all prepared by Morgante-Wilson Architect, 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 7/18/2022.

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

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

**APPLICANT:** Congregation Shaarei Tfilo Bnez Ruven Nusach Hoari      **CAL. NO.:** 186-22-Z

**APPEARANCE FOR:** Fred Agustin      **MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6334-56 N. Whipple Street / 3035-47 W. Devon Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the required off-street loading space from one to zero for the expanded high school for a proposed one- and two-story addition with an attached twelve car garage with an accessory amenity roof deck above and one open parking space at the rear of the existing one-story high school and religious assembly.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 loading space to zero for the expanded high school for a proposed one- and two-story addition with an attached twelve car garage with an accessory amenity roof deck above and one open parking space at the rear of the existing one-story high school and religious assembly; two special uses were approved and three additional variations were granted to the subject property in Cal. Nos. 182-22-S, 183-22-S, 184-22-Z, 185-22-Z, and 187-22-Z; the Board finds 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, Congregation Shaarei Tfilo Bnez Ruven Nusach Hoari, and the development is consistent with the design and layout of the Site Plan, First Floor Plan and Elevations (4 sheets), dated February 1, 2022, and Ledge Plan and Second Floor Plan, dated February 24, 2022, all prepared by Morgante-Wilson Architect, 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 7/18, 2022

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Congregation Shaarei Tfilo Bnez Ruven Nusach Hoari **CAL. NO.:** 187-22-Z

**APPEARANCE FOR:** Fred Agustin **MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6334-56 N. Whipple Street / 3035-47 W. Devon Avenue

**NATURE OF REQUEST:** Application for a variation to allow shared parking arrangement between the high school and the religious assembly uses with different hours to use thirteen proposed off-street parking spaces to meet their off-street parking requirements for a proposed one and two story with an attached twelve car garage with an accessory amenity roof deck above and one open parking space at the rear of the existing one-story high school and religious assembly.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**



TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 shared parking arrangement between the high school and the religious assembly uses with different hours to use thirteen proposed off-street parking spaces to meet their off-street parking requirements for a proposed one and two story with an attached twelve car garage with an accessory amenity roof deck above and one open parking space at the rear of the existing one-story high school and religious assembly; two special uses were approved and three additional variations were granted to the subject property in Cal. Nos. 182-22-S, 183-22-S, 184-22-Z, 185-22-Z, and 186-22-Z; the Board finds 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, Congregation Shaarei Tfilo Bnez Ruven Nusach Hoari, and the development is consistent with the design and layout of the Site Plan, First Floor Plan and Elevations (4 sheets), dated February 1, 2022, and Ledge Plan and Second Floor Plan, dated February 24, 2022, all prepared by Morgante-Wilson Architect, 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 7/18, 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**

**Development Group, LLC - Bucktown**  
APPLICANT

**188-22-Z, 189-22-Z  
& 190-22-Z**  
CALENDAR NUMBERS

**2020 W. Webster Street**  
PREMISES AFFECTED

**July 15, 2022**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is denied. The applications for the variations are denied.

Timothy Knudsen,  
Chairman  
Zurich Esposito  
Brian Sanchez  
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE APPLICATION AND VARIATION  
APPLICATIONS 2020 W. WEBSTER STREET BY DEVELOPMENT GROUP,  
LLC – BUCKTOWN.**

**I. BACKGROUND**

Development Group, LLC (the “Applicant”) submitted a special use application and two variation applications for 2020 W. Webster (the “subject property”). The subject property is currently zoned B3-2 and is currently vacant. The Applicant proposed to construct a four-story, six dwelling unit building with roof deck and six car detached garage (the “proposed development”). To permit the proposed development, the Applicant sought a special use to establish residential use below the second floor. To permit the proposed development, the Applicant also sought two variations: (1) to reduce the minimum lot area from the required 6,000 square feet to 5,450 square feet; and (2) increase the maximum area for an accessory building located in the rear setback from the required 900 square feet to 984 square feet. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City’s Department of Planning and Development (the “Zoning Administrator” and the “Department”) recommended denial of the proposed special use.

**II. PUBLIC HEARING**

**A. The Hearing**



The ZONING BOARD OF APPEALS held a remote public hearing<sup>1</sup> on the Applicant's special use application at its regular meeting on July 15, 2022, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*, and as continued without further notice pursuant to Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Facts. One of the Applicant's managing members Mr. Christopher Deleew and the Applicant's attorney Ms. Sara Barnes were present. Also present on behalf of the Applicant were its project architect Mr. John Hanna and its MAI certified real estate appraiser Mr. Terrance O'Brien. Department Assistant Commissioner Nancy Radzevich was present and in opposition to the proposed development. 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).<sup>2</sup>

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

The Applicant's managing member Mr. Christopher Deleew offered testimony in support of the Applicant's applications.

The Applicant's architect Mr. John Hanna offered testimony in support of the Applicant's applications.

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

Department Assistant Commissioner Nancy Radzevich testified in opposition to the applications.

In response to Assistant Commissioner Radzevich's testimony, Ms. Barnes made further statements and Mr. Deleew offered further testimony.

Ms. Barnes then made a brief closing statement.

## B. Criteria for a Special Use

Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use application may be approved unless the ZONING BOARD OF APPEALS finds that the proposed use in its proposed location meets all of the following criteria: (1) it complies with all applicable standards of the Chicago Zoning Ordinance; (2) it is in the interest of the public convenience and will not have a significant adverse impact on the general

---

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

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

welfare of the neighborhood or community; (3) it is compatible with the character of the surrounding area in terms of site planning and building scale and project design; (4) it is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation; and (5) it is designed to promote pedestrian safety and comfort.

### C. Criteria for a Variation

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

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

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

### III. FINDINGS OF FACT

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



makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. *The proposed special use does not comply with all applicable standards of the Chicago Zoning Ordinance.*

The proposed special use will allow for the proposed development. As such, the proposed special use as designed does not comply with all applicable standards of the Chicago Zoning Ordinance. As can clearly be seen from the Applicant's plans and drawings and as very credibly testified to by Assistant Commissioner Radzevich, the walkway within the garage for trash collection encroaches on the legally required 8' wide parking stalls.<sup>3</sup>

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

While the proposed special use as designed may be commercially expedient for the Applicant, the ZONING BOARD OF APPEALS does not see how the public will derive any benefit from the proposed special use as designed. Further, the proposed special use as designed will have a significant adverse impact on the general welfare of the neighborhood. The proposed development has six dwelling units and six on-site required parking spaces. The subject property is far too small to support this and, as a result, does not have the space to provide adequate trash management for all six dwelling units. First, as Assistant Commissioner Radzevich noted, the trash enclosure on the plans and drawings has only two trash containers. This is not sufficient for a six-dwelling unit building. Second, and as can be seen from the final garage plans, movement of the trash containers from the trash enclosure to the alley for collection infringes on the required parking spaces. This makes the proposed development not functional as it will lead to conflict between resident parking and trash. As a result, the trash and recycling containers necessary to support all six dwelling units will ultimately be stored in the alley. This will negatively impact vehicular access to the public alley at the rear of the subject property.

3. *The proposed special use is not compatible with the character of the surrounding area in terms of site planning and building scale and project design.*

The proposed special use – as designed – is not compatible with the character of the surrounding area in terms of site planning and building scale and project design. There is simply not enough room on-site for both trash and parking for all

---

<sup>3</sup> Section 17-10-1001 of the Chicago Zoning Ordinance.

six dwelling units. Due to this inability, the functionality of removing trash from the subject property is severely compromised. As such, the ZONING BOARD OF APPEALS agrees with the Department that the trash and recycling containers will ultimately be stored in the alley. This will, as noted above, negatively impact vehicular access to the public alley at the rear of the subject property.

