ZBA

RESOLUTIONS

JANUARY 15, 2021

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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

R&G Collective LLC
APPLICANT

FEB 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

1-21-S
CALENDAR NUMBER

4633 N. Damen Ave.
PREMISES AFFECTED

January 15, 2021
HEARING DATE

ACTION OF BOARD

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

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
Timothy Knudsen, Chairman	[x]	[ ]	[ ]
Zurich Esposito	[x]	[ ]	[ ]
Brian Sanchez	[x]	[ ]	[ ]
Jolene Saul	[x]	[ ]	[ ]
Sam Toia	[x]	[ ]	[ ]

FINDINGS OF THE ZONING BOARD OF APPEALS IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 4633 N. DAMEN AVE. BY R&G COLLECTIVE LLC.

I. BACKGROUND

R&G Collective LLC[1]. (the "Applicant") submitted a special use application for 4633 N. Damen Ave. (the "subject property"). The subject property is currently zoned B3-2 and is improved with a multi-story, mixed-used building (the "building"). The Applicant proposed to establish a body art service (tattoo shop) in one of the ground floor retail spaces in the building. To permit this, the Applicant sought a special use for a body art service (tattoo shop). In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator") recommended approval of the proposed body art service (tattoo shop) provided the special use was issued solely to the Applicant.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing[2] on the Applicant's special use application at its regular meeting held on January 15, 2021, after

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[1] The agenda mistakenly refers to R & G Collective LLC as R & G Collective Inc. The ZONING BOARD OF APPEALS apologizes for the error.
[2] In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.*

due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Fact. The Applicant's managers Mr. Michael Ramos and Mr. Joshua Garcia were present. The Applicant's MAI certified real estate appraiser Mr. Joseph M. Ryan was present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. September 9, 2020).[3]

The Applicant offered the testimony of its manager Mr. Michael Ramos in support of the application.

The Applicant offered the testimony of its manager Mr. Joshua Garcia in support of the application.

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

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 zoned B3-2. As a body art service is a special use in B3 zoning districts, the Applicant requires a special use. 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

[3] Such Emergency Rules were issued by the Chairman of the Zoning Board of Appeals in accordance with his emergency.

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 offer those residing in the neighborhood a safe, clean body art service. The ZONING BOARD OF APPEALS finds Mr. Ramos and Mr. Garcia to be very credible witnesses. Mr. Ramos and Mr. Garcia are up-to-date on all their health certifications, including those certifications with respect to blood borne pathogens. Mr. Ramos and Mr. Garcia have put together a plan to operate the proposed special use safely during the COVID-19 public health emergency. In addition, the Applicant will provide a space for neighborhood artists to showcase their work.

   The proposed special use will also not have a significant adverse impact on the general welfare of the neighborhood or community. After hearing Mr. Ramos' and Mr. Garcia's testimony, the ZONING BOARD OF APPEALS agrees with Mr. Ryan's assessment that the proposed special use will be run in such a manner that the health, safety and welfare of the surrounding properties will be protected.

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 an existing retail unit in the building. As can be seen from the photographs and as noted in Mr. Ryan's report, the building is compatible with other buildings in the area in terms of building scale. Moreover, N. Damen Ave. is an arterial street at this location with many other ground floor retail uses. As the Applicant's proposed special use will be ground floor retail use, it will therefore be compatible with the surrounding area in terms of site planning 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 noted above, the subject property is located on N. Damen Ave, which is an arterial street in this location. Moreover, ground floor retail use is common at this stretch of N. Damen. Thus, the proposed special use (itself a retail use) will not be incompatible with the character of the surrounding area in terms of operating characteristics. The Applicant's hours of operation will be noon to seven. This

will ensure that the Applicant's business hours do not conflict with the residential use above the proposed special use. There will be no additional outdoor lighting. The proposed special use will be entirely contained within the building and thus will not generate undue noise. With respect to traffic generation, the Applicant's site plan shows a modest set-up, with only three workstations. There is free parking south of the subject property and pay-to-park public parking north of the subject property. The Applicant is also planning to obtain temporary permit parking passes for its customers.

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

The proposed special use will be located within an existing retail storefront in the building. From the pictures of the retail storefront, it is clear that the proposed special use is designed to promote safety and comfort. With all glass doors, patrons will be able to ensure that when they exit the proposed special use, they will not accidently swing the door into pedestrians (as they would if the doors were opaque). With the glass windows, the proposed special use will contribute to the eyes on the street safety so critical in such large cities as Chicago. Moreover, as stated in Mr. Ryan's report, the subject property is located a half-block from a CTA brown line station. There are also nearby CTA bus routes, such as the north-south CTA bus route on Damen and the east-west CTA bus route on nearby Lawrence.

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 17-13-906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use subject to the following condition:

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

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

APPROVED AS TO SUBSTANCE

By: _____
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the mail on 2/22, 2021.

Janine Klich-Jensen

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

APPLICANT: Scotfree Chicago, LLC — Cal. No. 2-21-S

APPEARANCE FOR: Same as Applicant — **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1710 N. Wells Street

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

ACTION OF BOARD-
APPLICATION APPROVED

FEB 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Francisco's Barber Shop Inc. Cal. No. 3-21-S

APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3214 W. North Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Meesha B Luxury Nail Lounge — Cal. No. 4-21-S

APPEARANCE FOR: Same as Applicant — **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 646 E. 43rd Street

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Greg Milsk

CAL NO.: 5-21-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING: January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2658 W. Maypole Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 2,000 square feet to 1,998.75 square feet for a proposed two-story, two dwelling unit building with two unenclosed parking spaces on-site.

ACTION OF BOARD-
VARIATION GRANTED

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum lot area to 1,998.75 square feet for a proposed two-story, two dwelling unit building with two unenclosed parking spaces on-site; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Greg Milsk **CAL NO.:** 6-21-Z

APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1017 W. 16th Street

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 8,000 square feet to 7,929 square feet for a proposed four-story, eight dwelling unit building with roof deck, trash enclosure, eight open parking spaces inside and rear and two new driveways from 16th Street.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum lot area to 7,929 square feet for a proposed four-story, eight dwelling unit building with roof deck, trash enclosure, eight open parking spaces inside and rear and two new driveways from 16th Street; four additional variations were granted to the subject property in Cal. Nos. 7-21-Z, 8-21-Z, 9-21-Z, and 10-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Greg Milsk **CAL NO.:** 7-21-Z

APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1017 W. 16th Street

NATURE OF REQUEST: Application for a variation to reduce the west side setback from the required 7.97' to zero (east to be zero), the minimum required setback from the front building line front roof top elements exceeding the maximum building height from 20' to 8.5' for a proposed four-story, eight dwelling unit building with roof deck, trash enclosure, eight open parking spaces inside and rear and two new driveways from 16th Street.

ACTION OF BOARD-
VARIATION GRANTED

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the west side setback to zero (east to be zero), the minimum required setback from the front building line front roof top elements exceeding the maximum building height to 8.5' for a proposed four-story, eight dwelling unit building with roof deck, trash enclosure, eight open parking spaces inside and rear and two new driveways from 16th Street; four additional variations were granted to the subject property in Cal. Nos. 6-21-Z, 8-21-Z, 9-21-Z, and 10-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Greg Milsk **CAL NO.:** 8-21-Z

APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1017 W. 16th Street

NATURE OF REQUEST: Application for a variation to relocate the required 520 square feet of rear yard open space to a proposed roof deck that will serve a proposed four-story, eight dwelling unit building with roof deck, trash enclosure, eight open parking spaces in the side and rear and two new driveways from 16th Street.

