

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

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

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

**APPEARANCE AGAINST:** None May 19, 2023

**PREMISES AFFECTED:** 2624-26 N. Lincoln Avenue

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

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

**ZBA**

**JUN 20 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
VAISHALI RAO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**  
*Brian Sanchez*  
**CHAIRMAN**

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

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

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
May 19, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 65-77 E. 50<sup>th</sup> Street

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

**ACTION OF BOARD – Continued to July 21, 2023**

**THE VOTE**

**ZBA**

**JUN 20 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
VAISHALI RAO  
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:** Chicago Trust Company, N. A. (Trust #BEV-4182) **Cal. No.:** 41-23-Z

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
May 19, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 65-77 E. 50<sup>th</sup> Street

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

**ACTION OF BOARD – Continued to July 21, 2023**

**THE VOTE**

**ZBA**  
  
JUN 20 2023  
  
CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
VAISHALI RAO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**  
*Brian Sanchez*  
**CHAIRMAN**

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

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

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
May 19, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 65-77 E. 50<sup>th</sup> Street

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

**ACTION OF BOARD – Continued to July 21, 2023**

**THE VOTE**

**ZBA**

**JUN 20 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
VAISHALI RAO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**  
*Brian Sanchez*  
**CHAIRMAN**

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

**APPLICANT:** 1909 W. Schiller Condominium Association **Cal. No.:** 98-23-Z

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

**APPEARANCE AGAINST:** None **May 19, 2023**

**PREMISES AFFECTED:** 1909-11 W. Schiller Street

**NATURE OF REQUEST:** Application for a variation to reduce the front setback on Evergreen Avenue from the required 11.4' to zero, the rear parking setback on from the front property line on W. Evergreen Avenue to prevent obstruction of the sidewalk by parked cars from 20' to zero and to reduce the west side setback from 3.68' to 1.9' (east to be 2.99') combined side yard setback from 9.2' to 4.89' for the as-built three-story, four dwelling unit building with roof top deck and roof top stairway enclosure and as built four car private garage on a through lot.

**ACTION OF BOARD – Continued to July 21, 2023**

**THE VOTE**

**ZBA**

**JUN 20 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
VAISHALI RAO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

*Brian Sanchez*  
**CHAIRMAN**

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

**APPLICANT:** West Care Illinois, Inc. Cal. No.105-23-S  
**APPEARANCE FOR:** Bridget O’Keefe **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None May 19, 2023  
**PREMISES AFFECTED:** 1850 W. Garfield Boulevard

**NATURE OF REQUEST:** Application for a special use to convert an existing two-story building to a transitional residence for a licensed recovery home for up to twenty-eight residents.

**ACTION OF BOARD – WITHDRAWN**

**THE VOTE**

**ZBA**

**JUN 20 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**  
*Brian Sanchez*  
**CHAIRMAN**

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

**APPLICANT:** 2310 E. 79<sup>th</sup> Inc. Cal. No.114-23-S  
**APPEARANCE FOR:** John Pikarski **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None May 19, 2023  
**PREMISES AFFECTED:** 2310 E. 79<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a special use to establish a gas station with the replacement of the accessory convenience store with a proposed one-story, 2,095.54 square foot building to serve a four-pump gas station.

**ACTION OF BOARD – Continued to July 21, 2023**

**ZBA**

**JUN 20 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
VAISHALI RAO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**  
*Brian Sanchez*  
**CHAIRMAN**

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

**APPLICANT:** 2310 E. 79<sup>th</sup> Inc. Cal. No.115-23-Z

**APPEARANCE FOR:** John Pikarski **MINUTES OF MEETING:**

May 19, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2310 E. 79<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a variation to reduce the lot area from the required 20,000 square feet to 17,855 square feet for a proposed four-pump gas station with new one-story accessory convenience store.

