

NOVEMBER 20, 2020

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

APPLICANT: Adrian.Ledesma

CAL NO.: 354-20-Z

PEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2812 S. Trumbull Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the minimum 8.27' to 1.5' for a proposed staircase and second floor deck entrance and removal of light pole for an existing two-story, two dwelling unit building.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; 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 reduce the front setback to 1.5' for a proposed staircase and second floor deck entrance and removal of light pole for an existing 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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: The Chicago Trust Company Trustee B3Bec 4638 dated 4/5/18. **CAL NO.:** 355-20-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 8168 S. Kenneth Avenue

NATURE OF REQUEST: Application for a variation to reduce the combined side setback from the required 12.9' to 9.1' (north to be 4.8', south to be 4.3') for a proposed carport to serve an existing two-story single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICHESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; 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 combined side setback to 9.1' (north to be 4.8', south to be 4.3') for a proposed carport to serve an existing two-story single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Hair by Tuti

APPEARANCE FOR: Same as Applicant

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7644 W. Belmont Avenue

Cal. No. 356-20-S

MINUTES OF MEETING:
November 20, 2020

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

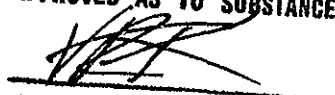
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

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 of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Adam Rios dba A1 Cutz, LLC Cal. No. 357-20-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
November 20, 2020
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4035 W. North Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

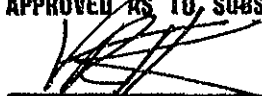
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

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

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

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

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APPROVED AS TO SUBSTANCE

CHATRMAI

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

APPLICANT: Lucky Hair Braiding

Cal. No. 358-20-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:

November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1905 W. 87th Street

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

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

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

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

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APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: The Hair Loft II, LLC

Cal. No. 359-20-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:

November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2215 W. 95th Street

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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THE RESOLUTION:

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

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

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

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APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: ~~The Parlour Ladies~~, LLC

Cal. No. 360-20-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:

November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7224 N. Harlem Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

THE RESOLUTION:

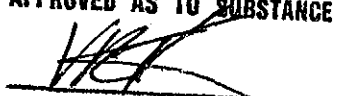
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WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: ~~Crown Holdings Group, LLC~~ 1411 E. 67th, LLC **CAL NO.:** 361-20-Z

APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:**
November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1411 E. 67th Place

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 327 square feet to zero for the proposed conversion of an existing three-story, six dwelling unit building to a seven dwelling unit building with six new on-site parking spaces.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; 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 three-story, six dwelling unit building to a seven dwelling unit building with six new on-site parking spaces; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1900 W. 17th, LLC

CAL NO.: 362-20-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1900 W. 17th Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from 30' to 16.25' for a proposed third floor addition and the conversion of an existing two-story, 8 dwelling unit building to a three-story, eleven dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

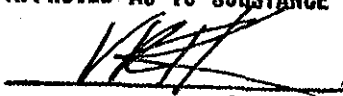
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback on floors containing dwelling units to 16.25' for a proposed third floor addition and the conversion of an existing two-story, 8 dwelling unit building to a three-story, eleven 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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Lincoln and Foster, LLC

CAL NO.: 363-20-Z

PEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2465-79 W. Foster Avenue / 5151-59 N. Lincoln Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 3.67' for a proposed five-story, forty-two dwelling unit building with retail use, two business live/work units and twenty parking spaces on the ground floor.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

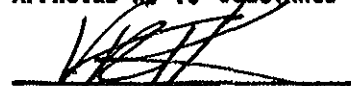
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 3.67' for a proposed five-story, forty-two dwelling unit building with retail use, two business live/work units and twenty parking spaces on the ground floor; an additional variation was granted to the subject property in Cal. No. 364-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: ~~Lincoln and Foster, LLC~~

CAL NO.: 364-20-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:

November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2465-79 W. Foster Avenue / 5151-59 N. Lincoln Avenue

NATURE OF REQUEST: Application for a variation to eliminate the one required 10' x 25' loading berth for a proposed five-story, forty two dwelling unit mixed used building with retail use, two business live work units and twenty ground floor parking spaces.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to eliminate the one required 10' x 25' loading berth for a proposed five-story, forty two dwelling unit mixed used building with retail use, two business live work units and twenty ground floor parking spaces floor; an additional variation was granted to the subject property in Cal. No. 363-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

[Signature]

CHAIRMAN

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

APPLICANT: Omar Perez

CAL NO.: 365-20-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5656 S. California Avenue

NATURE OF REQUEST: Application for a variation to reduce the north side setback from the required 4' to 1.3' (south to be 2.1') combined side yard setback from 7.32' to 3.4' for a proposed second floor addition, rear two-story addition, rear one story addition, new rear covered deck and new detached two car garage for the existing two-story single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

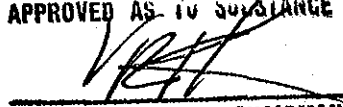
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

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 1.3' (south to be 2.1') combined side yard setback to 3.4' for a proposed second floor addition, rear two-story addition, rear one story addition, new rear covered deck and new detached two car garage for the existing two-story single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Merkos Linyonei Chinuch Lubavitch NFP Cal. No. 366-20-S

APPEARANCE FOR: Barry Ash

MINUTES OF MEETING:
November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2825 W. Howard Street

NATURE OF REQUEST: Application for a special use to establish a proposed two-story, religious assembly facility with twelve on-site parking spaces.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; 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 proposed two-story, religious assembly facility with twelve on-site parking spaces; a variation was also granted to the subject property in Cal. No. 367-20-Z and a related special use was granted to the property at 7555 N. California Avenue/2749 W. Howard Street in Cal. No. 368-20-S; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided: (1) the special use is issued solely to the applicant, Merkos Linyonei Chinuch Lubavitch NFP, (2) the applicant continues to lease eleven additional off-site parking spaces to meet their overall parking requirements, and (3) the development is consistent with the design and layout of the plans and drawings dated February 12, 2020, the Site Plan and Seating Plan dated May 26, 2020, the Remote Parking Diagram dated June 10, 2020, and the Proposed Site Plan dated November 19, 2020, all prepared by Morgante Wilson Architects, Ltd.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Merkos Linyonei Chinuch Lubavitch NFP **CAL NO.:** 367-20-Z

PEARANCE FOR: Barry Ash

MINUTES OF MEETING:
November 20, 2020

PEARANCE AGAINST: None

PREMISES AFFECTED: 2825 W. Howard Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 7.08' to zero, east side setback from 4' to 2.5' for a proposed two-story religious assembly facility with twelve on-site parking spaces.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

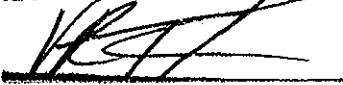
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