ACTION OF BOARD-
VARIATION GRANTED

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to relocate the required 520 square feet of rear yard open space to a proposed roof deck that will serve a proposed four-story, eight dwelling unit building with roof deck, trash enclosure, eight open parking spaces in the side and rear and two new driveways from 16th Street; four additional variations were granted to the subject property in Cal. Nos. 6-21-Z, 7-21-Z, 9-21-Z, and 10-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Greg Milsk

CAL NO.: 9-21-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING: January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1017 W. 16th Street

NATURE OF REQUEST: Application for a variation to increase the building height from the maximum 38' to 40' for a proposed four-story, eight dwelling unit building with roof deck, trash enclosure, eight open parking spaces inside and rear and two new driveways from 16th Street.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the building height to 40' for a proposed four-story, eight dwelling unit building with roof deck, trash enclosure, eight open parking spaces inside and rear and two new driveways from 16th Street; four additional variations were granted to the subject property in Cal. Nos. 6-21-Z, 7-21-Z, 8-21-Z, and 10-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED, AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Greg Milsk **CAL NO.:** 10-21-Z

APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1017 W. 16th Street

NATURE OF REQUEST: Application for a variation to permit direct access to off-street parking when alley access is prevented by a utility pole for a proposed four-story, eight dwelling unit building with a roof deck, trash enclosure, eight open side and rear parking spaces and two new driveways from W. 16th Street.

ACTION OF BOARD-
VARIATION GRANTED

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to permit direct access to off-street parking when alley access is prevented by a utility pole for a proposed four-story, eight dwelling unit building with a roof deck, trash enclosure, eight open side and rear parking spaces and two new driveways from W. 16th Street; four additional variations were granted to the subject property in Cal. Nos. 6-21-Z, 7-21-Z, 8-21-Z, and 9-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: ARC 4, LLC — Cal. No.11-21-S

APPEARANCE FOR: Same as Applicant — **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2735 N. Lincoln Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

FEB 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Chicago Egret Badminton, LLC — Cal. No.12-21-S

APPEARANCE FOR: Ximena Castro — **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1936 W. 17th Street

NATURE OF REQUEST: Application for a special use to establish a badminton (sports and recreation participant) facility.

ACTION OF BOARD-
Continued to March 19, 2021.

FEB 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

APPLICANT: Cloud Property Management, LLC 2459 Series **CAL NO.:** 13-21-Z

APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2459 S. Washtenaw Avenue

NATURE OF REQUEST: Application for a variation to reduce the on-site parking by two spaces for an existing three-story, three dwelling unit building to be converted to a five dwelling unit building with one on-site parking space.

ACTION OF BOARD-
VARIATION GRANTED

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the on-site parking by two spaces for an existing three-story, three dwelling unit building to be converted to a five dwelling unit building with one on-site parking space; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Consignment Lounge, LLC — Cal. No.14-21-S

APPEARANCE FOR: Fred Agustin — **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3520 W. Diversey Avenue

NATURE OF REQUEST: Application for a special use to establish a tavern on the ground floor and non-public accessory storage in the basement of an existing two-story mixed use building.

ACTION OF BOARD-
APPLICATION APPROVED

FEB 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a tavern on the ground floor and non-public accessory storage in the basement of an existing two-story mixed use building; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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): (1) the special use is issued solely to the applicant, Consignment Lounge, LLC, (2) the development is consistent with the design and layout of the plans and drawings dated May 6, 2020, with Basement and First Floor plan dated January 11, 2021, prepared by Mohr Architecture, and (3) there is no outdoor patio for this use due to the proximity of the adjacent residential uses.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: PH Chicago, LLC-2610 W Chicago Cal. No.15-21-S

APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2606 W. Chicago 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 an open elevated bridge to access the roof deck of the detached six-car garage.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

FEB 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed three-story, six dwelling unit building with an open elevated bridge to access the roof deck of the detached six-car garage; a variation was also granted to the subject property in Cal. No. 16-21-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 20, 2020, prepared by 360 Design Studio.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: PH Chicago, LLC-2610 W. Chicago **CAL NO.:** 16-21-Z

APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2606 W. Chicago

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 2' for a proposed three-story, six dwelling unit building with an open elevated bridge to access the roof deck of the detached six car garage.

ACTION OF BOARD-
VARIATION GRANTED

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL		X	
SAM TOIA	X		

mWHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback on floors containing dwelling units to 2' for a proposed three-story, six dwelling unit building with an open elevated bridge to access the roof deck of the detached six car garage; a special use was also approved for the subject property in Cal. No. 15-21-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.

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: PH Chicago, LLC-2610 W Chicago — Cal. No.17-21-S

APPEARANCE FOR: Sara Barnes — **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2612 W. Chicago 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 an open elevated bridge to access the roof deck of the detached six-car garage.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

FEB 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed three-story, six dwelling unit building with an open elevated bridge to access the roof deck of the detached six-car garage; a variation was also granted to the subject property in Cal. No. 18-21-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 20, 2020, prepared by 360 Design Studio.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: PH Chicago, LLC-2610 W. Chicago **CAL NO.:** 18-21-Z

APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2612 W. Chicago Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 2' for a proposed three-story, six dwelling unit building with an open elevated bridge to access the roof deck of the detached six car garage.

ACTION OF BOARD-
VARIATION GRANTED

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL		X	
SAM TOIA	X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback on floors containing dwelling units to 2' for a proposed three-story, six dwelling unit building with an open elevated bridge to access the roof deck of the detached six car garage; a special use was also approved for the subject property in Cal. No. 17-21-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.

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: PH Chicago, LLC-2610 W Chicago — Cal. No.19-21-S

APPEARANCE FOR: Sara Barnes — **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2614 W. Chicago Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed three-story, three dwelling unit building with an open elevated bridge to access the roof deck on the detached three-car garage.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

FEB 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed three-story, three dwelling unit building with an open elevated bridge to access the roof deck on the detached three-car garage; a variation was also granted to the subject property in Cal. No. 20-21-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 20, 2020, prepared by 360 Design Studio.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: PH Chicago, LLC-2610 W. Chicago **CAL NO.:** 20-21-Z

APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2614 W. Chicago Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 2' for a proposed three-story, three dwelling unit building with an open elevated bridge to access the roof deck of the detached three car garage.

ACTION OF BOARD-
VARIATION GRANTED

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL		X	
SAM TOIA	X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback on floors containing dwelling units to 2' for a proposed three-story, three dwelling unit building with an open elevated bridge to access the roof deck of the detached three car garage; a special use was also approved for the subject property in Cal. No. 19-21-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.