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

1. *The requested variations are not consistent with the stated purpose and intent of the Chicago Zoning Ordinance.*

The requested variations will allow for the proposed development. In particular, the variations will allow for a six dwelling unit building and with six on-site parking spaces. The subject property is far too small to support this and does not have the space to provide adequate trash management for all six dwelling units. First, as Assistant Commissioner Radzevich noted, the trash enclosure on the plans and drawings has only two trash containers. This is not sufficient for a six dwelling unit building. Second, and as can be seen from the final garage plans, movement of the trash containers from the trash enclosure to the alley for collection infringes on the required parking spaces. This makes the proposed development not functional as it will lead to conflict between resident parking and trash. As a result, the trash and recycling containers necessary to support all six dwelling units will ultimately be stored in the alley. This will negatively impact vehicular access to the public alley at the rear of the subject property.

Consequently, the variations and the proposed development are not consistent 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; and (3) not maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has not proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Section 17-13-0905-A of Chicago Zoning Ordinance.



The ZONING BOARD OF APPEALS denies the Applicant's application for a special use.

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

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

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

APPROVED AS TO SUBSTANCE

By:   
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:** Starbucks Corporation Cal. No.191-22-S  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
June 17, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 6417 S. Cicero Avenue

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

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**

**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 one lane drive-through to serve a proposed fast-food restaurant; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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, Starbucks Corporation, and the development is consistent with the design and layout of the Cover Sheet, Foundation Plan, and Elevations dated February 21, 2022, Site Plan dated March 23, 2022, Floor Plan dated May 26, 2021, prepared by Design Studio 24, LLC and Landscape Plan and Landscape Details & Notes, dated February 14, 2022, prepared by Design Studio 24, LLC and Planned Environment Associates.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 7/18, 2022.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**





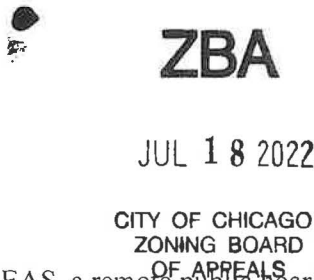
**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Amy Enneser and Daniel Engel **CAL. NO.:** 192-22-Z  
**APPEARANCE FOR:** Timothy Barton **MINUTES OF MEETING:** June 17, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2028 N. Fremont Street

**NATURE OF REQUEST:** Application for a variation to reduce the north side setback from the required 4' to 1.65' (south to be 26.94) combined side yard setback to be 28.59 for a proposed third floor rear addition to an existing three-story, single-family residence.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**



TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN SANCHEZ  
 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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 1.65' (south to be 26.94) combined side yard setback to be 28.59 for a proposed third floor rear addition to an existing three-story, single-family residence; an additional variation was granted to the subject property in Cal. No. 193-22-Z; the Board finds 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 7/18, 2022.

**APPROVED AS TO SUBSTANCE**

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

**APPLICANT:** Amy Enneser and Daniel Engel **CAL. NO.:** 193-22-Z  
**APPEARANCE FOR:** Timothy Barton **MINUTES OF MEETING:** June 17, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2028 N. Fremont Street

**NATURE OF REQUEST:** Application for a variation to increase the maximum building height from 38' to 41.75' for a proposed third floor rear addition to the existing three-story, single-family residence.

**ACTION OF BOARD - VARIATION GRANTED**



**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS**

**THE VOTE**

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN SANCHEZ  
 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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 building height to 41.75' for a proposed third floor rear addition to the existing three-story, single-family residence; an additional variation was granted to the subject property in Cal. No. 192-22-Z; the Board finds 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 7/18, 2022.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Emanuel Marneris Cal. No.194-22-S  
**APPEARANCE FOR:** Dean Maragos **MINUTES OF MEETING:**  
June 17, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 5954 S. Kedzie Avenue

**NATURE OF REQUEST:** Application for a special use to establish a one lane drive-through with two order boards and two pick up windows to serve a proposed fast-food restaurant.

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**



**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 one lane drive-through with two order boards and two pick up windows to serve a proposed fast-food restaurant; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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, Emanuel Marneris, and the development is consistent with the design and layout of the Site Plan, Landscape Plan, and Landscape Details dated May 12, 2022, and Floor Plan and Elevations (2 sheets) dated November 5, 2021, prepared by Jonathon Splitt Architects LTD.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I 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 7/18, 2022.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Roscoe-Bell Properties, LLC

**CAL. NO.:** 195-22-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2237 W. Roscoe Street

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area per unit from the required 1,400 square feet to 1,285.71 square feet for a proposed three-story, seven dwelling unit building with an attached three-car garage and detached four-car garage.

**ACTION OF BOARD – Continue to July 15, 2022**

**THE VOTE**

**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**



**CRAJMAN**



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

**APPLICANT:** Daniel Tonoco **CAL. NO.:** 196-22-Z  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
June 17, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2200 N. Keeler Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard open space from the required 36 square feet to zero for the proposed conversion of an existing two-story, four dwelling unit building to a five dwelling unit building.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 the proposed conversion of an existing two-story, four dwelling unit building to a five dwelling unit building; the Board finds 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 7/18, 2022.



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

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

**APPLICANT:** 2010 Leavitt Development, LLC Cal. No.197-22-S  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
 June 17, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2010 N. Leavitt Street

**NATURE OF REQUEST:** Application for a special use to establish residential use below the second floor for a proposed four-story, two dwelling unit building with roof top deck and a detached two car garage with roof top deck.

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS**

**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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 four-story, two dwelling unit building with roof top deck and a detached two car garage with roof top deck; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the development is consistent with the design and layout of the plans and documents dated June 17, 2022, prepared by Hanna Architects, Inc.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I 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 7/18, 2022.



**THE VOTE**

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN SANCHEZ  
 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:** Belen Garibay **CAL. NO.:** 198-22-Z  
**APPEARANCE FOR:** Tyler Manic **MINUTES OF MEETING:**  
June 17, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 9238-40 S. Baltimore Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to 19.73' for a proposed one-story addition to an existing one-story warehouse/office building.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN SANCHEZ  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a 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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 19.73' for a proposed one-story addition to an existing one-story warehouse/office building; the Board finds 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 7/18, 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**

**NOV 21 2022**

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

**Andrew and Abbey Watson**

APPLICANTS

**199-22-Z & 200-22-Z**

CALENDAR NUMBERS

**1926 N. Sedgwick Street**

PREMISES AFFECTED

**June 17, 2022**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The applications for the variations are denied.

Timothy Knudsen,  
Chairman  
Zurich Esposito  
Brian Sanchez  
Sam Toia

AFFIRMATIVE    NEGATIVE    ABSENT

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 926 N.  
SEDGWICK STREET BY ANDREW AND ABBEY WATSON.**

**I. BACKGROUND**

Mr. Andrew Watson and Ms. Abbey Watson (the “Applicants”) submitted two variation applications for 1926 N. Sedgwick St. (the “subject property”). The subject property is currently zoned RM-5 and is improved with a single-family home (“home”) and detached garage. The home is a 19<sup>th</sup> century orange rated<sup>1</sup> building. The Applicants proposed to replace the existing rear deck with a new steel deck. This new steel deck would allow the Applicants the ability to walk directly out their rear door without means of even a single step down. The new steel deck would also allow the Applicants to attach the home to a detached garage so that the Applicants could access their new proposed garage roof deck<sup>2</sup> from the new steel deck rather than from grade. To permit the new steel deck, the Applicants sought variations to: (1) reduce the rear setback from the required 33.44’ to 0’, the north setback from 2’ to 0’ (south to be 2.7’) and combined side yard setback from 4.8’ to 2.7’; and (2) relocate the rear yard open space to the proposed garage roof deck.

<sup>1</sup> Under the Chicago Historic Resources Survey.

<sup>2</sup> From comments made at the hearing, it seems that a garage roof deck may already exist on the detached garage. Nevertheless, the plans presented to the ZONING BOARD OF APPEALS show improvements to such garage roof so the ZONING BOARD OF APPEALS will continue to refer to it as proposed.



## II. PUBLIC HEARING

### A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing<sup>3</sup> on the Applicants variation applications at its regular meeting held on June 17, 2022, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicants had submitted its proposed Findings of Fact. The Applicants Mr. Andrew Watson and Ms. Abbey Watson and their attorney Mr. Tom Moore were present. The Applicants' architect Mr. Walter Dohrman was also present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).<sup>4</sup>

The Applicants' attorney Mr. Tom Moore provided an overview of the applications.