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, east side setback to 2.5' for a proposed two-story religious assembly facility with twelve on-site parking spaces; a special use was also approved for the subject property in Cal. No. 366-20-S and a related special use was granted to the property at 7555 N. California Avenue/2749 W. Howard Street in Cal. No. 368-20-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided: (1) the special use is issued solely to the applicant, Merkos Linyonei Chinuch Lubavitch NFP, (2) the applicant continues to lease eleven additional off-site parking spaces to meet their overall parking requirements, and (3) the development is consistent with the design and layout of the plans and drawings dated February 12, 2020, the Site Plan and Seating Plan dated May 26, 2020, the Remote Parking Diagram dated June 10, 2020, and the Proposed Site Plan dated November 19, 2020, all prepared by Morgante Wilson Architects, Ltd.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: ~~Merkos Linyonei~~ Chinuch Lubavitch NFP Cal. No. 368-20-S

APPEARANCE FOR: Barry Ash

MINUTES OF MEETING:
November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7555 N. California Avenue / 2749 W. Howard Street

NATURE OF REQUEST: Application for a special use to establish a required accessory off-site parking lot with eleven parking spaces to serve the proposed religious assembly located at 2825 W. Howard Street which is located within 600 feet from the nearest off-site parking space.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; 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 required accessory off-site parking lot with eleven parking spaces to serve the proposed religious assembly located at 2825 W. Howard Street which is located within 600 feet from the nearest off-site parking space; a related special use and variation were approved/granted to the subject property at 2825 W. Howard Street in Cal. No. 366-20-S and in Cal. No. 367-20-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 of 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, Merkos Linyonei Chinuch Lubavitch NFP, and the development is consistent with the design and layout of the remote parking diagram dated June 10, 2020 prepared by Morgante Wilson Architects, Ltd.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020

APPROVED AS TO SUBSTANCE


CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JAN 19 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

The Herbal Care Center, Inc.

APPLICANT

369-20-S

CALENDAR NUMBER

222-24 S. Halsted Street

PREMISES AFFECTED

November 20, 2020

HEARING DATE

ACTION OF BOARD

THE VOTE

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

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

AFFIRMATIVE NEGATIVE RECUSED

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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 222-24 S.
HALSTED STREET BY THE HERBAL CARE CENTER, INC.**

I. BACKGROUND

The Herbal Care Center, Inc. (the "Applicant") submitted a special use application for 222-24 S. Halsted Street (the "subject property"). The subject property is currently zoned DX-5 and is improved with a three-story building (the "building"). The Applicant sought a special use to establish an adult use cannabis dispensary within the first floor of the building. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Zoning Administrator") recommended approval of the proposed adult use cannabis dispensary provided that: (1) the special use was issued solely to the Applicant; (2) all on-site customer queuing occurred within the building; and (3) the development was consistent with the design and layout of the plans and drawings dated November 18, 2020, prepared by Studio ARQ.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing¹ on the Applicant's special use application at its regular meeting on November 20, 2020, 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. June 26, 2020), the Applicant had submitted its proposed Findings of Facts. The Applicant's operational manager for the proposed dispensary Mr. Michael Mander² and the Applicant's attorney Ms. Sara Barnes were present. Also present on behalf of the Applicant were the Applicant's security consultant Mr. Ed Farrell, the Applicant's MAI certified real estate appraiser Mr. Terrance O'Brien, the Applicant's land planning consultant Mr. George Kisiel, the Applicant's traffic consultant Mr. Michael Werthmann and the Applicant's regulatory and equity consultant Mr. Brendan Schiller. Also present at the hearing was 27th ward alderman Walter Burnett, Jr. (the "Alderman"). 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. September 9, 2020)³.

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

The Applicant's operational manager Mr. Michael Mander² offered testimony in support of the Applicant's application.

The Applicant's security consultant Mr. Ed Ferrell offered testimony in support of the Applicant's application.

The Applicant's regulatory and equity consultant Mr. Brendan Schiller offered testimony in support of the Applicant's application.

Ms. Barnes stated that Mr. O'Brien, Mr. Kisiel and Mr. Werthmann had previously submitted to the ZONING BOARD OF APPEALS written reports stating their findings and opinions on the proposed special use. She further stated that Mr. O'Brien, Mr. Kisiel and Mr. Werthmann were available for questioning.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Schiller and Mr. Mander² offered further testimony in support of the Applicant's application.

The Alderman then made a statement.

In response to the Alderman's statement, Ms. Barnes and Mr. Mander² made brief closing statements.

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

² The Applicant is wholly owned by Mr. Michael Mander's father Mr. Perry Mander.

³ 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.

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

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

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

Pursuant to the ZONING BOARD OF APPEALS' Supplemental Rule for Cannabis Business Establishments dated June 26, 2020, Governing the Conduct of Cannabis Business Establishment Community Meetings ("Supplemental Rule"), in addition to the requirements of Section 17-13-0905-G of the Chicago Zoning Ordinance, each community meeting held on or after March 20, 2020⁴ must: (1) be comprised of at least three (3) physical sessions so that the maximum amount of persons that wish to physically attend the community meeting may have the opportunity; and (2) that each

⁴ The date upon which the Governor of the State of Illinois issued Executive Order 2020-10 in response to the COVID-19 public health emergency. Among other things, Executive Order 2020-10 limited the amount of people that may attend public gatherings. Although Executive Order 2020-10 no longer governs the COVID-19 public health emergency, the amount of people that may attend public gatherings remains limited.

session has a virtual component so that those that wish to attend and participate but do not want to physically attend can virtually attend and participate.

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.*

As shown by Mr. Kisiel's land use report and map, the proposed special use is 500' or more from a school as required by Section 17-9-0129(3) of the Chicago Zoning Ordinance. The subject property is located in a DX-5 zoning district. Adult use cannabis dispensaries are a special use in a DX-5 zoning district.⁵ The Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special use that brings the Applicant before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the special use to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience as it will provide retail products for which (as has been evident over the past ten months⁶) there is very high demand. Further, and as set forth in Mr. Ryan's report, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community. The ZONING BOARD OF APPEALS finds Mr. Mandera and Mr. Ferrell to be very credible witnesses, especially with respect to how the Applicant's proposed dispensary will operate. The ZONING BOARD OF APPEALS finds that whether or not an adult use cannabis dispensary – as with all special uses that involve a controlled substance and cash – has a significant adverse impact on the general welfare of the neighborhood depends on the operation of the adult use cannabis dispensary. From Mr. Mandera's testimony, it is clear that Mr. Mandera has past experience

⁵ Pursuant to Section 17-4-0207-AAA(1) of the Chicago Zoning Ordinance.

⁶ The ZONING BOARD OF APPEALS takes judicial notice of the fact that since adult use cannabis became legal in Illinois on January 1, 2020, cannabis dispensaries have had long lines and have frequently sold out of adult use cannabis products.

operating an adult use cannabis dispensary and understands that two of the greatest areas of concern in a cannabis dispensary are customer flow – even prior to the COVID-19 health pandemic – and product loading/unloading. Further, from Mr. Ferrell's testimony it is clear that the Applicant has previous experience overseeing security of an adult use cannabis dispensary and understands the safety concerns regarding customer flow and loading/unloading of product as well as the safe storage of said product. The ZONING BOARD OF APPEALS finds that, based on the testimony and averments of Mr. Mander and Mr. Ferrell, the proposed special use will be operated in such a manner that it will not have a significant adverse impact on the general welfare of the neighborhood.

