

SEPTEMBER 20, 2019

MINUTES OF MEETING

Date: September 20, 2019

Cal. No. 382-19-S

Frederick Agustin, Attorney for the Applicant, presented a written request for an extension of time in which to permit the establishment of a shelter and boarding kennel (animal training). The special use was approved on August 17, 2018 in Cal. No. 382-19-S.

Mr. Agustin stated that his client has experienced a delay in obtaining a business license from the City.


Chairman Parang moved the request be granted and the time for obtaining the necessary license be extended to September 24, 2020.

Yeas - Chairman, Esposito, Garcia, Jolene, and Toia. Nays - None.

OCT 21 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: One Parking 707 Inc. **CAL NO.:** 460-19-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
September 20, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1415 N. Dearborn Street

NATURE OF REQUEST: Application for a special use to establish non-accessory parking in an existing twenty-seven story building by using eleven of the forty-five required parking spaces.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 non-accessory parking in an existing twenty-seven story building by using eleven of the forty-five required parking spaces; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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 One Parking 707, Inc.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: John McGowan d/b/a Serenity Nails, LLC CAL NO.: 461-19-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 8237 S. Kedzie Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

[Faint stamp]

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

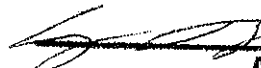
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

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): provided the special use is issued solely to the applicant, John McGowan d/b/a Serenity Nails, LLC.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Johnson Duong

CAL NO.: 462-19-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3107 W. Armitage Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE



OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

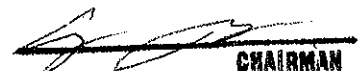
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

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): provided the special use is issued solely to the applicant, Johnson Duong.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Clark Apartments, LLC

CAL NO.: 463-19-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:

September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3839 N. Clark Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 7.5' to zero, rear setback from 30' to 19', north setback from 5' to zero (south to be zero), for a proposed five-story, nine dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE


OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 zero, rear setback to 19', north setback to zero (south to be zero), for a proposed five-story, nine 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.

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



NOV 18 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Giel Stein and Regina Stein

APPLICANT

464-19-Z

CALENDAR NUMBER

2513 N. Burling Street

PREMISES AFFECTED

September 20, 2019

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<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 2513 N.
BURLING STREET BY GIEL STEIN AND REGINA STEIN.**

I. BACKGROUND

Giel Stein and Regina Stein (the "Applicants") submitted a variation application for 2513 North Burling Street (the "subject property"). The subject property is zoned RT-4 and is currently improved with a two and a half-story, single-family house (the "existing building"). The Applicant sought a variation to reduce the north side setback from the required 2' to 8" and the combined side setback from 5' to 3' to allow the construction of a proposed three-story, single-family home (the "proposed home").

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicants' variation application at its regular meeting held on September 20, 2019, 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 Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicants have submitted their proposed Findings of Fact. The Applicants Mr. Giel Stein and Mrs. Regina Stein and their attorney Mr. Graham Grady were present. The Applicants' architect Mr. Paul Tebben and their land use planner Mr. George Kisiel were also present. Testifying in opposition to the application were Ms. Maxine Joachim of 2515 Burling Street and Ms.

APPROVED AS TO SUBSTANCE

CHAIRMAN

Karen Fitzgerald of 740 Dundee Avenue, Barrington, Illinois. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicants' attorney Mr. Graham Grady provided an overview of the requested variation. Mr. Grady stated that the subject property measured 25' by 125.9' and was located within the Burling Street Special Overlay District (the "overlay district")¹. Mr. Grady indicated that the Applicants intended to demolish the existing building and construct the proposed home on the subject property. Mr. Grady further stated that the existing building is set back from the north side property line by 8" and 3.68' from the south side property line. Mr. Grady stated that the Applicants' original variation application requested a north side setback of 0' but the Applicants' revised their application to reduce their requested relief to 8" due to the request of the adjacent neighbor to the north of the subject property (i.e, Ms. Joachim) as well as the Park West Community Association. Mr. Grady explained that the overlay district imposes a 30' front setback as opposed to the standard front setback requirement of 15' for properties in RT-4 districts. Mr. Grady further explained that the Applicants had informed their adjacent neighbors, the Park West Community Association and Alderman Smith² of the variation application and that the Applicants had received a letter from Alderman Smith indicating that she had no objection to the revised plan. Mr. Grady then indicated that a representative from Alderman Smith's office was present at the hearing. Mr. Grady explained that the reason the Applicants received the letter of no objection from Alderman Smith was due to the Applicants' decision to reduce their requested relief.

Mr. Giel Stein testified that he currently lived at 2853 North Halsted and that he intended to build the proposed home on the subject property and live there with his family. Mr. Stein further testified that he compromised from his original plan because he wanted to remain consistent with the central character of the neighborhood, which character he perceived to be small homes that are built with little to no distance to their north property line and a gangway on the south side of the property. He testified that it was important to him that Ms. Joachim was comfortable with the Applicants' plans. He testified that he reached out to his adjacent neighbor to the south of the subject property and that he wanted to be sure that everyone in the neighborhood was satisfied with the Applicants' plans.

Mrs. Regina Stein testified that she currently resided at 2853 North Halsted and that she met with the adjacent neighbors on the south side of the subject property in order to review plans for the proposed home. She testified that she sent those neighbors the revised plans that reflected the reduction in the relief requested. Mrs. Stein further testified that she had met with Ms. Joachim and that at that time they went over the original plans. Mrs. Stein testified that Ms. Joachim requested that the proposed home be built on the same location as the existing building, 8" from the north property line. Mrs. Stein testified that she agreed to Ms. Joachim's request.

¹ Municipal Code of Chicago §17-7-0500 *et al.*

² Alderman Michele Smith is the alderman for the 43rd Ward in which the subject property is located.

The Applicants presented the testimony of their architect Mr. Paul Tebben. Mr. Tebben testified that the existing building was not exactly square to the property line and that the north side setback was 8.4" on the west end of the subject property and 6.36" on the east end of the subject property. Mr. Tebben testified that the plans would correct this and establish a uniform 8" setback from the north side property line. He further testified that the south side setback would be 2.4' and that the front and rear setbacks would be exactly as the Chicago Zoning Ordinance requires. Mr. Tebben testified that an inaccurate statement had been made that the existing building was set back 15" from the north property line. He reiterated that the existing building was set back 0.7' (8.4") from the north property line on the west end and 0.53' (6.36") from the north property line on the east end, as noted on the survey. He further testified that the entirety of the proposed home (i.e., the ground floor, second floor and third floor) would be set back 8" from the north property line and that a significant portion of the west end of the ground floor of the proposed home would be even further set back from the north side property line, by 4'8". Mr. Tebben testified that the fact that the plat of survey indicates that the existing building is set back from the north side property line by 8.4" and 6.36" is indisputable because the plat of survey enumerated such measurements and the plat of survey was provided by a licensed surveyor. He further testified that any belief that the existing building was set back more than that was due to an improper understanding of where the property line is located.

The Applicants presented the testimony of their expert land planner Mr. George Kisiel. Mr. Kisiel testified that the practical difficulty concerning the subject property was related to the fact that the block of Burling Street upon which the subject property is located was subdivided and substantially developed prior to the City of Chicago's first zoning ordinance in 1923. He testified that the dominant historic configuration in the area places the buildings on the north lot line and leaves a setback of about 3' on the south side. He testified that nearly all structures built prior to the 1923 ordinance are set back 30' from the front property line, leading the City of Chicago ("City") to establish the overlay district, which required a 30' front setback. Mr. Kisiel testified that properties located within RT-4 districts have a front setback requirement of only 15'. Mr. Kisiel testified that this doubling of the front setback requirement results in a loss of approximately 300 square feet of buildable footprint at grade – that is, a 20% reduction. Mr. Kisiel testified that conforming to the significant front setback requirement as well as the rear setback requirement would cause practical difficulties in designing a reasonably-sized building footprint that also conforms to the Chicago Zoning Ordinance's side setback requirements. Mr. Kisiel testified that the relief requested was minimal and that the proposed home would be built on a footprint that nearly matches the footprint of the existing building. Mr. Kisiel testified that the proposed variation is consistent with the Chicago Zoning Ordinance's purposes of protecting the character of established residential neighborhoods, preserving the overall quality of life for residents, maintaining orderly and compatible land use and development patterns and ensuring adequate light, air, privacy and access to property.

Mr. Grady summarized the Applicants' argument and stated that the Applicants were seeking to replace a dilapidated structure with a newer one with a similar footprint. Mr.

Grady then submitted photographs to the ZONING BOARD OF APPEALS which were accepted into the record. The photographs showed the area between the existing building and the improvements on the property next north (i.e., Ms. Joachim's building). In response to questions from the ZONING BOARD OF APPEALS, Mr. Grady affirmed that the Applicants had submitted plans that reflect the revised relief requested.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Kisiel testified that the Applicants were requesting a variation from the north side setback and the combined side setbacks. He further testified that while the positioning of buildings was consistent throughout the overlay district, the issue was whether or not the overlay district itself was unique with respect to the City. He testified that if one looked at the overall composition of the City, while there were some places where the north pattern of positioning of buildings was shared, it was not consistent throughout the City. He testified that therefore the north pattern of positioning of buildings passes the test in terms of being unique as it is not applicable to other properties outside the overlay district. Mr. Kisiel testified that if one had a consistent setback condition where the neighbor to one's south is shifted to the north on the property and the neighbor to the north is shifted in the same fashion, then one is compelled (and the practical difficulty or hardship is therefore) to locate one's structure so that it is consistent with the existing pattern of development and decreased size of the building footprint.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Tebben testified that the energy conservation code requires thicker walls, which, in conjunction with the 30' front setback, results in a reduced available footprint to build. He testified that the fact that many buildings were pushed toward the north lot line would result in a narrower footprint than the Applicants could use if the Chicago Zoning Ordinance's standard side setbacks were required in this case. Mr. Tebben testified that without the variations, the 5' required side setback would result in a building with a maximum exterior width of 20'.

Ms. Maxine Joachim, of 2515 North Burling, testified in opposition. Ms. Joachim testified that she had lived in the building at 2515 North Burling all her life and that said building had been in her family since the 1800s. She testified that her main concern was that she needed to maintain the amount of space between her building and the subject property for maintenance and safety reasons and that the space was tight as it currently existed. She testified that she wanted assurance that she would continue to have same amount of space. She testified that her gutters were cleaned annually and that the cleaners would complain that the space was tight. She testified that she took a picture of the space between her home and the subject property and that she was confused because according to a photo she took, the setback of the existing building on the north side was 15". In response to questions from the ZONING BOARD OF APPEALS, Ms. Joachim testified that her property was immediately adjacent to the north of the subject property. She testified that she wanted the Applicants to maintain the footprint of the existing building when constructing the proposed home.

Ms. Karen Fitzgerald, of 740 Dundee Avenue, Barrington, Illinois, testified in opposition.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Grady stated that the actual distance from the north wall of the existing building was 8" from the property line and that the proposed home would be built 8" from the property line. Mr. Grady stated that the space between the proposed home and Ms. Joachim's property would remain exactly as it currently exists. Mr. Grady stated the Applicant's team had performed measurements between the two properties.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Tebben testified that the distance from the existing building to the north property line was 8.4" on the west end and 6.36" on the east end. He testified that the proposed home's north side setback would be 8". Mr. Tebben then used the plat of survey to explain the space between the two properties. He testified that he had measured the space between the existing building and Ms. Joachim's building.

Ms. Joachim then submitted photographs of the space between her building and the existing building to the ZONING BOARD OF APPEALS, which were accepted into the record.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Kisiel testified that in comparison to other properties located in RT-4 districts, the subject property featured unique conditions not generally applicable to similarly situated properties. Mr. Kisiel testified that because the Applicants would be living in the subject property, the return that the Applicants would receive is measured in use rather than monetary value. He testified that the reason for the variation is not to make more money off the subject property but is instead to accommodate the Applicants' needs and the needs of their family.

Mr. Grady stated that the photograph submitted by Ms. Joachim was indicative of a misunderstanding.

Ms. Stein testified that she was familiar with the area between the two properties and that the confusion behind whether the existing building was located 15" or 8" from the property line stemmed from Ms. Joachim mistakenly equating the edge of Ms. Joachim's concrete sidewalk with the property line. She then submitted and the ZONING BOARD OF APPEALS accepted into the record a photograph of the same space between the existing building and Ms. Joachim's building.

Mr. Tebben testified that the plat of survey shows that the south edge of Ms. Joachim's building was 2.77' from the property line on the west end. Mr. Tebben further testified that the existing building was 8.4" from the property line at the west end. Mr. Tebben testified that the end of Ms. Joachim's sidewalk was not the end of her lot line. In response to questions from the ZONING BOARD OF APPEALS, Mr. Tebben testified that he measured the area between the buildings himself with a laser and that his results

were consistent with the plat of survey. He testified that the proposed home would – like the existing building – continue to be approximately 15” away from Ms. Joachim’s sidewalk as the existing building.

Mrs. Stein then offered further testimony on the photograph she had introduced into the record.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Tebben testified that the distance from Ms. Joachim’s building to her southern property line was 2.77’ and distance from the existing building to its northern property line was 0.7’ and that the distance between the existing building and Ms. Joachim’s building was 2.77’ plus 0.7’ for a total of 3.47’, which distance will remain identical after the construction of the proposed home.

Mr. Grady clarified that the proposed home would be 2” further from Ms. Joachim’s building on the east end of the north side of the subject property.

Mr. Tebben testified that the existing 6.36” setback on the east end of the north side of the subject property would increase to 8”.

Mr. Grady clarified that the existing building does not run parallel to the subject property’s north property line and therefore the existing building is a bit closer to Ms. Joachim’s building at the back end of the existing building. He stated that the proposed home would be set parallel to the subject property’s north property line.

Mr. Stein testified that the gap between Ms. Joachim’s building and the existing building would remain the same after construction of the proposed home. He testified that Ms. Joachim’s access for maintenance, light, air and safety would remain the same. He further testified that the Applicants’ decision to reduce their requested relief came at considerable additional financial expense because the Applicants were forced to fireproof the wall on the south side of the proposed home because it was going to be closer to the south property line.

Mr. Grady clarified that the additional expense was attributable to the fact that shifting the proposed home from its initial planned position at the north property line to an 8” setback resulted in a shift of the proposed home toward the adjacent building to the south, which resulted in additional expense.

Mr. Tebben testified that the additional expense to be incurred by the Applicants for increasing the fire rating of the south wall of the proposed home was between \$10,000 and \$15,000.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Grady explained that there was confusion as to the location of the property line because it was not located at the edge of Ms. Joachim’s concrete sidewalk.

In response to questions from the ZONING BOARD OF APPEALS, Ms. Joachim testified that she saw an orange X on the sidewalk on the survey and that the orange X was situated at the line of the sidewalk.

In response to questions from the ZONING BOARD OF APPEALS, Mrs. Stein testified that she and Ms. Joachim had together looked at the gap between the existing building and Ms. Joachim's building and that though they did not have a measuring tape at the time, the distance between the two buildings matched the distance as indicated on the plat of survey. She testified that she and Mr. Stein took measurements at a different time when Ms. Joachim was not present.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Grady stated that the overlay district was a component of the particular hardship facing the subject property. He explained that the overlay district's increased requirement for the front setback, taken in conjunction with the rear yard setback requirement and the close proximity of the adjacent buildings on either side of the subject property, decreased the buildable portion of the subject property. Mr. Grady also noted the fact that the existing building and the adjacent buildings to either side were built over 100 years ago and prior to the establishment of the overlay district. Mr. Grady summarized the Applicants' argument as follows: because the subject property is located between two buildings that were built prior to the establishment of the overlay district and are legally nonconforming, forcing the Applicants to conform to the Chicago Zoning Ordinance would impose a particular hardship.

Mr. Grady then made a brief closing statement.

B. Criteria for a Variation

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

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

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

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

III. FINDINGS OF FACT.

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

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

As noted in Mr. Kisiel's report, homes in the subject property's immediate area along Burling Street are shifted toward their north property line. Because the homes along Burling Street in the overlay district were built prior to the Chicago Zoning Ordinance, they do not conform with the Chicago Zoning Ordinance's side setback requirements. To deny Applicants' variation request and force them to conform to the Chicago Zoning Ordinance's side setback requirements would be to ignore this pattern of development. The adjacent building to the north of the subject property, 2515 North Burling, is shifted north; it has a larger setback on its south side (2.77') than on its north side (0.7'). As such, 2515 North Burling does not conform to the Chicago Zoning Ordinance's side setback requirement. Similarly, the adjacent building to the south of the subject property, 2511 South Burling, is shifted north as well and has a north side setback of only 0.7', which likewise does not conform with the Chicago Zoning Ordinance's requirements. As Mr. Tebben credibly testified, the existing building is between 6.36" and 8.4" from its north property line and 3.7' from its south property line. Furthermore, the Burling Street Special Setback Overlay District requires a front setback that is at least 30' from the property line adjacent to Burling Street. With such a large

front setback requirement, Applicants would be forced to build a much smaller building if held to the strictures of the Chicago Zoning Ordinance. Due to the necessity of complying with the energy conservation code and fire rating (due to the closeness of the improvements on adjacent properties), the Applicants will need thick walls, further limiting livable space. The ZONING BOARD OF APPEALS therefore finds that strictly complying with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties and particular hardships for the subject property.