**ACTION OF BOARD – Continued to July 21, 2023**

**ZBA**

**JUN 20 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
VAISHALI RAO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**  
*Brian Sanchez*  
**CHAIRMAN**



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

**APPLICANT:** Gerardo Garcia & Tania Tavares **Cal. No.:** 159-23-Z  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
 May 19, 2023  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3551 W. Evergreen Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 16.57' to 10', west side setback from 4.77' to zero ( east to be 0.5'), combined side yard setback from 11.91' to 0.5' for a proposed two-story, single-family residence with an attached one car garage accessed from new driveway.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**THE VOTE**

**JUN 20 2023**  
 CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS

BRIAN SANCHEZ  
 ANGELA BROOKS  
 VAISHALI RAO  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 10', west side setback to zero ( east to be 0.5'), combined side yard setback to 0.5' for a proposed two-story, single-family residence with an attached one car garage accessed from new driveway; two additional variations were granted to the subject property in Cal. Nos. 160-23-Z and 161-23-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 4/20, 2023.

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

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

APPLICANT: Gerardo Garcia & Tania Tavares

Cal. No.: 160-23-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:

May 19, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3551 W. Evergreen Avenue

NATURE OF REQUEST: Application for a variation

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

JUN 20 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ

ANGELA BROOKS

VAISHALI RAO

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear yard open space to zero for a proposed two-story, single-family residence with an attached one car garage accessed from new driveway; two additional variations were granted to the subject property in Cal. Nos. 159-23-Z and 161-23-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.

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APPROVED AS TO SUBSTANCE

CHAIRMAN

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

**APPLICANT:** Gerardo Garcia & Tania Tavares **Cal. No.:** 161-23-Z  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
 May 19, 2023  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3551 W. Evergreen Avenue

**NATURE OF REQUEST:** Application for a variation to allow a minimum of one parking space per dwelling unit in an RS-3 zoning district for proposed two-story, single-family residence with an attached one-car garage accessed from a new driveway.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**THE VOTE**

JUN 20 2023  
 CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS

BRIAN SANCHEZ  
 ANGELA BROOKS  
 VAISHALI RAO  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

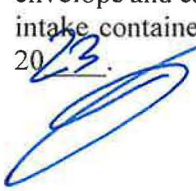
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and


WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to allow a minimum of one parking space per dwelling unit in an RS-3 zoning district for proposed two-story, single-family residence with an attached one-car garage accessed from a new driveway; two additional variations were granted to the subject property in Cal. Nos. 159-23-Z and 160-23-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 6/20, 2023.



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

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



**ZBA**

**JUN 20 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**PG6 Inc.**  
APPLICANT(S)

**133-23-S**  
CALENDAR NUMBER(S)

**2443 West 71st Street**  
PREMISES AFFECTED

**April 21, 2023**  
HEARING DATE

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

**FINDINGS OF THE ZONING BOARD OF APPEALS**

**I. SUMMARY**

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

**II. APPLICATION BACKGROUND**

The subject property is located in at the crossroads of the Chicago Lawn and Marquette Park neighborhoods. It is zoned B3-1 and is improved with a one-story brick-concrete building. The existing building was abandoned years ago and is configured to allow for commercial-retail uses. The Applicant proposed operate a tavern within the existing building on the subject property. Pursuant to Section 17-3-0207-AA(3) of the Chicago Zoning Ordinance, a tavern is a special use in a B3 Zoning district. The ZBA is authorized to hear and decide special use applications.<sup>1</sup> Therefore, the Applicant submitted a special use application to the ZBA. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of

<sup>1</sup> Pursuant to Section 17-14-302-B of the Chicago Zoning Ordinance.

Planning and Development (the “Zoning Administrator” and the “Department”) recommended: approval of the proposed tavern provided (1) the special use is issued solely to the applicant, PG6 Inc.; (2) the development is consistent with the design and layout of the Alta/NSPS Land Title Survey, dated May 9, 2022, prepared by Pi Surveying Group, and the floor plan and elevations plans and documents, dated August 20, 2021, prepared by Beehyvve; (3) the tavern use is contained solely within the single story, commercial building; and (4) no outdoor space can be utilized for tavern use without prior review and approval by the Zoning Board of Appeals of an expansion of this special use.

### III. PUBLIC HEARING

In accordance with the ZBA’s Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The ZBA held a remote<sup>2</sup> public hearing on the Applicant’s special use application at its regular meeting held on Friday, April 21, 2023. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. The list of participants is attached as the **Hearing Participant Exhibit**.