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

The proposed special use will be located on the first floor of the building. As can be seen from both Mr. Kisiel's and Mr. Ryan's report, the building is compatible in terms of the surrounding area in terms of site planning and building scale. In terms of project design, the proposed special use will be located on the first floor – like other retail use in the area. Moreover, the Applicant will be reactivating the loading zone in front of the subject property so that the Applicant's customers have a dedicated drop-off and pick-up point. In addition, the Applicant will be constructing a small sally port at the rear of the building so that all product loading/unloading will occur in a safe, enclosed area out of the public view.

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

The subject property is located in the area of the City known as Greektown. As set forth in Mr. Kisiel's report, ground floor uses in the Greektown area are predominately retail, restaurant and service uses (with institutional uses interspersed). Uses above the ground floor are predominately residential and office uses. The Applicant's proposed hours of operation are similar to (and in many cases less intense than) other commercial uses in the area, such as the nearby Walgreens and Mariano's and, indeed, the Athena restaurant directly next store. The Applicant's proposed use will be entirely contained within the building and therefore will not generate undue noise. The Applicant will not have any illuminated signage or exterior neon lights. As shown by Mr. Werthmann's report, the subject property is located in a Transit Oriented District. As such, public transportation will account for up to 24% of the proposed dispensary traffic. Due to the subject property's location in Greektown, with its ample sidewalks and bike lanes, pedestrian and bike trips will account for up to 30% of

the proposed dispensary traffic. This leaves 46% of the proposed dispensary's traffic to be generated by private vehicle. However, the Applicant will have a dedicated loading zone for those customers arriving by rideshare or taxi. The Applicant is providing off-site parking for its customers and there is ample public parking in the area for those who wish to drive. In sum, the ZONING BOARD OF APPEALS finds that the proposed special use is compatible with the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.

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

The proposed special use will greatly enhance security of the subject property in the form of security cameras and security personnel. This enhanced security will promote pedestrian safety and comfort. As the Applicant is committed to ensuring that there are no outdoor customer queuing lines, the Applicant's customers will not block sidewalks or otherwise obstruct the public way for pedestrians. All product loading and unloading will take place in an enclosed sally port at the rear of the subject property, again ensuring that the Applicant's operations at the subject property promote pedestrian safety and comfort.

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

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

IV. CONCLUSION

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

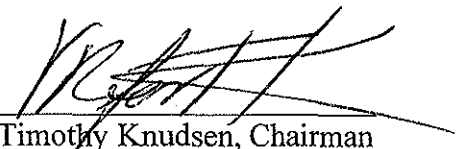
The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a special use, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use subject to the following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

1. The special use shall be issued solely to the Applicant;

2. All on-site customer queuing shall occur within the building; and
3. The special use shall be developed consistently with the design and layout of the plans and drawings dated November 18, 2020, prepared by Studio ARQ.

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.


Janine Klich-Jensen

APPLICANT: RUUM, Inc. Cal. No. 370-20-S
 APPEARANCE FOR: E. Daniel Box MINUTES OF MEETING:
 APPEARANCE AGAINST: None November 20, 2020
 PREMISES AFFECTED: 1431 N. Ashland Avenue*

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

**ACTION OF BOARD-
 APPLICATION APPROVED**

THE VOTE

APR 5 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; 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 of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/5, 2021.

*Scrivener's error.

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: RUUM, Inc.

Cal. No. 371-20-S

APPEARANCE FOR: E. Daniel Box

MINUTES OF MEETING:

November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1809 W. Chicago Avenue

NATURE OF REQUEST: Application for a special use to establish a hair and nail salon and a body art service (microblading).

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

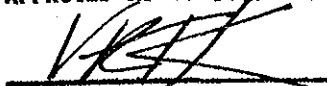
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair and nail salon and a body art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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Eli and Chana Webster

CAL NO.: 372-20-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3555 W. Granville Avenue

NATURE OF REQUEST: Application for a variation to increase the floor area ratio from .67 to .75 for a proposed two-story, single family residence with an attached two car garage.

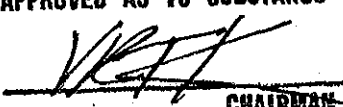
ACTION OF BOARD-
Continued to February 19, 2021

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 90

APPLICANT: Eli and Chana Webster

CAL NO.: 373-20-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3555 W. Granville Avenue

NATURE OF REQUEST: Application for a variation to reduce the required front setback from the required 20.31' to 10.33', rear setback from 34.83' to 22.83' for a proposed two-story single family residence with an attached two-car garage.

ACTION OF BOARD-
Continued to February 19, 2021

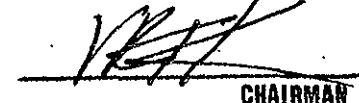
THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 1923 North Damen Condominium Association **CAL NO.:** 374-20-Z

APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1923 N. Damen Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 1.51' for a proposed detached two car garage with roof deck accessed by a new connection from landing of existing rear open stair, new garage, roof top pergola and new full covered roof over garage roof deck accessory to the existing four-story, three dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; 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 1.51' for a proposed detached two car garage with roof deck accessed by a new connection from landing of existing rear open stair, new garage, roof top pergola and new full covered roof over garage roof deck accessory to the existing four-story, three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 375-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: 1923 North Damen Condominium Association **CAL NO.:** 375-20-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** November 20, 2020
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1923 N. Damen Avenue

NATURE OF REQUEST: Application for a variation to reduce the required off-street parking from three space to two spaces to replace the existing three open parking spaces with a new detached two car garage with roof deck accessory to the existing four-story, three dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the required off-street parking to two spaces to replace the existing three open parking spaces with a new detached two car garage with roof deck accessory to the existing four-story, three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 374-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: MSAS Properties II, LLC **CAL NO.:** 376-20-Z
APPEARANCE FOR: E. Daniel Box **MINUTES OF MEETING:**
November 20, 2020
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2046 W. Belmont Avenue

NATURE OF REQUEST: Application for a variation to reduce the required parking from one space to zero for a proposed day care on the first floor of the existing four-story multi-use building,

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

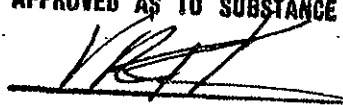
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

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 parking to zero for a proposed day care on the first floor of the existing four-story multi-use 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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Christopher Salon Corp.

Cal. No. 377-20-S

PEARANCE FOR: E. Daniel Box

MINUTES OF MEETING:

November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2851 N. Clybourn Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; 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 of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE


CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



JAN 19 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Greif Properties Incorporated

APPLICANT

378-20-Z

CALENDAR NUMBER

1638 N. Sedgwick Street

PREMISES AFFECTED

November 20, 2020

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Timmy Knudsen, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Sanchez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 1638 N.
SEDGWICK STREET BY GREIF PROPERTIES INCORPORATED.**

I. BACKGROUND

Greif Properties Incorporated (the "Applicant") submitted a variation application for 1638 North Sedgwick Street (the "subject property"). The subject property is currently zoned RM-5 and is vacant (with the exception of an old masonry garage that will be taken down¹). The Applicant proposed to develop the subject property with a four-story, three-unit residential building (the "proposed building"). In order to construct the proposed building, the Applicant sought a variation to reduce the front setback from the required 15' to 9.46', the north side setback from the required 2' to zero (south to be 3.42') and the combined side setback from the required 4.8' to 3.42'.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public remote hearing² on the Applicant's variation application at its regular meeting held on November 20, 2020, 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

¹ As an accessory building cannot remain on a zoning lot without a principal building.