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

The requested variation and proposed development is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to §17-1-0501 by maintaining the 8" gap between the existing building and the adjacent north building, therefore allowing Ms. Joachim to continue to enjoy the space, light, air and privacy to which she is accustomed; (2) preserving the overall quality of life for residents and visitors pursuant to §17-1-0502 of the Chicago Zoning Ordinance in that, as previously mentioned, it allows Ms. Joachim to continue to enjoy the same amount of space between the buildings; (3) protecting the character of established residential neighborhoods pursuant to §17-1-0503 by maintaining the northward shift of buildings upon their property that was established prior to the implementation of the Chicago Zoning Ordinance; (4) maintaining orderly and compatible land use and development patterns pursuant to §17-1-0508 of the Chicago Zoning Ordinance in that it respects the established northwardly-shifted development pattern of buildings in the immediate area; and (5) ensuring adequate light, air, privacy, and access to property pursuant to §17-1-0509 of the Chicago Zoning Ordinance by retaining the same distance between the existing home and the adjacent building to the north.

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

Since the Applicants will continue to own the subject property, and the Applicants and their family will reside at the subject property, the ZONING BOARD OF

APPEALS finds that reasonable return in this instance is properly measured in terms of the subject property's livability. Mr. Tebben testified credibly that the fact that the buildings adjacent to the subject property are shifted north and the overlay district requires twice the front setback than properties situated in an RT-4 district outside the overlay district, the buildable footprint on the subject property is significantly reduced if required to conform to the Chicago Zoning Ordinance's side setback requirements. The proposed variation will allow the Applicant to construct the proposed home, which will allow the Applicants and their family to comfortably reside on the subject property.

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 overlay district and the nonconforming northward shift of the adjacent buildings in the immediate area, are unique to the subject property and are not generally applicable to other similarly situated property.

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 home to be constructed in the footprint of the existing building, which follows the established northward shift of the buildings in the immediate area.

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

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

The dominant historic configuration of the immediate area of the subject property is one in which buildings lay at or very near the north lot line. Further, the overlay district requires a 30' front setback as opposed to a 15' setback that is typically required for RT-4 designated property. Mr. Kisiel credibly testified that those conditions would result in a loss of approximately 300 square feet of buildable footprint at grade, which translates to a 20% reduction of the size of the

building, if the Applicants were required to build in conformance to the Chicago Zoning Ordinance's side setback requirements. The ZONING BOARD OF APPEALS finds that such a loss of 300 square feet would be a particular hardship upon the property and not a mere inconvenience.

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

The ZONING BOARD OF APPEALS finds that overlay district and the northward shift of the buildings adjacent to the subject property would not be applicable to other properties within the RT-4 zoning classification. Very few properties of any RT-4 zoning classification are subject to the enhanced front setback requirements of the overlay district or the northward shift of adjacent buildings upon their respective property's north lot line.

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

As credibly testified to by the Applicants, the Applicants and their family will live at the subject property. Further, the purpose of the side setback variation is to ensure that the proposed home can reasonably accommodate the needs of the Applicants and their growing family. The variation is not based upon a desire to make more money out of the property but rather to ensure that the home they will live in will not be overly narrow.

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

The overlay district and the northward shift of buildings in the immediate area precede the Applicants' purchase of the property and cannot be attributed in any way to the Applicants' 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 not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The proposed home will be built largely upon the footprint of the existing building. As Mr. Tebben credibly testified, the existing building lies between 8.4" and 6.36" from the property line and the proposed home will be uniformly 8" from the property line. Mr. Tebben testified at the hearing that he utilized a laser to measure the space between the existing building and Ms. Joachim's building and that his conclusions were

consistent with the plat of survey. The ZONING BOARD OF APPEALS finds credible Mr. Tebben's testimony regarding the space between the two buildings and does not find credible Ms. Joachim's unverified and unsubstantiated assertion that the existing building lies 15" from the property line.

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 the Applicants repeatedly established throughout the hearing, the plans were revised and the relief requested was reduced in order to accommodate their neighbor to the north. The proposed home will be built largely upon the existing footprint and thus will not adversely affect the light or air to the adjacent properties. The home will remain a single-family home and will not increase the density and thus the side setback variation will have no effect upon the traffic congestion whatsoever. As credibly testified to by Mr. Stein, the Applicants are incurring \$10,000 to \$15,000 in additional expenses in order to increase the fire rating of the wall on the south side and as such, there will be no increase in the danger of fire or public safety. As the proposed home will be replacing the dilapidated existing building, the granting of this variation will allow construction of the proposed home and will not diminish or impair property values within the neighborhood.

IV. CONCLUSION

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

The ZONING BOARD OF APPEALS hereby approves the Applicants' 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.*

APPLICANT: Gino Battaglia

CAL NO.: 465-19-Z

APPEARANCE FOR: Dean Maragos

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1740 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a variation to reduce the required total off-street parking spaces from the required one to zero for a proposed artist live/ work space on the third floor of an existing three-story, mixed use building.

ACTION OF BOARD-
Continued to October 18, 2019 at 2:00 p.m.

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Edgewater Acquisitions, LLC

CAL NO.: 466-19-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5946-62 N. Sheridan Road

NATURE OF REQUEST: Application for a variation to increase the height from the maximum 60' to 65.92' for a proposed six-story, fifty-nine dwelling unit building with ground floor parking.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

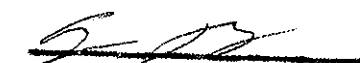
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

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 increase the height to 65.92' for a proposed six-story, fifty-nine dwelling unit building with ground floor parking; 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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: The Salvation Army, an Illinois Corporation

CAL NO.: 467-19-S

APPEARANCE FOR: Mitchell Melamed

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2511-33 W. Madison Street

NATURE OF REQUEST: Application for a special use to expand an existing special use to allow the expansion of an existing off-site accessory parking lot which serves the existing community center located at 20 S. Campbell Avenue.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

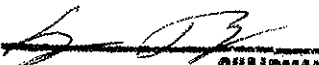
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to expand an existing special use to allow the expansion of an existing off-site accessory parking lot which serves the existing community center located at 20 S. Campbell Avenue; 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 The Salvation Army, an Illinois Corporation, and the development is consistent with the design and layout of the landscape plan dated September 3, 2019, prepared by Daniel Weinbach and Partners, Ltd.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: OG Management, Inc.

CAL NO.: 468-19-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2346 W. Grand Avenue

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 which shall be a transit served location.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

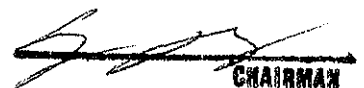
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

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 which shall be a transit served location; an additional special use and two variations were granted to the subject property in Cal. Nos. 469-19-S; 470-19-Z, and 471-19-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 plans and drawings dated June 26, 2019, prepared by 360 Design Studio.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: OG Management, Inc.

CAL NO.: 469-19-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:

September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2346 W. Grand Avenue

NATURE OF REQUEST: Application for a special use to reduce the required off-street parking from six parking spaces to two parking spaces for a proposed four-story, six dwelling unit building which shall be a transit served location.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

[Faint stamp]

OCT 21 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 off-street parking to two parking spaces for a proposed four-story, six dwelling unit building which shall be a transit served location; an additional special use and two variations were granted to the subject property in Cal. Nos. 468-19-S; 470-19-Z, and 471-19-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 plans and drawings dated June 26, 2019, prepared by 360 Design Studio.

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

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

APPLICANT: OG Management

CAL NO.: 470-19-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2346 W. Grand Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 26.33 feet for a proposed four-story, six dwelling unit building which shall be a transit served location.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 rear setback to 26.33 feet for a proposed four-story, six dwelling unit building which shall be a transit served location; two special uses and one additional variation were also granted to the subject property in Cal. Nos. 468-19-S, 469-19-S, and 471-19-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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: OG Management **CAL NO.:** 471-19-Z

APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2346 W. Grand Avenue

NATURE OF REQUEST: Application for a variation to reduce the required minimum lot area from 2,400 square feet to 2,350 square feet for a proposed four-story, six dwelling unit building which shall be a transit served location.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 minimum lot area to 2,350 square feet for a proposed four-story, six dwelling unit building which shall be a transit served location; two special uses and one additional variation were also granted to the subject property in Cal. Nos.468-19-S, 469-19-S, and 470-19-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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Discovery Practice Management Inc. d/b/a Center for Discovery CAL NO.: 472-19-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7450 N. Sheridan Road

NATURE OF REQUEST: Application for a special use to establish a Group Community Home in an existing three-story, single family residence.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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 on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 Group Community Home in an existing three-story, single family residence; 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 Discovery Practice Management Inc. d/b/a Center for Discovery, and the development is consistent with the design and layout of plans and drawings dated September 20, 2019, prepared by the applicant.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Edwin E. Muniz d/b/a Fast Entertainment Inc. **CAL NO.:** 473-19-Z

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

APPEARANCE AGAINST: None **September 20, 2019**

PREMISES AFFECTED: 3208 N. Kostner Avenue

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license to provide live entertainment, music, DJ and cover charge for an existing tavern which is located within 125' of a residential district.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 public place of amusement license to provide live entertainment, music, DJ and cover charge for an existing tavern which is located within 125' of a residential district; 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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT:

Oscar Alanis

CAL NO.: 474-19-Z

APPEARANCE FOR:

Rolando Acosta

MINUTES OF MEETING:

September 20, 2019

APPEARANCE AGAINST:

None

PREMISES AFFECTED:

5318 S. Lockwood Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 18.54' to 13.21' for a proposed second floor addition to the existing one-story, single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
	X	
X		
X		
X		

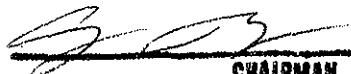
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

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 13.21' for a proposed second floor addition to the existing one-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.

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 17 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

SustainaBuild LLC – 2421 Fullerton Series

APPLICANT

475-19-Z

CALENDAR NUMBER

2423 West Fullerton Avenue

PREMISES AFFECTED

September 20, 2019

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<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 2423 W.
FULLERTON AVENUE BY SUSTAINABUILD LLC – 2421 FULLERTON
SERIES.**

I. BACKGROUND

SustainaBuild LLC – 2421 Fullerton Series (the “Applicant”) submitted an application for a variation for 2423 West Fullerton Avenue (the “subject property”). The subject property is zoned B3-3 and is vacant. The Applicant proposed to develop the subject property with a four-story mixed-use building that will contain twenty-one (21) dwelling units above grade, retail space at grade and twenty-one (21) onsite garage parking spaces (the “proposed building”). In order to permit the construction of the proposed building, the Applicant sought a variation to reduce: (1) the front setback from the required 3’ to zero; (2) the east side setback from the required 4’ to 3’ and (3) the rear setback from the required 30’ to 16’.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant’s variation application at its regular meeting held on September 20, 2019, 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 Sun-Times*. In accordance with the ZONING BOARD OF APPEALS’ Rules of Procedure, the Applicant had submitted its

APPROVED AS TO SUBSTANCE


CHAIRMAN

proposed Findings of Fact. The Applicant's managing member Mr. Igor Patrushchak and its attorney Mr. Nicholas Ftikas were present. The Applicant's architect Mr. John Hanna was also present. Testifying in opposition to the application was Mr. Nicholas Zettel from the Office of First Ward Alderman Daniel LaSpata (the "Alderman"). The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Nicholas Ftikas provided an overview of the subject property. Mr. Ftikas stated that the Applicant owned the subject property and that the subject property was a single zoning lot that measured 73' wide at the front and 68' wide at the rear. He stated that the subject property contained 11,302 square feet of total area and was currently vacant. Mr. Ftikas indicated that Applicant planned to construct the proposed building on the subject property. Mr. Ftikas stated that subject property was zoned B3-3 but abutted two smaller RS-3 lots toward the rear. Mr. Ftikas explained that because the subject property abutted R-zoned properties, front and side setback requirements were imposed upon the subject property.¹ He reminded that, ordinarily, B zoned property was not subject to front and side setback requirements. Mr. Ftikas stated that the subject property narrowed by approximately 7' toward the rear, which impacted the calculation of the rear setback and increased the rear setback relief for the proposed building. Mr. Ftikas explained that the variation was necessary in order to permit construction of the proposed building.

The Applicant offered testimony from its managing member Mr. Igor Patrushchak. Mr. Patrushchak testified that he was the managing member of the Applicant, that the Applicant owned the subject property and that the subject property was a vacant lot comprising 11,302 square feet. He testified that the Applicant proposed to develop the subject property with the proposed building. He testified that the variation was needed because the subject property abutted residential zoning districts and because of the subject property's unique configuration at the southwest corner. Mr. Patrushchak further testified that he had worked with the Greater Goethe Neighborhood Association (the "neighborhood association") on the development of the proposed building for over a year and a half and that as part of the process, the Applicant had secured a Type 1 zoning map amendment² (the "Type 1"). He testified that the Applicant pledged to provide three affordable units instead of the required two units³ as part of its commitment to the neighborhood association and that the affordable units would be onsite. He then testified that if he were to continue to testify, such testimony would be consistent with his affidavit attached to the Applicant's proposed Findings of Fact.

The Applicant offered testimony from its architect Mr. John Hanna. Mr. Hanna testified that he had previously testified many times before the ZONING BOARD OF APPEALS. He testified that he had designed the program of development for the proposed building. Mr. Hanna testified that it was his professional opinion that the abutting RS-3 zoning districts and the slightly angled southwest corner of the subject

¹ Sections 17-3-0404 and 17-3-406 of the Chicago Zoning Ordinance.

² Section 17-13-0302-A of the Chicago Zoning Ordinance.

³ Section 2-45-80-C(1) of the Municipal Code of Chicago.

property created a particular hardship or practical difficulty for the subject property. He testified that the Applicant agreed to maintain a four-story building height in order to better match the pattern of development in the immediate area, which had led him to design a longer building in lieu of a fifth story. He testified that the square footage of the proposed building was consequently reduced from approximately 4,000 square feet to 3,500 square feet. Nevertheless, he testified that the proposed building would be consistent and compatible with the other mixed-use buildings on West Fullerton Avenue. He further testified that if he were to continue his testimony, such testimony would be consistent with the witness statement that was filed on his behalf and attached to the Applicant's proposed Findings of Fact.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Ftikas provided a brief description of the Applicant's meetings with the neighborhood association and the Alderman. Mr. Ftikas explained that prior to the Type 1, 80% of the subject property had been zoned B3-3. He testified that a small portion of the rear of the subject property had been zoned RS-3.⁴ Mr. Ftikas clarified that his meetings had been with the office of the previous First Ward alderman⁵ and not the Alderman. In response to further questions from the ZONING BOARD OF APPEALS, Mr. Ftikas explained that the purchase price of the subject property was \$1.287 million and that the Applicant anticipated hard development costs of \$5.7 million and soft costs of \$1.5 million. Mr. Ftikas explained that the three affordable dwelling units were estimated to sell at approximately \$145,000, as compared to the market rate dwelling units (which would run between \$399,000 and \$520,000). Mr. Ftikas stated that based on these selling prices, the Applicant would garner \$8.8 million in total revenue. He stated as the Applicant's total investment would be \$8,037,000 this would result in a profit of 9.5%. In response to questions from the ZONING BOARD OF APPEALS, Mr. Ftikas stated that without the variation, the Type 1 would be rendered moot⁶ and the Applicant would be forced to increase the height of the proposed building. He explained that the B3-3 zoning district would allow the Applicant to construct a 63' tall building due to the subject property's 73' frontage along Fullerton Avenue, but that as a result of the Applicant's negotiations with the neighborhood association, the Applicant agreed to limit the proposed building's height to 49'. Mr. Ftikas stated that a structure with a height of 63' would be arguably out of place on Fullerton Avenue.

Mr. Nicholas Zettel testified in opposition to the application. He testified that the Alderman opposed the application for two reasons: (1) the Alderman did not believe there was a hardship; and (2) the Alderman did not believe that the neighborhood association had approved the proposed building. With respect to the second reason, he offered and the ZONING BOARD OF APPEALS admitted into evidence two letters from the neighborhood association. He testified that the Alderman believed that the

⁴ This split zoning of the block may still be seen on the properties abutting the subject property. This split zoning is also why the Applicant must provide a front setback (i.e., despite the front of the abutting lots being zoned B, the rear of the lots are zoned R creating a situation where RS zoned lots share street frontage with the subject property).