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Daniel Breslin **CAL NO.:** 21-21-Z

APPEARANCE FOR: Tyler Manic **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6221-35 W. Wabansia / 1655 N. Merrimac Avenue

NATURE OF REQUEST: Application for a variation to reduce the off-street parking requirement from two spaces to zero to increase a two-story multi-unit building from eight dwelling units to ten dwelling units.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the off-street parking requirement to zero to increase a two-story multi-unit building from eight dwelling units to ten dwelling units; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Paradise 1, LLC — Cal. No. 22-21-S

APPEARANCE FOR: Tyler Manic — **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2038 N. Halsted Street

NATURE OF REQUEST: Application for a special use to establish a massage establishment on the first floor of an existing two-story building.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

FEB 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a massage establishment on the first floor of an existing two-story building; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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, Paradise 1, LLC, and the establishment maintains clear non-reflective windows on the street-facing building facade, which shall not painted over, darkened or obstructed in any way, so that the reception and waiting area is visible from the street.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

APPLICANT: 3238 W. Armitage, Inc. Cal. No. 23-21-S

APPEARANCE FOR: Dean Maragos **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3238 W. Armitage Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: James R. Nelson

CAL NO.: 24-21-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING: January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1541 W. George Street

NATURE OF REQUEST: Application for a variation to relocate the required 203.17 square feet of rear yard open space onto the roof of an existing two-car garage for a proposed new rear patio with side stairs and new unenclosed access stairs and walkway to the garage roof deck at the rear of the existing two-story, single family residence.

ACTION OF BOARD-
Continued to February 19,2021

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

FEB 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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

MAR 2 2 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Buckingham 825 LLC
APPLICANT

25-21-Z
CALENDAR NUMBER

825 W. Buckingham Place
PREMISES AFFECTED

January 15, 2021
HEARING DATE

ACTION OF BOARD

The application for the variation is approved.

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
Timmy Knudsen, Chairman	X		
Zurich Esposito	X		
Brian Sanchez	X		
Jolene Saul		X	
Sam Toia	X		

FINDINGS OF THE ZONING BOARD OF APPEALS IN THE MATTER OF THE VARIATION APPLICATION FOR 825 W. BUCKINGHAM PLACE BY BUCKINGHAM 825 LLC.

I. BACKGROUND

Buckingham 825 LLC (the "Applicant") submitted a variation application for 825 W. Buckingham Place (the "subject property"). The subject property is currently zoned RM-5 and is improved with a vacant three-story building with a detached garage. The Applicant proposed to construct a new four-story, three-dwelling unit building (the "proposed building") with a detached garage (the "garage"). The Applicant seeks to construct an access bridge (the "access bridge") to connect the proposed building to the proposed rooftop deck (the "proposed rooftop deck"). To allow the access bridge, the Applicant sought a variation to reduce the rear setback from the required 37.29' to 24.33'.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public remote hearing[1] on the Applicant's variation application at its regular meeting held on January 15, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance

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

with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Fact. The Applicant's member and partner in its manager[2] Mr. Alan Keribar and the Applicant's attorney Mr. Thomas Moore were present. Also present on behalf of the Applicant was the manager of the Applicant's manager Mr. Luke Bakalar as well as the Applicant's architect Mr. Christopher Dasse. Testifying in opposition to the application was Ms. Violet Borowski. Assistant Zoning Administrator Mr. Steven Valenziano was present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. September 9, 2020).[3]

The Applicant offered the testimony of its member and partner in its manager Mr. Alan Keribar in support of the application.

The Applicant offered the testimony of its architect Mr. Christopher Dasse in support of the application.

The Applicant offered the testimony of the manager of its manager Mr. Luke Bakalar in support of the application.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Moore provided some clarifying statements.

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

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

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

In response to questions from the ZONING BOARD OF APPEALS, Mr. Moore provided some clarifying statements.

In response to Mr. Moore's statements, Mr. Bakalar offered further testimony.

Ms. Violet Borowski of 823 West Buckingham Place, Unit 2 offered testimony in opposition to the application. In response from a question from the ZONING BOARD OF APPEALS, Ms. Borowski clarified her testimony.

In response to Ms. Borowski's testimony, Mr. Bakalar offered further testimony.

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[2] The Applicant's manager is Bak Homes Development Partners LLC.

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

In response to Ms. Borowski's testimony, Mr. Keribar offered further testimony.

In response to Mr. Keribar's testimony, Ms. Borowski offered further testimony.

In response to a question from the ZONING BOARD OF APPEALS, Ms. Borowski offered further testimony.

In response to Ms. Borowski's testimony, Mr. Bakalar offered further testimony.

In response to Mr. Bakalar's testimony, Mr. Keribar offered further testimony.

In response to a question from Ms. Borowski, Mr. Steve Valenziano provided testimony. Mr. Valenziano's testimony primarily concerned garage rooftop deck access stairs in relation to Section 17-17-0309 of the Chicago Zoning Ordinance.

In response to a question from Mr. Moore, Mr. Valenziano offered further testimony.

Mr. Moore provided a further statement.

In response to Mr. Moore's statement, Ms. Borowski offered further testimony.

In response to a question from Mr. Moore, Mr. Valenziano offered further testimony.

Mr. Dasse then offered further testimony.

In response to a question from Mr. Moore, Mr. Valenziano offered further testimony.

In response to questions from Mr. Keribar, Mr. Valenziano offered further testimony.

In response to Mr. Valenziano's testimony, Mr. Keribar offered further testimony.

In response to a question from Ms. Borowski, Mr. Valenziano offered further testimony.

In response to Mr. Valenziano's testimony, Ms. Borowski offered further testimony.

In response to a question from the ZONING BOARD OF APPEALS, Mr. Dasse offered further testimony.

In response to Mr. Dasse's testimony, Mr. Moore made a statement.

Ms. Borowski made closing statements.

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

Mr. Keribar made closing statements.

B. Criteria for a Variation

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

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

   Without the requested variation, the Applicant would be unable to provide access to the proposed rooftop deck. This would consequently prevent the Applicant from developing the subject property. The subject property is slightly substandard in depth, measuring 124.28' along the west property line and 124.3' along the east property line.[4] Though the Applicant can choose to construct a stair to access the proposed garage rooftop deck in accordance with section 17-17-0309 of the Chicago Zoning Ordinance, such a stair would necessarily be located within the subject property's required rear yard open space. As Mr. Valenziano credibly testified, such a stair would therefore not be permitted under the Chicago Zoning Ordinance. This is because the required rear yard open space must be open to sky.[5] Indeed, if the Applicant did provide a stair to access the garage proposed rooftop deck, the Applicant would have to seek zoning relief in order to relocate the required rear yard open space to the proposed rooftop deck.[6]

   As Mr. Bakalar credibly testified, the vast majority of condominium units for sale in the area had either actual garage rooftop decks or the right to build such. Because of this, units that did not include garage rooftop decks suffered a significantly reduced sale price. Without the variation, development of the subject property would be commercially unviable and the subject property would continue to be underdeveloped.

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

   The requested variation will allow for the proposed access bridge. In turn, the access bridge will make it commercially feasible for the Applicant to construct the proposed building. As such, it is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance by allowing the subject property to be revitalized with a brand new building; (2) protecting the character of residential neighborhood to the west of the subject property pursuant to Section 17-1-0503 of the Chicago Zoning

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[4] Section 17-17-02174 of the Chicago Zoning Ordinance defines a substandard lot depth as "lot depth of less than 125 feet."
[5] *Cf.* Section 17-2-307-A *with* Section 17-17-02192 of the Chicago Zoning Ordinance.
[6] In the form of either an administrative adjustment or a variation. *Cf.* Section 17-13-1003-K *with* Section 17-13-1101-A of the Chicago Zoning Ordinance.