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

with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Fact. The Applicant's president Mr. Gregory Greif and its attorney Mr. Nicholas Ftikas were present. The Applicant's architect Mr. Jeff Funke 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. September 9, 2020).³

The Applicant's attorney Mr. Nicholas Ftikas provided an overview of the Applicant's application.

The Applicant offered the testimony of its president Mr. Gregory Greif in support of the Applicant's application.

The Applicant offered the testimony of its architect Mr. Jeff Funke in support of the Applicant's application.

In response to a question from the ZONING BOARD OF APPEALS, Mr. Ftikas made further statements.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Greif provided additional testimony.

In response to a question from the ZONING BOARD OF APPEALS, Mr. Ftikas made further statements.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Greif provided additional testimony.

In response to a question from the ZONING BOARD OF APPEALS, Mr. Ftikas made further statements.

In response to a question from the ZONING BOARD OF APPEALS, Mr. Greif provided additional testimony.

B. Criteria for a Variation

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

³ 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.

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 variation pursuant to Section 17-13-1107-A of the Chicago Zoning Ordinance:

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

The subject property is narrower than a standard City lot (24' wide vs. 25' wide). In addition, the subject property is located in the Old Town Historic District ("District") and must be developed in accordance with the Chicago Commission on Landmarks' ("Landmarks") standards for the District. These two conditions, when taken together, create practical difficulties or particular hardships for the subject property. Based on Mr. Grief's testimony that the subject property has been vacant for "quite a while now," it would appear that this is a very difficult

task indeed. Nevertheless, the variation will allow the Applicant to overcome these practical difficulties and particular hardships and develop the subject property with a viable three-unit development. As can be seen from the block site plan, many of the buildings on the west side of this block of Sedgwick Street encroach into their front and side setbacks. Indeed, if the proposed building were built in accordance with the subject property's front and side setbacks, it would look incongruous with the rest of the pattern of development on the block (and thus be out of character with the District). Strict compliance with the Chicago Zoning Ordinance, coupled with the subject property's substandard width and the standards of the District, would force the Applicant to develop a two-unit building with larger, unmarketably expensive units. This would put the subject property at a competitive disadvantage with other recent developments. As a result of this competitive disadvantage, the subject property would continue to remain underutilized or undeveloped without the requested variation.

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

The requested variation and proposed development is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance in that it maintains the aesthetics of the block by permitting the construction of a building that is visually consistent with the building next north; (2) protecting the character of established residential neighborhoods pursuant to Section 17-1-0503 by constructing a residential building that is harmonious with the rest of the residential streetscape; (3) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance in that the proposed development will be compatible with the pattern of development of the District in general and the west side of this block of North Sedgwick in particular; and (4) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance by adding three brand new residential units to the housing supply.

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 currently vacant and is zoned RM-5. Despite these favorable development conditions, the subject property has remained vacant for "quite a while." This is due to both the narrow lot width and the fact the subject property is located in the District. After all, while multi-unit development is anticipated on a RM-5 zoning lot, the subject property's narrow lot depth and the fact that any development must be built to Landmarks' standards for the District means that extra effort (and cost) must go into developing the subject property. Without the proposed variation, the Applicant could only develop the subject property with a two-unit building. As stated above, such two-unit building would be at a competitive disadvantage and, as a result, the subject property would remain underutilized or vacant. As such, the property in question cannot yield a reasonable rate of return if permitted to be used only in accordance with the Chicago Zoning Ordinance.

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

The ZONING BOARD OF APPEALS finds that the particular hardships facing the subject property, namely the substandard width and the fact that it must (due to its location in the District) be developed in accordance with Landmark's standards for the District, are unique to the subject property and are not generally applicable to other vacant residential properties.

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

The ZONING BOARD OF APPEALS finds that the variation requested will preserve the essential character of the neighborhood in that it will allow the proposed building to be constructed in a manner that is harmonious with the pattern of development of the District in general and the west side of this block of North Sedgwick in particular. Indeed, the prevalent trend in the area is for buildings to encroach into their front and side setbacks. The variation will allow the Applicant to construct the proposed building, and as can be seen from the renderings, the proposed building will fit in very nicely between the existing improvements next north and next south. In fact, the front setback will allow the Applicant to roughly match the front setback of the building next north, which in turn will ensure that the exposed southern wall of said next north building will not be exposed to the elements.

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

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

If the subject property were built strictly in accordance with the Chicago Zoning Ordinance, the substandard width of the subject property would necessitate the Applicant to develop a building with two residential units instead of three. As Mr. Greif testified, such a building would be at a competitive disadvantage with other residences in the market. This would result in a particular hardship for the Applicant, as the two units would be overly large and unmarketably expensive. Further, the particular physical surroundings – that is, the subject property's location in the District – require that the Applicant build consistent with the pattern of development in the District. This is also a hardship upon the Applicant because it requires that extra effort (and extra cost) go into developing the subject property.

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

The ZONING BOARD OF APPEALS finds that substandard width and the subject property's location in the District are not applicable to other properties within the RM-5 zoning classification. Very few properties of RM-5 zoning classification are of substandard width or located in the District.

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

The variation is not based exclusively upon a desire to make more money out of the subject property but rather to ensure that the proposed building is harmonious with the District. This may be seen in the careful elevations and renderings submitted by the Applicant, including the block site plan, which shows how the proposed building will look next to the historic properties on the block.

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

The substandard width of the subject property and its location in the District precede the Applicant's purchase of the property and cannot be attributed in any way to the Applicant's actions.

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

The variation will allow the proposed building to better match the pattern of development in the District in general and the west side of this particular block of North Sedgwick in particular. In fact, as credibly Mr. Greif testified, the neighbor to the north specifically supported the variation as such variation will allow proposed building to provide some protection for the exposed southern face of the building next north. The proposed building will activate a vacant, underutilized parcel and thus will be a benefit to the area.

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.*

As can be seen from the plans and renderings, the variation will not impair an adequate supply of light and air to adjacent properties. In fact, the requested reduction in the front and north side setbacks will allow the proposed building to provide protection for the building next north's southern building wall while maintaining over a 3' west side setback to ensure that the single-family home south of the subject property enjoys maximum light and air. The proposed building will conform with all other setback and height requirements in the Chicago Zoning Ordinance. The subject property will be developed with a three off-street parking spaces which will accommodate the needs of the proposed building's three residential units and thus will not increase congestion in the public streets. The proposed building will be built pursuant to valid building permits and therefore will not increase the danger of fire or endanger the public safety. Lastly, the proposed building will not substantially diminish or impair property values within the neighborhood because it will be built to all of Landmark's standards for the District and because the proposed building activates a vacant and underutilized parcel of land with a harmonious and compatible building.

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 application for a variation, and the Zoning Administrator is authorized to permit said variation.