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

### IV. OVERVIEW OF CRITERIA

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

### V. FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

#### **CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS**

1. **Special Use.** For all the above reasons, the ZBA finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance.
2. The ZBA hereby APPROVES the Applicant's application for a special use, and pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use SUBJECT TO THE FOLLOWING CONDITIONS:(1) the special use is issued solely to the applicant, PG6 Inc.; (2) the development is consistent with the design and layout of the Alta/NSPS Land Title Survey, dated May 9, 2022, prepared by Pi Surveying Group, and the floor plan and elevations plans and documents, dated August 20, 2021, prepared by Beehyyve; (3) the tavern use is contained solely within

the single story, commercial building; and (4) no outdoor space can be utilized for tavern use without prior review and approval by the Zoning Board of Appeals of an expansion of this special use.

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  
Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 6/20, 2023.

Janine Klich-Jensen  
Janine Klich-Jensen





**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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

**JUN 20 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**4351-59 MLK LP**  
APPLICANT(S)

**49-23-Z & 50-23-Z**  
CALENDAR NUMBER(S)

**4351-59 S. MLK DR.**  
PREMISES AFFECTED

**February 17, 2023**  
HEARING DATE

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

**FINDINGS OF THE ZONING BOARD OF APPEALS**

**I. SUMMARY**

4351-59 MLK LP (the "Applicant") submitted applications for variations for 4351-59 S. Martin Luther King Drive (the "subject property"), in order to reduce the required off-street parking for residential use from four (4) stalls to two (2) stalls, and reduce the minimum required rear yard open space from 945 square feet to zero (0) square feet to allow the addition of four (4) dwelling units to an existing 18-dwelling unit multi-family residence with basement. The ZONING BOARD OF APPEALS held a public hearing on the Applicant's application. At the public hearing, the Applicant and his architect, by and through his attorney, presented the applications to the ZONING BOARD OF APPEALS. The Applicant's general contractor testified in support of the applications. A neighbor testified in objection to the applications. A member of the 3<sup>rd</sup> Ward aldermanic office testified neutrally. At the conclusion of the public hearing, the ZONING BOARD OF APPEALS approved the applications for variation.

**II. APPLICATION BACKGROUND**

The subject property is located in the Chicago Park Boulevard System Historic District. It is zoned RM-5 and is improved with a 3-story, 18-unit multi-family apartment building with a basement and no parking spaces. Applicant proposed to reduce the required off-street parking for residential use from four (4) stalls to two (2) stalls, and reduce the minimum required rear yard open space from 945 square feet to zero (0) square feet to allow the addition of four (4) dwelling units to an existing 18-dwelling unit multi-family residence with basement. The Applicant seeks a variation from Sections 17-10-207-C

and 17-2-0307 of the Chicago Zoning Ordinance to reduce the required off-street parking for residential use from four (4) stalls to two (2) stalls, and reduce the minimum required rear yard open space from 945 square feet to zero (0) square feet. The ZONING BOARD OF APPEALS is authorized to hear and decide variations.<sup>1</sup> Therefore, the Applicant submitted a variation application to the ZONING BOARD OF APPEALS.

### III. PUBLIC HEARING

In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted their proposed Findings of Fact. The ZONING BOARD OF APPEALS held a remote public hearing<sup>2</sup> on the Applicant's variation applications at its regular meeting held on Friday, February 17, 2023. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. The list of participants is attached as the **Hearing Participant Exhibit**.

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

### IV. OVERVIEW OF CRITERIA

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

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<sup>1</sup> Pursuant to Section 17-13-1101 of the Chicago Zoning Ordinance.

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

involved would result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; (2) the conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification; (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property; (4) the alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property; (5) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

#### V. FINDINGS OF FACT

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

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

The ZONING BOARD OF APPEALS finds that strict compliance with the standards of the Chicago Zoning Ordinance **would** create practical difficulties or particular hardships because the Chicago Zoning Ordinance allows 22 dwelling units in the existing building but the existing historical building's configuration prevents the Applicant from providing four parking spaces and the required rear yard space. As such, the Applicant faces practical difficulty and hardship from its inability to activate the unused areas of the existing basement floor area, given the Applicant acquired a legally nonconforming Property.