Ordinance by allowing three brand new dwelling units to replace the older dwelling units; and (3) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance in allowing three new large dwelling units in an area that is in need of larger dwelling units.

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.*

   As Mr. Bakalar credibly testified, and as set forth in the Applicant's economic analysis, without the variation, the Applicant would not be able to provide access to the garage rooftop deck.[7] Such lack of access would significantly reduce the sales price of Unit #1 of the proposed building. This reduction would cause the Applicant to realize a return of only 3.44%. The ZONING BOARD OF APPEALS finds that such a return makes the development of the subject property commercially unfeasible. As such, the subject property would remain underdeveloped with a vacant, aging building and therefore unable to realize 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 practical difficulties or particular hardships in this case are due to the unique circumstances of attempting to meet the current market conditions for new construction condominium units in the immediate area while preserving the maximum amount of rear yard open space on a lot that – although zoned for multifamily (RM-5) – is nevertheless substandard in lot depth. Standard-sized lots in Chicago are generally 125' deep.

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

   The ZONING BOARD OF APPEALS finds that the variation, if granted, will not alter the essential character of the neighborhood. As Mr. Keribar credibly testified, there are 10 other garage rooftop decks in the same block as the subject property and a total of 17 in the area.

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[7] As a stair from grade to the garage roofdeck would also require zoning relief.

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 substandard lot depth of the subject property combined with the current market conditions for new construction condominium units in the immediate area results in particular hardship upon the property owner. If the strict letter of the Chicago Zoning Ordinance were carried out, the Applicant would be unable to provide access to the proposed garage rooftop deck, which would lead to a significant reduction in the sales price of Unit #1 of the proposed building. This would cause an inability to yield a reasonable return on developing the subject property, and the subject property would remain underdeveloped with a vacant, aging structure.

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

   The ZONING BOARD OF APPEALS finds that substandard lot depth of the subject property combined with the current market conditions for new construction condominium units in the immediate area is not applicable, generally, to other property within the RM-5 zoning classification.

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

   The variation is not based exclusively upon a desire to make more money out of the subject property. As Mr. Bakalar testified, the purpose of the variation is to permit the access bridge, which would allow access to the proposed garage rooftop deck while preserving the maximum amount of at-grade rear yard open space. As Mr. Keribar testified, the expectation in the marketplace is that a duplex down unit would include access to a garage rooftop deck. Without the variation, the project becomes commercially unviable and the Applicant will not be able to develop 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 Applicant did not create the substandard lot depth of the subject property. The Applicant also did not create the current market conditions for new construction condominium units in the immediate area.

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 granting of the variation will allow the construction of the access bridge. In turn, the access bridge will make it commercially feasible for the Applicant to construct the proposed building. The proposed building will replace an older, neglected building. The addition of the proposed building, which will provide an updated, modern building to the streetscape, will be beneficial to improvements in the neighborhood. As Mr. Dasse credibly testified, the access bridge permitted by the variation will be less intrusive to the rear yard open space than an at-grade stair constructed in accordance with Section 17-17-0309 of the Chicago Zoning Ordinance.

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.*

   Again, the variation will allow for the proposed access bridge. In turn, that will make it commercially feasible for the Applicant to construct the proposed building. The proposed building is a modest four-story structure that, as is apparent from the photos, is in keeping with its immediate neighbors. The Applicant will still be providing the required side setbacks. Furthermore, and as can also be seen from the photos and the survey, the access bridge will not block the light and air of its immediate neighbors in the rear. The buildings to the immediate east and west of the subject property extend into their own rear setbacks. As such, the variation will not impair an adequate supply of light and air to its adjacent property. The subject property will provide a parking space for each unit and thus will not increase congestion in the public streets. As the proposed building will not be constructed unless and until the Applicant has received valid building permits, the variation will not increase the danger of fire or endanger the public safety. Finally, the variation will not substantially diminish or impair property values within the neighborhood; indeed, as the variation will allow for a brand new building where there is currently a older, neglected structure, the variation will increase property values in the neighborhood.

IV. CONCLUSION

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

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

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

APPROVED AS TO SUBSTANCE

By: _____
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 N. LaSalle Street, Chicago, IL on 3/22, 2021.

_____
Janine Klich-Jensen

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

APPLICANT: Halsted 2215, LLC — Cal. No.26-21-S

APPEARANCE FOR: Thomas Moore — **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2215 N. Halsted Street

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor of a proposed four-story, eight dwelling unit building with roof top deck with pergolas, attached four car garage with underground parking and rooftop deck with pergolas, 6' wood fence and 6' masonry wall.

ACTION OF BOARD-
APPLICATION APPROVED

FEB 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor of a proposed four-story, eight dwelling unit building with roof top deck with pergolas, attached four car garage with underground parking and rooftop deck with pergolas, 6' wood fence and 6' masonry wall; two variations were also granted to the subject property in Cal. Nos. 27-21-Z and 28-21-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 October 1, 2020, with Site Plan dated January 13, 2021, prepared by Craft Architecture LLC.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Halsted 2215, LLC

CAL NO.: 27-21-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING: January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2215 N. Halsted Street

NATURE OF REQUEST: Application for a variation to reduce the north side setback from the required 5' to zero, rear setback from 30' to 3.08' for a proposed four-story, eight-dwelling unit building with roof top deck with pergolas, attached four car garage with eight underground parking spaces and rooftop deck with pergolas, 6' wood fence and 6' masonry wall.

ACTION OF BOARD-
VARIATION GRANTED

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the north side setback to zero, rear setback to 3.08' for a proposed four-story, eight-dwelling unit building with roof top deck with pergolas, attached four car garage with eight underground parking spaces and rooftop deck with pergolas, 6' wood fence and 6' masonry wall; a special use and a variation were also approved for the subject property in Cal. Nos. 26-21-S and 28-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Halsted 2215, LLC

CAL NO.: 28-21-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING: January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2215 N. Halsted Street

NATURE OF REQUEST: Application for a variation to increase the building height from the maximum 45' to 47' for a proposed four-story, eight-dwelling unit building, roof top deck with pergolas, attached four car garage with eight underground parking spaces and roof top pergolas, 6' wood fence and 6' masonry wall.

ACTION OF BOARD-
VARIATION GRANTED

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the building height to 47' for a proposed four-story, eight-dwelling unit building, roof top deck with pergolas, attached four car garage with eight underground parking spaces and roof top pergolas, 6' wood fence and 6' masonry wall; a special use and a variation were also approved for the subject property in Cal. Nos. 26-21-S and 27-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 712-20 W. Grace Inc. **CAL NO.:** 29-21-Z

APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 712-20 W. Grace Avenue

NATURE OF REQUEST: Application for a variation to reduce the required number of required off-street parking spaces from thirty-eight to thirty-four for the conversion of an existing three-story, thirty-four dwelling unit building to a thirty-eight dwelling unit building by adding units to the basement.

ACTION OF BOARD-
VARIATION GRANTED

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the required number of required off-street parking spaces to thirty-four for the conversion of an existing three-story, thirty-four dwelling unit building to a thirty-eight dwelling unit building by adding units to the basement; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Chicago 3700 Clark, LLC **CAL NO.:** 30-21-Z

APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3700 N. Clark Street

NATURE OF REQUEST: Application for a variation to reduce the required off-street parking from one stall to zero to allow a dwelling unit located with the second and third floor on an existing three-story building.