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify
that I caused this to be placed in the mail on 1/19, 2021


Janine Klich-Jensen

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

APPLICANT: Public 2, LLC **CAL NO.:** 379-20-Z

APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2107-11 W. Canton Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 1' on floors containing dwelling units for a proposed four-story building with ground floor retail and eight dwelling units above and an attached eight car garage with roof deck, roof top stairway enclosure.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

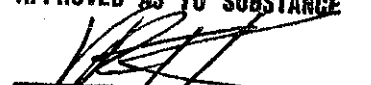
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 1' on floors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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Fullerton Food Mart, Inc.

Cal. No. 380-20-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:

November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2801 W. Fullerton Avenue

NATURE OF REQUEST: Application for a special use to expand the existing floor area exceeding 25% of the existing floor area of an accessory convenience store serving an existing gas station.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 5, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; 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 the existing floor area exceeding 25% of the existing floor area of an accessory convenience store serving an existing gas station; a variation was also granted to the subject property in Cal. No. 381-20-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 of 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, Fullerton Food Mart Inc., and the development is consistent with the design and layout of the plans and drawings dated November 18, 2020, prepared by Building Solutions Tech, LLC.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Fullerton Foodmart Inc.

CAL NO.: 381-20-Z

PEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:

November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2801 W. Fullerton Avenue

NATURE OF REQUEST: Application for a variation to reduce the lot area from the required 20,000 square feet to 15,625 square feet for a proposed addition to the accessory convenience store that serve the existing gas station.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; 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 lot area to 15,625 square feet for a proposed addition to the accessory convenience store that serve the existing gas station; a special use was also approved for the subject property in Cal. No.380-20-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the special use is issued solely to the applicant, Fullerton Food Mart, Inc., and the development is consistent with the design and layout of the plans and drawings dated November 18, 2020, prepared by Building Solutions Tech, LLC.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Katharine Dryden and Ashley Holmes **CAL NO.:** 382-20-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
November 20, 2020
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4750 N. Manor Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 12.43' to 0.51' for a proposed one- story addition to an existing two-story, single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

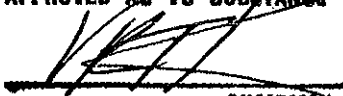
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 0.51' for a proposed one- story addition to an existing two-story, single family residence; an additional variation was granted to the subject property in Cal. No.383-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Katharine Dryden and Ashley Holmes **CAL NO.:** 383-20-Z

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

November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4750 N. Manor Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 400 square feet to zero for a proposed one-story addition to an existing two-story single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; 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 one-story addition to an existing two-story single family residence; an additional variation was granted to the subject property in Cal. No.382-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the SPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: East Douglas Partners, LLC

CAL NO.: 384-20-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:

November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1239 S. Fairfield Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 3,000 square feet to 2,996.88 square feet for a proposed three-story, three dwelling unit building with three unenclosed parking spaces.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
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WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

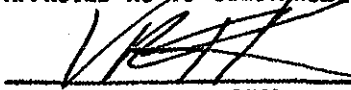
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum lot area to 2,996.88 square feet for a proposed three-story, three dwelling unit building with three unenclosed parking spaces; two additional variations were granted to the subject property in Cal. Nos. 385-20-Z and 386-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: East Douglas Partners, LLC **CAL NO.:** 385-20-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
November 20, 2020
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1239 S. Fairfield Avenue

NATURE OF REQUEST: Application for a variation to reduce the required minimum lot area from the required 3,000 square feet to 2,996.88 square feet for a proposed three-story, three dwelling unit building with three unenclosed parking spaces.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFIRMATIVE	NEGATIVE	ABSENT
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WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; 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 minimum lot area to 2,996.88 square feet for a proposed three-story, three dwelling unit building with three unenclosed parking spaces; two additional variations were granted to the subject property in Cal. Nos. 384-20-Z and 386-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: East Douglas Partners, LLC

CAL NO.: 386-20-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:

November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1239 S. Fairfield Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 3,000 square feet to 2,996.88 square feet for a proposed three-story, three dwelling unit building with three unenclosed parking spaces.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

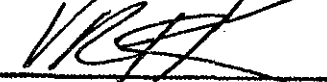
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum lot area to 2,996.88 square feet for a proposed three-story, three dwelling unit building with three unenclosed parking spaces; two additional variations were granted to the subject property in Cal. Nos. 384-20-Z and 385-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North La Salle Street, Chicago, IL on 12/21, 2020

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 2345 West Roscoe, LLC

Cal. No. 387-20-S

PEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2345 W. Roscoe Street

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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		X
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

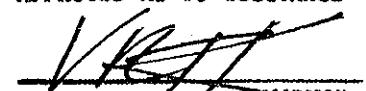
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed four-story, six dwelling unit building with a detached six car garage; two variations were also granted to the subject property in Cal. No. 388-20-Z and 389-20-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 of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated December of 2019, prepared by MC and Associates, LLC.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 2345 West Roscoe, LLC

CAL NO.: 388-20-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:

November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2345 W. Roscoe Street

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 6,000 square feet to 5,750 square feet for a proposed four-story, six dwelling unit building with a detached six car garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum lot area to 5,750 square feet for a proposed four-story, six dwelling unit building with a detached six car garage; a special use and variation were granted to the subject property in Cal. Nos. 387-20-S and 389-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated December of 2019, prepared by MC and Associates, LLC.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North La Salle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: 2345 West Roscoe, LLC **CAL NO.:** 389-20-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
November 20, 2020
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2345 W. Roscoe Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 2' for a proposed four-story, six dwelling unit building with a detached six car garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
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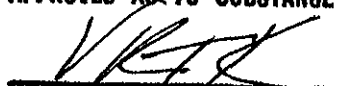
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 2' for a proposed four-story, six dwelling unit building with a detached six car garage; a special use and variation were granted to the subject property in Cal. Nos. 387-20-S and 388-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated December of 2019, prepared by MC and Associates, LLC.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Fox Chicago, LLC
APPEARANCE FOR: Mark Kupiec
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1730 W. 18th Street

CAL NO.: 390-20-Z
MINUTES OF MEETING:
 November 20, 2020

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 18.33' for a proposed four-story building with ground floor retail and three dwelling units above.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

DEC 21 2020
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
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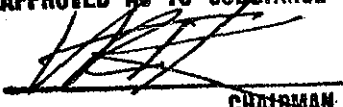
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

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 18.33' for a proposed four-story building with ground floor retail and three dwelling units above; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North La Salle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Fox Chicago, LLC

CAL NO.: 391-20-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:

November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1732 W. 18th Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 18.33' for a proposed third and fourth floor addition, a rear three story addition and rear open porch on to the existing two story building with ground floor retail and to convert from two dwelling units to three dwelling units above.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; 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 18.33' for a proposed third and fourth floor addition, a rear three story addition and rear open porch on to the existing two story building with ground floor retail and to convert from two dwelling units to three dwelling units above; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Fox Chicago, LLC

CAL NO.: 392-20-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:

November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1732 W. 18th Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 18.33' for a proposed partial third and a fourth floor addition, a rear three story addition and rear open porch on the existing two story building with ground floor retail use and to convert from one dwelling unit to three dwelling units above.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; 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 18.33' for a proposed partial third and a fourth floor addition, a rear three story addition and rear open porch on the existing two story building with ground floor retail use and to convert from one dwelling unit to three dwelling units above; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: BRPLaSalle, LLC

Cal. No. 393-20-S

APPEARANCE FOR: Chris Leach

MINUTES OF MEETING:

November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 733 N. LaSalle Street / 129 W. Chicago Avenue

NATURE OF REQUEST: Application for a special use to establish group living (more specifically regulated as co-living) in a new nine-story building with ground floor retail and twenty-eight dwelling units above.