⁵ That is, former alderman Proco "Joe" Moreno.

⁶ Section 17-13-0310 of the Chicago Zoning Ordinance.

neighborhood association understood that the Applicant would provide four affordable units.⁷ In response to questions from the ZONING BOARD OF APPEALS, Mr. Zettel testified that the Alderman had not had a chance to speak with the Applicant's team and that the Alderman was currently dealing with fifty live zoning cases.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Ftikas stated that upon receiving an email from the Alderman, he responded with an explanation of why the Applicant needed the variation as well as a background on the neighborhood association's review process to date. Mr. Ftikas stated that he offered to meet but no meeting had taken place.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Zettel testified that the Alderman believed that the Type 1 negated any need for the requested variation.⁸

In response to questions from the ZONING BOARD OF APPEALS Mr. Ftikas explained that the subject property could have twenty-eight (28) dwelling units pursuant to a B3-3 zoning classification. He testified that as the Applicant discussed developing the subject property with the neighborhood association, it became clear that the neighborhood association would not support twenty-eight (28) dwelling units. He stated that the Applicant and the neighborhood association had discussed the possibility of twenty-four (24) dwelling units on the subject property. He stated that the Applicant would be able to provide four (4) affordable units with twenty-four (24) dwelling units. He stated that when the Applicant pared down to twenty-one (21) dwelling units (as was ultimately agreed to), the Applicant lost its ability to off-set the cost of the additional affordable unit. He stated that this is why the Applicant is only providing three (3) affordable units. Mr. Ftikas indicated that the Applicant had been in negotiations with the neighborhood association and the former alderman's office for over two months with respect to the twenty-four (24) versus twenty-one (21) dwelling units. He stated that the result of the negotiations had been the Type 1 as introduced.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Ftikas provided additional background regarding the Applicant's provision of affordable units.

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

⁷ That is, the two affordable units require ordinance along with two other voluntary affordable units.

⁸ The Alderman was mistaken in this belief. Type 1 ordinances in and of themselves do not negate the need for any variation or special use required by the plans attached to said ordinances. The ZONING BOARD OF APPEALS routinely hears both variations and special uses on property that has been rezoned via Type 1.

particular hardships; and (2) the requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance.

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

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

III. FINDINGS OF FACT.

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a 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 residential zoning districts abutting the subject property create additional front and rear setback requirements that would not otherwise apply to other B3-3 zoned property. The narrowing of the subject property at its rear results in a loss of buildable area. Further, the prevailing height of buildings on this portion of

West Fullerton is four stories. The ZONING BOARD OF APPEALS finds that these conditions create practical difficulties or particular hardships for the subject property if the Applicant were required to develop the subject property in strict compliance with the regulations and standards of the Chicago Zoning Ordinance.

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

The requested variation and proposed development is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) protecting the character of established residential neighborhoods pursuant to §17-1-0503 by limiting the proposed building to a height which is compatible with other buildings on Fullerton Avenue; (2) maintaining a range of housing choices and options pursuant to §17-1-0512 by providing twenty-one additional dwelling units to the area, three of which are affordable units; and (3) accommodating growth and development that complies with the preceding stated purposes of the Chicago Zoning Ordinance pursuant to §17-1-0514 by activating a vacant parcel of land.

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 acquisition costs of the subject property, along with the hard and soft costs of construction, amount to \$8,037,000. The Applicant estimates total revenue of \$8.8 million which results in a profit of \$763,000 or 9.5%. The ZONING BOARD OF APPEALS finds that in order to achieve this modest return of 9.5% on an \$8 million investment, the variation sought by the Applicant is necessary and that without the variation, the subject property cannot yield a reasonable return.

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

The ZONING BOARD OF APPEALS finds that the particular hardships facing the subject property, namely that it is a B3 zoned property abutting residentially zoned districts, its narrows at its rear and its location in an area where the

prevailing building height is four stories are unique circumstances and are not generally applicable to other similarly situated property.

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

The variation enables the Applicant to build a building that conforms to the heights of other buildings on this portion of Fullerton Avenue. Without the variation, the Applicant would need to add a fifth floor in order to justify its expenditures. Such a fifth floor would be out of character with the neighborhood.

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

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

The particular physical surroundings – that is, the adjoining residentially zoned property and the established four-story height limit for nearby buildings – as well as the particular shape of the subject property results in particular hardship upon the Applicant as distinguished from mere inconvenience. Were it not for the adjoining R zoned property, the Applicant would not be required to provide front or side setbacks. Were it not for the established four-story height limit from nearby buildings, the Applicant could offset the loss of buildable lot area created by the narrowing of the subject property with a fifth story and thus not require the reduction to the rear setback.

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

The ZONING BOARD OF APPEALS finds that the subject property's contiguity with the residential zoning district, the prevailing height limit of four stories of surrounding buildings along Fullerton Avenue and the narrowing of the subject property at its rear are conditions that would not be applicable, generally, to other properties within the B3-3 zoning classification.

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

The ZONING BOARD OF APPEALS finds that the purpose of the variation is not exclusively to make more money out of the property, but rather to construct a

building that can justify the Applicant's expenditures while paying heed to the neighborhood association's concerns about density and respecting the established height of surrounding buildings.

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

Neither the Applicant nor the subject property's owner created the prevailing four-story building height in the neighborhood, the R zoned property adjoining the subject property or the narrowing of the subject property at its rear.

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.*

Granting the variation will allow the Applicant to achieve a modest return on its investment while conforming to the prevailing four-story height limit of surrounding buildings on Fullerton Avenue. Granting the variation will also allow the Applicant to respect the concerns of the neighborhood association regarding density and affordability. The ZONING BOARD OF APPEALS finds that granting the variations will not be detrimental to the public welfare or injurious to other property or improvements in its neighborhood because the proposed building is consistent with the established pattern of development and respectful of the community's concerns. Additionally, the addition of a third affordable unit, which is more than what is required by the Municipal Code of Chicago, will likewise be a boon to the public welfare.

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

The variation allows the proposed building to be built within the four-story height limit established by existing buildings along Fullerton Avenue, thereby preventing any impairment of light and air to adjacent property. Additionally, as the proposed building will be limited to twenty-one (21) dwelling units and as the Applicant will be providing twenty-one (21) onsite parking spaces along with a loading berth, the ZONING BOARD OF APPEALS finds that the variations will not substantially increase the congestion in the public streets. The variation will not increase the danger of fire or endanger the public safety, as the proposed building will be built pursuant to valid building permits. Finally, the variation will not diminish or impair property values in the neighborhood because they will allow the Applicant to activate a vacant parcel of land.

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.*

APPLICANT: 2719-23 W. Haddon, Inc.

CAL NO.: 476-19-Z

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2719 W. Haddon Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 36.13' to 2', east and west setback each from 2' to zero, combined side setback from 5' to zero for a proposed connection to the new garage roof deck from the existing three-story, three dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 rear setback to 2', east and west setback each to zero, combined side setback to zero for a proposed connection to the new garage roof deck from the existing three-story, three dwelling unit building; a related variation was granted to 2721 W. Haddon Avenue in Cal. No. 477-19-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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 2719-23 W. Haddon, Inc.

CAL NO.: 477-19-Z

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2721 W. Haddon Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 36.12' to 22' for a proposed connection to the new roof deck from the existing six dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 rear setback to 22' for a proposed connection to the new roof deck from the existing six dwelling unit building; a related variation was granted to 2719 W. Haddon Avenue in Cal. No. 476-19-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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Albert V. Trigo CAL NO.: 478-19-Z

APPEARANCE FOR: Same as Applicant MINUTES OF MEETING:

September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1015 N. Drake Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 37.54' to zero, north side setback from 2.4' to zero (south shall be zero), combined side setback from 6' to zero to allow a rear fence with rolling gate at 11.2' in height to serve the existing two-story residential building.

ACTION OF BOARD-

Continued to December 20, 2019 at 2:00 p.m.

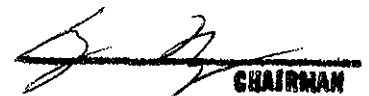
THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Primo Center for Women and Children **CAL NO.:** 479-19-S

APPEARANCE FOR: Danielle Cassel **MINUTES OF MEETING:**
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4952-58 W. Madison Street / 1-17 N. Lavergne Avenue

NATURE OF REQUEST: Application for a special use to establish a transitional residence in an existing three-story, mixed use building with ground floor retail and residential use and residential units above.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a transitional residence in an existing three-story, mixed use building with ground floor retail and residential use and residential units above; George Blakemore of Chicago, Illinois testified in opposition; 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 Primo Center for Women and Children, and the development is consistent with the design and layout of plans and drawings dated June 25, 2019 either with or without the elevator, prepared by Gansari and Associates, LLC.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Mateusz Jasinski

CAL NO.: 480-19-Z

APPEARANCE FOR: William Banks

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6167 N. Overhill Avenue

NATURE OF REQUEST: Application for a variation to reduce rear setback from the required 8.17' to 3.08' for a proposed one-story addition to the side of an existing one-story, single family residence.

ACTION OF BOARD-
Continued to October 18, 2019 at 2:00 p.m.

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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: Nashone Greer d/b/a Little Angels Family Daycare II, Inc. **CAL NO.:** 481-19-Z

APPEARANCE FOR: Caryn Shaw

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6706 S. Emerald Avenue

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

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

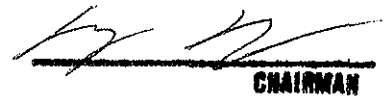
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

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 rear setback to 22' for a proposed two-story day care with an attached one-car garage and two unenclosed parking stalls; George Blakemore of Chicago, Illinois testified in opposition; 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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Nashone Greer d/b/a Little Angels Family Daycare II, Inc. **CAL NO.:** 482-19-S

APPEARANCE FOR: Caryn Shaw

MINUTES OF MEETING:
September 20, 2019

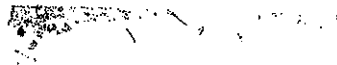
APPEARANCE AGAINST: None

PREMISES AFFECTED: 6700-06 S. Union Avenue

NATURE OF REQUEST: Application for a special use to establish an accessory off-site parking lot to accommodate the required seven parking stalls to serve a proposed day care center at 6706 S. Emerald Avenue.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE



OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

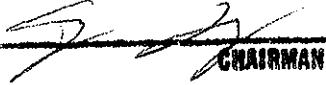
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an accessory off-site parking lot to accommodate the required seven parking stalls to serve a proposed day care center at 6706 S. Emerald Avenue; a variation was also granted to the subject property in Cal. No. 482-19-Z; George Blakemore of Chicago, Illinois testified in opposition; 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 Nashone Greer d/b/a Little Angels Family Daycare II, Inc.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Nashone Greer d/b/a Little Angels Family Daycare II, Inc. **CAL NO.:** 483-19-Z

APPEARANCE FOR: Caryn Shaw

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6700-06 S. Union Avenue

NATURE OF REQUEST: Application for a variation to establish shared parking for non-residential uses with different peak hours of operation, to serve the proposed day care at 6706 S. Emerald Avenue and a religious assembly at 6701 S. Emerald Avenue.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 shared parking for non-residential uses with different peak hours of operation, to serve the proposed day care at 6706 S. Emerald Avenue and a religious assembly at 6701 S. Emerald Avenue; a special use was also granted to the subject property in Cal. No. 482-19-S; George Blakemore of Chicago, Illinois testified in opposition; 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.

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: Reborn Ministries / Reborn Community Church **CAL NO.:** 484-19-S

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

September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4000 W. Wilcox Street

NATURE OF REQUEST: Application for a special use to establish a religious assembly in an existing two-story building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

[Faint stamp]

OCT 21 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 religious assembly in an existing two-story building; a variation was also granted to the subject property in Cal. No. 485-19-Z; George Blakemore of Chicago, Illinois testified in opposition; 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 plans and drawings dated August 31, 2016, prepared by Keystone Architects and Design, P.C.

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

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Reborn Ministries / Reborn Community Church **CAL NO.:** 485-19-Z

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

September 20, 2019


APPEARANCE AGAINST: None

PREMISES AFFECTED: 4000 W. Wilcox Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 6.92' to zero for a proposed one story addition and a rear two story addition to a religious assembly in an existing two-story building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE


OCT 21 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 ZURICH ESPOSITO
 SYLVIA GARCIA
 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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 zero for a proposed one story addition and a rear two story addition to a religious assembly in an existing two-story building; a special use was also granted to the subject property in Cal. No. 484-19-S; George Blakemore of Chicago, Illinois testified in opposition; 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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Reborn Ministries / Reborn Community Church **CAL NO.:** 486-19-S

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

September 20, 2019


APPEARANCE AGAINST: None

PREMISES AFFECTED: 3928-34 W. Wilcox Street

NATURE OF REQUEST: Application for a special use to establish eighteen required off-site parking spaces to serve a proposed religious assembly at 4000 W. Wilcox.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE


OCT 21 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 ZURICH ESPOSITO
 SYLVIA GARCIA
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

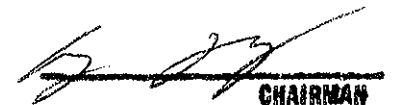
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

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 eighteen required off-site parking spaces to serve a proposed religious assembly at 4000 W. Wilcox; a variation was also granted to the subject property in Cal. No. 487-19-Z; George Blakemore of Chicago, Illinois testified in opposition; 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 Reborn Ministries / Reborn Community Church.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Reborn Ministries / Reborn Community Church **CAL NO.:** 487-19-Z

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

September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3928-34 W. Wilcox

NATURE OF REQUEST: Application for a variation to establish shared parking for two non-residential uses with different peak hours. The existing parking lot serves an existing library and a proposed religious assembly located at 4000 W. Wilcox Street.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE


OCT 21 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 ZURICH ESPOSITO
 SYLVIA GARCIA
 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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 shared parking for two non-residential uses with different peak hours. The existing parking lot serves an existing library and a proposed religious assembly located at 4000 W. Wilcox Street; a special use was also granted to the subject property in Cal. No. 486-19-S; George Blakemore of Chicago, Illinois testified in opposition; 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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: GW Lawrence Ashland, LLC

CAL NO.: 488-19-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1532 W. Lawrence Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a gas station with a one-story retail building; a variation was also granted to the subject property in Cal. No. 489-19-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 GW Lawrence Ashland, LLC, and the development is consistent with the design and layout of plans and drawings dated March 13, 2019, including the landscape plan dated September 4, 2019, all prepared by Design Studio 24, LLC.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: GW Lawrence Ashland, LLC **CAL NO.:** 489-19-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
September 20, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1532 W. Lawrence Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 20,000 square feet to 15,385.5 square feet for a proposed gas station with a one-story retail building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 minimum lot area to 15,385.5 square feet for a proposed gas station with a one-story retail building; a special use was also granted to the subject property in Cal. No. 488-19-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Barrett Home, LLC

CAL NO.: 490-19-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1142 W. Diversey Parkway

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 3,000 square feet to 2,980.44 square feet for a proposed four-story, three dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE


OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

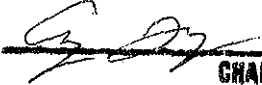
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

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 minimum lot area to 2,980.44 square feet for a proposed four-story, three 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.

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



DEC 23 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

708 S. Campbell, LLC
APPLICANT

491-19-Z & 492-19-Z
CALENDAR NUMBER

710 S. Campbell Avenue
PREMISES AFFECTED

September 20, 2019
HEARING DATE

ACTION OF BOARD

THE VOTE

The applications for the variations are approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 710 S.
CAMPBELL AVENUE BY 708 S. CAMPBELL, LLC.**

I. BACKGROUND

708 S. Campbell, LLC (the "Applicant") submitted applications for variations for 710 South Campbell Avenue (the "subject property"). The subject property is zoned RM-4.5 and is vacant. The applicant proposed to develop the subject property with a two-story six dwelling unit residential building (the "proposed building"). In order to permit the construction of the proposed building, the Applicant sought variations to: (1) reduce the front setback from the required 12' to 2.33'; (2) reduce the rear yard open space requirement of 348.59 square feet to zero.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on September 20, 2019, 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 Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's managing member Mr. Gary Cahill and its attorney Mr. Nicholas Ftikas were present. The Applicant's architect Mr. Manny Mendoza was also present. Testifying in opposition to the application were Ms. Erin

APPROVED AS TO SUBSTANCE

CHAIRMAN

Parks, Mr. David Belknap and Mr. George Blakemore. Alderman Jason Ervin, alderman of the 28th Ward of the City of Chicago, offered testimony. With the exception of Mr. Blakemore, the statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Nicholas Ftikas provided an overview of the requested variations. Mr. Ftikas stated that the Applicant owned the subject property and that the subject property was currently vacant and unimproved. He stated that the Applicant planned to build a three floor¹, six-unit residential building on the subject property. He further stated that the subject property was substandard in size as it measured only 100' in depth. He further stated that alley access to the subject property was not located (as is typical) at the rear of the property but rather at the side. He stated that the variations were needed in order to construct the project.