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

The ZONING BOARD OF APPEALS finds that the requested variations are consistent with the stated purpose and intent of the Chicago Zoning Ordinance because the Variations comply with the applicable zoning requirements governing 4351-4359 S. Dr. Martin Luther King Jr. Drive. The proposed Variations promote public health, safety and general welfare by adding to the neighborhood housing stock pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance. The proposed variations preserve the overall quality of life for residents by providing added residential options in the neighborhood through interior-only renovations pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance. The proposed Variations protect the character of the surrounding residential neighborhood by preserving and allowing the existing residential building to remain structurally unchanged while allowing for

consistent residential usage of the Property pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance. The proposed variations are compatible with the emerging land use and development pattern of the neighborhood, as it proposes interior-only renovations to a building contributing to the Chicago Park Boulevard System Historic District pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance. The requested variations encourage environmentally responsible development practices by allowing for the activation of unused floor area already in existence for added housing stock pursuant to Section 17-1-0510 of the Chicago Zoning Ordinance. The requested variations seek to rehabilitate for the continued use of an existing historic building that is approximately 100 years old pursuant to Section 17-1-0511 of the Chicago Zoning Ordinance. Finally, the requested Variations promote the above goals and therefore demonstrates that the requested Variations accommodate the growth and development promoted by 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 application for a variation pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance:

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

The Applicant testified that a reasonable return cannot be obtained if the strict standards of the Chicago Zoning Ordinance are upheld. Currently, the rate of return is only 1.9%. If the requested variations were granted, the proposed rate of return would increase to 5.0%.

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

The Applicant's architect testified that the Property has unique circumstances due to the age, the legal nonconforming nature of the building, and the historical courtyard-shaped orientation of the residential building. The variations being sought are to allow for the use of existing and unused floor area of the principal building, which was built approximately 100 years ago. Due to the legal nonconformities of the Property, the Applicant is prohibited from establishing additional by-right dwelling units with the existing and unused floor area of the Property. Due to the building's courtyard-shaped orientation, there is no additional access space off of the alley at the rear of the Property for more off-street parking spaces, nor does the open space already being provided qualify as rear yard open space as defined by the Chicago Zoning Ordinance. These make the Applicant's particular hardship the result of unique circumstances that are not generally applicable to other similarly situated properties.

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

The Applicant is seeking to add four dwelling units in an existing multi-family building in a multi-family zoning district surrounded by other multi-family uses. The Applicant does not seek to change the existing building's size, massing, design, scale, or exterior, but only to reuse the existing building's floor area to establish four additional dwelling units consistent with the nature of the Chicago Park Boulevard System Historic District. The Applicant cites the Chicago Metropolitan Agency for Planning's ("CMAP") July 2022 Community Data Snapshot for the Grand Boulevard neighborhood which found the area to have a 100% rating for both "high transit availability" and "high walkability" assessments, with many residents using public transportation as their primary method of travel, making additional parking at the Property unnecessary for the area.

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

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

The 100 year old property was built with a configuration that renders the building legally nonconforming today. The courtyard-shaped configuration of the building only allows the Applicant to provide two of the four parking spaces needed to establish the four additional dwelling units that the Applicant can add as-of-right. The building's configuration also prevents the Applicant from being able to provide any qualifying rear yard open space at the Property. Strict compliance with the Chicago Zoning Ordinance would cause underutilization of the building's floor area, and thus, create a particular hardship for the Applicant when contrasted with the ability to create additional dwelling units and housing options for the community.

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

The Property is unique from other properties in the RM-5 zoning classification in that this Property's principal building was developed nearly 100 years ago with a configuration that renders the Property legally nonconforming. The Property is legally nonconforming in relation to the minimum off-street parking and rear yard open space requirements, which make the Property unique in comparison to other RM-5 properties.

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

The Applicant testified that the purpose of the requested Variations is not based solely on the desire to make more money out of the property but rather, to obtain a reasonable return and to activate the Property to reflect its highest and best use. Without the requested variations, the Applicant would need to perpetuate and maintain the unused floor area that has been in existence for nearly 100 years and would be precluded from obtaining the necessary income to preserve the historic building and obtain a reasonable rate of return. As such, the purpose of the proposed Variations is not to make more money but only to overcome the Applicant's hardship and receive a reasonable rate of return.

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

The Applicant was not involved in creating the existing principal building, built nearly 100 years ago with zero off-street parking spaces and no qualifying rear yard open space. The Applicant testified that it did not know of the extent of legal nonconformities when the Property was purchased.

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

The Applicant's architect testified that the requested variations would not negatively impact the public welfare in any way, nor be injurious to other properties. The Applicant only seeks to adaptively reuse the existing building for its highest and best residential use. The proposed increased dwelling unit density with no parking would be attained through entirely interior renovations, and the bulk of the principal building would remain unchanged. Additionally, the Property is a transit served location, where parking is unnecessary for the use and enjoyment of the area. As such, the public welfare and other neighborhood properties would be unaffected by the granting of these proposed variations.

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

The Applicant's architect testified that the proposed Variations would not impair an adequate supply of light and air to adjacent property, as the relief being sought is for existing, below grade floor area. Accordingly, there would no change to the supply of light and air that currently exists for neighboring properties. The proposed variations won't substantially increase the congestion in the public streets, as the proposed variations would allow for four new units in a public transit-rich area. According to CMAP's study, the area has the highest rating in terms of walkability and public transit availability. The Applicant is not aware of any historical issues with parking or traffic at the Property. As such, the marginal increase in density with no additional parking being sought here is in keeping with the character of the neighborhood. Additionally, the proposed variations will

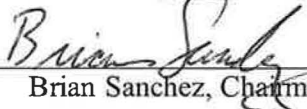
not increase the danger of fire or endanger public safety, as this relief would allow for interior-only renovations that would satisfy strict compliance with both the Chicago Zoning Ordinance and the Chicago Building Code. Finally, the proposed variations would not substantially diminish or impair property values within the neighborhood, as the requested variations, reflect only a minor increase in density and is in keeping with the character and development patterns of the multi-family zoning district surrounded by other multi-family uses.

**CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS**

1. For all the above reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved their case by evidence, testimony and the entire record, including the Applicant’s proposed Findings of Fact, covering the specific criteria for a variation pursuant to Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance.
2. The ZONING BOARD OF APPEALS hereby APPROVES the Applicant’s applications for variations, and the Zoning Administrator is authorized to permit said variations.

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

APPROVED AS TO SUBSTANCE

By:   
Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 6/20, 2023.

  
Janine Klich-Jensen

**HEARING PARTICIPANT EXHIBIT**

Name	Title (if applicable)	Address	Support	Oppose	Neutral
James Nahon	Applicant	2340 Milton Avenue, Cleveland, OH 44118	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gary Wands	Architect	1130 North Dearborn Street, Apartment 2401, Chicago, IL 60610	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>





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

**APPLICANT:** Sha'Nequa Hall dba Neko'z Place, LLC Cal. No.38-23-S  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:** April 21, 2023  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 617 W. 43<sup>rd</sup> Street

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

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

JUN 20 2023  
 CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS

BRIAN SANCHEZ  
 ANGELA BROOKS  
 ZURICH ESPOSITO  
 SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

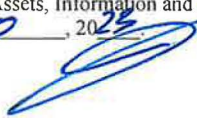
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on May 19, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair salon; Mr. William Bill Ensworth of 610 W. 43<sup>rd</sup> St., 60609 entered his appearance at the remote public hearing requesting his question regarding the Hours of Operation be answered and after having his question answered testified that he declined to withdraw his objection to the application; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony has offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: Hours of Operation shall be Monday through Friday, 9:00AM to 7:00PM; Saturdays, 9:00AM to 6:00PM; and appointments shall be available upon request for Sundays before 4:00/5:00PM closing.

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 6/20, 2023



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