**ACTION OF BOARD-
APPLICATION WITHDRAWN**

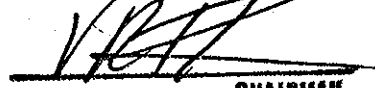
THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JAN 19 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

PC AU 1, LLC

APPLICANT

394-20-S

CALENDAR NUMBER

60 W. Superior Street

PREMISES AFFECTED

November 20, 2020

HEARING DATE

ACTION OF BOARD

THE VOTE

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

AFFIRMATIVE NEGATIVE ABSENT

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

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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 60 W.
SUPERIOR STREET BY THE PC AU 1, LLC**

I. BACKGROUND

PC AU 1, LLC¹ (the "Applicant") submitted a special use application for 60 W. Superior Street (the "subject property"). The subject property is currently zoned DX-5 and is improved with a two-story building (the "building"). The Applicant sought a special use to establish an adult use cannabis dispensary within the building.² In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Zoning Administrator") recommended approval of the proposed adult use cannabis dispensary provided that: (1) the special use was issued solely to the Applicant; (2) all on-site customer queuing occurred within the building; and (3) the development was consistent with the design and layout of the plans and drawings dated November 16, 2020, prepared by Interform Architecture + Design.

II. PUBLIC HEARING

A. The Hearing

¹ The Applicant is a fully owned subsidiary of PharmaCann, Inc.

² Only the ground floor of the building would be open to customers. The basement and second floor would be restricted to the Applicant's employees.

The ZONING BOARD OF APPEALS held a remote public hearing³ on the Applicant's special use application at its regular meeting on November 20, 2020, 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. June 26, 2020), the Applicant had submitted its proposed Findings of Facts. The Applicant's attorney Ms. Katriina McGuire was present. As the Applicant is a wholly owned subsidiary of PharmaCann Inc.,⁴ PharmaCann Inc.'s senior vice president of public and regulatory affairs Mr. Jeremy Unruh and its chief revenue officer Mr. William McMenemy were present. Also present on behalf of the Applicant were its architect Mr. Chris Collins, its MAI certified real estate appraiser Mr. Michael Wolin and its certified land planner Mr. George Kisiel. Testifying in support of the application was Mr. Mitchell Simberg. 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. September 9, 2020)⁵.

The Applicant's attorney Ms. Katriina McGuire provided a brief overview of the Applicant's application.

PharmaCann Inc.'s chief revenue officer Mr. William McMenemy offered testimony in support of the Applicant's application.

PharmaCann Inc.'s vice president of public and regulatory affairs Mr. Jeremy Unruh offered testimony in support of the Applicant's application.

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

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

Mr. Mitchell Simberg, of 161 E. Chicago, offered testimony in support of the Applicant's application.⁶

In response to questions by the ZONING BOARD OF APPEALS, Ms. McGuire provided clarification as to the Applicant's community outreach process.

In response to questions by the ZONING BOARD OF APPEALS, Mr. McMenemy offered further testimony in support of the Applicant's application.

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

⁴ As disclosed in the Applicant's economic disclosure statements, the Applicant's manager is PharmaCann Inc. and PharmaCann Inc. is the Applicant's sole member.

⁵ 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.

⁶ Although a Mr. David Ruttenberg filled out a public testimony request form on this application, he did not attend the hearing. As such, he also did not testify at the hearing.

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

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

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

Pursuant to the ZONING BOARD OF APPEALS' Supplemental Rule for Cannabis Business Establishments dated June 26, 2020, Governing the Conduct of Cannabis Business Establishment Community Meetings ("Supplemental Rule"), in addition to the requirements of Section 17-13-0905-G of the Chicago Zoning Ordinance, each community meeting held on or after March 20, 2020⁷ must: (1) be comprised of at least three (3) physical sessions so that the maximum amount of persons that wish to

⁷ The date upon which the Governor of the State of Illinois issued Executive Order 2020-10 in response to the COVID-19 public health emergency. Among other things, Executive Order 2020-10 limited the amount of people that may attend public gatherings. Although Executive Order 2020-10 no longer governs the COVID-19 public health emergency, the amount of people that may attend public gatherings remains limited.

physically attend the community meeting may have the opportunity; and (2) that each session has a virtual component so that those that wish to attend and participate but do not want to physically attend can virtually attend and participate.

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.*

As shown by Mr. Kisiel's land use report and map, the proposed special use is 500' or more from a school as required by Section 17-9-0129(3) of the Chicago Zoning Ordinance. The subject property is located in a DX-5 zoning district. Adult use cannabis dispensaries are a special use in a DX-5 zoning district.⁸ The Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special use that brings the Applicant before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the special use to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience as it will provide retail products for which (as has been evident over the past ten months⁹) there is very high demand. Further, and as set forth in Mr. Wolin's report, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community. The ZONING BOARD OF APPEALS finds Mr. McMenemy to be a very credible witness as to the operations of the proposed special use. The ZONING BOARD OF APPEALS finds that whether or not an adult use cannabis dispensary – as with all special uses that involve a controlled substance and cash – has a significant adverse impact on the general welfare of the neighborhood depends on the operation of the adult use cannabis dispensary. From Mr. McMenemy's testimony, it is clear

⁸ Pursuant to Sections 17-4-0207-AAA(1) of the Chicago Zoning Ordinance.

⁹ The ZONING BOARD OF APPEALS takes judicial notice of the fact that since adult use cannabis became legal in Illinois on January 1, 2020, cannabis dispensaries have had long lines and have frequently sold out of adult use cannabis products.

that the Applicant has past experience operating an adult use cannabis dispensary and understands that two of the greatest areas of concern in a cannabis dispensary are customer flow – even prior to the COVID-19 health pandemic – and product loading/unloading. Further, from his testimony it is clear that the Applicant has previous experience overseeing security of an adult use cannabis dispensary and understands the safety concerns regarding customer flow and loading/unloading of product as well as the safe storage of said product. The ZONING BOARD OF APPEALS finds that, based on the testimony and averments of Mr. McMenemy, the proposed special use will be operated in such a manner that it will not have a significant adverse impact on the general welfare of the neighborhood. Because of this, the ZONING BOARD OF APPEALS agrees with Mr. Wolin's assessment that the proposed special use will not diminish property values in the area.

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

The proposed special use will be in the building. As can be seen from both Mr. Kisiel's and Mr. Wolin's reports, the building is compatible in terms of the surrounding area in terms of site planning and building scale. In terms of project design, the retail component of the proposed special use will be located on the first floor – like other retail use in the area. In addition, all product delivery will occur at the Applicant's dedicated delivery entrance, accessible from the Applicant's on-site parking lot and not visible to the general public.