The Applicants Mr. Andrew Watson and Ms. Abbey Watson offered testimony in support of the applications.

The Applicants' architect Mr. Walter Dohrman offered testimony in support of the applications.

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

In response to further questions from The ZONING BOARD OF APPEALS Mr. Dohrman offered further testimony and Mr. Moore made statements.

### B. Criteria for a Variation

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

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

---

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

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

similarly situated property; and (3) the variation, if granted, will not alter the essential character of the neighborhood.

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

### III. FINDINGS OF FACT.

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

1. *Strict compliance with the regulations and standards of the Chicago Zoning Ordinance will not create practical difficulties or particular hardships for the subject property.*

The ZONING BOARD OF APPEALS finds that the strict compliance with the regulations and standards of the Chicago Zoning Ordinance will not create practical difficulties or particular hardships for the subject property. In a RM-5 zoning district, a rear deck may be up to 6' above grade. Due to the age of the home, the home's rear door is about 1' higher than 6' from grade. At the hearing, the Applicants argued that this created a practical difficulty or particular hardship with respect to erecting a new rear deck. However, it is entirely possible for the Applicants to have a 6' high rear deck and then have a step (or steps) descending from the home's rear entrance to this 6' high rear deck. It is also entirely possible for the Applicants to erect a Hopkins' Amendment<sup>5</sup> stair to access their proposed

---

<sup>5</sup> Pursuant to an ordinance passed by the City Council of the City of Chicago on March 29, 2017 and published in the *Journal of Proceedings of the City Council* for such date at pages 45477 to 45494, Section 17-17-0309 of the Chicago Zoning Ordinance was amended to permit stairs that provide access to garage



garage roof deck. Therefore, it is not the orange-rated nature of the home itself or even the detached garage that is necessitating the request for variations. Similarly, there is nothing about the short lot depth and narrow lot width of the subject property that creates practical difficulties or particular hardships for the subject property. Instead, the variations are requested solely for the Applicants' preference and convenience. In particular, the requests for variations are due to the Applicant's desire to not step down onto their rear deck. However, this is solely a matter of personal preference. The ZONING BOARD OF APPEALS does not find that a step (or steps) down from a rear exit to a rear deck to be any more dangerous than steps from the rear deck to grade – which are clearly shown on the Applicants' plans. Further, the ZONING BOARD OF APPEALS does not at all agree with Mr. Dohrman that the proposed design allows more rear yard open space than a Hopkins' Amendment stair. As it stands, the proposed rear deck ensures that the Applicants' have no rear yard open space as the proposed rear deck spans the entirety of the rear yard (and is in fact why the Applicants are requesting a variation to relocate their rear yard open space).

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

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

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

---

roof decks in the rear yard setback. Such ordinance was sponsored by Aldermen Brian Hopkins and Michele Smith and is therefore commonly referred to as the “Hopkins' Amendment”.

1. *The property in question can yield a reasonable return if permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance.*

As the Applicants will continue to own and continue to reside at the subject property, reasonable return in this instance is livability of the subject property. The ZONING BOARD OF APPEALS finds that the subject property is livable and thus can yield a reasonable return if permitted to be used only in accordance with the Chicago Zoning Ordinance. Again, this is not the case that without the variations, the Applicants would be unable to have a rear deck or unable to have access to the proposed garage roof deck. In such an instance, the ZONING BOARD OF APPEALS would find that the subject property was not livable. However, the subject property can support both a rear deck and access to the proposed roof deck without the requested variations. It is only the Applicants' chosen design that necessitates the variations, and this design is solely to accommodate the Applicants' preference and convenience rather than to overcome any hardship with respect to the subject property.

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

Again, neither the home or garage on the subject property nor the subject property's short lot depth and narrow lot width necessitates the variations. Instead, the variations are requested solely due to accommodate the Applicants' chosen design for their proposed rear deck. Therefore, to the extent any practical difficulties or particular hardships exist such practical difficulties or particular hardships stem solely from the fact that the Applicants' desires with respect to their rear yard do not align with the Chicago Zoning Ordinance. This is not a unique circumstance and is generally applicable to other residential property.

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

It is up the Applicant to prove their case. The Applicant presented no evidence regarding other rear decks in the neighborhood, let alone evidence showing that other rear decks in the neighborhood spanned the entirety of the rear yard.

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

1. *The particular physical surroundings, shape or topographical condition of the specific property involved would not result in a particular hardship upon the*



*property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.*

Neither the shape – that is, short lot depth and narrow lot width of the subject property – nor the topographical condition – that is, the home and the garage – result in particular hardship upon the Applicant. The ZONING BOARD OF APPEALS finds the fact that the Applicants must walk down a step (or steps) from the rear exit of their home to a rear deck to be a mere inconvenience. Similarly, the Applicants’ desire to forgo a Hopkins’ Amendment stair to access the proposed garage roof deck due to their belief that a Hopkins’ Amendment stair would take up too much space is also a mere inconvenience.

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

The Applicants failed to demonstrate to the ZONING BOARD OF APPEALS that the basis for their variations was not generally applicable to other property within the RM-5 zoning classification. The hardships faced by the Applicants – having a young child and elderly parents and wanting a more convenient living space – are personal circumstances not related to conditions unique to the subject property.

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

The ZONING BOARD OF APPEALS finds that the purpose of the variations is not based exclusively upon a desire to make more money out of the property. The Applicants intend to live at the subject property with their family and their proposed plans are based on a desire to update their home to meet the needs of their family.

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

The ZONING BOARD OF APPEALS has declined to find the existence of any practical difficulty or particular hardship with respect to the subject property. To the extent any practical difficulty or particular hardship exists, it exists solely because the Applicants – due to their personal preference and convenience – have designed a rear deck that requires the variations. As such, any practical difficulty or particular hardship has been created entirely by the Applicants.

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

The variations are for the proposed rear deck. The proposed rear deck has been designed to comply with all applicable safety and building codes. As such, granting the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

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

The variations would allow for the proposed rear deck. As evidenced from the plans of the proposed rear deck, the variations will not impair an adequate supply of light and air to adjacent property. Similarly, as the detached garage will remain on the subject property, the variations will not substantially increase the congestion in the public streets. Since the proposed rear deck will be all steel, the variations will not increase the danger of fire or endanger the public safety. However, it is up to the Applicants to prove their case, and the Applicants failed to prove that the variations would not substantially diminish or impair property values in the neighborhood. Mr. Dorhman was the only witness to provide any testimony or averments to this standard. However, he provided no qualifications in property appraisal. Further, simply because the proposed deck will be built in compliance with all safety and building codes that does not automatically mean that the proposed rear deck would not substantially diminish or impair property values in the neighborhood.

#### IV. CONCLUSION

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

The ZONING BOARD OF APPEALS hereby denies the Applicants' 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, 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 11/21, 2022.

  
Janine Klich-Jensen

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

**APPLICANT:** Hollywood Kids Salon Cal. No.201-22-S  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
June 17, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1755 W. 87<sup>th</sup> Street

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

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**

**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

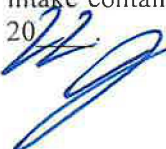
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 2022; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 7/18, 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



**ZBA**

SEP 19 2022

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

**4927 N Claremont, Inc.**

APPLICANT

**202-22-Z, 203-22-Z,  
204-22-Z & 205-22-Z**  
CALENDAR NUMBERS

**4927 N. Claremont Ave. & 2306-20 W.  
Ainslie St.**

PREMISES AFFECTED

**June 17, 2022**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The applications  
for the variations for 4927 N.  
Claremont Ave. and 2306-20  
W. Ainslie St. are approved.

Timothy Knudsen,  
Chairman  
Zurich Esposito  
Brian Sanchez  
Sam Toia

AFFIRMATIVE    NEGATIVE    ABSENT

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

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 4927 N.  
CLAREMONT AVE. & 2306-20 W. AINSLIE ST. BY 4927 N CLAREMONT, INC.**

**I. BACKGROUND**

4927 N Claremont, Inc. (the “Applicant”) submitted two variation applications for 4927 N. Claremont Ave. (“4927 N. Claremont”) and two variation applications for 2306-20 W. Ainslie St. (“2306-20 W. Ainslie”). Collectively, 4927 N. Claremont and 2306-20 W. Ainslie are one zoning lot<sup>1</sup> and are improved with the St. Mathias parish campus. 4927 N. Claremont is improved with a vacant convent (the “former convent”). 2306-20 W. Ainslie is improved with a church and a rectory. The Applicant proposed to purchase 4927 N. Claremont from the Catholic Bishop of Chicago (the “Archdiocese”). The Applicant further proposed to repurpose the former convent into a 16 dwelling unit building (the “proposed development”). In anticipation of the proposed development, the Applicant rezoned<sup>2</sup> 4927 N. Claremont from RS-3 to B2-3. 2306-20 W. Ainslie remains zoned RS-3.

In order for the Applicant to purchase 4927 N. Claremont from the Archdiocese and establish 4927 N. Claremont as an independent zoning lot, the former convent, church and rectory are required to come into compliance with all applicable standards of the Chicago

<sup>1</sup> As such term is defined in Section 17-17-02197 of the Chicago Zoning Ordinance.

<sup>2</sup> Pursuant to a Type 1 zoning amendment.



Zoning Ordinance. In particular, Section 17-17-0301 of the Chicago Zoning Ordinance mandates the following:

No improved zoning lot may be divided into 2 or more zoning lots and no portion of any improved zoning lot may be sold unless all improved zoning lots resulting from the division or sale comply with all the applicable bulk regulations of the zoning district in which the property is located.

Consequently, to ensure the former convent complied with all the applicable bulk regulations of the B3-2 zoning district, the Applicant sought the following variations for 4927 N. Claremont: (1) to eliminate the 5' high wooden fence screening requirement along the adjacent lot located in a residential zoning district; and (2) to reduce the minimum rear setback on floors containing dwelling units from 30' to 11.70', to reduce the north side setback from 75.25' to 3.81' and to reduce the south side setback from 75.25' to 12.35'. To ensure the church and rectory complied with all the applicable bulk regulations of the RS-3 zoning district, the Applicant sought the following variations for 2306-20 W. Ainslie: (1) to reduce the rear setback from the required 50' to 3.43', to reduce the west side setback from 75.25' to 4.81' and to reduce east side setback from 75.25' to 51.79'; and (2) reduce the rear yard open space from the minimum required 1,717 square feet to 0'.

## II. PUBLIC HEARING

### A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing<sup>3</sup> on the Applicant's variation applications at its regular meeting held on June 17, 2022, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The Applicant's president Mr. David Gassman and its attorney Mr. Thomas S. Moore were present. The Applicant's architect Mr. Jonathan Splitt was also present. Present and seeking clarification on the applications was Mr. Phil Michalec. Present and in opposition to the applications were: Mr. John Kelleher, Ms. Kathleen Evans and Mr. Nick Calingaert (together "the Objectors"). The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).

The Applicant's attorney Mr. Thomas S. Moore gave an overview of the applications.

The Applicant offered the testimony of its president Mr. David Gassman in support of the applications.

The Applicant offered the testimony of its architect Mr. Jonathan Splitt in support of the applications.

---

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

Mr. Phil Michalec, of 4944 N. Oakley Ave., sought clarification regarding the Applicant's applications.

In response to Mr. Michalec's question, Mr. Moore provided clarification.

Mr. John Kelleher, of 4924 N. Claremont, offered testimony in opposition of the applications.

Ms. Kathleen Evans, of 4912 N. Oakley Ave., offered testimony in opposition of the applications.

In response Mr. Kelleher's and Ms. Evans' testimony, Mr. Gassman offered further testimony.

Mr. Nick Calingaert of 4856 N. Oakley Ave. offered testimony in opposition of the applications.

In response to Mr. Calingaert's testimony, Mr. Gassman and Mr. Splitt offered further testimony.

Mr. Kelleher offered further testimony.

In response to Mr. Kelleher's testimony, Mr. Moore provided an explanation.

Mr. Kelleher offered further testimony.

Mr. Moore made a rebuttal statement.

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

Mr. Moore then made a brief closing statement.

#### B. Criteria for a Variation

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

Pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance, in order to determine that practical difficulties or particular hardships exist, the ZONING BOARD OF APPEALS must find evidence of each of the following: (1) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of

the Chicago Zoning Ordinance; (2) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and (3) the variation, if granted, will not alter the essential character of the neighborhood.

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

### III. FINDINGS OF FACT

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

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

#### **4927 N. Claremont**

The Applicant proposes to repurpose and renovate the former convent into the proposed development. Such proposed redevelopment consists of 16 dwelling units some of which will be affordable and accessible units. As the former convent is part of an improved zoning lot, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for 4927 N. Claremont in that the former convent could not be repurposed and renovated.



**2306-20 W. Ainslie**

Without the variations, the Archdiocese would have to partially or fully demolish the church and rectory at 2306-20 W. Ainslie. The ZONING BOARD OF APPEALS therefore finds that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for 2306-20 W. Ainslie.

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

**4927 N. Claremont & 2306-20 W. Ainslie**

The requested variations will allow for the renovation and reuse of the former convent into a 16 dwelling unit building with affordable and accessible units with spaces for 6 cars and 15 bicycles. The former convent will remain the same square footage and will be a green building with geothermal heat and cooling. Furthermore, the renovation and reuse of the former convent is a transit-oriented development (“TOD”), which encourages the use of transit lines instead of private vehicle use. The requested variations will also allow the church and rectory building to remain unchanged. As such the variations are consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance; (3) protecting the character of established residential neighborhoods pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance; (4) promoting pedestrian, bicycle and transit use pursuant to Section 17-1-0507 of the Chicago Zoning Ordinance; (5) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance; (6) ensuring adequate light, air, privacy, and access to property pursuant to Section 17-1-0509 of the Chicago Zoning Ordinance; (7) encouraging environmentally responsible development practices pursuant to Section 17-1-0510 of the Chicago Zoning Ordinance; (8) promoting rehabilitation and reuse of older buildings pursuant to Section 17-1-0511 of the Chicago Zoning Ordinance; (9) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance; and (10) accommodating growth and development that complies with the preceding stated purposes pursuant to Section 17-1-0514 of the Chicago Zoning Ordinance.

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

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

**4927 N. Claremont**

If 4927 N. Claremont is used only in accordance with the standards of the Chicago Zoning Ordinance the former convent will remain vacant. Thus, without approving the variations the 4927 N. Claremont will not be redeveloped and cannot yield a reasonable return.

**2306-20 W. Ainslie**

Without the variations, the church and rectory would need to be partially or fully demolished. Thus, 2306-20 W. Ainslie 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.*

**4927 N. Claremont & 2306-20 W. Ainslie**

The St. Mathias parish campus is a unique circumstance because it involves three nonconforming principal buildings on a single improved zoning lot. Typically, there is only one principal building on a single improved zoning lot. As such, this configuration of improvements is not generally applicable to other improved zoning lots.

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

**4927 N. Claremont**

The ZONING BOARD OF APPEALS finds that the variations requested will allow the former convent to be repurposed and renovated in a manner that is respectful of the residential neighborhood. As can be seen from the plans and drawings, the former convent will be preserved and repurposed into the proposed development, which will be a green development and will include dwelling units that are affordable and accessible. As Mr. Gassman and Mr. Splitt testified, the third-floor

addition will only involve changing the pitch of the roof, thereby making better use of the existing third floor. The exterior walls of the former convent are being preserved, and the electric lift will be added to the rear of the former convent. The proposed development is a TOD and is located within 1320 feet of the Western Avenue bus corridor<sup>4</sup>; therefore, the parking proposed is more than adequate for the number of dwelling units. As such, the variations, if granted, will not alter the essential character of the neighborhood.

### **2306-20 W. Ainslie**

The variations will allow the church and rectory to remain unchanged. The church and rectory have existed for decades. No changes are proposed to the church and rectory; the variations are solely to allow for the subdivision of the single improved zoning lot into two separate zoning lots. Thus, all existing buildings and surrounding green areas at 2306-20 W. Ainslie will remain as they are. As such, the variations, if granted, will not alter the essential character of the neighborhood.