ACTION OF BOARD-
VARIATION GRANTED

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the required off-street parking to zero to allow a dwelling unit located with the second and third floor on an existing three-story building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Navaja Barber Club, Inc. Cal. No.31-21-S

APPEARANCE FOR: Frances Ostian **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5210 W. Belmont Avenue 1st Floor

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

ACTION OF BOARD-
APPLICATION APPROVED

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL		X	
SAM TOIA	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Erasmo Salazar

CAL NO.: 32-21-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING: January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2324 S. Homan Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 14.96' to 0.48, north side setback from 2' to 0.24' (south to be 3.42'), combined side setback from 5' to 3.66' for a proposed second floor addition and a two-story ear addition to the existing single family residence being converted to a two dwelling unit building.

ACTION OF BOARD-
VARIATION GRANTED

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 0.48, north side setback to 0.24' (south to be 3.42'), combined side setback to 3.66' for a proposed second floor addition and a two-story ear addition to the existing single family residence being converted to a two dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Govind Associates, LLC — Cal. No.33-21-S

APPEARANCE FOR: Paul Kolpak — **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3501-05 W. Roosevelt / 1200-14 S. St. Louis Avenue

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

ACTION OF BOARD-
Continued to March 19, 2021

THE VOTE

FEB 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	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

MAR 2 2 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Chicago Transit Authority
APPLICANT

34-21-Z, 35-21-Z & 36-21-Z
CALENDAR NUMBERS

3401 W. Barry Avenue
PREMISES AFFECTED

January 15, 2021
HEARING DATE

ACTION OF BOARD

The applications for the variations are approved.

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
Timothy Knudsen, Chairman	x		
Zurich Esposito	x		
Brian Sanchez	x		
Jolene Saul	x		
Sam Toia			x

FINDINGS OF THE ZONING BOARD OF APPEALS IN THE MATTER OF THE VARIATION APPLICATIONS FOR 3401 W. BARRY AVENUE BY THE CHICAGO TRANSIT AUTHORITY.

I. BACKGROUND

The Chicago Transit Authority (the "Applicant") submitted three variation applications for 3401 W. Barry Avenue (the "subject property"). The subject property is currently zoned RS-3 and is currently vacant at grade level[1]. The subject property is adjacent to the Applicant's rapid transit railway (the "Blue Line"), which runs underneath Kimball Avenue at this location. The Applicant proposed to construct an above grade electrical substation on the subject property (the "proposed electrical substation") to serve the Blue Line. In order to permit the proposed electrical substation, the Applicant sought the following variations: (1) to exceed the floor area ration from .9 to .97; (2) to reduce the front setback from the required 12.30' to 0', the rear setback from the required 23.06' to 0' and the east and west side setbacks from 15.75' to 0'; and (3) reduce the rear yard open space from the required 225 square feet to zero.

II. PUBLIC HEARING

A. The Hearing

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[1] The Applicant stores railway switch track equipment and other materials below grade.

The ZONING BOARD OF APPEALS held a public remote hearing[2] on the Applicant's variation application at its regular meeting held on January 15, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Fact. The Applicant's chief engineer Mr. Jim Harper and the Applicant's attorney Mr. Sanford Stein were present. Also present on behalf of the Applicant was its architect Ms. Krista Gliva and its certified land planner Mr. Steven Lenet. The policy director to 35th ward alderman Mr. Carlos Ramirez-Rosa (the "Alderman") Mr. Billy Drew was present at the hearing. Ms. Khadiza El-Helo was also present at the hearing. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. September 9, 2020).[3]

The Applicant's attorney Mr. Sanford Stein provided an overview of the Applicant's applications.

The Applicant's chief engineer Mr. Jim Harper offered testimony in support of the Applicant's applications.

The Applicant's architect Ms. Krista Gliva offered testimony in support of the Applicant's applications.

The Applicant's certified land planner Mr. Steven Lenet offered testimony in support of the Applicant's applications.

Mr. Billy Drew offered testimony in support of the applications.

Ms. Khadiza El-Helo, of 3069 N. Gresham, testified that she lived in the building directly adjacent to the subject property. She then asked the Applicant a series of questions.

In response to her questions and questions by the ZONING BOARD OF APPEALS, Mr. Harper, Ms. Gliva and Mr. Lenet offered further testimony and Mr. Stein made further statements.

B. Criteria for a Variation

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

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

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

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 can be seen from the plat of survey, the subject property was created due to the angled intersection of east-west Barry Avenue and the northeast-southwest diagonal Gresham Avenue. Because of this, the subject property is very unusual with respect to the City's general grid pattern. Instead of being rectangular, the

subject property is irregularly shaped (in the words of Mr. Lenet) "much like an equilateral triangle." Consequently, siting a building on the subject property is particularly difficult. As Ms. Gliva credibly testified, this difficulty is compounded because the proposed substation will need to accommodate certain equipment that must – for safety and operational reasons – be spaced out particular distances from each other. Thus, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property.

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

   The requested variations will allow for the proposed substation. In turn, and as testified by Mr. Harper, the proposed substation will allow the Blue Line to accommodate the public's need for additional trains. As such, it 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 Section 17-1-0501 of the Chicago Zoning Ordinance by ensuring that the City's public transportation system can meet public demand; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance by expanding electrical power service to the City's public transit system, which, in turn will allow for more trains to serve the City's residents and visitors; (3) protecting the character of the established residential neighborhood pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance by (as can be seen from the plans and elevations as well as through the testimony of the Applicant's witnesses) ensuring that the proposed substation will not interfere with said residential neighborhood; (4) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance by ensuring that the proposed substation is pulled closer to the street frontage and away from the adjacent properties; (5) promoting transit use pursuant to Section 17-1-0507 of the Chicago Zoning Ordinance by allowing for more trains to serve the public; and (6) ensuring adequate light, air, privacy and access to property pursuant to Section 17-1-0509 of the Chicago Zoning Ordinance in allowing for the proposed substation, which (as can be seen from the plans and elevations as well as the testimony of the Applicant's witnesses) is sensitive to the light, air and privacy of adjacent properties.

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 set forth above, the subject property is irregularly shaped and therefore siting a building on the subject property is difficult. As the Applicant is a municipal corporation, it does not operate for a profit. Instead, it operates for the public's benefit. As very credibly testified by Mr. Harper, to adequately serve the public, the Applicant requires more electricity to the Blue Line. To provide such electricity, the Applicant requires an additional substation. Such substation must be located adjacent to the Blue Line. The subject property – as it is located adjacent to the Blue Line – is therefore ideal for this purpose. However, because of the irregular shape of the subject property, the proposed substation cannot be constructed without the variations. Thus, if the subject property were permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance, it would not be able to serve the public's benefit and thus would be unable to realize 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 practical difficulties or particular hardships in this case are due to the unique circumstances of the irregularly shaped lot. This irregular shape is due to the angled intersection of east-west Barry Avenue and northeast-southwest diagonal Gresham Avenue. The City is set up on a grid system, and so angled streets are relatively rare. As such, the subject property's irregular shape is not generally applicable to other properties of similar size and zoning classification.

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

   The ZONING BOARD OF APPEALS finds that the variations, if granted, will not alter the essential character of the neighborhood. Again, the variations will allow the Applicant to erect the proposed substation. The ZONING BOARD OF APPEALS finds that the Applicant has thoughtfully designed the proposed substation so that it will not interfere with the surrounding residential neighborhood. As testified by Ms. Gliva, the proposed substation will be sited closely to the street frontages of Kimball and Barry, ensuring that the proposed substation will be as far away from the adjacent buildings as possible. Some of the equipment will be located on the proposed substation's second floor, ensuring that the ground floor is as small as possible. The Applicant will be incorporating its public art program onto the proposed substation and has carefully composed a

façade that will not be obtrusive. The Applicant will ensure that there is very little lighting and that such lighting will be on the Barry and Kimball frontages of the property. The Applicant will also ensure that proposed substation is properly secured.

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 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 particular shape (i.e., the subject property's irregular shape) results in particular hardship upon the property owner. If the strict letter of the Chicago Zoning Ordinance were carried out, the Applicant would not be able to erect the proposed substation. This would result in the Applicant's Blue Line not having enough electricity to adequately serve the City's public transportation needs. Such a result is far more than a mere inconvenience.

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

   The ZONING BOARD OF APPEALS finds that irregular shape of the subject property is not applicable, generally, to other property within the RS-3 zoning classification. As set forth above, the City's streets are set out on a grid system, resulting in rectangular lots. Due to the angled intersection of east-west Barry Avenue and northeast-southwest diagonal Gresham Avenue, the subject property is not rectangular but rather triangular. This is a very rare condition of property in the City in general and within the RS-3 zoning classification in particular.

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

   The variations are not based exclusively upon a desire to make more money out of the subject property. The purpose of the variations is to ensure that the Blue Line has enough electricity to run enough trains to serve the public's needs. The Applicant is a municipal corporation created solely for the purpose of public transportation. As such, profit does not enter into the equation.

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

The Applicant did not create the irregular lot shape. The irregular lot shape is caused by the angled intersection of east-west Barry Avenue and northeast-southwest diagonal Gresham Avenue, which predates the Applicant's interest in the subject property.

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 granting of the variations will allow the proposed substation. As testified by Mr. Harper, Ms. Gliva and Mr. Lenet, the Applicant has taken great care to ensure that neither the construction of the proposed substation nor the proposed substation itself will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. For instance, the Applicant will require its contractor conducts a pre-construction survey of all adjacent buildings to ensure that construction of the proposed substation will not cause harm to nearby improvements. During construction, the Applicant will require its contractor to install equipment to monitor the frequency of the construction vibrations. Should vibrations exceed allowable limits, the Applicant's contractor shall immediately stop construction and develop an alternative construction method. After construction, the Applicant will ensure that the proposed substation is secured and maintained for neighborhood safety and security. Lighting will be discrete, and there will be a public art component.

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.*

   Again, the variations will allow for the proposed substation. As can be seen from the plans and elevations (as well as Ms. Gliva's testimony), the propose substation will not impair an adequate supply of light and air to adjacent properties. The proposed substation will not increase congestion in the public streets. In fact, as it will allow the Applicant to provide more trains to the Applicant's Blue Line, it will likely decrease congestion in the public streets. As the proposed substation will not be constructed unless and until the Applicant has received valid building permits, the variation will not increase the danger of fire or endanger the public safety. Finally, as Mr. Lenet very credibly testified, the variations 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 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.*

APPROVED AS TO SUBSTANCE

By: _____
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 3/22, 2021.

_____
Janine Klich-Jensen

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

APPLICANT: Canna B Growth, LLC — Cal. No.37-21-S

APPEARANCE FOR: Charlotte Huffman — **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4411 W. Carroll Street

NATURE OF REQUEST: Application for a special use to establish a cannabis craft grower.

ACTION OF BOARD-
Continued to February 19, 2021

THE VOTE

FEB 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

APPLICANT: Canna B Growth, LLC — Cal. No.38-21-S

APPEARANCE FOR: Charlotte Huffman — **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4411 W. Carroll Street

NATURE OF REQUEST: Application for a special use to establish a cannabis processor facility.

ACTION OF BOARD-
Continued to February 19, 2021

THE VOTE

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	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

FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

PC AU 2, LLC
APPLICANT

39-21-S
CALENDAR NUMBER

2551 N. Milwaukee Ave.
PREMISES AFFECTED

January 15, 2021
HEARING DATE

ACTION OF BOARD

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

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
Timothy Knudsen, Chairman	[x]	[ ]	[ ]
Zurich Esposito	[x]	[ ]	[ ]
Brian Sanchez	[x]	[ ]	[ ]
Jolene Saul	[x]	[ ]	[ ]
Sam Toia	[x]	[ ]	[ ]

FINDINGS OF THE ZONING BOARD OF APPEALS IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 2551 N. MILWAUKEE BY PC AU 2, LLC.

I. BACKGROUND

PC AU 2, LLC[1] (the "Applicant") submitted a special use application for 2551 N. Milwaukee Avenue (the "subject property"). The subject property is currently zoned C2-3 and is improved with a two-story mixed-use building (the "building"). The building has two commercial tenant spaces on the ground floor, six residential apartments on the second floor and storage space in the basement. The Applicant sought a special use to establish an adult use cannabis dispensary within one of the ground floor commercial tenant spaces (as well as its corresponding basement storage space).[2] In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Zoning Administrator") recommended approval of the proposed adult use cannabis dispensary provided that: (1) the special use was issued solely to the Applicant; (2) all on-site customer queuing occurred within the building; and (3) the development was consistent with the design and layout of the plans and drawings dated July 10, 2020, prepared by Interform Architecture + Design.

II. PUBLIC HEARING

A. The Hearing

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[1] The Applicant is a fully owned subsidiary of PharmaCann, Inc.
[2] As can be seen from the Applicant's plans, the basement storage space would not be open to the public.

The ZONING BOARD OF APPEALS held a remote public hearing[3] on the Applicant's special use application at its regular meeting on January 15, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Facts. The Applicant's attorney Ms. Katriina McGuire was present. As the Applicant is a wholly owned subsidiary of PharmaCann Inc,[4] PharmaCann Inc's senior vice president of public and regulatory affairs Mr. Jeremy Unruh and its chief revenue officer Mr. William McMenamy were present. Also present on behalf of the Applicant were its architect Mr. Chris Collins, its MAI certified real estate appraiser Mr. Michael Wolin and its certified land planner Mr. George Kisiel. The subject property's owner Mr. Michael Hagenson was present. Mr. Paul Sajovec the chief of staff for 32nd Ward Alderman Scott Waguespack (the "Alderman") was present. The statements and testimony given during the hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. September 9, 2020) [5].

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

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

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

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

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

The Alderman's chief of staff Mr. Paul Sajovec offered testimony regarding the Alderman's position on the application.

In response to questions by the ZONING BOARD OF APPEALS, Ms. McGuire provided a brief overview of the Applicant's agreement with Logan Square Preservation.

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

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

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

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

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

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

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

Pursuant to the ZONING BOARD OF APPEALS' Supplemental Rule for Cannabis Business Establishments dated June 26, 2020, Governing the Conduct of Cannabis Business Establishment Community Meetings ("Supplemental Rule"), in addition to the requirements of Section 17-13-0905-G of the Chicago Zoning Ordinance, each community meeting held on or after March 20, 2020[6] must: (1) be comprised of at least three (3) physical sessions so that the maximum amount of persons that wish to physically attend the community meeting may have the opportunity; and (2) that each session has a virtual component so that those that wish to attend and participate but do not want to physically attend can virtually attend and participate.

III. FINDINGS OF FACT

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

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

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

   As shown by Mr. Kisiel's land use report and map, the proposed special use is 500' or more from a school as required by Section 17-9-0129(3) of the Chicago Zoning Ordinance. The subject property is located in a C2-3 zoning district. Adult use cannabis dispensaries are a special use in a C2-3 zoning district.[7] The Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special use that brings the Applicant before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the special use to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards of the Chicago Zoning Ordinance.

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

   The proposed special use is in the interest of the public convenience as it will provide retail products for which (as has been evident over the past year[8]) there is very high demand. Further, and as set forth in Mr. Wolin's report, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community. The ZONING BOARD OF APPEALS finds Mr. McMenamy to be a very credible witness as to the operations of the proposed special use. The ZONING BOARD OF APPEALS finds that whether or not an adult use cannabis dispensary – as with all special uses that involve a controlled substance and cash – has a significant adverse impact on the general welfare of the neighborhood depends on the operation of the adult use cannabis dispensary. From Mr. McMenamy's testimony, it is clear that the Applicant has past experience operating an adult use cannabis dispensary and understands that two of the greatest areas of concern in a cannabis dispensary are customer flow – even prior to the COVID-19 health pandemic – and product loading/unloading. Further, from his testimony it is clear that the Applicant has previous experience overseeing security of an adult use cannabis dispensary and understands the safety concerns regarding customer flow and loading/unloading of product as well as the safe storage of said product. The ZONING BOARD OF APPEALS finds that,

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[7] Pursuant to Sections 17-3-0207-AAA(1) of the Chicago Zoning Ordinance.

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

based on the testimony and averments of Mr. McMenamy, the proposed special use will be operated in such a manner that it will not have a significant adverse impact on the general welfare of the neighborhood. Because of this, the ZONING BOARD OF APPEALS agrees with Mr. Wolin's assessment that the proposed special use will not diminish property values in the area.

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

   The proposed special use will be located within the building. As can be seen from both Mr. Kisiel's and Mr. Wolin's reports, the building is compatible in terms of the surrounding area in terms of site planning and building scale. Indeed, the building itself is historically significant to the neighborhood as evidenced by its orange-rated classification[9]. In terms of project design, the retail component of the proposed special use will be located on the ground floor – like other retail use in the 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.*

   The subject property is located in the heart of the City's Logan Square neighborhood[10]. As set forth in Mr. Kisiel's report, ground floor uses surrounding the subject property are predominately retail, restaurant and service uses (with institutional uses interspersed). Residential use is common on the upper floors. As one moves further away from the subject property on Milwaukee and Kedzie, ground floor commercial use gives way to single- and multi-family buildings. As set forth in Mr. Wolin's report, the Applicant's proposed hours of operation are similar to (and in the case of Rocking Horse, less intense than) other commercial uses in the area. The Applicant's proposed use will be entirely contained within the building and therefore will not generate undue noise, especially since there will be no cannabis consumption on the premises. From the Applicant's renderings, the Applicant's signage will be tasteful and not distract form the building's historical façade. Outdoor lighting will not be out-of-character with nearby uses. As shown by Mr. Wolin's report, the subject property is located in a Transit Oriented District. As such, it is expected (due to the ample public transportation) that the proposed special use will not generate traffic incompatible with the area. The Applicant operates on a reservation-only model and does not allow for walk-in customers, which also reduces traffic generation (especially pedestrian traffic generation outside the subject property). Based on all this, the

[9] Such classification being given by the Department of Planning and Development's Historic Preservation Division.

[10] Indeed, it is located very close to the actual Logan Square (i.e., the intersection of Milwaukee Avenue, Logan Boulevard and Kedzie Boulevard).

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

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

   The proposed special use will greatly enhance security of the subject property in the form of security cameras and security personnel. This enhanced security will promote pedestrian safety and comfort. As the Applicant is committed to ensuring that there are no outdoor customer queuing lines (and indeed does not allow for walk-in customers), the Applicant's customers will not block sidewalks or otherwise obstruct the public way for pedestrians. All product loading and unloading will take place when the dispensary is not open to the public, ensuring the building's entrance will not be overwhelmed by both customers and product delivery. There are no additional curbcuts proposed by the special use. Given the foregoing, the ZONING BOARD OF APPEALS agrees with Mr. Kisiel that the proposed use will enhance pedestrian safety and comfort.

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

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

IV. CONCLUSION

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

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

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

2. All on-site customer queuing shall occur within the building; and

3. The special use shall be developed consistently with the design and layout of the plans and drawings dated July 10, 2020, prepared by Interform Architecture + Design.

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

APPROVED AS TO SUBSTANCE

By: _____
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2021.

_____
Janine Klich-Jensen

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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

MAR 2 2 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Gentle Ventures, LLC DBA Dispensary 33
APPLICANT

40-21-S & 41-21-S
CALENDAR NUMBERS

5001-09 N. Clark Street
PREMISES AFFECTED

January 15, 2021
HEARING DATE

ACTION OF BOARD

The applications are approved subject to the conditions set forth in this decision.

THE VOTE

	AFFIRMATIVE	NEGATIVE	RECUSED
Timothy Knudsen, Chairman	x		
Zurich Esposito	x		
Sylvia Garcia	x		
Jolene Saul	x		
Sam Toia	x		

FINDINGS OF THE ZONING BOARD OF APPEALS IN THE MATTER OF THE SPECIAL USE APPLICATIONS FOR 5001-09 N. CLARK STREET BY GENTLE VENTURES, LLC DBA DISPENSARY 33.

I. BACKGROUND

Gentle Ventures, LLC d/b/a Dispensary 33 (the "Applicant") submitted two special use applications for 5001-09 N. Clark Street (the "subject property"). The subject property is currently zoned C2-2 and is improved with a one-story building (the "building") that contains two commercial storefronts. The Applicant currently operates a medical cannabis dispensary[1] and adult use cannabis dispensary[2] inside one of the commercial storefronts commonly known as 5001-5003 N. Clark Street (the "current dispensary"). The Applicant proposed to expand operations of the current dispensary into an adjacent commercial storefront in the building. Such commercial storefront is commonly known as 5005-5009 N. Clark Street. To permit this expansion, the applicant sought a special use to expand an existing medical cannabis dispensary and a special use to expand an existing adult use cannabis dispensary.[3] In accordance with Section 17-13-0903 of the Chicago Zoning

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[1] Pursuant to a special use issued by the ZONING BOARD OF APPEALS on February 20, 2015, as Board Cal. No. 41-15-S. Note that such special use was granted to the Applicant's old name "The Cannabis Group, LLC."

[2] Pursuant to Section 17-9-0129(2) of the Chicago Zoning Ordinance. Note, however, that pursuant to Section 17-9-0129(4), such adult use cannabis dispensary is considered a special use.

[3] In accordance with Section 17-13-0910 of the Chicago Zoning Ordinance which states: "A change or increase in the area, bulk or function of any existing special use, or from those conditions specified by the

Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Zoning Administrator") recommended approval of the proposed expansion of the existing medical cannabis dispensary and the existing adult use cannabis dispensary provided that: (1) the special uses were issued solely to the Applicant; (2) all on-site customer queuing occurred within the building; and (3) the development was consistent with the design and layout of the plans and drawings prepared by Steep Architecture Studio dated as of January 13, 2021.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing[4] on the Applicant's special use applications at its regular meeting on January 15, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Facts. The Applicant's operational manager for the current dispensary Mr. Bryan Zises and its attorney Mr. Ashley Brandt were present. The Applicant's MAI-certified real estate appraiser Mr. Joseph Ryan, its security consultant Mr. Saquan Gholar and its architect Ms. Jaime Magaliff were also present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. September 9, 2020)[5].

The Applicant's attorney Mr. Ashley Brandt provided an overview of the applications and the nature of the relief sought (namely, that Applicant proposed to expand its current dispensary).

The Applicant offered the testimony of its operational manager for the current dispensary Mr. Bryan Zises in support of its applications.

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

The Applicant offered the testimony of its chief security consultant Mr. Saquan Gholar in support of its applications.

The Applicant offered the testimony of its architect Ms. Jaime Magaliff in support of its applications.

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

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Zoning Board of Appeals at the time of approval, will constitute and be deemed the same as a new special use and will require special use approval pursuant to all procedures of this section."

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

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

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

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

Pursuant to the ZONING BOARD OF APPEALS' Supplemental Rule for Cannabis Business Establishments dated June 26, 2020, Governing the Conduct of Cannabis Business Establishment Community Meetings ("Supplemental Rule"), in addition to the requirements of Section 17-13-0905-G of the Chicago Zoning Ordinance, each community meeting held on or after March 20, 2020[6] must: (1) be comprised of at least three (3) physical sessions so that the maximum amount of persons that wish to physically attend the community meeting may have the opportunity; and (2) that each session has a virtual component so that those that wish to attend and participate but do not want to physically attend can virtually attend and participate.

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

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 special uses pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. *The proposed special uses comply with all applicable standards of the Chicago Zoning Ordinance.*

   As shown by Ms. Magaliff's land use diagram, the proposed special uses are 500' or more from a school as required by Section 17-9-0129(3) of the Chicago Zoning Ordinance. The subject property is located in a C2-2 zoning district. Both medical cannabis dispensaries and adult use cannabis dispensaries are special uses in a C2-2 zoning district.[7] The Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special uses that bring it before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the special uses to the Applicant, the Applicant's proposed special uses therefore comply with all applicable standards of the Chicago Zoning Ordinance.

2. *The proposed special uses are 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 uses are in the interest of the public convenience as they will allow the Applicant to increase its ability to provide retail products for which (as has been evident over the past year[8]) there is very high demand. The proposed special uses will also allow a storefront that is currently vacant to be put to productive use. Further, and as set forth in Mr. Ryan's report, the proposed special uses will not have a significant adverse impact on the general welfare of the neighborhood or community. The ZONING BOARD OF APPEALS finds Mr. Zises to be a very credible witnesses as the operations of the proposed special uses. The ZONING BOARD OF APPEALS finds that whether or not cannabis dispensaries – as with all special uses that involve a controlled substance and cash – have a significant adverse impact on the general welfare of the neighborhood depends on the operation of the cannabis dispensary in question. From Mr. Zises' testimony and averments, it is clear that the Applicant has past experience operating the current cannabis dispensary and understands that two of the greatest

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[7] Pursuant to Sections 17-3-0207-AAA(1) & (2) of the Chicago Zoning Ordinance.

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

areas of concern in a cannabis dispensary are customer flow – even prior to the COVID-19 health pandemic – and product loading/unloading. Further, from his testimony it is clear that the Applicant has previous experience overseeing security of an adult use cannabis dispensary and understands the safety concerns regarding customer flow and loading/unloading of product as well as the safe storage of said product. The ZONING BOARD OF APPEALS finds that, based on the testimony and averments of Mr. Zises, the proposed special uses will be operated in such a manner that it will not have a significant adverse impact on the general welfare of the neighborhood. Because of this, the ZONING BOARD OF APPEALS agrees with Mr. Ryan's assessment that the proposed special uses will not generate crime or negatively impact the surrounding community with generation of crime, unwanted noise or traffic generation.

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

   The proposed special uses will be located within existing storefronts in the building. From the pictures provided in Mr. Ryan's report, the height and size of the building is comparable to other buildings in the immediate area. Thus, the proposed special uses are compatible with the character of the surrounding area in terms of site planning and building scale. In terms of project design, the proposed special uses will continue the same set-up as the current dispensary: with customer ingress/egress on the corner of North Clark and Argyle and product delivery via a separate, secured entrance off of the existing curb-cut on Argyle. Thus, the proposed special uses are compatible with the surrounding area in terms of project design.

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

   The Applicant has operated a medical cannabis dispensary in the building since 2015. It has operated an adult use cannabis dispensary in the building since January 1, 2020. Mr. Zises testified that none of the current dispensary's operations would be drastically changing. Instead, the expansion would allow the Applicant to make some helpful modifications, such as expansion of its point-of-sale space and its relocation of its overhead delivery gate. From Mr. Ryan's testimony as well as his report it is clear there are no issues with respect to the current dispensary in terms of any operating characteristics. And indeed, the ZONING BOARD OF APPEALS agrees that the proposed special uses' hours of operation are compatible with the surrounding neighborhood. As the Applicant operates the current dispensary on a pre-order only system (i.e., no walk-ins) and

APPEALS by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special uses subject to the following conditions:

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

2. All on-site customer queuing shall occur within the building; and

3. The special uses shall be developed consistently with the design and layout of the plans and drawings prepared by Steep Architecture Studio dated as of January 13, 2021.

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

APPROVED AS TO SUBSTANCE

By: _____
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 3/22; 2021.

_____
Janine Klich-Jensen

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

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

APPEARANCE FOR: Scott Borstein — **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2555 W. Grand Avenue

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

ACTION OF BOARD-
Continued to February 19, 2021

FEB 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

APPROVED AS TO SUBSTANCE
CHAIRMAN

APPLICANT: Public Building Commission of Chicago — Cal. No. 405-20-Z

APPEARANCE FOR: Scott Borstein — **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2555 W. Grand Avenue

NATURE OF REQUEST: Application for a variation to retain the existing conditions that includes twenty-three trees within the landscape setback instead of ornamental fencing and to reduce the number of trees from 157 to 94. Applicant is providing alternative treatments that exceed the required interior green space.

ACTION OF BOARD-
Continued to February 19, 2021

FEB 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

APPLICANT: Fuzzy Urban Tails, LLC — Cal. No. 420-20-Z

APPEARANCE FOR: Paul Kolpack — **MINUTES OF MEETING:** January 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2608 W. Fullerton Avenue

NATURE OF REQUEST: Application for a special use to establish a dog boarding kennel and daycare.

ACTION OF BOARD-
Continued to March 19, 2021

THE VOTE

FEB 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

APPROVED AS TO SUBSTANCE
CHAIRMAN