The Applicant offered testimony from its managing member Mr. Gary Cahill. Mr. Cahill testified that he was the managing member of the Applicant, that the Applicant owned the subject property, and that the subject property was currently vacant. He testified that the Applicant proposed to develop the subject property with the proposed building. He testified that the variations were needed due to the subject property's substandard depth and lack of alley access at the rear. He testified that the front setback reduction was also necessary in order to align the proposed building with the neighboring building to the north. He further testified that if he were to continue to testify, his testimony would be consistent with his affidavit.

The Applicant offered testimony from its architect Mr. Manny Mendoza. Mr. Mendoza testified that he was an architect with Ron Vari Architects and that he had previously testified before the ZONING BOARD OF APPEALS. He testified that he had designed the program of development for the proposed building. Mr. Mendoza testified that it was his professional opinion that the substandard depth of the subject property in conjunction with the location of the alley at the side (and not at the rear) of the property constituted the primary hardships or practical difficulties for the subject property. He testified that in addition to these hardships, the subject property's parkway (i.e., the space that counts as right of way despite not being improved with a street) is larger than what is typical as there are 17'8" between the street and the front property line.² He testified the front setback reduction was to make sure the proposed building would align with the building next north. He testified that the variations would allow the Applicant to fit the proposed building on the subject property, along with a drive aisle and parking stalls that were compliant with the Municipal Code of Chicago ("Code"), and they would make sure the proposed building aligned with the building next north. He testified that due to

¹ Although the proposed building consists of only two stories, the basement of the proposed building is usable living space. As can be seen from the site plans, all bedrooms of the four duplex dwelling units are located in the proposed building's basement. Therefore, and as shown by their statement and testimony to the ZONING BOARD OF APPEALS, Mr. Ftikas and Mr. Cahill considered the proposed building to have three floors.

² As can be seen on the site plan and the plat of survey, the subject property is even further atypical in that the sidewalk directly abuts the street itself. In consequence, the parkway is not – as typically found – between the sidewalk and the street but rather between the front property line and the sidewalk.

this alignment, the proposed building would be consistent and compatible with other buildings in the area. He further testified that if he were to continue his testimony, such testimony would be consistent with the witness statement that was filed on his behalf.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Ftikas stated that since the parkway at the front of the building was 17½' wide, the proposed building was set back over 20' from the street and that this was consistent with the building improvements north of the alley. He stated that the subject property was a corner lot as it abutted an alley to its south. He stated that it was his belief that there were three or four buildings located immediately north of the subject property and that the Applicant intended to align with those buildings. He stated that an inability to align with the buildings to the north would cause the proposed building to be constructed 10' further back than planned, which in turn would either lead to a loss in the size and functionality of the building that could be built at the subject property or lead to a drive aisle and parking spaces that would not be compliant with Code. He stated that in drafting the plans, the Applicant's team started at the rear of the subject property in order to ensure the inclusion of Code compliant parking spaces and a drive aisle. He further stated that the rear of the proposed building starts at the border of the drive aisle.

Ms. Erin Parks, of 704-706 South Campbell, testified in opposition to the application. Ms. Parks testified that her building was the building next north of the subject property. Ms. Parks testified that she was concerned that if the alley to the rear of her property were blocked off, she would be unable to access her property from the north due to a telephone pole located in the middle of the alley at the point where the property lines between the subject property and Ms. Park's property meet. Ms. Park then submitted a photograph depicting an aerial view of the subject property and her property to the ZONING BOARD OF APPEALS, which was accepted into the record.

Mr. David Belknap, also of 704-706 South Campbell, testified in opposition to the application. Mr. Belknap testified that he would lose south access to the rear of his property. He testified that the rear alley was where trash was collected and where the Chicago Fire Department would access the rear of his property. He testified that it was his belief that if there were no drive-through access in the alley, trash collection would cease in the back alley and that there would be safety concerns relating to fire access to the back alley.

Mr. Blakemore, address unknown, testified in opposition to the application.

In response to questions from the ZONING BOARD OF APPEALS, Ms. Parks identified and described the photograph she submitted into the record. She testified that the alley where the telephone pole was located was a private alley that was treated as a public thoroughfare.³ She testified that if the alley were blocked, she would be unable to back into the rear of her property from the rear due to the telephone pole.

³ While the alley behind Ms. Parks' property may be a private alley, the alley at the rear of the subject property – as clearly shown on the plat of survey – has been vacated. There is therefore *no* alley at the rear of the subject property. Instead, it is merely private property.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Ftikas stated that the portion of the subject property that Ms. Parks' was referring to was private property. He stated that while there had once been an alley on that portion of the subject property, it had been vacated years prior. He directed the ZONING BOARD OF APPEALS' attention to the plat of survey for the subject property. Mr. Ftikas stated that it may be possible to invert the positions of the parking spaces and the drive aisle in order to maintain the open area at the rear of the subject property. He stated that this would necessitate the Applicant negotiating an easement with Ms. Parks and Mr. Belknap. He stated that this proposal would have no effect on the rear open space variation being sought. Mr. Ftikas stated that the Applicant's team was currently exploring this proposal with a representative from the Office of the Zoning Administrator ("Zoning Administrator") and that the Applicant would be amenable to such a proposal, provided that the change would not trigger any further relief requirements or issues.

Alderman Jason Ervin, alderman of the 28th Ward of the City of Chicago, testified as to the application. He testified that the Applicant met with members of the surrounding community. He testified that the Applicant's project underwent various iterations primarily related to the issues of parking and the front setback. He testified that he had no opinion as to the resolution of the issue of Mr. Belknap and Ms. Parks' continued access over the rear of the subject property as such portion of the subject property (i.e., the former alley) was private property. Alderman Ervin testified that the street was not traditionally configured in that the sidewalk directly abutted the street and as a result, there was no parkway between the sidewalk and the street. He testified that the rear access to the properties traditionally acted as fire lanes and that the width of the alley at issue was only 10', as compared to a typical alley which is approximately 14' wide. He testified that the rear open space variation was necessary in order to address community concerns with parking.

Mr. Ftikas stated that he believed (provided that he could get confirmation from the Zoning Administrator) that the Applicant would be able to invert the parking without triggering any new zoning relief. He then described to the ZONING BOARD OF APPEALS how such parking would be inverted. He stated that such an inversion would allow Mr. Belknap and Ms. Parks to (subject to an easement agreement) to continue to retain vehicular access to their property over the subject property.

B. Criteria for a Variation

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

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

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

III. FINDINGS OF FACT.

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

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

As Mr. Mendoza credibly testified, the substandard depth of the lot, taken in conjunction with the lack of rear alley and the atypical configuration of the parkway, creates a particular hardship for the subject property which necessitates a reduction in the rear yard open space and the front setback. Strict compliance with the Chicago Zoning Ordinance would result in a loss of nearly ten linear feet of buildable footprint which could not be recovered by building at the rear of the subject property due to the inclusion of the required parking spaces and drive

aisle. Further strict compliance with the Chicago Zoning Ordinance would result in the proposed building not maintaining the same front setback as the building next north.

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

The requested variations and the corresponding proposed development are consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) protecting the character of established residential neighborhoods pursuant to §17-1-0503 by preserving the residential nature of the subject property; (2) maintaining orderly and compatible land use and development patterns pursuant to §17-1-0508 of the Chicago Zoning by aligning with the front setback of adjacent buildings; (3) maintaining a range of housing choices and options pursuant to §17-1-0512 by providing six additional residential units to the area; and (4) accommodating growth and development that complies with the preceding stated purposes of the Chicago Zoning Ordinance pursuant to §17-1-0514 by activating a vacant parcel of land.

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

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

As Mr. Mendoza credibly testified, the inclusion of the six required parking spaces and accompanying drive aisle, which utilizes much of the subject property's area, along with the subject property's substandard depth, necessitates the rear yard open space variation. As Mr. Mendoza further testified, the front setback variation is required in order to prevent Applicant from losing ten linear feet of buildable footprint. Without the variations, the resulting building would experience a loss of functionality which would prevent the Applicant from realizing a reasonable return.

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

The ZONING BOARD OF APPEALS finds that the particular hardships facing the subject property, namely the substandard depth, the lack of alley access to the

rear of the subject property, and the atypical configuration of the parkway are unique to the subject property and are not generally applicable to other similarly situated property.

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

The ZONING BOARD OF APPEALS finds that the variations requested will preserve the essential character of the neighborhood in that the front setback will align with the buildings adjacent to the subject property. Further, the multi-unit residential nature of the proposed building is compatible and consistent with the other multi-unit residential buildings in the immediate area, and the rear yard open space requirement is necessary to ensure that the units have Code compliant parking stalls and drive aisles.

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 variations pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance:

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

The substandard depth of the subject property, the lack of rear access to a public alley and the atypical parkway configuration constitute particular hardship upon the Applicant. The Chicago Zoning Ordinance requires the Applicant to provide six parking spaces and a drive aisle which limits the Applicant's options for construction. Without the variations, the Applicant would be forced to conform to the parking requirement while setting the proposed building back from the front property line 12' and providing nearly 350 square feet of rear yard open space. The ZONING BOARD OF APPEALS finds that such a severe limitation on a parcel that only measures 100' in depth is much more than a mere inconvenience for the Applicant as it would prevent the Applicant from developing the subject property in such a way that would allow the Applicant to realize a reasonable return.

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

The ZONING BOARD OF APPEALS finds that substandard depth, the lack of access to a public alley in the rear of the subject property and the atypical configuration of the parkway would not be applicable to other properties within the RM-4.5 zoning classification. The standard depth of a lot in the City of

Chicago measures 125'. Additionally, most lots in the City of Chicago have access to a public alley at the rear. And, as both Mr. Mendoza and Alderman Erwin very credibly testified, the configuration of the parkway is not typical of Chicago's right of ways.

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

As Alderman Erwin testified, the surrounding community's concerns with the Applicant's project stemmed from parking and the front setback. In order to address the community's concerns, the Applicant needed to ensure that adequate parking was available, which necessitated the rear yard open space reduction. Additionally, the front yard setback variation is necessary in order to align the proposed building with the neighboring buildings. The purpose of the variations is therefore to ensure that the proposed building conforms with the community in terms of site planning and traffic management rather than exclusively upon a desire to make more money out of the subject property.

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

The substandard depth of the subject property, the lack of rear access to a public alley and the atypical parkway configuration 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 variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

The reduction to the rear yard open space will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. Instead, it will allow a vacant parcel to be improved with a new multi-unit residential building that aligns with the community's wishes. Although Ms. Parks and Mr. Belknap testified that reducing the rear yard open space would cut off their access to their property from the south the fact remains that there is no alley over the rear of the subject property. As clearly shown by the plat of survey, the alley was vacated and is now private property. In short, Ms. Parks and Mr. Belknap are trespassers. It is the development of the subject property that is the problem for Ms. Parks and Mr. Belknap, not the variation itself (especially as the variation will allow the Applicant to entirely pave over the rear of its property, making it far easier for vehicles to traverse the rear of the subject property). Indeed, the Applicant could leave the subject property vacant and still cut off Ms.

Parks and Mr. Belknap's access over its property by simply erecting a fence. Further, the ZONING BOARD OF APPEALS does not find it credible that Ms. Parks and Mr. Belknap cannot access their property from the north. The photograph provided by Ms. Parks makes clear that the utility pole is located to the south of their parking pad, so it is unclear how it keeps them from turning left from the alley onto their property or right when exiting their property.

Similarly, the ZONING BOARD OF APPEALS finds that the front setback variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. Instead, it will allow the Applicant to ensure its building matches the front setback of the buildings to the north.

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

The proposed building will be built within the height limits and side setback requirements of the RM-4.5 zoning district so as not to impair an adequate supply of light and air to adjacent property. Further, the proposed building will be supported by six off-street parking spaces to prevent any increase in the congestion of the public streets. The proposed building will be built pursuant to permits issued by the Chicago Department of Buildings, which will ensure there is no increase in the danger of fire or to the public safety. Finally, the variations will not diminish or impair property values in the neighborhood because they will assist the Applicant to activate a vacant parcel of land.

IV. CONCLUSION

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

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

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

APPLICANT: Holy Trinity Eritrean Orthodox Tewahedo Church in Chicago CAL NO.: 493-19-S

APPEARANCE FOR: Amy Degnan

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7310 N. Rogers Avenue

NATURE OF REQUEST: Application for a special use to establish a religious assembly within a one-story building with fifteen on-site parking spaces.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE



FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 religious assembly within a one-story building with fifteen on-site parking spaces; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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 May 31, 2019, including the landscape plan dated September 5, 2019, all prepared by Axiom Design Architects.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Deliverance Prayer Center

CAL NO.: 494-19-S

APPEARANCE FOR: Lewis Powell III

MINUTES OF MEETING:

September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7223 S. Ashland Avenue

NATURE OF REQUEST: Application for a special use to establish a religious assembly in an existing two-story building with on-site parking.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE



OCT 21 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 religious assembly within a one-story building with fifteen on-site parking spaces; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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 May 1, 2019, including the landscape plan dated September 17, 2019, all prepared by Brian McNichols Architect.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Marianma Ngamljanji

CAL NO.: 495-19-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 117 S. Western Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE



OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

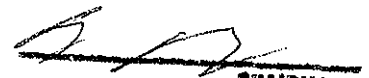
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

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; George Blakemore of Chicago, Illinois testified in opposition; 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, Mariama Ngamljanji.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: North Park Elementary School

CAL NO. 496-19-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2017-21 W. Montrose Avenue

NATURE OF REQUEST: Application for a variation to increase the existing floor area ratio of 0.9 to 1.23 to allow the expansion of an existing school use in an existing two-story building, a new rear 10' fence and unenclosed parking.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 increase the existing floor area ratio to 1.23 to allow the expansion of an existing school use in an existing two-story building, a new rear 10' fence and unenclosed parking; an additional variation was granted to the subject property in Cal. No. 497-19-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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: North Park Elementary School **CAL NO.** 497-19-Z

APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**

APPEARANCE AGAINST: None **September 20, 2019**

PREMISES AFFECTED: 2017-21 W. Montrose Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 37.55' to 18', west side setback from 12.08' to zero (east to be zero) for the expansion of an existing school use in an existing two-story building, a new rear 10' high fence and new unenclosed parking.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 rear setback to 18', west side setback to zero (east to be zero) for the expansion of an existing school use in an existing two-story building, a new rear 10' high fence and new unenclosed parking; an additional variation was granted to the subject property in Cal. No. 496-19-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.

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



DEC 23 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Covenant House Illinois

APPLICANT

498-19-S

CALENDAR NUMBER

2934 W. Lake Street

PREMISES AFFECTED

September 20, 2019

HEARING DATE

ACTION OF BOARD

THE VOTE

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

Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<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"/>

AFFIRMATIVE NEGATIVE ABSENT

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 2934 W. LAKE
STREET BY COVENANT HOUSE ILLINOIS**

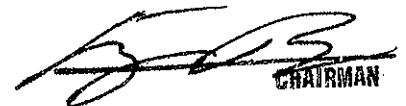
I. BACKGROUND

Covenant House (the "Applicant") submitted a special use application for 2934 W. Lake Street (the "subject property"). The subject property is zoned M1-2 and is improved with a three-story masonry structure facing Lake Street and a one-story frame addition on the north end of the subject property (the "existing building"). The Applicant proposed to establish a transitional shelter in the existing building. To permit this, the Applicant sought a special use. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City of Chicago's Department of Planning and Development recommended approval of the special use for a transitional shelter with beds on the second and third floor of the existing building 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 July 31, 2019, prepared by MKB Architects.

II. PUBLIC HEARING

A. The Hearing

APPROVED AS TO SUBSTANCE


CHAIRMAN

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting on September 20, 2019, 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 Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's chief executive officer Ms. Cheryl Hamilton-Hill and its attorneys Mr. Mike Noonan and Ms. Donna Pugh were present. The Applicant's architect Mr. Jack Kelley and its certified land planner Mr. George Kisiel were also present. Testifying in support of the Applicant's application were Ms. Illiana (last name unknown), of 30 W. Chicago Avenue, and Ms. Freddie Davis, of 3210 W. Walnut Street. Testifying in opposition to the Applicant's application were Ms. Karen Craig, of 3111 W. Washington Boulevard, Ms. Candace Washington, of 3016 W. Walnut Street, Ms. Monica Henao, of 3116-14 W. Lake Street, Ms. Fumiko Hutchens, of 3020 W. Walnut Street, Ms. LaShone Kelly, of 2844 W. Walnut Street, Mr. Mike Tomas, of 2006 W. Warren, Ms. Annette Britton, of 3221 W. Washington, Mr. George Blakemore, address unknown, Mr. Hector Juárez, of 2800 W. Warren, and Mr. Ron Hawk, current address unknown but born in the 2900 block of W. Washington (collectively, the "Objectors"). The Assistant Zoning Administrator Mr. Steven Valenziano was also present.