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

The subject property is located in the River North neighborhood of the City. As set forth in Mr. Kisiel's report, ground floor uses in this area are predominately retail, restaurant and service uses (with institutional uses interspersed). There are also several high-rise condominium and apartment buildings in the area. As set forth in Mr. Wolin's report, the Applicant's proposed hours of operation are similar to (and in the case of Seoul Taco less intense than) other commercial uses in the area. The Applicant's proposed use will be entirely contained within the building and therefore will not generate undue noise. From the Applicant's renderings, the Applicant's signage is tasteful. The Applicant will be providing additional exterior lighting to the façade of the building, the rear of the building and the alley for the building as this portion of Superior is a bit too dark. As shown by Mr. Wolin's report, the subject property is located in a Transit Oriented District. As such, it is expected (due to the ample public transportation) the proposed special use will not generate traffic incompatible with the area. The

Applicant operates on a reservation-only model and does not allow for walk-in customers, which also reduces traffic generation (especially pedestrian traffic generation outside the subject property). 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.*

The proposed special use will greatly enhance security of the subject property in the form of security cameras and security personnel. This enhanced security will promote pedestrian safety and comfort. As the Applicant is committed to ensuring that there are no outdoor customer queuing lines (and indeed does not allow for walk-in customers), the Applicant's customers will not block sidewalks or otherwise obstruct the public way for pedestrians. All product loading and unloading will take place off the Applicant's on-site parking lot and out of the public's view, again ensuring that the Applicant's operations at the subject property promote pedestrian safety and comfort.

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

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

IV. CONCLUSION

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

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

1. The special use shall be issued solely to the Applicant;
2. All on-site customer queuing shall occur within the building; and

3. The special use shall be developed consistently with the design and layout of the plans and drawings dated November 16, 2020, prepared by Interform Architecture + Design.

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.


Janine Klich-Jensen

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

APPLICANT: ~~Million Dollar Highway, LLC~~ Cal. No. 395-20-S
APPEARANCE FOR: Sylvia Michas **MINUTES OF MEETING:**
APPEARANCE AGAINST: None November 20, 2020
PREMISES AFFECTED: 533 W. Barry Avenue

NATURE OF REQUEST: Application for a special use to lease seventy two (45%) of the one hundred sixty-one required residential accessory parking spaces located in an existing two-story parking garage.
ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

DEC 21 2020
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

THE RESOLUTION:

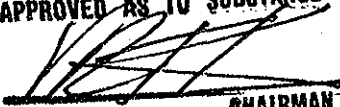
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

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 lease seventy two (45%) of the one hundred sixty-one required residential accessory parking spaces located in an existing two-story parking garage; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of 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, Million Dollar Highway, LLC and the development is consistent with the design and layout of the Pedestrian Concept Plan dated November 18, 2020.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Royale Renovation Group, Inc.

CAL NO.: 396-20-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:

APPEARANCE AGAINST: None

November 20, 2020

PREMISES AFFECTED: 5713 W. 64th Place

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required rear setback from the required 35.09' to 1.09', west side setback from 2' to 1.25' (east to be 3.28'), combined side setback from 5' to 4.53' for a proposed one-story front addition, a two-story rear addition and a rear second floor addition above the attached garage at the existing single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; 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 1.09', west side setback to 1.25' (east to be 3.28'), combined side setback to 4.53' for a proposed one-story front addition, a two-story rear addition and a rear second floor addition above the attached garage at the existing single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the SPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Tre Bella Nail Spa*

Cal. No. 397-20-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 10349 S. Halsted Street

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

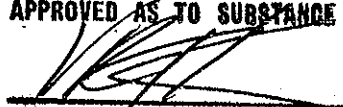
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.
*Amended at Hearing

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Yizar Nochimowski Cal. No. 398-20-S
APPEARANCE FOR: John Pikarski
APPEARANCE AGAINST: None
PREMISES AFFECTED: 67 E. Madison Street #1920

MINUTES OF MEETING:
November 20, 2020

NATURE OF REQUEST: Application for a special use to establish a valuable objects dealer.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

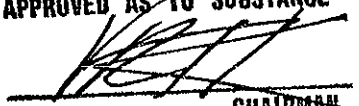
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

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 valuable objects dealer; 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 of 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, Yizar Nochimowski.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Matthew Collopy

CAL NO.: 399-20-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:

November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5138 N. Claremont Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 15' to 11.6', south side yard setback from 2.48' to 0.91' (north to be 3.41'), combined side yard setback from 6.2' to 4.32' to subdivide one zoning lot into two zoning lots. The existing three-story residential building being converted from three dwelling units to four dwelling units shall remain. The newly created lot (5134 N. Claremont) shall be vacant.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

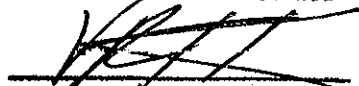
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 11.6', south side yard setback to 0.91' (north to be 3.41'), combined side yard setback to 4.32' to subdivide one zoning lot into two zoning lots. The existing three-story residential building being converted from three dwelling units to four dwelling units shall remain. The newly created lot (5134 N. Claremont) shall be vacant; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North La Salle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 4 Star 3358 Southport, LLC dba Tuco and Blondie

Cal. No. 400-20-S

APPEARANCE FOR: Thomas Raines

MINUTES OF MEETING:

November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3356-58 N. Southport Avenue

NATURE OF REQUEST: Application for a special use to reduce the required parking from four parking spaces to one to serve an existing three-story restaurant with a four dwelling unit building with a proposed outdoor bar addition. This is a transit served location.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
RECUSED		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 20, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; 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 reduce the required parking to one to serve an existing three-story restaurant with a four dwelling unit building with a proposed outdoor bar addition. This is a transit served location; 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 of 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 4 star 3358 Southport, LLC dba Tuco and Blondie, and the development is consistent with the design and layout of the plans and drawings dated February 12, 2020, prepared by CBD Architects.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/21, 2020.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: TP Packers, LLC Cal. No. 401-20-S
APPEARANCE FOR: Louis Weinstock **MINUTES OF MEETING:**
November 20, 2020
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4301 S. Packers Avenue

NATURE OF REQUEST: Application for a special use to establish a major utilities and service which would allow for an existing one-story building to be used for transit maintenance and outdoor vehicle storage.

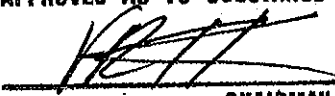
ACTION OF BOARD-
Continued to December 18, 2020

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: TP Packers, LLC Cal. No. 402-20-S

APPEARANCE FOR: Louis Weinstock **MINUTES OF MEETING:**

APPEARANCE AGAINST: None November 20, 2020

PREMISES AFFECTED: 4301 S. Packers Avenue

NATURE OF REQUEST: Application for a special use to establish two new outdoor rooftop patio areas with retractable roof system at an existing two-story general restaurant building.

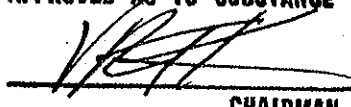
ACTION OF BOARD-
Continued to December 18, 2020

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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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



JAN 19 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

3458 Norclark Restaurant, LLC
APPLICANT

403-20-S
CALENDAR NUMBER

3458 N. Clark Street
PREMISES AFFECTED

November 20, 2020
HEARING DATE

ACTION OF BOARD

THE VOTE

The application is approved.