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

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

### **4927 N. Claremont**

Given 4927 N. Claremont's topographical condition, that is that multiple buildings exist on a single zoning lot, strict compliance with current zoning regulations would result in a particular hardship to the Applicant. Without the requested variations the Applicant will be unable to put the former convent back into productive use, and the former convent will remain vacant. This is far more than a mere inconvenience.

### **2306-20 W. Ainslie**

Given 2306-20 W. Ainslie's topographical condition, that is that multiple buildings exist on a single zoning lot, strict compliance with current zoning regulations would result in a particular hardship to the Archdiocese. Without the requested variations

---

<sup>4</sup> Section 17-10-0102-B of the Chicago Zoning Ordinance.



the Archdiocese would have to partially or fully demolish the church and rectory. Such demolition is far more than a mere inconvenience.

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

**4927 N. Claremont & 2306-20 W. Ainslie**

The church, rectory and former convent existing on one zoning lot are not applicable, generally, to other property within either the RS-3 zoning classification or the B2-3 zoning classification. Generally, there is only one principal building on any one improved zoning lot.

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

**4927 N. Claremont**

The purpose of the variations is to repurpose and renovate the former convent in a manner that is respectful of the residential neighborhood. The variations are therefore not based exclusively upon a desire to make more money out of the 4927 N. Claremont.

**2306-20 W. Ainslie**

The purpose of the variations is to allow the church and rectory to remain unchanged on the newly created zoning lot. The variations are therefore not based exclusively upon a desire to make more money out of 2306-20 W. Ainslie.

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

**4927 N. Claremont & 2306-20 W. Ainslie**

The legal nonconformity of the former convent, the church and the rectory all existing on one zoning lot has not been created by either the Applicant or the Archdiocese. All three buildings were erected prior to the current Chicago Zoning Ordinance and therefore inherently violate the rule of having more than one building on a zoning lot.

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

**4927 N. Claremont & 2306-20 W. Ainslie**

The granting of the variations will allow the St. Mathias parish campus to be divided into two zoning lots. The church and rectory will remain unchanged. The former convent will be repurposed and renovated into the proposed development. The ZONING BOARD OF APPEALS finds that the variations requested will allow the former convent to be repurposed and renovated in a manner that will be beneficial to the public welfare as it is a green development, a TOD and will have affordable and accessible dwelling units. The third floor addition, as testified to by both Mr. Gassman and Mr. Splitt, will only involve changing the pitch of the roof, thereby making better use of the existing third floor. Because the proposed development is a TOD, the proposed development includes 6 off-street vehicular parking spaces and 15 off-street bike spaces to encourage the use of public transportation that is on Western Avenue. The variations also will not be injurious to other property or improvements in the neighborhood. Again, the church and rectory will remain unchanged. The proposed development will reuse the former convent's exterior walls. The change in the pitch in the roof of the former convent will not be visible from the street. The electric lift the Applicant will install to the rear of the convent will also not be visible from the street. Based on all this, the ZONING BOARD OF APPEALS finds that granting the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

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

**4927 N. Claremont**

The variations are to allow for the proposed development. The proposed development will not alter the size of the former convent. The Applicant will be reusing the existing exterior walls. The third floor addition, as testified to by Mr. Gassman and Mr. Splitt will only involve changing the pitch of the roof, thereby making better use of the existing third floor. Thus, the ZONING BOARD OF APPEALS finds the proposed variations will not impair an adequate supply of light and air to adjacent property. The ZONING BOARD OF APPEALS finds the variations will not substantially increase the congestion in the public streets. As

can be seen from the plans and drawings, the proposed development includes off-street vehicular and bicycle parking. Further, it is a TOD and is located very close to the Western Avenue bus corridor. The variations will allow for the proposed project, and the proposed project will not be built unless and until a building permit is issued, ensuring it complies with the Chicago Building Code; the proposed variations will not increase the danger of fire or endanger the public safety. As the proposed development will allow for the former convent to be repurposed from a vacant building to a 16 dwelling unit building, the ZONING BOARD OF APPEALS finds that the variations will not substantially diminish or impair property values within the neighborhood.

**2306-20 W. Ainslie**

The variations will allow the church and rectory to remain unchanged. The church and rectory will remain in their current locations as will the green space surrounding both buildings. Therefore, the ZONING BOARD OF APPEALS finds the variations will not impair an adequate supply of light and air to adjacent property. The ZONING BOARD OF APPEALS further finds that the variations will not substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values in the neighborhood, as, again, nothing is changing. There will be no additions or modifications to the buildings. They will remain as they have for at least 100 years.

IV. CONCLUSION

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

The ZONING BOARD OF APPEALS hereby approves the Applicant's applications for variations for 4927 N. Claremont, and the Zoning Administrator is authorized to permit said variations.

The ZONING BOARD OF APPEALS hereby approves the Applicant's applications for variations for 2306-20 W. Ainslie, and the Zoning Administrator is authorized to permit said variations.

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

APPROVED AS TO SUBSTANCE

By: 



Brian Sanchez, Acting Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 9/19, 2022.

  
\_\_\_\_\_  
Janine Klich-Jensen

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

**APPLICANT:** Reverend Thomas A. Barclay Cal. No.206-22-S  
**APPEARANCE FOR:** Dean Maragos **MINUTES OF MEETING:**  
 June 17, 2022  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1219 W. 87<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a special use to establish a community center with a proposed three-story addition to the existing one-story community center building.

**ACTION OF BOARD – APPLICATION APPROVED**



**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS**

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN SANCHEZ  
 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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 community center with a proposed three-story addition to the existing one-story community center 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, Reverend Thomas A. Barclay, and the development is consistent with the design and layout of the plan and documents dated February 14, 2022, prepared by Blue Lines Architecture PLLC.

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 7/18.

20

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

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

**APPLICANT:** Nicholas VanderVoort

**CAL. NO.:** 207-22-Z

**APPEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1300 N. Maplewood Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the south side setback from the required 20' to zero (north to be 3'), combined side yard setback from 5' to 3' for a proposed two-story, single-family residence with a detached two-car garage.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

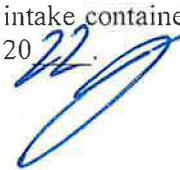
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 zero (north to be 3'), combined side yard setback to 3' for a proposed two-story, single-family residence with a detached two-car garage; an additional variation was granted to the subject property in Cal. No. 208-22-Z; the Board finds 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 7/16, 2022.



**APPROVED AS TO SUBSTANCE**



**CHAIRMAN**



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

**APPLICANT:** Nicholas VanderVoort

**CAL. NO.:** 208-22-Z

**APPEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1300 N. Maplewood Avenue

**NATURE OF REQUEST:** Application for a variation to increase the maximum building height from 30' to 33' for a proposed two-story, single-family residence with a detached two car garage.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a 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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 building height to 33' for a proposed two-story, single-family residence with a detached two car garage; an additional variation was granted to the subject property in Cal. No. 207-22-Z; the Board finds 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 7/18, 2022.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Gregory Williamson

**CAL. NO.:** 209-22-Z

**APPEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 8636 S. Blackstone Avenue

**NATURE OF REQUEST:** Application for a variation to increase the area occupied by an accessory building in the rear setback from the maximum allowable area of 626.47 to 675 square feet for a proposed detached two-car garage to serve an existing one-story single-family residence.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

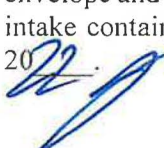
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 area occupied by an accessory building in the rear setback to 675 square feet for a proposed detached two-car garage to serve an existing one-story single-family residence; the Board finds 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 7/18, 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**

**NOV 21 2022**

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

**210-22-S**  
CALENDAR NUMBER

**Mohammad Abdallah**

APPLICANT

**1-7 W. 103rd Street**

PREMISES AFFECTED

**June 17, 2022**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The application for special use is denied.

Timothy Knudsen,  
Chairman  
Zurich Esposito  
Brian Sanchez  
Sam Toia

AFFIRMATIVE    NEGATIVE    ABSENT

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

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE APPLICATION 1-7 W. 103RD  
STREET BY MOHAMMAD ABDALLAH.**

**I. BACKGROUND**

Mr. Mohammad Abdallah (the "Applicant") submitted a special use application for 1-7 W. 103rd Street (the "subject property"). The subject property is vacant and unimproved and is currently zoned C2-1. The Applicant proposed to establish a gas station with accessory retail and walk-in restaurant on the subject property. To permit this, the Applicant sought a special use.<sup>1</sup> 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; and (2) the development was consistent with the plan and documents dated June 9, 2022, prepared by BAU Design and Development.

**II. PUBLIC HEARING**

**A. The Hearing**

<sup>1</sup> As set forth in Section 17-3-0207-HH of the Chicago Zoning Ordinance, a gas station is a special use in a C2-1 zoning district.



The ZONING BOARD OF APPEALS held a remote public hearing<sup>2</sup> on the Applicant's special use application at its regular meeting held on June 17, 2022, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 21, 2021), the Applicant had submitted his proposed Findings of Fact. The Applicant Mr. Mohammed Abdallah and his attorney Mr. John Pikarski were present. The Applicant's project manager and lead designer Mr. Amrou Said and his MAI certified real estate appraiser Mr. Joseph Ryan were also present.<sup>3</sup> Present and in opposition to the application were Mr. Patrick Wilson, Ms. Denise Simmons, and Mr. David Shelton (collectively, the "Objectors"). The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).

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

The Applicant Mr. Mohammed Abdallah offered testimony in support of the application.

The Applicant's project manager and lead designer Mr. Amrou Said offered testimony in support of the application.

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

Mr. Patrick Wilson, of 12 E. 103rd Place, offered testimony in opposition of the application.

Ms. Denise Simmons, of 2 E. 103rd Place, offered testimony in opposition of the application.

Mr. Wilson offered further testimony in opposition to the application.

Mr. David Shelton, of 26 W. 103rd Place, offered testimony in opposition of the application.

In response to the Objectors' testimony, Mr. Ryan offered further testimony.

In response to Mr. Ryan's testimony, Ms. Simmons offered further testimony.

In response to questions from the ZONING BOARD OF APPEALS, the Applicant offered further testimony and Mr. Pikarski made a statement.

Mr. Pikarski then made a brief closing statement.

---

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

<sup>3</sup> The Applicant's architect Mr. Damien Babicz was unavailable and thus not present.

## B. Criteria for a Special Use

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

## III. FINDINGS OF FACT

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

- 1. The proposed special use does not comply with all applicable standards of the Chicago Zoning Ordinance.*

The subject property is located in a C2-1 zoning district. A gas station is a special use in a C2-1 zoning district<sup>4</sup>. The Applicant's proposed gas station complies with all applicable bulk and density standards of the C1-2 zoning district<sup>5</sup>; consequently, other than the Applicant's requested special use, the Applicant seeks no other relief from the Chicago Zoning Ordinance. A special use for a gas station may only be granted if the ZONING BOARD OF APPEALS finds that the proposed special use meets all criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance. Since the ZONING BOARD OF APPEALS declines to grant the proposed special use (the reasons for which are set forth in greater detail below), the proposed special use does not comply with Section 17-13-0905-A of the Chicago Zoning Ordinance and therefore does not comply with all applicable standards of the Chicago Zoning Ordinance.

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

---

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

<sup>5</sup> As evidenced by the fact there is no companion variation application and by the Zoning Administrator's favorable recommendation.

Although the proposed special use may be commercially expedient for the Applicant, the ZONING BOARD OF APPEALS fails to see how the public will derive any benefit from the proposed special use. Further, the ZONING BOARD OF APPEALS finds that the proposed special use will have a significant adverse impact on the general welfare of the neighborhood or community. The ZONING BOARD OF APPEALS makes these findings on the very credible, first-hand testimony of the Objectors regarding unemployment, loitering and crime in their neighborhood. The ZONING BOARD OF APPEALS agrees with the Objectors that the proposed special use – with its twenty-four hour operations – will greatly exacerbate these problems. While the Applicant testified to his security measures, it is difficult to see how these measures would work against individuals that routinely break the law. Further, the fact that the Applicant testified that he met with the commander of the police district and intends to install thirty-two (32) cameras linking directly to the police station, employ an onsite armed, security guard twenty-four hours a day and install enhanced lighting, simply confirms the Objectors' conclusions that the proposed special use will become another criminal hotspot in the neighborhood. The ZONING BOARD OF APPEALS does not find credible the Applicant's testimony that he has had no issues with his other twenty-four hour gas stations, especially in light of the fact he maintains armed security guards at his other gas stations.

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.*

As can be seen from comparing the plans and drawings of the proposed special use with the photographs and maps of the surrounding area, the proposed special use is compatible with the surrounding area in terms of site planning and building scale and project design.

4. *The proposed special use is not 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 the proposed special use is not compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation. As set forth above, the ZONING BOARD OF APPEALS finds very credible the Objectors' characterization of the surrounding area. The ZONING BOARD OF APPEALS further finds that a twenty-four hour gas station is not at all compatible with the area in that it will provide another venue for loitering and criminal activity. In contrast, the ZONING BOARD OF APPEALS did not find the Applicant or his witnesses particularly credible when it came to first-hand,



personal knowledge of the character of the surrounding area. As such, the ZONING BOARD OF APPEALS finds the Applicant's and Mr. Ryan's conclusions with respect to the benefits of a twenty-four hour gas station at the subject property to be equally not credible.

5. *The proposed special use is not designed to promote pedestrian safety and comfort.*

Again, the ZONING BOARD OF APPEALS finds the Objectors' testimony with respect to the neighborhood to be very credible. The ZONING BOARD OF APPEALS further agrees with the Objectors that a twenty-four hour gas station at this location will invite loitering and crime. Such loitering and crime are not at all conducive to pedestrian safety and comfort. Moreover, in light of Ms. Simmons' testimony with respect to the appearance of the Applicant's gas station at 83rd and Cottage Grove, the ZONING BOARD OF APPEALS is not convinced that the Applicant's proposed special use will remain attractive, which is also not conducive to pedestrian comfort.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has not proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Sections 17-13-0905-A Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby denies the Applicant's application for a 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, 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 11/21, 2022.

  
Janine Klich-Jensen

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

**APPLICANT:** ME Wentworth, LLC Cal. No.211-22-S

**APPEARANCE FOR:** Agnes Plecka **MINUTES OF MEETING:**

June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2325-59 S. Wentworth Avenue

**NATURE OF REQUEST:** Application for a special use to expand an existing one-hundred forty-nine room hotel to a one hundred fifty-one room hotel including three penthouse dwelling units in an existing seven-story mixed use building.

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 expand an existing one-hundred forty-nine room hotel to a one hundred fifty-one room hotel including three penthouse dwelling units in an existing seven-story mixed use building; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony 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, ME Wentworth, LLC, and the development is consistent with the design and layout of the plans and drawings dated March 29, 2022, prepared by Vari 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 7/18

20 

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



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

**APPLICANT:** No Other Place Hair Salon & Day Spa, LLC Cal. No.212-22-S

**APPEARANCE FOR:** Lewis Powell

**MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 11135 S. Halsted Street

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

**ACTION OF BOARD – APPLICATION APPROVED**



**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 2022; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 7/18, 2022

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Gregory and Sara Davey  
**APPEARANCE FOR:** Warren Silver  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3537 N. Racine Avenue

**CAL. NO.:** 213-22-Z

**MINUTES OF MEETING:**  
 June 17, 2022

**NATURE OF REQUEST:** Application for a variation to reduce the north side setback from the required 2' to zero, (south to be zero), combined side yard setback from 5' to zero, rear setback from 37.5' to 1.98' to allow an as built rear three-story open deck attached to an existing rear four-story open stair, and as built stair bridge connection from the existing rear four-story open stair to an as built garage roof deck over the existing detached three car garage for the existing three-story, three dwelling unit building.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS**

**THE VOTE**

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN SANCHEZ  
 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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 zero, (south to be zero), combined side yard setback to zero, rear setback to 1.98' to allow an as built rear three-story open deck attached to an existing rear four-story open stair, and as built stair bridge connection from the existing rear four-story open stair to an as built garage roof deck over the existing detached three car garage for the existing three-story, three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 214-22-Z; the Board finds 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 7/18, 2022.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Gregory and Sara Davey  
**APPEARANCE FOR:** Warren Silver  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3537 N. Racine Avenue

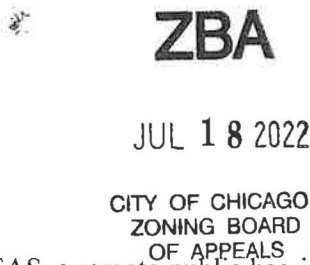
**CAL. NO.:** 214-22-Z

**MINUTES OF MEETING:**  
June 17, 2022

**NATURE OF REQUEST:** Application for a variation to relocate the 203.13 square feet of rear yard open space to an as built rear three-story open deck attached to an existing rear four-story open stair to an as built garage roof deck over the existing detached three car private garage at an existing three-story, three dwelling unit building.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**



TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN SANCHEZ  
 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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 203.13 square feet of rear yard open space to an as built rear three-story open deck attached to an existing rear four-story open stair to an as built garage roof deck over the existing detached three car private garage at an existing three-story, three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 213-22-Z; the Board finds 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 7/16, 2022.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Jaine Gutierrez dba Esmeralda's Beauty Salon Cal. No.215-22-S

**APPEARANCE FOR:** James Stola

**MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6142 N. Clark Street

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

**ACTION OF BOARD – Continued to July 15, 2022**

**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



**ZBA**

**NOV 21 2022**

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS  
**11-22-S & 216-22-Z**  
CALENDAR NUMBERS

**Stony Fuel Mart, Inc.**  
APPLICANT

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

**June 17, 2022**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

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

Timothy Knudsen,  
Chairman  
Zurich Esposito  
Brian Sanchez  
Sam Toia

AFFIRMATIVE    NEGATIVE    ABSENT

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

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE AND VARIATION APPLICATIONS  
FOR 9155 S. STONY ISLAND AVENUE BY STONY FUEL MART, INC.**

**I. BACKGROUND**

Stony Island Fuel Mart, Inc. (the “Applicant”) submitted a special use application and a variation application for 9155 S. Stony Island Avenue (the “subject property”). The subject property is zoned B3-2 and is improved with an existing gas station and accessory retail convenience store. The Applicant currently operates the gas station and the retail convenience store. The Applicant proposed to relocate and expand the footprint of the retail convenience store. Currently the retail convenience store contains approximately 1,019 square feet of total building area. The proposed relocation and expansion would increase the total building area to 1,632 square feet. (a 60% increase in floor area). Because of this change in building area, the Applicant was required to comply with Section 17-13-0910 of the Chicago Zoning Ordinance, which reads as follows:

**17-13-0910 Amendments to Special Uses.** A change or increase in the area, bulk or function of any existing special use, or from those conditions specified by the Zoning Board of Appeals at the time of approval, will constitute and be deemed the same as a new special use and will require special use approval pursuant to all procedures of this section.

Further, due to the size of the subject property, the Applicant required a variation to reduce the minimum lot area for a gas station from the required 20,000 square feet to

18,750 square feet. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator" and the "Department") recommended approval of the proposed special use provided that: (1) the special use was issued solely to the Applicant; (2) the development was consistent with the design and layout of the site details dated March 14, 2022, with landscape details dated March 18, 2022, elevations dated February 15, 2022, and floor plan dated February 25, 2022, prepared by Nick Scarlatis & Associates; and (3) the north side of the northernmost Stony Island driveway was relocated and reconstructed to be no closer than five feet (5') from the north property line in accordance with Chicago Department of Transportation ("CDOT") standards.

## II. PUBLIC HEARING

### A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing<sup>1</sup> on the Applicant's special use and variation applications at its regular meeting held on June 17, 2022, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*, and (with respect to the special use application) as continued without further notice as provided under Section 17-13-108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The Applicant's president Mr. Reziq Omran and its attorney Mr. Nick Ftikas were present. The Applicant's architect Mr. Nicholas Scarlatis and its MAI certified real estate appraiser Mr. Joseph Ryan were also present. The Zoning Administrator Mr. Patrick Murphy was present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).<sup>2</sup>

The Applicant's attorney Mr. Nick Ftikas provided a brief overview of the applications. He also stated that the Applicant opposed the Zoning Administrator's recommendation that the north side of the northernmost Stony Island driveway be relocated and reconstructed.

The Applicant's president offered testimony in support of the applications.

The Applicant's architect Mr. Nicholas Scarlatis offered testimony in support of the applications.

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

---

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

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

The Zoning Administrator Mr. Patrick Murphey offered testimony in support of the Zoning Administrator's recommendation that the north side of the northmost Stony Island driveway be relocated and reconstructed.

In response to Mr. Murphey's testimony, Mr. Scarlatis offered further testimony

Mr. Fitkas made a brief closing statement.

#### B. Criteria for a Special Use

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

#### C. Criteria for a Variation

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

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

Pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance, in making its determination of whether practical difficulties or particular hardships exist, the ZONING BOARD OF APPEALS must take into consideration the extent to which evidence has been submitted substantiating the following facts: (1) the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; (2) the conditions upon which the petition for a variation are based would not be applicable, generally, to other property within the same zoning classification; (3) the purpose of the variation is not based



exclusively upon a desire to make more money out of the property; (4) the alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property; (5) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

### III. FINDINGS OF FACT

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

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

The subject property is located in a B3-2 zoning district. A gas station is a special use in a B3-2 zoning district.<sup>3</sup> Other than the accompanying variation, the Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special use and the variation that brings it before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the special use and the variation to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience because it will allow the Applicant to provide the public with an improved and enlarged retail convenience store.

Further, due to the conditions imposed by the ZONING BOARD OF APPEALS, particularly the condition that the north side of the northernmost Stony Island driveway be relocated and reconstructed to be no closer than five feet (5') from the north property line in accordance with CDOT standards, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community. While the ZONING BOARD OF APPEALS appreciates the Applicant's argument with respect to the existing driveway, the fact of the matter remains that by expanding the building area of the retail convenience store, the Applicant can no longer rely – as the Zoning Administrator testified – on the prior nonconformity of the northernmost Stony Island driveway. The relocation of the northernmost Stony Island driveway will ensure that any

---

<sup>3</sup> See Section 17-3-0207(HH) of the Chicago Zoning Ordinance.

conflicts between the gas station's vehicular traffic and the public way are minimized. Keeping traffic conflicts to a minimum is especially important due to the fact the retail convenience store is being substantially expanded, and, consequently, the gas station itself will generate more traffic.

- 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 subject property is currently improved with a gas station. There will be no changes to the current location and configuration of the gas station's fuel pumps. A comparison of the photographs of current retail convenience store with the plans for the proposed retail convenience store shows that the proposed retail convenience store will be compatible with the surrounding area in terms of site planning and building scale and project design. Further, the relocation and reconstruction of the north side of the northernmost Stony Island driveway so that is no closer than five feet (5') from the north property line in accordance with CDOT standards will ensure – as set forth above – that any conflicts between the gas station's vehicular traffic and the public way are minimized. Based on all this, the proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

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

The proposed special use is for the relocated and enlarged retail convenience store. The Applicant is not changing its hours of operation and therefore its outdoor lighting and noise will similarly remain unchanged. The ZONING BOARD OF APPEALS does find that the enlarged retail convenience store will generate more traffic; however, due to the relocation and reconstruction of the north side of the northernmost Stony Island driveway so that is no closer than five feet (5') from the north property line in accordance with CDOT standards, any conflicts between traffic generated by the proposed special use and the public way will be minimized. Based on all this, 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.*

With the exception of the relocation and reconstruction of the north side of the northernmost Stony Island driveway so that is no closer than five feet (5') from the north property line in accordance with CDOT standards, ingress and egress to the subject property will not change. This relocation and reconstruction of the north side of the northernmost Stony Island driveway is to ensure that traffic

conflicts between the gas station's vehicular traffic and the public way are minimized. Further, the Applicant's plans show new landscaping for the subject property. The ZONING BOARD OF APPEALS therefore finds that the proposed special use is designed to promote pedestrian safety and comfort.

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

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

The Applicant currently operates a gas station on the subject property. The Applicant would like to make improvements to its gas station by means of a relocated and enlarged retail convenience store. However, due to changes in the Chicago Zoning Ordinance between 1971 and today, the subject property no longer has the required minimum lot area for a gas station. The ZONING BOARD OF APPEALS therefore finds that the strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property in that the improvements on the subject property would have to remain forever unchanged.

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 relocate and enlarge the retail convenience store on the subject property. As can be seen comparing the photographs of the subject property with the new plans and drawings, this relocation and enlargement of the retail convenience store is a great improvement to the subject property. Therefore, it will promote the public health, safety and general welfare pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance and preserve the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance. It will maintain economically vibrant as well as attractive business and commercial areas pursuant to Section 17-1-0504 of the Chicago Zoning Ordinance. The variation will allow a gas station to be maintained on the subject property thus maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance.

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



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

The subject property is improved with a gas station. Such gas station has been in operation since 1971. Without the requested variation, the Applicant is unable to make necessary improvements to its gas station. As such, if permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance, the gas station could never be improved. As consumer expectations for gas stations have changed greatly since 1971, without the requested variation, the subject property cannot yield as reasonable return.

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

The current use of the subject property as a gas station combined with the Chicago Zoning Ordinance's requirement that a gas station must have 20,000 square feet of minimum lot area is a unique circumstance that is not generally applicable to other commercial property.

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

The variation will allow a relocated and enlarged retail convenience store for the gas station. As can be seen from the plans and drawings for the proposed retail convenience store, the relocated and enlarged retail convenience store will greatly improve the current condition of the subject property. Further, a gas station has operated on the subject property since 1971. As such, the variation will not alter the essential character of the neighborhood.

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

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

The particular shape of the subject property – that is, the fact that its minimum lot area is less than 20,000 square feet – results in particular hardship to the Applicant if the strict letter of the Chicago Zoning Ordinance were carried out. Without the variation, the Applicant would not be able to ever make improvements to its gas station. The ZONING BOARD OF APPEALS finds this to be much more than a mere inconvenience.

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

The fact that the Applicant operates a gas station on the subject property despite the fact that the subject property's minimum lot area is less than 20,000 square feet is not a condition that is applicable, generally, to other property in the B3-2 zoning district.

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

The purpose of the variation is not based exclusively upon a desire to make more money out of the subject property but rather to allow the Applicant to make necessary improvements to its gas station.

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

The Applicant did not create the 20,000 square foot minimum lot area requirement for gas stations. Such a requirement was created solely by the City Council when it adopted the present Chicago Zoning Ordinance.

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

The variation will allow for a relocated and expanded retail convenience store. As can be seen from comparing the plans and drawings of proposed retail convenience store with photographs of the current retail convenience store, the proposed retail convenience store will be a great improvement to the current conditions on the subject property. As such, the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located.

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

The variation will allow for the relocated and expanded retail convenience store. As can be seen from comparing the plans and drawings of the proposed building with the photographs of the neighborhood, it is clear that the variation will not impair an adequate supply of light and air to adjacent property. Due to the relocation and reconstruction of the north side of the northernmost Stony Island driveway so that is no closer than five feet (5') from the north property line in accordance with CDOT standards, the variation will not substantially increase congestion in the public streets. As the proposed retail convenience store will not be built unless and until all proper building permits have been issued, the

variation will not increase the danger of fire or endanger the public safety. As the variation will allow the Applicant to improve the gas station by means of a larger retail convenience store, the variation will not substantially diminish or impair property values within the neighborhood.

#### IV. CONCLUSION

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

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

1. The special use shall be issued solely to the Applicant;
2. The development shall be consistent with the design and layout of the site details dated March 14, 2022, with landscape details dated March 18, 2022, elevations dated February 15, 2022, and floor plan dated February 25, 2022, prepared by Nick Scarlatis & Associates; and
3. The north side of the northernmost Stony Island driveway shall be relocated and reconstructed to be no closer than five feet (5') from the north property line in accordance with CDOT standards.

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

The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a 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, 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 11/21, 2022.





Janine Klich-Jensen

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

APPLICANT: DTLYKVA, LLC  
APPEARANCE FOR: Paul Kolpak  
APPEARANCE AGAINST: None  
PREMISES AFFECTED: 650 W. Wrightwood Avenue

CAL. NO.: 217-22-Z

MINUTES OF MEETING:  
June 17, 2022

NATURE OF REQUEST: Application for a variation to reduce the east side setback from the required 2' to zero (west to be zero), combined side yard setback from 5' to zero for a proposed four-story rear addition, a third and fourth floor upper story addition, and unenclosed parking at the rear of the existing two dwelling unit building to be converted to three dwelling units.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

JUL 18 2022

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 zero), combined side yard setback to zero for a proposed four-story rear addition, a third and fourth floor upper story addition, and unenclosed parking at the rear of the existing two dwelling unit building to be converted to three dwelling units; an additional variation was granted to the subject property in Cal. No. 218-22-Z; the Board finds 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 7/18.

*[Handwritten signature]*

APPROVED AS TO SUBSTANCE

*[Handwritten signature]*  
CHAIRMAN

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

APPLICANT: DTLYKVA, LLC

CAL. NO.: 218-22-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:  
June 17, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 650 W. Wrightwood Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 251.32 square feet to zero for a proposed four-story rear addition, a third floor and fourth floor upper story addition, and unenclosed parking at the rear of the existing two dwelling unit building to be converted to three dwelling units.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

JUL 18 2022

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 2, 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 four-story rear addition, a third floor and fourth floor upper story addition, and unenclosed parking at the rear of the existing two dwelling unit building to be converted to three dwelling units; an additional variation was granted to the subject property in Cal. No. 217-22-Z; the Board finds 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 7/18/22.

APPROVED AS TO SUBSTANCE

  
CHAIRMAN



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

**APPLICANT:** Carolina Lapekas

**CAL. NO.:** 485-21-Z

**APPEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1952 N. Bissell Street

**NATURE OF REQUEST:** Application for a variation to reduce the south side setback from the required 2' to 1.25' (north to be 2.1'), combined side yard setback from 4.8' to 3.35' for the proposed conversion of a two-story front addition to an existing two-story, single-family residence to be converted to a two dwelling unit building.

**ACTION OF BOARD – Continued to September 16, 2022**

**THE VOTE**

**ZBA**

JUL 18 2022

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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:** Carolina Lapekas

**CAL. NO.:** 486-21-Z

**APPEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1952 N. Bissell Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard open space from the required 75.6 square feet to zero for a proposed two-story front addition to an existing two-story single-family residence to be converted to a two dwelling unit building.

**ACTION OF BOARD – Continued to September 16, 2022**

**THE VOTE**


**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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:** Chipotle Mexican Grill, Inc. Cal. No.45-22-S

**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

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

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

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
SAM TOIA

**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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 drive through facility to serve a proposed fast-food restaurant; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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, Chipotle Mexican Grill Inc., (2) the development is consistent with the design and layout of the plans and drawings dated June 14, 2022, prepared by Design Studio 24, LLC., and (3) the drive through is limited to a pick up window only for orders placed by customers on-line, in advance, and will not feature or utilize an exterior menu/order board nor speakers.

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 7/18, 2022.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



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

**APPLICANT:** Mohammad Shaikh Cal. No.49-22-S

**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 33 N. Western Avenue

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

**ACTION OF BOARD – APPLICATION WITHDRAWN**

**THE VOTE**

**ZBA**

JUL 18 2022

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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:** Real Vet West Loop, LLC

**CAL. NO.:** 155-22-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
June 17, 2022

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 451-57 N. Elizabeth Street

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 12' to zero, rear setback from 30' to 12' for a proposed two-story veterinary establishment and fifteen-car unenclosed parking lot.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**



**ZBA**

**JUL 18 2022**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN SANCHEZ  
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 June 17, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on May 5, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to zero, rear setback to 12' for a proposed two-story veterinary establishment and fifteen-car unenclosed parking lot; the Board finds 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 7/18, 2022.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**