The Applicant's attorney Mr. Mike Noonan provided a short summary of the Applicant's application. In brief, the Applicant sought a special use for a transitional shelter that would initially contain approximately forty (40) beds with the option to expand to sixty (60) beds in the future and would serve eighteen (18) to twenty-four (24) year old young adults experiencing homelessness. The transitional shelter would provide housing for up to 120 days at a time and would also provide integrated services for residents, including basic needs services such as food, clothing and shelter, as well as wraparound services such as early intervention, crisis care, nutritional education, physical recreation, workforce development and mental health services.

The Applicant presented the testimony of its chief executive officer, Ms. Cheryl Hamilton-Hilton. Ms. Hamilton-Hilton testified as to the history of the Applicant. She testified that since September 2018, the Applicant had operated a transitional shelter at the Lawson YMCA at 30 W. Chicago Avenue (the "Lawson facility"). She testified as to the Applicant's program, the lack of beds for Chicago's homeless youth, the reason why the Applicant chose the subject property for its proposed transitional shelter, the youth demographic the Applicant serves and the outreach the Applicant undertook with the community prior to the hearing.

The Applicant presented the testimony of its architect Mr. Jack Kelley. Mr. Kelley testified that the Applicant proposed to use the first floor of both the south section (i.e., the first floor of the three-story portion facing Lake Street) and the north section (i.e., the one-story frame addition) of the existing building for administrative offices and other related service facilities. He testified these uses were permitted as of right under the current zoning designation. He testified that the Applicant proposed to use the second and third floors of the three-story portion of the existing building for its transitional

shelter. He testified that the forty (40) beds would be located on the third floor and, if the Applicant had the ability to expand, there would be an option to place twenty (20) beds on the second floor for a total number of sixty (60) beds. He testified that the reconfiguration to the space would be entirely internal and there would be no expansion or major exterior renovation to the existing building. He testified that the Applicant would add laundry, washroom and social space to the second and third floors, as well as providing space for staff to monitor and assist residents at all times.

The Applicant presented the testimony of its certified land planner Mr. George Kisiel. The ZONING BOARD OF APPEALS recognized Mr. Kisiel's credentials in land planning. Mr. Kisiel testified that he had been retained by the Applicant to conduct an urban planning analysis of the proposed special use. He testified that in the course of that evaluation, he had become familiar with the subject property and its surrounding environment, with specific operational characteristics of the proposed use. He testified that he had prepared a report detailing his analysis, findings and conclusions, and that such report had been previously tendered to the ZONING BOARD OF APPEALS as part of the Applicant's proposed Findings of Fact. He then briefly testified to his findings and conclusions contained in his report. He testified that he had become aware of neighborhood concern over concentration of social service organizations in the East Garfield Park.¹ He testified that as a result, he had prepared a supplemental study and memorandum addressing this issue and that such study had been submitted to the ZONING BOARD. He then briefly testified to the results of this study. He concluded his testimony with his opinion that the proposed special use met all applicable standards of the Chicago Zoning Ordinance.

In response to questions by the ZONING BOARD OF APPEALS, Ms. Hamilton-Hill testified as to the Applicant's processes and procedures, including its current and future plans for its Lawson facility.

Ms. Iliana testified in support of the application. In particular, she testified as to her experiences as a former resident of the Applicant's Lawson facility.

Ms. Freddie Davis testified in support of the application. In particular, she testified that she believed the Applicant's proposed special use was needed in the community.

Ms. Karen Craig testified in opposition to the application. She began her testimony with the mistaken belief that the subject property was located in Planned Manufacturing District 4 ("PMD 4").² Because of this mistaken belief, she believed the proposed special use to be against the intent of the recent ordinance³ (the "Ordinance") passed by the City Council of the City of Chicago ("City Council") to amend PMD 4. She testified that the recent ordinance had been passed pursuant to the recommendations made by the Chicago

¹ The subject property is located in the East Garfield Park neighborhood.

² From her testimony, it appears that Ms. Craig believed PMD 4 and the Kinzie Industrial Corridor boundaries to be coterminous. They are not.

³ Such ordinance was adopted by the City Council on September 18, 2019, and published in the Journal of Proceedings of the City Council for such date at pages 6224 through 6232.

Plan Commission (the "Plan Commission") in its Kinzie Industrial Framework Plan (the "Framework Plan").⁴ She testified that the Framework Plan made recommendations to encourage industrial and some commercial development within the Kinzie Industrial Corridor (the "Corridor") and that the Ordinance ensured continued industrial viability within the western portion of PMD 4 (where she believed the subject property to be located). She then testified as to her belief that the proposed special use would adversely affect the community through the loss of potential tax revenues, jobs and retail.

The ZONING BOARD OF APPEALS asked Assistant Zoning Administrator Mr. Steven Valenziano to clarify Ms. Craig's testimony. Mr. Valenziano testified that the Plan Commission had indeed adopted the Framework Plan in May 2019. He testified that Framework Plan had called for the adoption of the Ordinance but that otherwise the Ordinance and the Framework Plan were separate. He testified that PMD 4 did not include the subject property. He testified that the subject property was zoned M1. He testified that the M1 zoning classification allowed for transitional shelters⁵, which was what the Applicant was applying for in its application. He testified that the Framework Plan changes to PMD 4 and to some other development in the area more to the east of the subject property. He testified there had been no amendment to the PMD 4 to include the subject property. He testified the Framework Plan had been adopted by the Plan Commission and therefore when projects went to Plan Commission for review, the Plan Commission was charged with looking at the Framework Plan to see if the project would be in keeping with the Framework Plan.⁶ He reiterated his testimony that PMD 4 had not been amended to include the subject property. He testified that PMD 4 had never included the subject property.

After this clarification, Ms. Craig then asked questions of the Applicant.

In response to questions asked by Ms. Craig, Ms. Hamilton-Hill testified how the Applicant worked with its partners to ensure which entities had open beds for the night. She testified that the Applicant had opened its first program in 2017 and began its Lawson Facility in 2018.

Ms. Candace Washington testified in opposition to the application. In particular, she testified as to her belief that the proposed special use was in direct conflict with economic efforts to encourage commerce and employment in East Garfield Park. In response to questions by the ZONING BOARD OF APPEALS, she further testified that she believed granting the special use would hurt the economic vitality of the Corridor. She then testified that she believed the East Garfield Park community was saturated with transitional shelters.

⁴ The subject property is located within the boundaries of the Kinzie Industrial Corridor (the "Corridor") as delineated in the Framework Plan.

⁵ See Section 17-5-0207-A(2) of the Chicago Zoning Ordinance.

⁶ See Section 17-13-0308-A of the Chicago Zoning Ordinance. Note that in addition to Plan Commission taking the Framework Plan into consideration when making its recommendation to the City Council, City Council should also take the Framework Plan into consideration when voting on any zoning map amendment.

Ms. Monica Henao testified in opposition to the application. She testified that she did not believe the Applicant's testimony regarding its operations on the subject property. She further testified that she believed the proposed special use would hurt the Corridor.

Ms. Fumiko Hutchins testified in opposition to the application. She testified that it was her belief that residents residing in the proposed transitional shelter would not stay within the confines of the proposed transitional shelter and that either through intake or some other process, the residents will be outside in areas that because of gang or other illegal activity will create an exacerbation of an already difficult situation in the neighborhood.

Ms. LaShone Kelly testified in opposition to the application. Her opposition stemmed from her belief that the proposed special use would take away an available space for economic growth. She then made several comments related to her personal beliefs about the potential residents of the Applicant's proposed transitional shelter.

The ZONING BOARD OF APPEALS stated that such comments were not relevant to their criteria and reminded the Objectors what the ZONING BOARD OF APPEALS was charged with reviewing.

Ms. Kelly then testified that it was her belief that the proposed transitional shelter would cause the neighborhood to lose \$37,000 in tax revenue. She testified that it was her belief that this loss would negatively impact the community.

Mr. Mike Tomas testified in opposition to the application. He asked several questions to the Applicant.

Based on Mr. Tomas' questions, Mr. Kisiel and Ms. Hamilton-Hill provided further testimony.

During this further testimony, Mr. Tomas became increasingly hostile and antagonistic to Mr. Kisiel and Ms. Hamilton-Hill. Despite repeated requests by the ZONING BOARD OF APPEALS for Mr. Tomas to cease his hostility and antagonism, Mr. Tomas continued his hostility and antagonism. As a result, the ZONING BOARD OF APPEALS declined to let Mr. Tomas speak further at the hearing.

Ms. Annette Britton testified in opposition to the application. She submitted and the ZONING BOARD OF APPEALS accepted into the record: (1) a letter from the Garfield Park Community Coalition; and (2) a letter from the Neighborhood Network. She then read into the record excerpts from the letters. She then testified as to her experiences as a resident of East Garfield Park and closed with a question as to what a typical day would look like for residents of the proposed transitional shelter.

In response to her questions, Ms. Hamilton-Hill testified as to what a typical day would look like for residents of the proposed transitional shelter.

Mr. George Blakemore testified in opposition to the application.

Mr. Hector Juarez testified in opposition to the application. He testified that it was his belief that the community did not want the proposed transitional shelter and that the subject property should stay commercial.

Mr. Ron Hawk testified in opposition to the application. He testified that it was his belief that East Garfield Park was far too violent for children.

Ms. Craig then made a closing statement on behalf of all the Objectors.

In response to questions from the ZONING BOARD OF APPEALS, Ms. Hamilton-Hill testified how firearms were handled if found in the Applicant's facilities. She then testified that the Applicant had consistently stated that it was seeking a transitional shelter for forty (40) beds. She testified that the Applicant has also stated that it had plans for expansion in the future and it had asked its architects to draw out a floor plan to see how many more beds could be put on the subject property. She testified that the answer was an additional twenty (20) beds and that this information had been consistent throughout the Applicant's conversations with the community. She testified that the Applicant would have no objections to returning to the ZONING BOARD OF APPEALS for those additional twenty (20) beds, if such plans to expand ever came to fruition.

In response to testimony by the Objectors, Mr. Kisiel provided further testimony. In particular, he testified that schools are located conveniently to neighborhoods within walking distance. He testified it would be pretty difficulty to locate a facility such as the Applicant's proposed transitional shelter more than 2500 feet to a quarter mile from a school. In conclusion, he testified that a transitional shelter's proximity to a school is something that cannot be avoided and does not represent a land use conflict. He further testified that based on his research, there were eight (8) shelters in the in the East Garfield Park Community Area and therefore ranked eighth out of the 77 community areas in terms of shelters.

Mr. Noonan then made a brief closing statement.

The ZONING BOARD OF APPEALS thanked everyone for participating in the hearing.

B. Criteria for a Special Use

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

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

III. FINDINGS OF FACT

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

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

The subject property is located in a M1-2 zoning district. The Applicant's proposed transitional shelter is a special use in a M1 zoning district.⁷ The Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special use that brings it before the ZONING BOARD OF APPEALS. Indeed, as Mr. Kisiel very credibly testified and as set forth in greater detail in his report, but for the special use, the proposed development complies with all other zoning standards. 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 allow the Applicant to provide an additional forty (40) beds for homeless youth. As Mr. Kisiel testified, the amount of total youth shelter beds in the City is far below the amount of homeless youth in the City. Transitional housing – such as what the Applicant proposes to provide at the proposed transitional residence – is critical to ensuring the safety of the highly vulnerable youth population on their path to stable and permanent housing. The ZONING BOARD OF APPEALS finds Mr. Kisiel to be a very credible witness. Further, as the subject property is located in close proximity to the California Green Line CTA station (1000 feet) and the Kedzie Green Line (1600 feet) and as the highest concentrations of homeless youth occur in communities just east of the subject property (i.e., the Loop, Near West and Near North), the transitional shelter will be connected with and thus able to serve these homeless youth. Indeed, as Ms. Hamilton-Hill

⁷ Pursuant to Section 17-5-0207-A2 of the Chicago Zoning Ordinance.

testified, this access to public transportation was one of the reasons that drew the Applicant to the subject property. The ZONING BOARD OF APPEALS finds Ms. Hamilton-Hill to be a very credible witness. The proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community. Ms. Hamilton-Hill testified as to how the Applicant would operate its transitional shelter at the subject property. Based on her testimony, the ZONING BOARD OF APPEALS agrees with Mr. Kisiel's conclusion: the Applicant's policies and procedures will ensure that the proposed special use will be compatible and will not disrupt the land uses of the nearby area, and as such, will have no adverse impact on the general welfare of either the neighborhood or of the community. Again, the ZONING BOARD OF APPEALS finds Ms. Hamilton-Hill and Mr. Kisiel to be very credible witnesses.

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 entirely within the existing building and thus will be compatible with the character of the surrounding area in terms of site planning and building scale and project design. As very credibly testified to by Mr. Kelley, the exterior of the existing building will not be altered by the proposed special use and therefore, as stated in Mr. Kisiel's report, "the proposal generates no opportunity for bringing the building scale and project design into conflict with the surrounding area."

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

As Mr. Kisiel very credibly testified and as set forth in greater detail in his report, the Applicant's hours of operation, traffic and noise generation are generally consistent with the surrounding uses in the area and are not in conflict. The other uses on the block (i.e., a pet hotel, a drug and alcohol counseling facility, an auto facility, office space and a hot dog stand) generally operate between normal business hours (the outliers being the hot dog stand which remains open until 10 PM and the pet hotel which has extended hours for drop-off and pick-up). Ms. Hamilton-Hill very credibly testified that the Applicant's residents will be within the facility by 9:00 PM. Therefore, the Applicant's proposed special use will be compatible with the character of the surrounding area in terms of hours of operation and in terms of noise generation. The Applicant will be retaining the outdoor lighting that currently exists on the existing building, so the proposed special use will be compatible with the character of the surrounding area in terms of outdoor lighting. Since the proposed special use will generate less traffic than

the current use of the subject property (due to the Applicant employing only fifteen (15) staff at the site and as the Applicant's residents will all be utilizing public transportation to access the subject property), the proposed special use will be compatible with the character of the surrounding area in terms of traffic generation.

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

The proposed special use will be located within the building on the subject property. No changes will be made to the subject property that will affect pedestrian safety and comfort. For instance, the Applicant is not proposing any new curbcuts or vehicular access points. Further, the volume of vehicular traffic generated by the proposed special use will be less than the prior office use on the subject property. Most importantly, as most of the Applicant's residences will be utilizing public transportation and thus arriving at the subject property on foot, the use of the subject property will activate the streetscape and thus promote pedestrian safety and comfort, especially as the Applicant will be keeping the outdoor existing lighting and security cameras on the exterior of the existing building and will be adding security personnel to the existing building's first floor.

IV. CONCLUSION

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

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

1. The special use shall be issued solely to the Applicant;
2. The special use shall be developed consistently with the design and layout of the plans and drawings dated July 31, 2019, prepared by MKB Architects.

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

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

APPLICANT: 1205 N. Spaulding **CAL NO.:** 499-19-S

APPEARANCE FOR: Paul Kolpak **MINUTES OF MEETING:**
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3256-68 W. Division / 1205 N. Spaulding Avenue

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

APPLICATION APPROVED

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 three-story, six dwelling unit building with detached six car 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 development is consistent with the design and layout of the plans and drawings dated July 22, 2019, prepared by Vari Architect Ltd.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: 1205 N. Spaulding, LLC

CAL NO. 500-19-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3256-58 W. Division Street / 1205 N. Spaulding Avenue

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

ACTION OF BOARD-
VARIATION WITHDRAWN


THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Jaroslaw Madry **CAL NO.** 501-19-Z
APPEARANCE FOR: Paul Kolpak **MINUTES OF MEETING:**
APPEARANCE AGAINST: None September 20, 2019
PREMISES AFFECTED: 4830-32 S. St. Lawrence

NATURE OF REQUEST: Application for a variation to reduce the north setback from 2.02' to zero, south setback from 2.02' to 0.05', combined side setback from 5.05' to 0.05' to subdivide an existing zoning lot into two zoning lots. The existing three-story, three dwelling unit building at 4830 S. St. Lawrence shall remain. A new three-story, three dwelling unit building is proposed for 4832 S. St. Lawrence Avenue.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

OCT 21 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 ZURICH ESPOSITO
 SYLVIA GARCIA
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

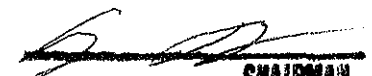
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

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 north setback to zero, south setback to 0.05', combined side setback to 0.05' to subdivide an existing zoning lot into two zoning lots. The existing three-story, three dwelling unit building at 4830 S. St. Lawrence shall remain. A new three-story, three dwelling unit building is proposed for 4832 S. St. Lawrence Avenue; George Blakemore of Chicago, Illinois testified in opposition; 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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Anthony & Maureen Chiavola **CAL NO.** 502-19-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
September 20, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6631 W. Albion Avenue

NATURE OF REQUEST: Application for a variation to reduce the west setback from the required 4' to 1.6', east setback from 4' to 1.3', combined side setback from 9' to 2.9' for a proposed two-story, single family residence with front covered porch and rear wood deck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

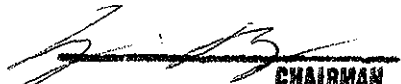
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

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 west setback to 1.6', east setback to 1.3', combined side setback to 2.9' for a proposed two-story, single family residence with front covered porch and rear wood deck; 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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: South Loop Skilled Nursing Facility d/b/a Warren Barr South Loop CAL NO.: 503-19-S

APPEARANCE FOR: John George/Kate Duncan

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 46-60 E. 18th Street / 1725 S. Wabash Avenue

NATURE OF REQUEST: Application for a special use to amend an existing special use to eliminate the condition requiring off-street parking for fifty-eight automobiles to serve the existing five-story, one-hundred ninety-seven bed skilled nursing facility.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

[Handwritten signatures]

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; 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 amend an existing special use to eliminate the condition requiring off-street parking for fifty-eight automobiles to serve the existing five-story, one-hundred ninety-seven bed skilled nursing facility; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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 South Loop Skilled Nursing Facility d/b/a Warren Barr South Loop.

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

APPROVED AS TO SUBSTANCE

[Handwritten signature]
CHAIRMAN

APPLICANT: Xuyen Truong as president of 888 Salons Limited

CAL NO.: 504-19-S

APPEARANCE FOR: Richard Kim

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 952 W. Montrose Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE


OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

THE RESOLUTION:

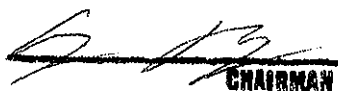
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

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): provided the special use is issued solely to the applicant Xuyen Truong as president of 888 Salons Limited.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Kadampa Meditation Center New York

CAL NO.: 251-19-S

APPEARANCE FOR: Leo Aubel

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 375 W. Erie Street, Unit C-101

NATURE OF REQUEST: Application for a special use to establish a religious assembly facility.

**ACTION OF BOARD-
APPLICATION DISMISSED FOR WANT OF PROSECUTION**

THE VOTE

[Handwritten signature]

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

[Handwritten signature]
CHAIRMAN

APPLICANT: Constantina Koudounis Trust

CAL NO. 289-19-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2992 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 2' for a proposed four-story, retail and thirteen dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 2, 2019; 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 rear setback to 2' for a proposed four-story, retail and thirteen dwelling unit building; an additional variation was granted to the subject property in Cal. No. 290-19-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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Constantina Koudounis Trust

CAL NO. 290-19-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:

September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2992 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 13,000 square feet to 11,896 square feet for a proposed four-story, retail and thirteen dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

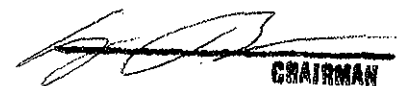
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 2, 2019; and

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 minimum lot area to 11,896 square feet for a proposed four-story, retail and thirteen dwelling unit building; an additional variation was granted to the subject property in Cal. No. 289-19-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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Tim Pomaville

CAL NO. 327-19-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
September 20, 2019

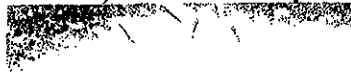
APPEARANCE AGAINST: None

PREMISES AFFECTED: 2438 N. Western Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 30' to 2' for a proposed detached garage with roof with an attached rear open porch for access which will serve a proposed three-story, three dwelling unit building.

ACTION OF BOARD-

Continued to October 18, 2019 at 2:00 p.m.



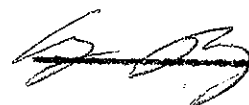
OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

THE VOTE

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: Kriser's Feeding Pets for Life, LLC

CAL NO.: 376-19-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3649 M/ Western Avenue

NATURE OF REQUEST: Application for a special use to establish an animal shelter / boarding, animal training/ day care facility.

ACTION OF THE BOARD

Continued to October 18, 2019 at 2:00 p.m.

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: KPLN Holdings, LLC

CAL NO. 383-19-Z

APPEARANCE FOR: Mark Kupiec

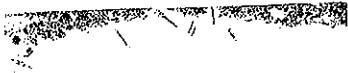
MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2933-37 N. Southport Avenue/2956-58 N. Lincoln Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to zero for a proposed four-story, mixed use building with an attached twelve car garage.

**ACTION OF BOARD-
APPLICATION WITHDRAWN**



OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: East Bank Storage on 35th Street, Inc.

CAL NO. 388-19-Z

APPEARANCE FOR: Thomas Murphy

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1200 W. 35th Street

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license to provide an event space which is located within 125' of a residential district.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 2019; 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 public place of amusement license to provide an event space which is located within 125' of a residential district; 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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: 1917 Jefferson Partners, LLC

CAL NO.: 391-19-S

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1917 S. Jefferson Street

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

APPLICATION APPROVED

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

THE RESOLUTION:

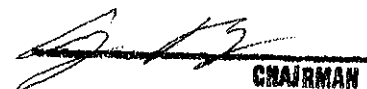
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 2019; and

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, four dwelling unit building; a variation was also granted to the subject property in Cal. 392-19-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 July 19, 2019, prepared by Hanna Architects, Inc.; and the exterior walls on all elevations are finished with brick.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: 1917 Jefferson Partners, LLC

CAL NO. 392-19-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1917 S. Jefferson Street

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 4,000 square feet to 3,882.5 square feet for a proposed four-story, four dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019

OF CHICAGO
OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

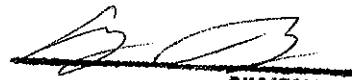
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 2019; and

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 minimum lot area to 3,882.5 square feet for a proposed four-story, four dwelling unit building; a special use was also granted to the subject property in Cal. No. 391-19-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Board of Education of City of Chicago **CAL NO.:** 394-19-S
APPEARANCE FOR: Scott Borstein **MINUTES OF MEETING:**
 September 20, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5300 N. Broadway

NATURE OF REQUEST: Application for a special use to establish a public Pre-Kindergarten school.

**ACTION OF BOARD-
 APPLICATION APPROVED**

THE VOTE

OCT 21 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 ZURICH ESPOSITO
 SYLVIA GARCIA
 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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 2019; 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 public Pre-Kindergarten school; 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 Board of Education of the City of Chicago, and the development is consistent with the design and layout of the plans and drawings dated June 18, 2019, prepared by Johnson Lasky Kindelin Architects.

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

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 17 2020

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Shama Ministries

APPLICANT

395-19-S

CALENDAR NUMBER

11136 S. Eggleston Avenue

PREMISES AFFECTED

September 20, 2019

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the special use is denied for the reasons set forth in this decision.

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 11136 S.
EGGLESTON AVENUE BY SHAMA MINISTRIES**

I. BACKGROUND

Shama Ministries (the "Applicant") submitted a special use application for 11136 S. Eggleston Avenue (the "subject property"). The subject property is currently zoned RS-2 and is improved with a two-story house (the "house"). The Applicant proposed to establish a group community home at the subject property. To permit this, the Applicant sought a special use. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development recommended denial of the special use as it had not received sufficient evidence from the Applicant that the proposed special use would not have a significant adverse impact on the welfare of the neighborhood.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting on September 20, 2019, 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 Sun-Times* and as continued without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance.

APPROVED AS TO SUBSTANCE


CHAIRMAN

operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.

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

It is up to the Applicant to prove its case. Mr. Mussawwir's report is wholly conclusory as to this criterion and Ms. Sankey did not address this criterion in her testimony to the ZONING BOARD OF APPEALS.

IV. CONCLUSION

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

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

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

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



JAN 17 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Joseph Peterchak
APPLICANT

402-19-Z
CALENDAR NUMBER

77 E. Cedar Street
PREMISES AFFECTED

September 20, 2019
HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<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 77 E. CEDAR
STREET BY JOSEPH PETERCHAK.**

I. BACKGROUND

Joseph Peterchak (the "Applicant") submitted a variation application for 77 E. Cedar Street (the "subject property"). The subject property is zoned DR-3 and is currently improved with a three-story, single-family house (the "existing home"). The Applicant sought a variation to reduce the rear setback from the required 20.08' to 0' to allow for the construction of a proposed three-story rear addition with roof deck (the "proposed addition").

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicants' variation application at its regular meeting held on September 20, 2019, 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 Sun-Times* and as continued without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted his proposed Findings of Fact. The Applicant Mr. Joseph Peterchak, his wife Ms. Jeanne Picerne, and his attorney Mr. Thomas S. Moore were present. The Applicant's architect Mr. Allen Villanueva, his structural engineer Mr.

APPROVED AS TO SUBSTANCE

CHAIRMAN

Edward Swierz and his appraiser Mr. Nicholas Cortesi were also present. Testifying in opposition to the application was Dr. Sarmed Elias. Dr. Elias, his attorney Mr. Robert Holland, his land planner Mr. George Kisiel and his appraiser Mr. Steven Albert were all present at the hearing. Prior to the hearing, Dr. Elias had sent a letter of opposition to the ZONING BOARD OF APPEALS. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant testified that he and his wife had purchased the subject property in December 2017. He testified that he and his wife wished to renovate the existing home. He testified that he retained Mr. Villanueva for these renovations and learned that there were some practical difficulties and particular hardships with the subject property because the subject property is only 71' deep. He testified that, in addition, the existing home is an orange-rated¹ building and, as such, he can neither alter the front façade nor make any change to the existing home that can be seen from the front of the subject property. He testified that nevertheless Mr. Villanueva designed a program of development for the existing home. He testified that the proposed addition would allow for an additional 7' for each floor. He testified that with respect to the first floor, this would add more room and functionality to the existing home's kitchen. He testified that with respect to the second floor, it would allow him to add a second bedroom. He testified that as could be seen on the City's zoning map, every property from 79 to 49 E. Cedar Street is improved to the rear lot line with living space. He testified that the variation would allow him to fill the rear 7' of his property with the proposed addition. He testified that such 7' would greatly increase functionality in terms of his kitchen and bedrooms. He testified that he and his wife were hoping to make the subject property their "forever home." He testified that when he spoke of "reasonable return," it was not about making money out of the subject property but rather making a livable, functional house. He testified that Mr. Villanueva had originally designed a four-story addition to the existing home but upon protests from the neighbor next west, he scrapped that design and instead had Mr. Villanueva design the proposed addition. He testified that he made further concessions on the design of the proposed addition based on input from the neighbor next west.

The Applicant testified that he had tried to engage with the neighbor next east (i.e., Dr. Elias) but despite numerous calls and letters to Dr. Elias, the only interaction he was a letter containing eighteen demands from Dr. Elias' attorney. He testified that when he received this letter, he made a terrible mistake.² He testified that he should not have sent the email in question and he had apologized to Dr. Elias. He testified that he should have "bit his tongue" but he was frustrated. He testified that as a result, he never met with Dr. Elias. He testified that he heard from the neighbor next west that Dr. Elias was concerned that the proposed addition would cause structural damage to Dr. Elias' home. He testified that he therefore hired a structural engineer to ensure that construction of the proposed addition would not damage or injure anyone.

¹ As such term is used in the Chicago Historic Resources Survey.

² That is, the email that he mistakenly sent to Dr. Elias.

The Applicant presented the testimony of his wife Ms. Jeanne Picerne. Ms. Picerne testified that she and her husband had walked by the subject property numerous times and had wanted to live there. She testified she had no idea about all they would have to go through to live there, but that she planned to make the subject property her home. She testified that the home is not as functional as it could be and, as a result, she and her husband are trying to make the kitchen bigger and make a better living area upstairs.

The Applicant presented the testimony of his architect Mr. Allen Villanueva. Mr. Villanueva testified that he is a licensed architect in the State of Illinois and has done many renovations throughout the City. He testified that in his thirty-five (35) plus years as an architect, he has never worked on a lot as short as the subject property. He testified that in addition to the short lot depth of the subject property, the fact it is improved with an orange-rated building creates practical difficulties and hardships in designing an addition. He testified that the kitchen of the existing home needed to be expanded as the kitchen was smaller than many houses he had worked on in Lincoln Park, Logan Square, Roscoe Village and Lakeview. He testified that the addition of 7.5' to the south would definitely create a kitchen that is in keeping with the character of the neighborhood and the way families live these days. He testified that the same addition of space on the second and third floors will give the additional bedrooms that one would expect to see in a house this size. He testified that all of the buildings from 49 to 79 E. Cedar are built to the rear alley (i.e., the rear lot line). He testified that based on his research, the ZONING BOARD OF APPEALS had granted variations to the rear yard setbacks of four other properties on this side of the block of East Cedar. He testified that one of these properties was the property next east (i.e., Dr. Elias' property). He testified that after looking at the rear setbacks on this side of East Cedar and walking the block, he did not believe the proposed variation would alter the essential character of the neighborhood. He testified the difficulties and hardships with respect to the subject property were based on the size of the lot. He testified that these difficulties and hardships would not be applicable generally to other properties within the same property classification as a typical City lot was 25' wide by 125' deep and with those dimensions, he could easily build a home that is 70' long with compliant front and rear setbacks. He testified that even across the street (and in the same zoning classification) the lots are 170' deep. He testified that therefore these lots across the street have approximately 100 more feet than the subject property.

The Applicant presented the testimony of his structural engineer Mr. Edward Swierz. Mr. Swierz testified that he was retained to ensure that Mr. Villanueva's drawings for the proposed addition as well as the construction of the proposed addition itself are structurally sound and will not do any injury or damage. He testified that he had reviewed all previous building permits issued for the existing home as well as examining the existing home itself and Mr. Villanueva's plans for the proposed addition. He testified that the 7' proposed extension will be over the existing garage and separate walls that are independent of either side of the subject property. He testified that these separate walls will have their own footings. He testified that on the east side of the subject property, the design for that particular wall of the proposed addition is a classic property line footing. He testified that on the west side of the subject property, the wall of the proposed addition is a conventional footing for the simple reason that the west side of the

proposed addition is clear of the property line. He testified that it was therefore his opinion that the variation (if granted) would not be detrimental to the public welfare or injurious to any other property or improvements in the area.

The Applicant presented the testimony of his real estate appraiser Mr. Nicholas Cortesi. The ZONING BOARD OF APPEALS recognized Mr. Cortesi's credentials as an expert in real estate appraisal. Mr. Cortesi testified that he and Mr. Joseph M. Ryan had created a report for this variation. He then testified to the contents of said report. In response to questions by the ZONING BOARD OF APPEALS, Mr. Cortesi provided further testimony.

Dr. Elias testified in opposition to the application. He testified that he resided at 79 E. Cedar (i.e., the property next east of the subject property). He testified that his home is a historic property in that it had once been owned by Potter and Bertha Palmer and had been designed by the architect Joseph Silsbee. He testified as to other historic properties on Cedar and nearby Bellevue and the issues that had occurred to these historic properties due to construction on adjacent properties. He testified that in consequence, he had put together a party wall agreement. He testified that he was disappointed with the Applicant's response to said party wall agreement³ and that he was concerned by his belief that there were discrepancies in the Applicant's experts' reports, particularly the report of Mr. Swierz. He testified that his home is semi-detached (i.e., his home and the existing home share a party wall) and therefore he is concerned with any loads with cantilever to the east side of the existing home. He reiterated his testimony regarding the historical architectural significance of his home and his concern about structural damage to said home.

In response to questions from the ZONING BOARD OF APPEALS, Dr. Elias testified that in addition to his concern regarding structural damage to his house, he was also concerned about the Applicant putting speakers on the proposed roof deck. He testified that this portion of East Cedar Street was "like an echo chamber."

Dr. Elias presented the testimony of his land use planner Mr. George Kisiel. The ZONING BOARD OF APPEALS recognized Mr. Kisiel's credentials as an expert in land planning. Mr. Kisiel testified that he had been retained to evaluate the Applicant's application for a variation and had produced a report. He then testified as to the contents of said report.

Dr. Elias presented the testimony of his real estate appraiser Mr. Steven Albert. Mr. Albert testified that he had been retained to opine whether or not granting the application would impact the owner's ability to realize a reasonable return on the subject property. He then testified as to his opinion.

In response to questions from Mr. Holland, Mr. Moore explained that the Applicant (like all other applicants before the ZONING BOARD OF APPEALS) had only submitted zoning drawings to the ZONING BOARD OF APPEALS. He stated that no

³ That is, the Applicant's email.

one produces full structural drawings for zoning purposes because one does not know if the ZONING BOARD OF APPEALS will grant an application. He stated that if the variation were granted, the Applicant would have to obtain building permits that resolved all structural issues. He stated that the Applicant had retained Mr. Swierz who would consult on the building permit process (provided that the variation was granted).

In response to further questions from Mr. Holland, Mr. Sweirz clarified a portion of his report. He testified that in 1988, the existing home had been renovated pursuant to plans prepared by Pappageorge Hymes Architects ("Pappageorge"). He testified that as part of this renovation, the interior structure of the existing home had been changed on the first, second and possibly third floor. He testified that the existing home had been built in 1888 with joists that spanned from the east wall to the west wall. He testified that because of the 1988 renovation, that had been changed and there were interior columns and interior footings created. He testified that because of this, there is now less load on the outside wall. He testified that in any event load on the walls would only be significant if the Applicant were improving the existing home with a fourth floor, which the Applicant is not doing. He testified that the proposed addition will be built on the independent footings created under the Pappageorge design.

In response to questions by Mr. Moore, Mr. Albert provided further testimony.

In response to questions by Mr. Moore, Mr. Kisiel provided further testimony.

Mr. Holland then made a closing statement.

Mr. Moore then made a closing statement.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Peterchak testified that he had not yet thought about whether or not he would put speakers on the roof top deck. He testified that the roof top deck would be used by himself and his wife and they would not be having a "bunch of loud parties" on said roof top deck. He testified that the roof top deck was small and was so he and his wife could enjoy nice summer evenings. He testified that he was not trying to be a bad neighbor. He testified that while there is outdoor space at the existing home, the first-floor deck is not very usable.

B. Criteria for a Variation

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

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

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

III. FINDINGS OF FACT.

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

Since the existing home on the subject property is orange-rated, the façade of the existing home cannot be altered in any way and any addition to the existing home cannot be visible from the street. This means that any addition to the existing home must be made at the rear. However, since the subject property is only 71' deep (as opposed to the standard City lot depth of 125'), strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create

practical difficulties or particular hardships for the subject property in that no addition to the existing home would be possible.

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) promoting the public health, safety and general welfare pursuant to §17-1-0501 by ensuring that the existing home may be renovated without disturbing the improvements on the adjacent properties; (2) preserving the overall quality of life for residents and visitors pursuant to §17-1-0502 by allowing the renovation of the existing home for its residents while at the same time ensuring the historic character of the existing home is protected for visitors; (3) protecting the character of established residential neighborhoods pursuant to §17-1-0503 by ensuring that the existing home may be renovated without jeopardizing its own historic character or the historic character of adjacent homes; (4) maintaining orderly and compatible land use and development patterns pursuant to §17-1-0508 as shown by the site plans; (5) ensuring adequate light, air, privacy and access to property pursuant to §17-1-0509; (6) promoting rehabilitation and reuse of older buildings pursuant to §17-1-0511; (7) maintaining a range of housing choices and options pursuant to §17-1-0512; and (8) accommodating growth and development that complies with the proceeding purposes of the Chicago Zoning Ordinance §17-1-0514 by allowing for a renovation of an old and historic building.

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

Since the Applicant will continue to own the subject property and will be – along with his family – residing at the subject property, the ZONING BOARD OF APPEALS finds that reasonable return in this instance is properly measured in terms of the subject property's livability. Mr. Peterchak and Ms. Picerne both testified that the proposed variation will allow for a more functional kitchen as well as an additional bedroom. The proposed variation will therefore allow the Applicant and his family to comfortably reside at the subject property.

- 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 orange-rated existing home on the subject property and the subject property's substandard lot depth, are unique circumstances that are not generally applicable to other residential property.

- 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 not alter the essential character of the neighborhood. The variation will allow for the proposed addition, and the proposed addition will not be visible from the street. Moreover, all of the buildings from 49 to 79 E. Cedar are built to the rear alley (i.e., the rear lot line), so the proposed rear addition cannot be said to alter any essential rear yard character of the neighborhood.

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

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

The orange-rated existing home on the subject property combined with the subject property's substandard lot depth results in particular hardship upon the Applicant. If the Applicant were forced to strictly follow the regulations of the Chicago Zoning Ordinance, he would not be able to proceed with its plans for renovating the existing home and would not be able to create a functional kitchen or a second bedroom. The ZONING BOARD OF APPEALS finds that this is more than mere inconvenience.

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

The ZONING BOARD OF APPEALS finds that orange-rated existing home and the substandard lot depth would not be applicable, generally, to other property within the DR-3 zoning classification. As Mr. Villeneuve testified, a standard City lot is 125' deep not 71'. Further, the 71' lot depth is not even a general

condition of the DR-3 zoning classification on this block of East Cedar. As Mr. Villeneuve testified, the DR-3 zoning classification on the north side of this block of East Cedar Street has 170' deep lots.

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

As credibly testified to by the Applicant, the Applicant intends to make the subject property a forever home for himself and his family. Therefore, the purpose of the variation is not based exclusively upon a desire to make more money out of the subject property. Instead, the purpose of the variation is to increase the functionality and livability of the existing home for the Applicant and his family.

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

The Applicant and his wife created neither the orange-rated existing home on the subject property nor the substandard lot depth of the subject 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.*

The variation will allow for the proposed addition. As very credibly testified to by Mr. Swierz and as set forth in greater detail in his report, the proposed addition will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

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

The variation will allow for the proposed addition. The proposed addition will not impair an adequate supply of light and air to adjacent properties. As can be seen from the pictures submitted in the Applicant's proposed Findings of Fact, the residences at 73 and 79 E. Cedar do not have windows that would face the proposed addition; instead, they have solid masonry walls. The proposed addition will not decrease the subject property's on-site parking so it will not substantially increase the congestion in the public streets. The proposed addition will not be constructed without a building permit, so the proposed addition will not increase the danger of fire or endanger the public safety. As can be seen by comparing the

site plans with the photographs of the surrounding residences, it is clear that the proposed addition will not substantially diminish or impair property values within the neighborhood.

IV. CONCLUSION

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

The ZONING BOARD OF APPEALS hereby approves the Applicant's application for 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.*

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

APPLICANT: 1913 N. Halsted Inc.

CAL NO. 407-19-Z

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1913 N. Halsted Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 39.3' to 32' for a proposed four-story, two dwelling unit building.

ACTION OF BOARD-

Continued to October 18, 2019 at 2:00 p.m.

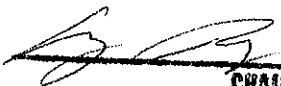
OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

THE VOTE

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: 1913 N. Halsted Inc.

CAL NO. 408-19-Z

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1913 N. Halsted Street

NATURE OF REQUEST: Application for a variation to establish a new curb cut to serve a proposed four-story, two dwelling unit building.

ACTION OF BOARD-
Continued to October 18, 2019 at 2:00 p.m.

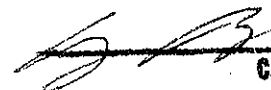
OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT:

Alan Coyle

CAL NO.: 410-19-S

APPEARANCE FOR:

John Pikarski

MINUTES OF MEETING:

September 20, 2019

APPEARANCE AGAINST:

None

PREMISES AFFECTED:

2755 W. Lawrence Avenue

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 six car garage with roof deck accessed from the rear open porch.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 21 2019

CITY OF CHICAGO
BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

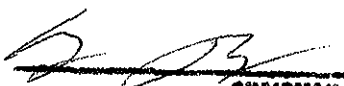
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2019; and

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 six car garage with roof deck accessed from the rear open porch; a variation was also granted to the subject property in Cal. No. 411-19-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 plans and drawings dated June 6, 2019, prepared by 360 Design Studio.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT:

Alan Coyle

CAL NO. 411-19-Z

APPEARANCE FOR:

John Pikarski

MINUTES OF MEETING:

September 20, 2019

APPEARANCE AGAINST:

None

PREMISES AFFECTED:

2755 W. Lawrence Avenue

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 six car garage with roof deck accessed from the rear open porch.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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 September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 2, 2019; 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 rear setback to 2' for a proposed four-story, six dwelling unit building with a six car garage with roof deck accessed from the rear open porch; a special use was also granted to the subject property in Cal. No. 410-19-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: JYM Investments, LLC

CAL NO.: 413-19-S

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2321 W. Howard Street

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

ACTION OF BOARD-
Continued to October 18, 2019 at 2:00 p.m.

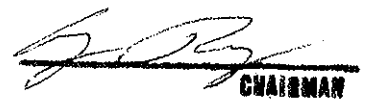
THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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: 7-Eleven, Inc.

CAL NO.: 415-19-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4346 N. Kimball Avenue

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

ACTION OF BOARD-

Continued to November 15, 2019 at 2:00 p.m.


THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT:

Sze Wing Li

CAL NO. 416-19-Z

APPEARANCE FOR:

John Pikarski

MINUTES OF MEETING:

September 20, 2019

APPEARANCE AGAINST:

None

PREMISES AFFECTED:

4421 S. Drake Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 39.97' to 15.17', north side setback from 2' to 1.40', south side setback from 2' to 1.57', combined side setback from 5' to 2.97' to permit the subdivision of one zoning lot into two zoning lots. The existing single family residence shall remain at 4421 S. Drake Avenue.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

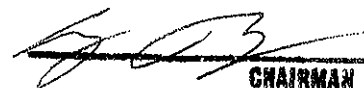
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 2, 2019; and

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 15.17', north side setback to 1.40', south side setback to 1.57', combined side setback to 2.97' to permit the subdivision of one zoning lot into two zoning lots. The existing single family residence shall remain at 4421 S. Drake Avenue; two additional variations were granted to the subject property in Cal. Nos. 417-19-Z and 418-19-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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Sze Wing Li

CAL NO. 417-19-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:

September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4421 S. Drake Avenue

NATURE OF REQUEST: Application for a variation to reduce the off-street parking from one non-conforming parking space to zero to allow the subdivision of one improved zoning lot into two zoning lots. The existing single family residence shall remain at 4421 S. Drake Avenue.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

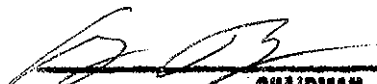
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 2, 2019; and

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 off-street parking from one non-conforming parking space to zero to allow the subdivision of one improved zoning lot into two zoning lots. The existing single family residence shall remain at 4421 S. Drake Avenue; two additional variations were granted to the subject property in Cal. Nos. 416-19-Z and 418-19-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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Sze Wing Li

CAL NO. 418-19-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4421 S. Drake Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 39.97' to 20' for a proposed two-story, single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

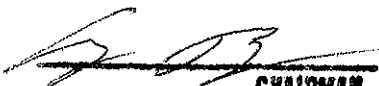
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 2, 2019; and

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 20' for a proposed two-story, single family residence; two additional variations were granted to the subject property in Cal. Nos. 416-19-Z and 417-19-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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 1932 N. Fremont, LLC

CAL NO. 419-19-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1932 N. Fremont Street

NATURE OF REQUEST: Application for a variation to reduce the south side setback from the required 2' to 1' (north side to be 3'), combined side setback from 5' to 4' for a proposed three-story, single family residence.

ACTION OF BOARD-
Continued to October 18, 2019 at 2:00 p.m.


THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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



NOV 18 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

MedMar Lakeview, LLC

APPLICANT

420-19-S

CALENDAR NUMBER

3524 N. Clark Street

PREMISES AFFECTED

September 20, 2019

HEARING DATE

ACTION OF BOARD

THE VOTE (WITHOUT CONDITION #3)

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

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

THE VOTE (WITH CONDITION #3)

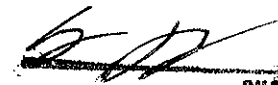
	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 3524 N.
CLARK STREET BY MEDMAR LAKEVIEW, LLC**

I. BACKGROUND

Medmar Lakeview, LLC (the "Applicant") submitted a special use application for 3524 N. Clark Street (the "subject property"). The subject property is currently zoned B3-2 and is improved with a two-story building (the "building"). The Applicant proposed to establish a medical cannabis dispensary within the first floor of the building (the "proposed medical cannabis dispensary"). To permit this, the Applicant sought a

APPROVED AS TO SUBSTANCE


CHAIRMAN

special use for a medical cannabis dispensing organization. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development recommended approval of the special use for a medical cannabis dispensing organization, provided that: (1) the special use was issued solely to the Applicant; and (2) the development as consistent with the design and layout of the plans and drawings dated August 1, 2019, prepared by Lamar Johnson Collaborative.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting on September 20, 2019, 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 Sun-Times* and as continued without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's president Mr. Joseph Caltabiano, vice president of retail operation Mr. Jourdan Kurtz, director of security Mr. Stan Chwastek and its attorney Mr. John George were present. The Applicant's architect Mr. Lamar Johnson and its MAI certified real estate appraiser Mr. Greg Nold were also present.

The Applicant's attorney Mr. John George provided a short summary of the Applicant's application. In brief, the Applicant has operated a medical cannabis dispensary at 3812 N. Clark Street since 2016 (the "current medical cannabis dispensary") and has received no complaints or violations. The Applicant requested to relocate its medical cannabis dispensary business to the subject property.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Caltabiano testified that while the Applicant was the same entity that had initially been awarded a medical cannabis dispensary license by the State of Illinois¹, the Applicant had been acquired by Cresco Labs in early 2019. He testified that while Cresco Labs had brought in additional resources and standardized some procedures and protocols, the Applicant's current medical cannabis dispensary – as a retail establishment – operated much the same way as it had prior to its acquisition by Cresco Labs. He testified that he was aware of conditions placed by the ZONING BOARD OF APPEALS on the Applicant's special use at its 3812 N. Clark Street² and that the Applicant was currently operating consistently with those conditions.

¹ Pursuant to the then Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et seq.* (now the Compassionate Use of Medical Cannabis Program Act).

² As such conditions are set forth in the ZONING BOARD OF APPEALS' written resolution for the decision rendered in ZONING BOARD OF APPEALS' Cal. No. 503-15-S. Note that the Applicant at that time was actually MedMar, Inc. At some point between 2015 and the current application, the Applicant apparently changed its business structure from a corporation to a limited liability company.

Mr. Caltabiano testified that while the Applicant had established a loading zone in front of 3812 N. Clark Street, the Applicant had found that the majority of its patients used public transportation. He testified that, as a result, the loading zone was seldom used. He testified that while the Applicant explored the opportunity to provide valet parking for its patients, it never pursued providing valet parking.

The ZONING BOARD OF APPEALS reminded Mr. Caltabiano that the ZONING BOARD OF APPEALS had conditioned its approval of the Applicant's special use at 3812 N. Clark Street upon the Applicant providing valet parking for its patients. It also reminded Mr. Caltabiano that 3812 N. Clark Street was actually the Applicant's second proposed location as the ZONING BOARD OF APPEALS had denied the Applicant's original proposed location of 2843 N. Halsted.³

Mr. George explained that the subject property currently had a loading zone and that the Applicant intended to ask Alderman Tunney to continue the use of the loading zone for the proposed medical cannabis dispensary.

In response to further questions by the ZONING BOARD OF APPEALS, Mr. Caltabiano then testified as to how the Applicant planned to address patient parking as well as site security for the proposed medical cannabis dispensary. He testified that the Applicant accepted debit cards as well as cash payments.

Mr. Jourdan Kurtz then testified that about ninety percent of the Applicant's sales were made in cash and only ten percent of the Applicant's sales were made by debit card. He testified that on average, the Applicant made cash pick-ups twice a week from its current medical cannabis dispensary. He testified that the current medical cannabis dispensary gross sales were approximately \$120,000 a week.

In response to further questions from the ZONING BOARD OF APPEALS, Mr. Caltabiano testified about the Applicant's entrepreneurship training programs. He testified that such programs were part of Cresco Labs' initiative to participate in Illinois' recreational cannabis program.⁴ He testified that the Applicant would have twenty (20) employees at the proposed medical cannabis dispensary.

Mr. Stan Chwastek testified that in addition to the twenty (20) employees, there would be two (2) private security contractors. He testified that the Applicant used a third-party vendor for security and none of its security staff were the Applicant's employees. He testified that the Applicant did not require its private security contractors to be sworn police officers or even have prior law enforcement experience. He testified that the Applicant only had one (1) such private security contractor at its current medical cannabis dispensary. He testified that the Applicant would be upgrading to two (2) private security contractors at the proposed medical cannabis dispensary and would call

³ Such denial is memorialized in the ZONING BOARD OF APPEALS' written resolution for the decision rendered in ZONING BOARD OF APPEALS' Cal. No. 399-14-S. Again, the Applicant was MedMar, Inc. not MedMarLakeview, LLC.

⁴ That is, the Cannabis Regulation and Tax Act, 410 ILCS 705/1 *et seq.*

in more if the Applicant felt more security was needed. He then testified as to what situations the Applicant might feel more security was needed.

In response to further questions by the ZONING BOARD OF APPEALS, Mr. Caltabiano testified that the current medical cannabis dispensary was only 900 square feet and due to the expansion of the State's medical cannabis program,⁵ the Applicant expected an influx of patients. He testified it was important to ensure that patients had adequate space and privacy. He testified that the proposed medical cannabis dispensary had approximately 5500 square feet and would ensure adequate space and privacy for the Applicant's patients and could hold approximately 200 people. He testified that the Applicant was trying to be cognizant of the neighborhood and not be like some bars in the neighborhood which had long outdoor queues.

In response to further questions by the ZONING BOARD OF APPEALS, Mr. Caltabiano testified that the front of the house of current medical cannabis dispensary only can hold about twelve (12) people. He testified that on certain days, the Applicant is at full capacity. He testified that the Applicant was at full capacity prior to the expansion of the State's medical cannabis program. He testified that the expansion of the State's medical cannabis program could result in five times as many medical cannabis patients in Illinois than presently exist.

In response to further questions by the ZONING BOARD OF APPEALS, Mr. Kurtz testified that the proposed medical cannabis dispensary had a loading area as shown on the left side of the Applicant's plans. He testified that medical cannabis will be delivered by truck and the product will be pulled into the loading area under the watch of one (1) of the private security contractors. He testified that the door of the loading area will be shut and secured. He testified that there will be numerous cameras with significant views of all the surrounding areas as well as the dock itself. He testified that in addition to the private security contractor, the Applicant's agents in charge⁶ will be present.

In response to further questions by the ZONING BOARD OF APPEALS, Mr. Caltabiano testified that the Applicant was under contract to purchase the subject property. He testified that the Applicant had designed the first floor buildout to be ADA accessible. He testified that if overflow ever becomes an issue, the Applicant would utilize the second floor of the building for patient queuing. He testified that he believed there could be lines for medical cannabis. He testified that there were 1500 patients registered at the current medical cannabis dispensary. He testified that on average, the Applicant saw forty to fifty patients a day at its current medical cannabis dispensary (with the high number being 1000 patients a day). He testified that it is therefore difficult to accommodate patients at the current location as you want patients to have space and feel comfortable speaking of their medical conditions. He testified that as medical cannabis is not covered by insurance and is a cash-based business, there is an uptick of patient visits on paydays, such as the first and fifteenth of the month. He testified that despite this

⁵ In particular, the expansion of the definition of "debilitating medical condition" in the Compassionate Use of Medical Cannabis Program Act pursuant to Public Act 101-0363.

⁶ As such term is defined in the Compassionate Use of Medical Cannabis Program Act.

uptick, no additional security is required. He testified that during the three (3) years the current medical cannabis dispensary has been in operation, the Applicant has had no issues from a security standpoint or with the community.

In response to further questions by the ZONING BOARD OF APPEALS, Mr. Caltabiano testified that the Applicant's lawsuit with Catholic Charities over its current medical cannabis dispensary had been resolved.⁷ He testified that the unlicensed daycare center at issue in the lawsuit was no longer operational. He testified that the lawsuit was no longer pending and that the lawsuit was not part of the Applicant's reason to relocate its medical cannabis dispensary to the subject property.

The ZONING BOARD OF APPEALS asked if the Applicant were planning to do any recreational cannabis dispensing at the subject property.

Mr. Caltabiano testified that as there was currently no ability under City of Chicago ("City") law to operate recreational cannabis dispensaries in the City, the Applicant's request to the ZONING BOARD OF APPEALS was for a medical cannabis dispensary. Nevertheless, he testified that it was his understanding that the City Council of the City ("City Council") had proposed an ordinance as how to existing medical cannabis dispensaries could sell recreational cannabis at their dispensaries.⁸ He testified that the Applicant would follow the City Council's guidance on such recreational cannabis dispensaries.

Mr. George stated that the Applicant had always complied with all State and City regulations with respect to its medical cannabis dispensary. He stated that whatever requirements the State and the City imposed with respect to recreational cannabis dispensaries, the Applicant would follow.

The ZONING BOARD OF APPEALS asked if Mr. George was including the ZONING BOARD OF APPEALS when it referred to requirements of the City.

Mr. George stated that if the ordinance proposed by City Council required that the Applicant return to the ZONING BOARD OF APPEALS for a new special use for recreational cannabis, the Applicant would do so.

The ZONING BOARD OF APPEALS stated that this did not entirely answer the ZONING BOARD OF APPEALS' question.

⁷ Catholic Charities of the Archdiocese of Chicago v. City of Chicago Zoning Board of Appeals and MedMar, Inc., No. 2016 CH 2663 (Cir. Ct. Cook Co.).

⁸ The proposed ordinance referred to in this resolution is the ordinance bearing ordinance record number O2019-6926 that was introduced at the City Council's September 18, 2019 meeting and was therefore pending at the time of the ZONING BOARD OF APPEALS' September 20, 2019 meeting. Note that this proposed ordinance was not adopted by the City Council. Instead, the City Council's Committee on Zoning, Landmarks and Building Standards (the "Committee") introduced a substitute ordinance bearing ordinance record number SO2019-6926, which substitute ordinance was adopted by the City Council on October 16, 2019, and published in the Journal of the Proceedings of the City Council for such date at pages 7855 through 7866.

Mr. George stated that he had not had a chance to review the ordinance proposed by City Council and did not really know what the Applicant would be required to do. He stated that whatever the City Council passed with respect to recreational cannabis, the Applicant would abide by it.

The ZONING BOARD OF APPEALS asked if the Applicant would object to the ZONING BOARD OF APPEALS conditioning its approval for the requested special use on the requirement that the Applicant could not sell any recreational cannabis at the subject property unless and until the Applicant obtained a new special use.

Mr. Caltabiano testified that the Applicant would object. He testified that he did not think one medical cannabis dispensary operator should be held to anything other than what another medical cannabis dispensary operator should be held to. He testified, however, that if such a requirement was from the City, the City Council, or the Mayor's Office, the Applicant would abide by such a requirement.

The ZONING BOARD OF APPEALS asked the Applicant if – during the Applicant's community meetings – the Applicant had raised the possibility of selling recreational cannabis at the subject property.

Mr. Caltabiano testified that the Applicant addressed the current state of the law at its community meetings, namely, that the City's ordinance was not finalized. He testified that the Applicant would comply with every aspect of the City's requirements.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Caltabiano testified that from a business standpoint, the Applicant would pursue opportunities that were in the best interest of Cresco Labs and its shareholders. He stated that if the Applicant was granted the opportunity to apply for a recreational cannabis license from the State of Illinois, it would certainly do so. He testified that at the Applicant's community meetings, the Applicant explained that if it were awarded a recreational license and if the recreational cannabis sales were allowed in the City, the Applicant would pursue the opportunity to sell recreational cannabis at the subject property.

In response to further questions by the ZONING BOARD OF APPEALS, Mr. Caltabiano testified that the Applicant owned its current location of 3812 N. Clark Street. He testified that the number one reason prompting the Applicant's relocation was for the courtesy of its patients. He reiterated his previous testimony that due to the expansion of the State's medical program, there has been a steady increase of patients. He testified that in order to treat these patients with the dignity and privacy that they deserve, the Applicant needs to relocate. He testified that the Applicant's business model supported the purchase of the subject property without the sale of recreational cannabis at the subject property. He testified that the Applicant's purchase of the subject property was not contingent upon the Applicant receiving a recreational cannabis license from the State. He testified that the matter at hand was the relocation of the Applicant's current

medical cannabis dispensary from the 3800 block of North Clark street to the 3500 block of North Clark Street.

The ZONING BOARD OF APPEALS stated that it wanted the Applicant to be very sure that its business model could support the Applicant solely dispensing medical cannabis at the subject property.

Mr. Caltabiano testified that the Applicant's business model could support the Applicant solely dispensing medical cannabis at the subject property.

In response to questions and comments from the ZONING BOARD OF APPEALS, Mr. Caltabiano conceded that returning to the ZONING BOARD OF APPEALS for a new special use prior to selling recreational cannabis at the subject property was not an undue burden on the Applicant. He reiterated his belief that all medical cannabis license holders in the City should be treated fairly. He then conceded that the Applicant was in a different situation than other medical cannabis license holders in the City in that the Applicant was the only medical cannabis license holder in the City relocating its medical cannabis dispensary to a new location.

The ZONING BOARD OF APPEALS then asked which the Applicant would prefer: (1) continuing its application until the City's rules regarding recreational cannabis dispensaries had been established; or (2) being granted its application on the condition that it return for a new special use prior to dispensing recreational cannabis at the subject property.

Mr. George stated that while he should not speak for his client, it was his belief that if the Applicant should go ahead and agree to having its application granted on the condition that it return for a new special use prior to dispensing recreational cannabis at the subject property. He stated that the Applicant would comply with all rules and regulations issued by the City and the State.

Mr. Caltabiano reiterated his belief that all medical license holders should be treated fairly, and he did not believe such a condition imposed by the ZONING BOARD OF APPEALS would be fair. He testified that if the City required the Applicant to return to the ZONING BOARD OF APPEALS for a special use prior to dispensing recreational cannabis, the Applicant would do so. He then asked the ZONING BOARD OF APPEALS to approve the relocation of the Applicant's medical cannabis dispensary from 3812 N. Clark Street to the subject property. He testified that the Applicant had outgrown its space at 3812 N. Clark and that is why the Applicant wished to move its medical cannabis dispensary to the subject property.

The ZONING BOARD OF APPEALS first clarified that the condition the ZONING BOARD OF APPEALS was considering imposing was a land use restriction and not a restriction against the Applicant's medical cannabis license. It stated that its concern with the Applicant's application was that the proposed ordinance – as currently drafted – required new recreational cannabis dispensaries going into new locations to be subject to

a community process while already existing medical cannabis dispensaries could simply convert to recreational cannabis dispensaries at their current locations. It stated that the Applicant was unique in that it was relocating under the guise of a medical cannabis dispensary but would in fact be creating a new recreational cannabis dispensary at a new location without the required community process. It stated it was also concerned that the ZONING BOARD OF APPEALS had placed a restriction on its initial special use that the Applicant had clearly decided not to follow. It therefore again reiterated that it was offering the Applicant a choice to either: (1) continue its special use application until such time that the City Council and the City's Mayor have implemented rules regarding recreational cannabis in the City and proceed with its application under such rules; or (2) due to the Applicant's desire to serve its patients, grant the Applicant's application with the restriction that if the Applicant wishes to dispense recreational cannabis at the subject property, it return for a new special use and follow the same procedures as everyone else applying for a recreational cannabis dispensary.

Mr. George stated that he understood the ZONING BOARD OF APPEALS' concerns. He acknowledged that he did not know if anyone was in a similar situation to the Applicant. He stated that if the ZONING BOARD OF APPEALS was going to place the same restriction on every applicant in a similar position to the Applicant, that was one thing, but if the ZONING BOARD OF APPEALS was going to single out only the Applicant, he did not believe that was fair. He reiterated that the Applicant would abide by whatever rules there were, but that the rules had to be fair and uniform.

The ZONING BOARD OF APPEALS stated it understood.

Mr. Catalbiano then testified that if he were to continue to testify, his testimony would be consistent with his affidavit submitted as part of the Applicant's proposed Findings of Fact.

Mr. Kurtz then testified that if he were to continue to testify, his testimony would be consistent with his affidavit submitted as part of the Applicant's proposed Findings of Fact.

Mr. Chwastek then testified that if he were to continue to testify, his testimony would be consistent with his affidavit submitted as part of the Applicant's proposed Findings of Fact.

Mr. Gregory Nold then testified that if he were to continue to testify, his testimony would be consistent with the report submitted as part of the Applicant's proposed Findings of Fact. The ZONING BOARD OF APPEALS recognized Mr. Nold's credentials as an expert in real estate appraisal.

B. Criteria for a Special Use

Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use

application may be approved unless the ZONING BOARD OF APPEALS finds that the proposed use in its proposed location meets all of the following criteria: (1) it complies with all applicable standards of the Chicago Zoning Ordinance; (2) it is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community; (3) it is compatible with the character of the surrounding area in terms of site planning and building scale and project design; (4) it is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation; and (5) it is designed to promote pedestrian safety and comfort.

III. FINDINGS OF FACT

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

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

The subject property is located in a B3-2 zoning district. The Applicant's proposed medical cannabis dispensary is a special use in a B3 zoning district.⁹ The Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special use that brings it before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the special use to the Applicant, the Applicant's proposed special use therefore complies with all 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 allow the Applicant to continue to accommodate its patients with space and privacy. As Mr. Caltabiano testified, the Applicant's current medical cannabis dispensary at 3812 N. Clark Street is at full capacity already. Due to the State of Illinois' recent expansion of the definition of "debilitating medical condition" in the Compassionate Use of Medical Cannabis Program Act, the Applicant is anticipating a sharp uptick in patients. As Mr. Caltabiano further testified, the Applicant has demonstrated the value that it adds to the neighborhood as its

⁹ Pursuant to Section 17-3-0207-AAA-2 of the Chicago Zoning Ordinance as such section existed as of September 20, 2019. Note that the ordinance adopted by City Council on October 16, 2019 and bearing ordinance record number SO2019-6926 expressly prohibits medical cannabis dispensaries from all B zoning districts.

security cameras have been used at the location of the current medical cannabis dispensary to assist with solving crime. As Applicant has been operating a medical cannabis dispensary at 3812 N. Clark Street without incident, the ZONING BOARD OF APPEALS finds that its relocation to the subject property 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 entirely within the building and thus will be compatible with the character of the surrounding area in terms of site planning and building scale and project design.

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

As set forth in Mr. Nold's report, the area surrounding the subject property is comprised of general retail establishments, including taverns, restaurants, hotels and Wrigley Field. There are multi-residential and mixed-use developments along commercial streets in the area with interior streets improved almost exclusively for residential uses. The subject property is located on North Clark Street, which is a main commercial thoroughfare at this location. As set forth in the testimony of the Applicant's witnesses as well as its proposed Findings of Fact, it is clear that the Applicant's operating characteristics, such as its hours of operation, outdoor lighting, noise and traffic generation, will be compatible with the general retail character of the surrounding area.

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

The proposed special use will be located within the building on the subject property. The exterior of the building will be well-lit and will have 24/7 video surveillance. As Mr. Catalbiano credibly testified, the Applicant will ensure that no loitering occurs outside the building. Further, all deliveries made to the Applicant's medical cannabis dispensary will be made off the alley. Based on all this, the proposed special use is designed to promote pedestrian safety and comfort.

IV. CONCLUSION

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

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

1. The special use for a medical cannabis dispensing organization shall be issued solely to the Applicant;
2. The special use shall be developed consistently with the design and layout of the plans and drawings dated August 1, 2019, prepared by Lamar Johnson Collaborative.
3. In the event that recreational cannabis dispensaries are legalized in the City with the condition of a special use, the Applicant shall return to the ZONING BOARD OF APPEALS for a recreational cannabis dispensary special use.

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

APPLICANT: United Developments and Investments II, LLC

CAL NO. 422-19-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1551-59 W. 33rd Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 7.63' to zero for a proposed one-story commercial building with five open parking stalls.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

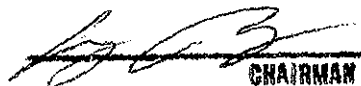
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 2, 2019; and

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 zero for a proposed one-story commercial building with five open parking stalls; 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 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.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Moonlight Studios, Inc.

CAL NO.: 457-19-S

APPEARANCE FOR: John Escobar

MINUTES OF MEETING:
September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1455 W. Hubbard Street

NATURE OF REQUEST: Application for a special use to establish an accessory off-site parking lot with seventeen required parking spaces to serve a proposed industrial private event space located at 1446 W. Kinzie Street.

ACTION OF BOARD-
Continued to October 18, 2019 at 2:00 p.m.

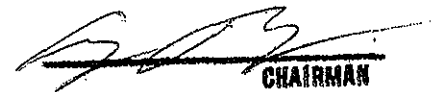
THE VOTE

OCT 21 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
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: Moonlight Studios, Inc. CAL NO. 458-19-Z

APPEARANCE FOR: John Escobar MINUTES OF MEETING: September 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1455 W. Hubbard Street

NATURE OF REQUEST: Application for a variation to establish shared parking for seventeen parking spaces for non-residential use with different peak hours to accommodate the required parking for a proposed industrial private event space located at 1446 W. Kinzie Street.

ACTION OF BOARD- Continued to October 18, 2019 at 2:00 p.m.

THE VOTE

OCT 21 2019 CITY OF CHICAGO ZONING BOARD OF APPEALS

FARZIN PARANG ZURICH ESPOSITO SYLVIA GARCIA JOLENE SAUL SAM TOIA

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows show affirmative votes for Farzin Parang, Zurich Esposito, Sylvia Garcia, Jolene Saul, and Sam Toia.

APPROVED AS TO SUBSTANCE

Handwritten signature of the Chairman over the printed name CHAIRMAN.