AFFIRMATIVE NEGATIVE RECUSED

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

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 3458 N.
CLARK STREET BY 3458 NORCLARK RESTAURANT, LLC.**

I. BACKGROUND

3458 Norclark Restaurant, LLC (the "Applicant")¹ submitted a special use application for 3458 N. Clark Street (the "subject property"). The subject property is currently zoned B3-2 and is improved with a two-story commercial building (the "building"). The Applicant operates a pizza restaurant on both stories of the building. The building is improved with two outdoor rooftop patios, which the Applicant uses as an extension of its pizza restaurant. Such outdoor rooftop patios were approved by the ZONING BOARD OF APPEALS on May 17, 2019, as ZONING BOARD OF APPEALS' Cal. No. 274-19-S². The Applicant proposed to modify these outdoor rooftop patios with the addition of a retractable roof system. To permit the construction of this retractable roof system, the Applicant sought a special use in accordance with Section 17-13-0910 of the Chicago Zoning Ordinance.³ In accordance with Section 17-13-0903 of the Chicago

¹ The Applicant operates under the d/b/a Happy Camper.

² Outdoor rooftop patios are a special use in a B3-2 zoning district. See Section 17-3-0200-AA(4) of the Chicago Zoning Ordinance. Note that the subject property is also improved with an at-grade outdoor patio, which the Applicant also uses as an extension of its restaurant. Such at-grade outdoor patio is a permitted use in a B3-2 zoning district. See Section 17-13-0200-AA(4) of the Chicago Zoning Ordinance. As such, the at-grade outdoor patio was not and has never been before the ZONING BOARD OF APPEALS.

³ Which reads as follows: "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

Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator") recommended approval of the special use provided that: (1) the special use was issued solely to the Applicant; and (2) the development was consistent with the design and layout of the plans and drawings dated as of July 14, 2020, prepared by Thomas Montgomery - Architect.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing⁴ on the Applicant's special use application at its regular meeting on November 20, 2020, 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. June 26, 2020), the Applicant had submitted its proposed Findings of Facts. The Applicant's member Mr. Clay Hamilton and its attorney and member Mr. Carmen Rossi were present at the hearing. Also present on behalf of the Applicant was the Applicant's MAI certified real estate appraiser Mr. Joseph M. Ryan. Appearing in opposition to the application was Mr. Kurt Kiefhaber. The Assistant Zoning Administrator Mr. Steven Valenziano was present. 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. September 9, 2020)⁵.

The Applicant's attorney and member Mr. Carmen Rossi provided a brief overview of the Applicant's application.

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

The Applicant offered the testimony of its member Mr. Clay Hamilton in support of the application.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Rossi made further statements.

Mr. Kurt Kiefhaber, of 1026 W. Newport, offered testimony in opposition to the application.

be deemed the same as a new special use and will require special use approval pursuant to all procedures of this section [17-13-0900]." In other words, without a new special use, the outdoor rooftop patios would need to remain exactly as the ZONING BOARD OF APPEALS originally approved them in 2019.

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

⁵ Such Emergency Rules were issued by the Chairman of the ZONING BOARD OF APPEALS in accordance with his emergency rule-making powers set forth in the Rules of Procedure.

In response to Mr. Kiefhaber's testimony, Mr. Hamilton offered further testimony and Mr. Rossi offered further statements.

In response to certain incorrect statements made by Mr. Rossi⁶, Assistant Zoning Administrator Mr. Steven Valenziano offered clarifying testimony with respect to the application.

Mr. Rossi first thanked Mr. Valenziano for his clarification and then made further statements.

Mr. Valenziano testified that he agreed with these further statements of Mr. Rossi.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Rossi made further statements and Mr. Hamilton provided further testimony.

In response to Mr. Hamilton's testimony, Mr. Kiefhaber offered further testimony.

Mr. Valenziano offered further clarifying testimony with respect to the application.

Mr. Rossi made further statements.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Valenziano offered further clarifying testimony and Mr. Rossi made further statements.

In response to Mr. Rossi's statements, Mr. Kiefhaber offered further testimony.

Mr. Rossi then made brief closing remarks.

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.

⁶ The ZONING BOARD OF APPEALS does not believe that Mr. Rossi was deliberately trying to mislead the ZONING BOARD OF APPEALS. The issue with respect to retractable roof is highly technical, and Mr. Rossi is neither an architect nor a zoning attorney. The ZONING BOARD OF APPEALS is nevertheless grateful for the Assistant Zoning Administrator's assistance in ensuring the record was corrected.

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. Outdoor rooftop patios are a special use in a B3 zoning district.⁷ The Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special use that brings the Applicant before the ZONING BOARD OF APPEALS.⁸ Since the ZONING BOARD OF APPEALS has decided to grant the special use to the Applicant, the Applicant's proposed special use therefore complies with all 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.*

As stated in Mr. Ryan's report, there is a public demand for outdoor dining. This demand has only risen due to the COVID-19 public health emergency. Restaurant indoor dining has been indefinitely banned in the City since late October 2019. Restaurants are only allowed to provide the public with outdoor dining, pick-up and delivery. The proposed special use will allow the Applicant to significantly expand outdoor dining options in the area. This is because the retractable roof (when open) will allow the Applicant to continue to provide outdoor dining options to the public, despite inclement weather. The ZONING BOARD OF APPEALS agrees with Mr. Valenziano that the retractable roof system is far superior (both in terms of aesthetics and patron comfort) to the tents many restaurants are using. When the retractable roof is open, the Applicant must follow City ordinances and regulations for outdoor patio licensure. Currently, under COVID-19 public health emergency regulations, this means that the Applicant may only operate the patio from 10:30 AM – 11:00 PM (regardless of

⁷ Pursuant to Section 17-3-0200-AA(4) of the Chicago Zoning Ordinance.

⁸ Indeed, and as very credibly testified to by Mr. Valenziano, the special use is applicable when the retractable roof is open. When the retractable roof is fully closed, there are no longer – from the standpoint of the Chicago Zoning Ordinance – outdoor rooftop patios on the subject property. Instead, the space becomes part of the building on the subject property and counts against the floor area ratio, bulk and density standards of the subject property.

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

APPLICANT: Public Building Commission of Chicago Cal. No. 404-20-S

APPEARANCE FOR: Scott Borstein

MINUTES OF MEETING:
November 20, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2555 W. Grand Avenue

NATURE OF REQUEST: Application for a special use to establish a major utilities and services.

ACTION OF BOARD-
Continued to January 15, 2021

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Public Building Commission of Chicago Cal. No. 405-20-Z
APPEARANCE FOR: Scott Borstein
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2555 W. Grand Avenue

MINUTES OF MEETING:
November 20, 2020

NATURE OF REQUEST: Application for a variation to retain the existing conditions that includes twenty-three trees within the landscape setback instead of ornamental fencing and reduce the number of trees from 157 to 94.

ACTION OF BOARD-
Continued to January 15, 2021

THE VOTE

DEC 21 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN