

NOVEMBER 15, 2019

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Anna Dunn**  
APPLICANT

**550-19-Z**  
CALENDAR NUMBER

**3044 N. Rutherford Avenue**  
PREMISES AFFECTED

**November 15, 2019**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The application for the variation is denied.

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

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 3044 NORTH  
RUTHERFORD AVENUE BY ANNA DUNN.**

**I. BACKGROUND**

Anna Dunn (the "Applicant") submitted a variation application for 3044 North Rutherford Avenue (the "subject property"). The subject property is currently zoned RS-2 and is currently improved with a two-story single-family home (the "home"). The Applicant desired to erect an 8' privacy fence<sup>1</sup> along the rear and north property lines of the subject property. To permit such erections, the Applicant sought a variation to reduce: (1) the front setback from the required 20' to 10'; (2) the rear setback from 25.04' to 0'; (3) the north side setback from 6' to 0' (south to be 18.11'); and (4) the required combined side setback to 18.11'.

**II. PUBLIC HEARING**

**A. The Hearing**

<sup>1</sup> The Applicant argued that the structure she desired to erect was a trellis and not a privacy fence. However, terminology is not the issue here. The issue is that the Applicant erected an unpermitted obstruction in her rear, side and front setbacks. Section 17-17-0309 of the Chicago Zoning Ordinance. Further, it is clear from the photographs the Applicant submitted in the record that the structure the Applicant erected prior to being cited is a privacy fence.

**APPROVED AS TO SUBSTANCE**

CHAIRMAN

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting on November 15, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted her proposed Findings of Facts. The Applicant was present at the hearing. Testifying in objection to the application was Mr. Cyrus Hashemian.

The Applicant Ms. Anna Dunn presented her case to the ZONING BOARD OF APPEALS.

Mr. Cyrus Hashemian, property owner of 3048 N. Rutherford, presented his objections to the application.

The ZONING BOARD OF APPEALS noted that based on their presentations, it was clear that there was a great deal of animosity between the Applicant and Mr. Hashemian (and presumably Mr. Hashemian's tenants). It noted that its jurisdiction as a ZONING BOARD OF APPEALS was limited and summarized the portions of Ms. Dunn and Mr. Hashemian's testimony that were relevant to the ZONING BOARD OF APPEALS' evaluation with respect to the Applicant's application.

Mr. Hashemian then made a closing statement.

Ms. Dunn then made a closing statement. She testified that she would like to be able to keep the 4 x 4 posts she had erected but as a concession, she would be willing to cut them down to 6' or 5'.

The ZONING BOARD OF APPEALS stated that it was its understanding<sup>2</sup> – though it wanted confirmation from the City's Department of Planning and Development (in particular, its Office of Zoning Administrator) – that if the Applicant had a 6' fence she would not need a variation.

Ms. Dunn agreed that she would not need a variation but that she would still need to obtain a building permit and that she had already put a lot of time and effort into the variation process. She therefore requested that the ZONING BOARD OF APPEALS issue such a building permit.<sup>3</sup>

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<sup>2</sup> The ZONING BOARD OF APPEALS' understanding was correct with respect to the side and rear setback. Depending on the opaqueness of the privacy fence, it was also correct with respect to the front setback. Section 17-17-0309 of the Chicago Zoning Ordinance.

<sup>3</sup> From Ms. Dunn's testimony, it is clear she did not understand that even if she had obtained the variation she sought, she *still* would have had to obtain a building permit from the City's Department of Buildings. The ZONING BOARD OF APPEALS does not issue building permits. Instead, it issues variations to the Chicago Zoning Ordinance so that the Office of the Zoning Administrator (the "Zoning Administrator") may certify that the proposed building or structure complies with all provisions of the Chicago Zoning Ordinance. §17-13-1301 of the Chicago Zoning Ordinance; see also *1350 Lake Shore Assoc. v. Mazur-*

The ZONING BOARD OF APPEALS then held the matter so that it could: (1) hear from the City's Department of Planning and Development; and (2) have copies made of the photographs the Applicant had presented at the hearing. It also suggested that the Applicant and Mr. Hashemian use the time to speak to each other.

When the ZONING BOARD OF APPEALS recalled the case, it went through the photographs the Applicant had presented to it and had the Applicant remove any pictures that were not relevant to the Applicant's argument with respect to the fence.

Mr. Hashemian provided his explanation of the photographs.

In response to questions from the ZONING BOARD OF APPEALS, the Applicant testified that as she was unemployed, she did not have the funds to take the fence down.

In response to questions from the ZONING BOARD OF APPEALS, the Assistant Zoning Administrator Mr. Steven Valenziano stated that while any fence over 5' in height required a building permit, a 100% opaque fence in a side setback was allowed – provided said fence did not exceed 6' in height.

#### 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

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*Berg*, 339 Ill.App.3d 618, 621 (1st Dist. 2003) (reminding that a zoning certificate is a prerequisite to the issuance of a building permit).

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 not create practical difficulties or particular hardships for the subject property.*

The ZONING BOARD OF APPEALS fails to see how strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. Although the Applicant testified that she wished to have the privacy fence so that she could grow plants on it, she did not provide any credible evidence as to why the privacy fence needed to be 8' in height. Indeed, she testified that she was willing to have the privacy fence be set at 6' or even 5'. As a 5' or 6' privacy fence *does* strictly comply with the regulations and standards of the Chicago Zoning Ordinance with respect to the rear and side setbacks, the ZONING BOARD OF APPEALS declines to find that any practical difficulties or particular hardships exist with respect to the side or rear setbacks. The ZONING BOARD OF APPEALS also declines to find any practical difficulties or particular hardships exist with respect to the front setback. Again, the Applicant provided no credible evidence as to why the privacy fence needed to be 8' or (as set forth in the Applicant's proposed Findings of Fact) 5' in height in the front setback. A fence of 4.5' in height may be erected in the front setback without a variation and – depending on the opacity of the fence – so too may a fence of up to 6' in height. The Applicant provided no credible evidence as to why she could not grow wisteria or provide protection for

arborvitaes with a 4.5' high opaque fence or a mostly non-opaque fence up to 6' in height.

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

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

After careful consideration of the evidence, testimony and the entire record, including the 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 Applicant failed to prove that 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.*

It is up to the Applicant to prove her case. The Applicant did not provide any credible evidence as to this criterion as she did not provide any credible evidence as to why the privacy fence had to be 8' in height. Indeed, the Applicant testified that she was willing to reduce her privacy fence to 6' or even 5' in height. As both heights would be in accordance with the Chicago Zoning Ordinance with respect to fences in side, rear and – depending on the opacity of the privacy fence – front setbacks, it is clear that the subject property could yield a reasonable return<sup>4</sup> without the requested variation. Further, in the event that the Applicant's

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<sup>4</sup> As the Applicant owns and resides at the subject property, reasonable return is in this instance livability at the subject property. Although the Applicant made an argument that if she were to sell her property, a prospective buyer might not wish to see the neighbors next north, the ZONING BOARD OF APPEALS finds such an argument to be speculative and not credible. After all, the Applicant did not provide any

1. *The particular physical surroundings, shape or topographical condition of the specific property involved would not result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.*

As noted above, the ZONING BOARD OF APPEALS does not find that a particular hardship exists in this matter. The Applicant provided no credible evidence as to why she needed an 8' high privacy fence. Indeed, she testified that she could have a 5' or 6' privacy fence. Thus, with respect to the rear, side and -- depending on the opacity of the privacy fence -- front setbacks, she could erect her privacy fence in accordance with the strict letter of the City's zoning regulations. Even if the fence were more than 20% opaque in the front setback, the Applicant provided no credible evidence as to why a 4.5' high fence would not be acceptable while a 5' high fence would be acceptable.

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

It is up to the Applicant to prove her case. The Applicant provided evidence that she desired the variation so that she could: (1) beautify her property; and (2) provide screening from the property next north as she did not like the neighbors next north or how they maintained their property. The desire to beautify one's property and the desire to screen one's property from undesirable neighbors are conditions applicable, generally, to other property within the RS-2 district as most property within the RS-2 district are single-family homes on detached lots.<sup>6</sup>

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

The ZONING BOARD OF APPEALS finds that the purpose of the variation is not to make more money out of the property but rather to beautify the Applicant's property and provide screening from the property next north.

4. *No alleged practical difficulty or particular hardship exists, regardless of whether the conditions the Applicant note have been created by a person presently having an interest in the property.*

As set forth in great detail above, the ZONING BOARD OF APPEALS finds that no practical difficulty or particular hardship exists in the present case.

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<sup>6</sup> Section 17-2-102 of the Chicago Zoning Ordinance.

5. *There is insufficient evidence to show that granting 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.*

It is up to the Applicant to prove her case. The Applicant provided no credible evidence as to this criterion.

6. *There is insufficient evidence to show that 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.*

It is up to the Applicant to prove her case. The Applicant provided no credible evidence as to this criterion.

#### IV. CONCLUSION

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

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

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

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

**APPLICANT:** Completely Styled

**CAL NO.:** 551-19-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2406 W. 111<sup>th</sup> Street

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

**ACTION OF BOARD-**

Continued to December 20, 2019 at 9:00 a.m.

**THE VOTE**

**DEC 23 2019**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

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

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

**APPLICANT:** Nereida Aparicio  
**APPEARANCE FOR:** Same as Applicant  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1750 W. 18<sup>th</sup> Street

**CAL NO.:** 552-19-S

**MINUTES OF MEETING:**  
 November 15, 2019

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

**ACTION OF BOARD-  
 APPLICATION APPROVED**

**THE VOTE**

DEC 23 2019  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 TIMOTHY KNUDSEN  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

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

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Kiana Frederick dba Pretty Flawless Hair

**CAL NO.:** 553-19-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 211 W. 119<sup>th</sup> Street

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant Kiana Frederick dba Pretty Flawless Hair.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

APPLICANT: Marcial Rosas

CAL NO.: 554-19-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:  
November 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1539 W. 47<sup>th</sup> Street

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

ACTION OF BOARD-  
APPLICATION APPROVED

THE VOTE

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
		X
X		
X		
X		
		X
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a barbershop; 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, Marcial Rosas.

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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** Mario Razo

**CAL NO.:** 555-19-Z

**APPEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3637-39 S. Parnell Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 14.97' to 1.8', (south to be 2.4') combined side setback from 4.8' to 2.8' to allow the subdivision of an existing zoning lot into two zoning lots. The existing two-story, two dwelling unit building shall remain.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**DEC 23 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 TIMOTHY KNUDSEN  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: the applicant shall be permitted to reduce the front setback to 1.8', (south to be 2.4') combined side setback to 2.8' to allow the subdivision of an existing zoning lot into two zoning lots. The existing two-story, two dwelling unit building shall remain; a related variation was granted to the subject property in Cal. No. 556-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Mario Razo **CAL NO.:** 556-19-Z  
**APPEARANCE FOR:** John Pikarski **MINUTES OF MEETING:**  
November 15, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3637 S. Parnell Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 14.97' to 11.83' for a proposed two-story, single family residence with two parking stalls.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

DEC 23 2019  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 TIMOTHY KNUDSEN  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 11.83' for a proposed two-story, single family residence with two parking stalls; a related variation was granted to the subject property in Cal. No. 555-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Jose Bahena **CAL NO.:** 557-19-Z  
**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**  
November 15, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2840 S. Ridgeway Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 20' to 3.10' for a proposed two story, front open porch to serve an existing two-story, two dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

DEC 23 2019  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 TIMOTHY KNUDSEN  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 3.10' for a proposed two story, front open porch to serve an existing two-story, two dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** OG Management, Inc.

**CAL NO.:** 558-19-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
November 15, 2019

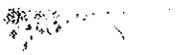
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 738 N. Avers Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the number of parking spaces from the required seven to six for the proposed conversion on an existing three-story, six dwelling unit building to a seven dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**DEC 23 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 TIMOTHY KNUDSEN  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

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

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** OG Management, Inc.  
**APPEARANCE FOR:** Mark Kupiec  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 742 N. Avers Avenue

**CAL NO.:** 559-19-Z

**MINUTES OF MEETING:**  
November 15, 2019

**NATURE OF REQUEST:** Application for a variation to reduce the required parking from four spaces to three for the conversion of an existing three-story, three dwelling unit building to a four dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

DEC 23 2019  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 TIMOTHY KNUDSEN  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

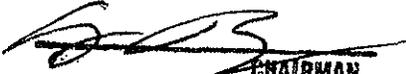
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

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

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Metropole Group, LLC  
**APPEARANCE FOR:** Mark Kupiec  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2801 W. Warren Boulevard

**CAL NO.:** 560-19-Z  
**MINUTES OF MEETING:**  
 November 15, 2019

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area per dwelling unit from the required 1,000 square feet to 982.4 square feet for a proposed three-story, three dwelling unit building.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**



DEC 23 2019  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 TIMOTHY KNUDSEN  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

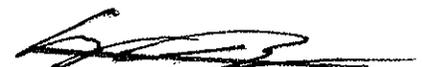
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the minimum lot area per dwelling unit to 982.4 square feet for a proposed three-story, three dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**



**CHAIRMAN**

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

**APPLICANT:** Wilmot Construction **CAL NO.:** 561-19-Z  
**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**  
November 15, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3204 N. Lawndale Avenue / 3702 W. Belmont Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area per dwelling unit from the required 1,000 square feet to 935.93 square feet for a proposed four-story mixed use building with an attached sixteen garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the minimum lot area per dwelling unit to 935.93 square feet for a proposed four-story mixed use building with an attached sixteen garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

APPLICANT: KPLN Holdings, LLC

CAL NO.: 562-19-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:  
November 15, 2019

APPEARANCE AGAINST: None

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

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

**ACTION OF BOARD-**

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

**THE VOTE**



DEC 23 2019

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** KPLN Holdings, LLC **CAL NO.:** 563-19-Z

**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**  
November 15, 2019

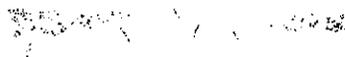
**APPEARANCE AGAINST:** None

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

**NATURE OF REQUEST:** Application for a variation to reduce the off street parking from the required twelve parking spaces to eleven for a proposed four-story, mixed use building with an attached eleven car garage.

**ACTION OF BOARD-**  
**Continued to December 20, 2019 at 2:00 p.m.**

**THE VOTE**

  
**DEC 23 2019**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** KMW Communities, LLC

**CAL NO.:** 564-19-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6202 S. Greenwood Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 7.92' to 6', south setback from 7.88' to 6' (north to be zero for corner lot) and reduce the roof top stair enclosure setback from 20' to 10' for a proposed four-story, six dwelling unit building.

**ACTION OF BOARD-**

**Continued to January 17, 2020 at 2:00 p.m.**

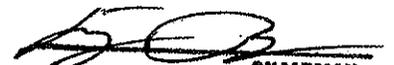
**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** KMW Communities, LLC

**CAL NO.:** 565-19-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**

November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6202 S. Greenwood Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard open space from the required 273 square feet to zero for a proposed four-story, six dwelling unit building.

**ACTION OF BOARD-**

**Continued to January 17, 2020 at 2:00 p.m.**

**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Noah Properties, LLC **CAL NO.:** 566-19-Z  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None November 15, 2019  
**PREMISES AFFECTED:** 2339 W. Shakespeare Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 13.03' to 8.5', east setback from 2' to zero, combined side setback from 4.8' to 2', rear setback from 28' to 2' for a proposed two-story, single family residence with rear open deck and an attached two-car garage with roof deck.

**ACTION OF BOARD-**  
**Continued to December 20, 2019 at 2:00 p.m.**

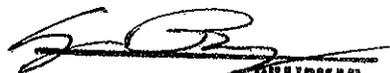
**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Noah Properties, LLC

**CAL NO.:** 567-19-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

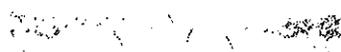
**PREMISES AFFECTED:** 2339 W. Shakespeare Avenue

**NATURE OF REQUEST:** Application for a variation to relocate the required 225 square feet of rear yard open space to the proposed garage roof deck which will serve the proposed two-story, single family residence with rear open deck and an attached two-car garage with roof deck.

**ACTION OF BOARD-**

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

**THE VOTE**

  
**DEC 23 2019**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Noah Properties, LLC **CAL NO.:** 568-19-Z  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None November 15, 2019  
**PREMISES AFFECTED:** 2341 W. Shakespeare Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 12.85' to 8.5', both side yard setbacks from 2' to zero, combined side yard setback from 4.8' to zero, rear yard setback from 28' to 2' for a proposed two-story, single family residence with a rear open deck and attached two-car garage with roof deck.

**ACTION OF BOARD-**  
**Continued to December 20, 2019 at 2:00 p.m.**

DEC 23 2019  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

**THE VOTE**

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 TIMOTHY KNUDSEN  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Noah Properties, LLC

**CAL NO.:** 569-19-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2341 W. Shakespeare Avenue

**NATURE OF REQUEST:** Application for a variation to relocate the required rear yard open space to the roof of the proposed attached garage which will serve the proposed single family residence with a rear open deck and attached two car garage with roof deck.

**ACTION OF BOARD-**  
Continued to December 20, 2019 at 2:00 p.m.

**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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		X
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Marz Community Brewing

**CAL NO.:** 570-19-S

**APPEARANCE FOR:** Ashley Brandt

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1950 N. Western Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

*(Faint handwritten notes)*

**DEC 23 2019**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a tavern; 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 Marz Community Brewing.

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

**APPROVED AS TO SUBSTANCE**

*(Signature)*  
**CHAIRMAN**

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

**APPLICANT:** D3: Dre's Diesel Dome, LLC

**CAL NO.:** 571-19-S

**APPEARANCE FOR:** Shanita Straw

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2635 S. Wabash Avenue

**NATURE OF REQUEST:** Application for a special use to establish a 4,215 square foot fitness center (Sports and Recreation Participant) in an existing four-story mixed use building.

**ACTION OF BOARD-**

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

**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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		X
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Sustainabuild, LLC 2345

**CAL NO.:** 572-19-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2345 W. Monroe Street

**NATURE OF REQUEST:** Application for a variation to reduce the front setback (W. Wilcox Street) from the required 15' to 2', east side setback from 3.84' to zero (west to be zero), combined side setback from 9.6' to zero for a proposed four-story, nine dwelling unit building with detached two car garage with roof deck and access stair and detached four-car garage in front (W. Wilcox St.).

**ACTION OF BOARD-  
VARIATION GRANTED WITH CONDITIONS**

**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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		X
X		

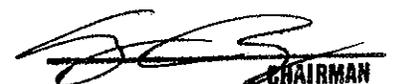
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback (W. Wilcox Street) to 2', east side setback to zero (west to be zero), combined side setback to zero for a proposed four-story, nine dwelling unit building with detached two car garage with roof deck and access stair and detached four-car garage in front (W. Wilcox St.); an additional variation was granted to the subject property in Cal. No. 573-19-Z; George Blakemore of Chicago, Illinois testified in opposition; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

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

**APPLICANT:** Sustainabuild, LLC 2345

**CAL NO.:** 573-19-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
November 15, 2019

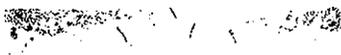
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2345 W. Monroe Street

**NATURE OF REQUEST:** Application for a variation to reduce the required unobstructed midway building separation for through-lots from 26' to zero for a proposed four-story, nine dwelling unit building with detached two car garage with roof deck and access stair and four-car detached garage in front (W. Wilcox St.).

**ACTION OF BOARD-  
VARIATION GRANTED WITH CONDITIONS**

**THE VOTE**



DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required unobstructed midway building separation for through-lots from 26' to zero for a proposed four-story, nine dwelling unit building with detached two car garage with roof deck and access stair and four-car detached garage in front (W. Wilcox St.); an additional variation was granted to the subject property in Cal. No. 572-19-Z; George Blakemore of Chicago, Illinois testified in opposition; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**



**CHAIRMAN**

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

**APPLICANT:** ATK Development, LLC Series 2422      **CAL NO.:** 574-19-Z  
**APPEARANCE FOR:** Mark Kupiec      **MINUTES OF MEETING:**  
November 15, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2422 W. Iowa Street

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area from 3,000 square feet to 2,990.88 for a proposed three-story, three dwelling unit building with rear open porch, rooftop stairway enclosure and three-car parking car port.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the minimum lot area to 2,990.88 for a proposed three-story, three dwelling unit building with rear open porch, rooftop stairway enclosure and three-car parking car port; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Sirrah Food Industries

**CAL NO.:** 575-19-S

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 10258 S. Halsted Street

**NATURE OF REQUEST:** Application for a special use to establish a two-lane drive through facility to serve a proposed restaurant in an existing one-story building to be converted from a financial service use.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

  
  
**DEC 23 2019**  
  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 TIMOTHY KNUDSEN  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

**THE RESOLUTION:**

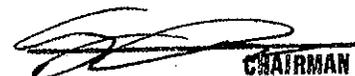
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a two-lane drive through facility to serve a proposed restaurant in an existing one-story building to be converted from a financial service use; 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 Sirrah Food Industries, and the development is consistent with the design and layout of the plans and drawings dated August 23, 2019, including the landscape plan dated November 14, 2019, all prepared by PMPC Architects.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Lawrence 1101, LLC & Fulton Loop Lawrence, LLC**  
APPLICANT

**576-19-Z**  
CALENDAR NUMBER

**4738-50 N. Winthrop Avenue**  
PREMISES AFFECTED

**November 15, 2019**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

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

Farzin Parang, Chairman  
Sylvia Garcia  
Zurich Esposito  
Timothy Knudsen  
Sam Toia

AFFIRMATIVE	NEGATIVE	RECUSED
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 4738-50 N.  
WINTHROP AVENUE BY LAWRENCE 1101, LLC AND FULTON LOOP  
LAWRENCE, LLC.**

**I. BACKGROUND**

Lawrence 1101, LLC and Fulton Loop Lawrence, LLC (collectively, the "Applicant") submitted an application for a variation for 4738-50 N. Winthrop Avenue (the "subject property"). The subject property is zoned B2-5 and is vacant. The Applicant proposed to develop the subject property with a four-story, eighty-four (mix of dwelling and efficiency) unit building with thirty-seven on-site parking spaces, rooftop stair and elevator enclosure with residential roof deck (the "proposed building"). The subject property is located in a transit served location. In order to permit the proposed building, the Applicant sought a variation to reduce: (1) the front setback from the required 14.42' to 0'; and (2) the rear setback on floors containing dwelling units from the required 30' to 10'.

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on November 15, 2019, after due notice

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's representative Mr. Mark Heffron and its attorney Mr. Andrew Scott were present. The Applicant's architect Mr. Greg Gibson was also present. Mr. Dave Schmiede, of 4736 N. Winthrop, was also present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Andrew Scott stated that the Applicant had met with Mr. Schmiede and had reached an agreement with respect to Mr. Schmiede's concerns with respect to the application.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Scott explained the basis for the Applicant's application.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Mark Heffron testified that the Applicant was in close coordination with the Chicago Transit Authority ("CTA") with respect to the CTA's planned renovation of the CTA's red line (as the subject property's west property line abutted the said red line). He then testified as to the reasoning behind the Applicant's proposed plan of development. He then testified as to the Applicant's recent discussions with Mr. Schmiede. In particular, he testified that the Applicant's lobby is currently set 4' off the front property line but that the Applicant could set the lobby even further from the front property line. He testified that the Applicant would strive to set the lobby 8' off the front property line and provide more landscaping and more open space. He testified that as the proposed building moved south at the ground floor, the Applicant would provide a level of openness as it makes its way towards the residential portion of Winthrop. He testified that the subject property is the second property from the corner. He testified that the building at the corner of Winthrop and Lawrence is built to the property line and has no setbacks. He testified that the Applicant would be happy to make setting the lobby 8' off the front property line, providing more landscaping and providing more open space a condition of the ZONING BOARD OF APPEALS' approval of the Applicant's application.

Mr. Dave Schmiede testified that he was fine with the Applicant having a 0' front setback on what he considered the Lawrence side of the subject property<sup>1</sup>. He testified that his concern was that as one went down Winthrop from Lawrence, Winthrop became a residential street. He testified that he wanted to make sure that Winthrop kept that residential feeling and that therefore he had requested that the Applicant push the proposed building's lobby 8' from the front property line. He testified that he had also requested some planters and/or vegetation so it felt more open rather than having a flat wall against the sidewalk.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Greg Gibson testified that there were two ways the Applicant could structurally achieve the proposed

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<sup>1</sup> That is, the non-lobby portion of the proposed building.

agreement: (1) by cantilever; or (2) by colonnade, whereby the columns would stay where they were currently located and only the glass enclosure of the lobby would be pulled back. He testified that with respect to (2), this would mean that the one would be able to walk between the glass and the column. He testified that it was his belief that Mr. Schmiede was amenable to either option.

Mr. Schmiede testified that he was amenable to either option.

#### 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 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 in Mr. Heffron's affidavit, the subject property cannot yield a reasonable return without the requested variation. If the Applicant were to build the proposed building in accordance with the standards of the Chicago Zoning Ordinance, the Applicant would lose twenty-five (25) units. This would leave the Applicant with only a seven percent (7%) rate of return on the project, which is well below market standards (i.e., 12%) for this type of residential project in this area of the City.

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

The practical difficulties or particular hardships in this instance are due to the unique circumstances of the well-established 4-story building height limit in the area combined with the improvements on the adjacent properties to the north and south. These unique circumstances are not generally applicable to other similarly situated property.

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

As discussed at the hearing, the Applicant seeks the variation so that the proposed building will *not* alter the essential character of the neighborhood. Thus the variation, if granted, will not alter the essential character of the neighborhood.

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

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

The particular physical surroundings of the subject property – that is, the well-established 4-story height limit in the area combined with the improvements on the adjacent properties to the north and south of the subject property results in particular hardship on the Applicant. The ZONING BOARD OF APPEALS finds Mr. Gibson's affidavit quite persuasive as to this criterion.

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

The well-established 4 story height limit in the area combined with the improvements on the adjacent properties to the north and south of the subject property are conditions not generally applicable to other property within the B2-5 zoning classification. The ZONING BOARD OF APPEALS finds Mr. Gibson's affidavit quite persuasive with respect to this criterion.

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

As noted above, the Applicant requests the variation so that the proposed building does not impact improvements to adjacent properties. The Applicant is providing a 12' south side setback (instead of the 5' required south side setback) so that the proposed building does not impact the single-family residence to the south. The Applicant also changed the orientation of its proposed building from east/west to north/south to lessen the impact of the proposed building on the improvements next north. The purpose of the variation is therefore not based exclusively upon a desire to make more money out of the subject property but rather to ensure that the improvements on the adjacent properties are not affected by the Applicant's development.

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

The Applicant neither created the well established 4-story building limit in the neighborhood nor the existing improvements on the adjacent properties.

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.*

It is clear that the Applicant has spent much time and effort in designing a building that fits in the well-established pattern of development in the neighborhood and does not affect the improvements on adjacent properties. In fact, at the hearing the Applicant again revised its plans based on input from the

neighbor next south. As the granting of the variation will allow the Applicant to build the proposed building, granting the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

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

The variation will allow the Applicant to build the proposed building. From the site plans, it is clear that the proposed building – especially with the condition imposed by the ZONING BOARD OF APPEALS – will not impair an adequate supply of light and air to adjacent properties. As the subject property is located in a transit served location and as the proposed building will be providing thirty-seven (37) on-site parking spaces, the variation will not substantially increase congestion in the public streets. As the proposed building will not be built unless and until a building permit is issued, the variation will not increase the danger of fire or endanger the public safety. The variation will allow a vacant parcel of property to be improved with all new residential construction and thus the variation will not substantially diminish or impair property values within the neighborhood.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved 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 pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-1105 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said variation subject to the following condition:

1. The Applicant shall set the lobby of the proposed building 8' off the front property line. In the 8' between the proposed lobby and the front property line, the Applicant shall provide landscaping and open space.

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

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

**APPLICANT:** Jasine Reves dba All Jazzed Up, LLC **CAL NO.:** 577-19-S  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
 November 15, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3822 W. North Avenue

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

**ACTION OF BOARD-  
 APPLICATION APPROVED**

**THE VOTE**

DEC 23 2019  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 TIMOTHY KNUDSEN  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Jasmine Reyes dba All Jazzed Up, LLC.

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

**APPROVED AS TO SUBSTANCE**

  
 CHAIRMAN

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

**APPLICANT:** Best Chicagoland LLC, dba Urban Luxe Salon **CAL NO.:** 578-19-S

**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6848 S. Ashland Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

**THE RESOLUTION:**

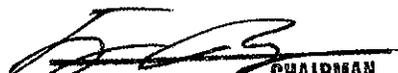
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Best Chicagoland, LLC dba Urban Luxe Salon.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



JAN 17 2020

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**ZS Dev Peoria Green, LLC**

APPLICANTS

**579-19-S & 580-19-Z**

CALENDAR NUMBERS

**123 S. Peoria Street / 128 S. Green Street**

PREMISES AFFECTED

**November 15, 2019**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

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

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

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE AND VARIATION APPLICATIONS  
FOR 123 S. PEORIA STREET / 128 S. GREEN STREET BY ZS DEV PEORIA  
GREEN, LLC.**

**I. BACKGROUND**

Dev Peoria Green, LLC (the "Applicant") submitted an application for a special sue and an application for a variation for 123 S. Peoria Street / 128 S. Green Street (the "subject property"). The subject property is zoned DX-5 and is improved with a surface parking lot. The Applicant proposed to redevelop the subject property with a six-story, twenty-five dwelling unit building (the "proposed building"). In order to permit the proposed building, the Applicant sought: (1) a special use to establish residential use before the second floor; and (2) a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 0'. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development recommended approval of the special use, provided that the development was consistent with the design and layout of the plans and drawings dated October 3, 2019, prepared by Sullivan Goulette & Wilson Architects.

**II. PUBLIC HEARING**

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on November 15, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's manager Mr. Zev Solomon and its attorney Mr. Rolando Acosta were present. The Applicant's architect Mr. Jeff Goulette and its land planner Mr. George Kisiel were also present. Testifying in opposition to the applications were Ms. Denise Corkney, Mr. John Corkney and Mr. George Blakemore. With the exception of Mr. Blakemore's testimony, the statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Rolando Acosta provided an explanation of the relief sought.

The Applicant presented the testimony of its architect Mr. Jeff Goulette,

The Applicant presented the testimony of its manager Mr. Zev Solomon.

The Applicant presented the testimony of its land planner Mr. George Kisiel. The ZONING BOARD OF APPEALS recognized Mr. Kisiel's credentials an expert in land planning.

The Applicant presented further testimony from Mr. Goulette.

Ms. Denise Corkney, of 850 W. Adams, testified as to her concerns with respect to the proposed building.

Mr. John Corkney, also of 850 W. Adams, testified to his concerns with respect to the proposed building.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Acosta provided further explanation.

Mr. Geroqe Blakemore, address unknown, testified in opposition to the applications.

B. Criteria for a Special Use

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

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

### C. Criteria for a Variation

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

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

Pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance, in making its determination of whether practical difficulties or particular hardships exist, the ZONING BOARD OF APPEALS must take into consideration the extent to which evidence has been submitted substantiating the following facts: (1) the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; (2) the conditions upon which the petition for a variation 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

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

**APPLICANT:** Daniel Lopez Torres dba New York Hairstyle Academy Inc.

**CAL NO.:** 581-19-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 9214 S. Commercial Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a 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): provided the special use is issued solely to the applicant, Daniel Lopez Torres dba New York Hairstyle Academy Inc.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Connie's Pizza, Inc.

**CAL NO.:** 582-19-S

**APPEARANCE FOR:** Amy Degnan

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2373 S. Archer Avenue

**NATURE OF REQUEST:** Application for a special use to establish a drive-through facility to serve an existing one-story restaurant.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
RECUSED		

**THE RESOLUTION:**

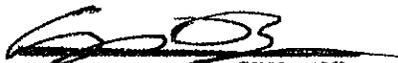
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a drive-through facility to serve an existing one-story restaurant; 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 Connie's Pizza, Inc., and the development is consistent with the design and layout of the landscape plan dated November 8, 2019, prepared by Arsa Associates.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Lacore Styling & Company, LLC **CAL NO.:** 583-19-S  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
 November 15, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 213 E. 79<sup>th</sup> Street\*

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

**ACTION OF BOARD-  
 APPLICATION APPROVED**

**THE VOTE**

	AFFIRMATIVE	NEGATIVE	ABSENT
FARZIN PARANG	X		
ZURICH ESPOSITO	X		
SYLVIA GARCIA	X		
TIMOTHY KNUDSEN	X		
JOLENE SAUL			X
SAM TOIA	X		

**THE RESOLUTION:**

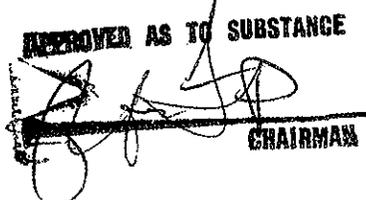
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair salon; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; George Blakemore of Chicago, Illinois testified in support; 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, Lacore Styling & Company, LLC.

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

\*Scrivener's Error

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

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

**APPLICANT:** Lacore Styling & Company, LLC **CAL NO.:** 583-19-S  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
November 15, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 213 E. 9<sup>th</sup> Street

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

**THE RESOLUTION:**

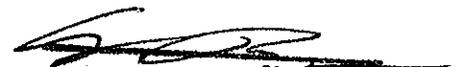
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair salon; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; George Blakemore of Chicago, Illinois testified in support; 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, Lacore Styling & Company, LLC.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Delta Life Services, LLC **CAL NO.:** 584-19-Z

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

November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 7432 & 7500 S. Talcott Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 50' to 10.6' at the existing convent building at 7432 W. Talcott Avenue to allow the division of an existing zoning lot into two new zoning lots. The existing convent shall be converted to a seventy-two unit assisted living facility. The existing high school building at 7500 W. Talcott Avenue shall remain.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 10.6' at the existing convent building at 7432 W. Talcott Avenue to allow the division of an existing zoning lot into two new zoning lots. The existing convent shall be converted to a seventy-two unit assisted living facility. The existing high school building at 7500 W. Talcott Avenue shall remain; an additional variation was granted to the property addresses in Cal. No. 585-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Delta Life Services, LLC **CAL NO.:** 585-19-Z  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
November 15, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 7432 & 7500 S. Talcott Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard open space for the existing convent building at 7432 W. Talcott Avenue from the required 6,859.18 square feet to 970.43 square feet to permit the subdivision of one zoning lot into two zoning lots. The existing convent shall be converted to a seventy-two unit assisted living facility. The existing high school building at 7500 W. Talcott Avenue shall remain.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

DEC 23 2019  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 TIMOTHY KNUDSEN  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

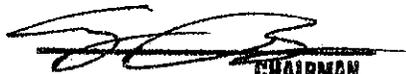
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard open space for the existing convent building at 7432 W. Talcott Avenue from the required 6,859.18 square feet to 970.43 square feet to permit the subdivision of one zoning lot into two zoning lots. The existing convent shall be converted to a seventy-two unit assisted living facility. The existing high school building at 7500 W. Talcott Avenue shall remain; an additional variation was granted to the property addresses in Cal. No. 584-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



FEB 24 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**2149-51 W Belmont LLC**

APPLICANT

**586-19-S, 587-19-Z &  
588-19-Z**

CALENDAR NUMBERS

**2149-51 W. Belmont Avenue**

PREMISES AFFECTED

**November 15, 2019**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved subject to the condition specified below.  
The applications for the variations are approved.

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

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE AND VARIATIONS  
APPLICATIONS FOR 2149-51 W. BELMONT AVENUE BY 2149-51 W  
BELMONT LLC.**

**I. BACKGROUND**

2149-51 W Belmont, LLC (the "Applicant") submitted a special use application and two variation applications for 2149-51 W. Belmont Avenue (the "subject property"). The subject property is currently zoned C1-2 and is improved with a one-story retail building. The Applicant proposed to redevelop the subject property with a new four-story, six-dwelling unit building with an attached garage (the "proposed building"). To permit the proposed building, the Applicant sought: (1) a special use to establish residential use below the second floor; (2) a variation to reduce the rear setback from the required 30' to 2'; and (3) a variation to reduce the minimum lot area requirement from 1,000 sq. ft. per unit to 999.6 sq. ft. per unit. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City of Chicago's Department of Planning and Development (the "Zoning Administrator") recommended approval of the proposed building provided that the development was consistent with the design and layout of the plans and drawings dated September 9, 2019, prepared by Hanna Architects, Inc.

**II. PUBLIC HEARING**

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use and variation applications at its regular meeting held on November 15, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's manager Mr. Volodymyr Barabakh and its attorney Mr. Nicholas Ftikas were present. The Applicant's architect Mr. John Hanna and its MAI-certified real estate appraiser Mr. Sylvester Kerwin were also present. Testifying in opposition to the applications was Mr. Gautam Karia. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Nicholas Ftikas provided a brief overview of the Applicant's applications.

The Applicant presented the testimony of its manager Mr. Volodymyr Barabakh.

The Applicant presented the testimony of its architect Mr. John Hanna.

The Applicant presented the testimony of its MAI certified real estate appraiser Mr. Sylvester Kerwin. The ZONING BOARD OF APPEALS recognized Mr. Kerwin's credentials as an expert in real estate appraisal.

Mr. Gautam Karia, of 2150 West Fletcher Street, testified in opposition to the applications.

In response to Mr. Karia's testimony, Mr. Ftikas provided further clarification.

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

C. Criteria for a Variation

Pursuant to Section 17-13-1107-A of the Chicago Zoning Ordinance, no variation

application may be approved unless the ZONING BOARD OF APPEALS finds, based upon the evidence presented to it in each specific case, that: (1) strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships; and (2) the requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance.

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

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

### III. FINDINGS OF FACT

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

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

The proposed special use will allow the proposed building to have residential use below the second floor. The subject property is zoned C1-2. Residential use below the second floor is a special use in a C1 zoning district. The proposed building – with the exception of the requested variations – complies with all

applicable standards of the Chicago Zoning Ordinance. Since the ZONING BOARD OF APPEALS has decided to grant the special use and variations to the Applicant, the Applicant's proposed special use 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 will allow the proposed building to have residential use below the second floor. As testified to by Mr. Kerwin, there are at least eight other buildings within 150' of the subject property along Belmont Avenue that have residential uses at the ground floor level. As ground floor residential use is prolific in the area, it is consistent with the existing patterns of development along Belmont Avenue and will not have a significant adverse impact on the general welfare of the neighborhood.

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

As stated previously, there are at least eight other buildings within 150' of the subject property along Belmont Avenue that have residential uses at the ground floor level. Because of this, the proposed special use is compatible with the established character of residential development in the surrounding area. Furthermore, the proposed special use will take place entirely within the proposed building and will thus be compatible with the surrounding area in terms of site planning, building scale and project design.

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

As noted above, there is other ground floor residential use on nearby Belmont Avenue. Therefore, the proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, lighting, noise and traffic generation. In fact, as noted in Mr. Kerwin's report, the proposed special use will generate less traffic than ground floor commercial use.

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

The proposed special use will exist entirely within the proposed building and will have no adverse impact as to the safety and comfort of pedestrians. In fact, as the proposed special use will generate less traffic than commercial use, pedestrian safety and comfort will be enhanced.

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.*

The subject property is of substandard depth, measuring 124.95' deep. Standard lot depth in the City is 125'. This shortage of 6" would limit the Applicant to constructing five dwelling units instead of six. In order for the Applicant's project to be economically viable, the Applicant needs to construct six dwelling units. This six dwelling units require onsite parking, and due to the substandard lot depth (and slightly substandard lot width of 24' per lot for a total of a 48' wide double lot instead of a 50' wide double lot), the Applicant also requires a reduction to the subject property's rear yard setback so that the Applicant can attach a garage to the proposed building. Strict compliance with the regulations and standards of the Chicago Zoning Ordinance would prevent the Applicant from replacing the obsolete structure currently on the subject property, leading to the continued underutilization of the subject property.

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

The requested variations are consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance in that it will enable the replacement of an older and obsolete building with a brand new building; (2) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 in that it will allow the construction of a building that is consistent with existing buildings along Belmont Avenue; and (3) accommodating growth and development that complies with the preceding stated purposes pursuant to Section 17-1-0514 in that it will allow for the construction of a new building that will replace an aging and obsolete structure.

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.*

The Applicant purchased the subject property for \$1,020,000 and anticipates additional expenses of \$2,500,000 in the development of the proposed building. The Applicant estimates sales of the six dwelling units to total \$3,870,000, resulting in a return of approximately 10% on its investment. In order to achieve this modest return on an investment of \$3,520,000, the Applicant must construct six dwelling units, which necessitates the variations (and the special use) sought.

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

The substandard lot depth of the subject property is a unique circumstance that is not generally applicable to other similarly situated property. The standard depth of lots in the City of Chicago is 125'.

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

The variations, if granted, will be consistent with the existing pattern of development along nearby Belmont Avenue. According to Mr. Kerwin's report, several properties in the area have less than the minimum required lot area per dwelling unit. Furthermore, Mr. Kerwin's report indicates that a majority of buildings in the area have physical improvements that are situated within the rear yard setback. As he credibly concluded in his report, these improvements do not adversely impact the essential character of the neighborhood and as such, the variations sought for the subject property will likewise not alter the character of the neighborhood.

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

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

The particular shape – that is the substandard lot depth – of the subject property results in particular hardship upon the Applicant. The substandard depth precludes the Applicant from building six dwelling units and, as set forth above, if the Applicant were unable to provide six dwelling units, it would be unable to realize a reasonable rate of return on its investment.

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

The substandard lot depth of the subject property is a condition not applicable, generally, to other property within the C1-2 zoning classification.

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

The purpose of the variations is not based upon a desire to make more money out of the subject property but rather based upon the Applicant's inability to yield a reasonable rate of return on the subject property by building less than six dwelling units.

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. Such substandard depth precedes the Applicant's ownership of the 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 variations will permit the construction of the proposed building, which is consistent and compatible with the mixed-use and residential character of the immediate area. The proposed building follows the general pattern of development established in the immediate area and will replace a vacant one-story retail building with viable multi-unit residential housing.

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

The variations and resulting building footprint will maintain appropriate spacing between the proposed building and its neighbors and will be built within the height limitations of the C1-2 zoning district so as not to impair light and air. The proposed building will be supported with six off-street parking spaces so that it will not increase congestion in the public streets. The proposed building will be built pursuant to building permits and thus will not increase the danger of fire or endanger the public safety. Because the proposed building will be replacing an old and obsolete structure, property values in the area will not be impaired.

#### 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: (1) the specific criteria for a special use

pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance; and (2) 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 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. Development shall be consistent with the design and layout of the plans and drawings dated September 9, 2019, prepared by John Hanna Architects, Inc.

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.*

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



**FEB 24 2020**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Matthew Carpenter and Angela Melendez**  
APPLICANTS

**589-19-Z**  
CALENDAR NUMBER

**3541 N. Hermitage Avenue**  
PREMISES AFFECTED

**November 15, 2019**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

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

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

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 3541 N.  
HERMITAGE AVENUE BY MATTHEW CARPENTER AND ANGELA  
MELENDEZ.**

**I. BACKGROUND**

Mr. Matthew Carpenter and Ms. Angela Melendez (the "Applicants") submitted an application for a variation for 3541 North Hermitage Avenue (the "subject property"). The subject property is zoned RS-3 is improved with a two-story single-family residence (the "existing home"). The Applicants proposed to construct a new, second-floor addition (the "proposed addition") above the existing one-story addition (the "existing addition"). In order to permit the renovation for the proposed home, the Applicants sought a variation to reduce: (1) the north side setback from the required 2' to 0' (south to be 3.1'); and (2) the combined side setback from the required 5' to 3.1'.

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a public hearing on the Applicants' variation application at its regular meeting held on November 15, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicants had submitted

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

their proposed Findings of Fact. The Applicants Mr. Matthew Carpenter and Ms. Angela Melendez and their attorney Ms. Sara Barnes were present. The Applicants' architect Mr. Jesse McGrath was also present. Testifying in opposition to the application was Ms. Sharon Tepper. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicants' attorney Ms. Sara Barnes provided an overview of the variation application.

The Applicants presented the testimony of Mr. Matthew Carpenter.

The Applicants presented the testimony of their architect Mr. Jesse McGrath.

Ms. Sharon Tepper, of 3543 North Hermitage, testified in objection to the application.

#### B. Criteria for a Variation

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

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

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

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

### III. FINDINGS OF FACT.

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

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

The existing home on the subject property is currently nonconforming with respect to its north side setback. The existing home's footprint has existed upon the north side property line since its construction in 1895. Strict compliance with the Chicago Zoning Ordinance would result in a practical difficulty or particular hardship for the subject property, as it would require the demolition of the existing addition. It would also, due the fact that the existing home is nonconforming, not allow the proposed addition to be built.

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

The requested variation and the corresponding renovation are consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to §17-1-0501 by avoiding the disturbance to the adjacent buildings due to the demolition of a 120-year old masonry structure that is currently built on the north property line and the subsequent construction of a new structure; (2) preserving the overall quality of life for residents and visitors pursuant to §17-1-0502 by avoiding unnecessary demolition or new construction activity; (3) protecting the character of established residential neighborhoods pursuant to §17-1-0503 by preserving the existing home, which follows the established pattern of development that exists along nearby Hermitage Avenue; (4) maintaining orderly and compatible land use and development patterns pursuant to §17-1-0508 by preserving the existing home, which is consistent with the northward shift of the nearby residential structures and (5) promoting rehabilitation and reuse of older buildings pursuant to §17-1-0511 by allowing the preservation of the 120-year old existing home.

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

Because the existing home and the existing addition are nonconforming, the Applicants have been unable to properly insure or occupy the existing home. As a result, they have been renting a nearby house. Additionally, if the Applicants were required to strictly follow the regulations of the Chicago Zoning Ordinance, the Applicants would not be able to proceed with their plans to construct the proposed addition, which would prevent them from would not be able to turn the existing home into the proposed home, which would better accommodate the needs of the Applicants' growing family. The ZONING BOARD OF APPEALS finds that these factors constitute a particular hardship upon the Applicants.

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

The ZONING BOARD OF APPEALS finds that the condition upon which the variation application is based – namely the nonconforming nature of the existing home and the existing addition – 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 purpose of the variation is to bring the subject property into compliance with the Chicago Zoning Ordinance and so that the Applicants and their growing family can reside comfortably at the subject property. The purpose of the variation is therefore not based exclusively upon a desire to make more money out of the subject property.

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

The nonconforming home on the subject property was not created by the Applicants. The existing home has been in existence for over 120 years in its present state and location (i.e., on the north property line) and the existing addition has been in existence for at least 40 years. The practical difficulty or particular hardship of the nonconforming home thus precedes the Applicant's ownership of the subject property.

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

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

City Hall Room 905  
121 North LaSalle Street  
Chicago, Illinois 60602  
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NOV 5 2020

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**CorEtt Builders Corporation**  
APPELLANT

**590-19-A**  
CALENDAR NUMBER

**2855 N. Ashland Avenue**  
PREMISES AFFECTED

**November 15, 2019**  
HEARING DATES

**ACTION OF BOARD**

**THE VOTE**

The decision of the Zoning Administrator is affirmed.

Farzin Parang, Chairman
Zurich Esposito
Sylvia Garcia
Timothy Knudsen
Sam Toia

AFFIRMED	REVERSED	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE APPEAL OF A DECISION BY THE ZONING  
ADMINISTRATOR BY CORETT BUILDERS CORPORATION.**

**I. BACKGROUND**

CorEtt Builders Corporation<sup>1</sup> (the “Appellant”) owns 2855 N. Ashland (the “subject property”). The subject property is located in a RT-4 zoning district and, at the time of the hearing, the Appellant was constructing a two dwelling unit building on the subject property (the “new building”). In May 2019, the Appellant applied to the City of Chicago’s Department of Buildings (the “City” and the “Department of Buildings”) to demolish the prior building on the subject property (the “prior building”) and construct the new building. The application to construct the new building bore application number 100813281 (the “2019 Building Permit Application”)<sup>2</sup>. The City’s Department of Planning and Development’s Office of the Zoning Administrator (the “Zoning Administrator”) reviewed the 2019 Building Permit Application pursuant to its authority

<sup>1</sup> Ms. O’Hara filed the appeal to the ZONING BOARD OF APPEALS as “Corine A O’Hara d/b/a CoreEtt Builders Corp.” However, the ZONING BOARD OF APPEALS notes that CorEtt Builders Corporation is not a d/b/a but a corporation incorporated in Illinois. Ms. O’Hara is its secretary. Ms. O’Hara’s husband Mr. Emmett O’Hara is its president.

<sup>2</sup> Although the Appellant (presumably, by and through Ms. O’Hara, who averred in her proposed Findings of Fact that she was acting as the Appellant’s expeditor for this permit) included demolition of the prior building in the permit title, it is clear from both the application itself and subject property’s permit history (both printed from the City’s Hansen Permit System (“Hansen”)) that this is a new construction permit. The wrecking permit required for the demolition of the prior building bore permit number 100808697.

under Sections 17-13-1301 and 17-14-0202-O of the Municipal Code of the City (the "Municipal Code" or "MCC"). In particular and germane for purposes of this appeal, Section 17-14-0202-O of the Municipal Code grants to the Zoning Administrator the following duties and powers:

**17-14-0202-O** Examining all plans submitted to the Department of Buildings for conformity with the Zoning Ordinance<sup>3</sup>, and granting all zoning approvals in connection with the issuance of permits for the construction of buildings or structures, including, without limitation, landscaping approvals and determination of the amount of any open space impact fees payable under Chapter 16-18 of the Municipal Code.

During the Zoning Administrator's examination of the 2019 Building Permit Application, the Zoning Administrator determined that as the prior building had contained only one dwelling unit<sup>4</sup>, the Appellant owed open space impact fees.<sup>5</sup> Consequently, open space impact fees were applied to the 2019 Building Permit Application in accordance with Section 16-18-030 of the Municipal Code, which reads as follows:

**16-18-030** The provisions of this chapter shall apply to all new residential development and rehabilitation which results in the creation of additional dwelling units, except additional dwelling units for which a complete building permit application (with a complete set of drawings) was filed as of the date of passage of this chapter. Replacement housing which does not increase the existing number of dwelling units shall be exempt.

The Appellant paid the open space impact fees (along with all other outstanding fees) on June 27, 2019, the date the building permit for the new building issued.<sup>6</sup> Later that day, the Appellant sought a refund of the open space impact fees from the Department of Buildings, stating that the open space impact fees had been assessed in error as the prior building had contained two dwelling units. The Department of Buildings stated that the Appellant had to contact the Zoning Administrator.<sup>7</sup>

In support of the Appellant's belief that the open space impact fees had been assessed in error, the Appellant provided the Zoning Administrator with copies of certificates of zoning compliance previously issued for the subject property certifying that the prior building had two dwelling units. Specifically, the Appellant provided a certificate of zoning compliance dated June 10, 2019 (the "2019 Zoning Certificate").<sup>8</sup> The Zoning

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<sup>3</sup> The Chicago Zoning Ordinance is Chapter 17 of the Municipal Code.

<sup>4</sup> The Zoning Administrator determines dwelling unit count by determining the "applicable and lawful number of dwelling units on the property." MCC § 3-33-045-C; *see also* MCC § 17-2-0303-A.

<sup>5</sup> As such fees are set forth in Ch 16-18 of the Municipal Code. The fees in this instance (as shown on 2019 Building Permit Application) amounted to \$940.

<sup>6</sup> As set forth on the 2019 Building Permit Application and as required by Section 16-18-060 of the Municipal Code.

<sup>7</sup> See June 28, 2019 email from Department of Building's Assistant Commissioner Hal Hutchinson advising that Ms. O'Hara contact Supervising Zoning Plan Examiner Kyle Bartlett.

<sup>8</sup> It appears from the file that the Appellant also provided a certificate of zoning compliance stamped September 13, 2007 to the Zoning Administrator. However, pursuant to Section 3-33-045-G of the Municipal Code, such 2007 certificate was no longer valid.

Administrator reviewed the 2019 Zoning Certificate<sup>9</sup> and concluded that it had been issued in error and was therefore revoked.<sup>10</sup>

The Appellant and the Zoning Administrator continued to correspond over the next few months, with the Zoning Administrator reiterating its position as to why it determined the prior building contained only one dwelling unit during its examination of the 2019 Building Permit Application, and the Appellant reiterating its position that such determination was in error. As the Zoning Administrator and the Appellant were at an impasse, the Zoning Administrator suggested that the Appellant appeal the Zoning Administrator's determination<sup>11</sup> and stated that its previous reiterations of its determination could stand as its final decision in the matter.<sup>12</sup> On October 7, 2019, the Appellant appealed the Zoning Administrator's final decision that the prior building contained only one dwelling unit.

## II. PUBLIC HEARING

### A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Appellant's appeal at its regular meeting of November 15, 2019, after due notice thereof as provided under Section 17-13-1206 of the Municipal Code. The Appellant's secretary and attorney Ms. Corine O'Hara was present. Assistant Zoning Administrator Mr. Steven Valenziano was present. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Appellant had previously submitted its proposed Finding of Fact. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Appellant offered the testimony of its secretary and attorney Ms. Corine O'Hara.

The Zoning Administrator offered the testimony of Assistant Zoning Administrator Steven Valenziano.

### B. Criteria

Pursuant to Section 17-13-1201 of the Municipal Code, the ZONING BOARD OF APPEALS is granted authority to hear and decide appeals when it is alleged there is an error in any order, requirement, decision or determination by the Zoning Administrator in the administration or enforcement of Chapter 17 of the Municipal Code (the "Chicago Zoning Ordinance").

Pursuant to Section 17-13-1208 of the Municipal Code, an appeal may only be sustained if the ZONING BOARD OF APPEALS finds that the Zoning Administrator erred. Pursuant to Section 17-13-1207 of the Municipal Code, the Zoning Administrator's decision must be granted a presumption of correctness by the ZONING BOARD OF APPEALS, placing the burden of persuasion of error on the Appellant.

<sup>9</sup> See July 1, 2019 email from Supervising Zoning Plan Examiner Kyle Bartlett.

<sup>10</sup> See July 13, 2019 email from Chief Zoning Plan Examiner Anna Robles.

<sup>11</sup> See August 2, 2019 email from Zoning Administrator Patrick Murphey.

<sup>12</sup> See September 30, 2019 email from Zoning Administrator Patrick Murphey.

### III. FINDINGS OF FACT.

After careful consideration of the evidence, testimony and the entire record, the ZONING BOARD OF APPEALS hereby makes the following findings with respect to the Appellant's appeal:

1. The narrow issue on appeal is whether or not the Zoning Administrator erred in determining, as part of the Zoning Administrator's examination of the 2019 Building Permit Application, that the prior building contained one dwelling unit.
2. The ZONING BOARD OF APPEALS finds that the Zoning Administrator did not err with respect to determining, as part of the Zoning Administrator's examination of the 2019 Building Permit Application, that the prior building contained one dwelling unit. The ZONING BOARD OF APPEALS agrees with the Zoning Administrator that the prior building only contained one lawful dwelling unit. Mr. Valenziano credibly testified that in establishing the number of lawful dwelling units contained within a given building, the Zoning Administrator adheres to a certain and specific methodology.<sup>13</sup> First, the Zoning Administrator consults the water records as compiled and maintained by the former Bureau of Water in the City's former Department of Public Works and currently in the possession<sup>14</sup> of the Zoning Administrator (the "Water Records").<sup>15</sup> Here, the Water Records clearly show that though the prior building was comprised of two floors, there was only one dwelling unit within the prior building.<sup>16</sup> According to the Water Records, the first floor of the prior building had no family living there and no water closets, baths, washbasins, or sinks in 1946 (the time of the last inspection). The Water Records identified one family of five individuals living on the second floor, along with one water closet, one bath, one waterbasin and one sink on said second floor.

Once the Zoning Administrator establishes the number of lawful dwelling units a building contains via the Water Records, the next step in the Zoning

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<sup>13</sup> This methodology is also well documented in the correspondence from the Zoning Administrator to the Appellant.

<sup>14</sup> Since the Appellant originally made a Freedom of Information request to the City's Department of Water Management ("DWM") and not the Zoning Administrator, DWM correctly stated that it had no documents responsive to her request. See email from Ms. O'Hara dated September 12, 2019 to Zoning Administrator Patrick Murphey. However, and contrary to Ms. O'Hara's testimony at the hearing, she was provided with the records in question. See emails from Ms. O'Hara dated September 12 and 13, 2019 to Zoning Administrator Patrick Murphey as well as the Appellant's proposed Findings of Fact (where it is referenced as Exhibit A.10, though no exhibit number appears on the records themselves).

<sup>15</sup> The ZONING BOARD OF APPEALS takes judicial notice of the fact that prior to 1957, the Chicago Zoning Ordinance did not have minimum lot area requirements. See, e.g., *Cosmopolitan Nat. Bank of Chi. v. City of Chi.*, 22 Ill.2d 367 (1961). Thus, the Water Records provide an invaluable resource as to how many dwelling units were lawfully established in buildings built prior to 1957.

<sup>16</sup> In this respect, it was identical to the building next south at 2853 N. Ashland. From the picture provided to the Zoning Board of Appeals of the prior building, it is clear that 2853 N. Ashland is a one dwelling unit home. As Commissioner Garcia noted at the hearing, the elevation of the prior building is why the Water Records called out a first floor for 2855 N. Ashland and a basement for 2853 N. Ashland. See MCC § 17-17-02169.

Administrator's process for determining lawful dwelling units is to examine the permit history for the subject property. This is in order to determine whether a building has gone through the process of legally altering the number of dwelling units contained within said building. Here, Mr. Valenziano credibly testified the permit history for the subject property did not include any permits that established a second dwelling unit on or even plumbing fixtures for the first floor. He testified that the subject property received a 2008 EZ permit, which EZ permit allowed for the replacement of treads and risers on the back stairwell. As Mr. Valenziano credibly testified, an EZ permit cannot allow an alteration to a building that would add an additional dwelling unit. Nor can an EZ permit's determination of dwelling unit count be relied upon, as such dwelling unit count is provided by the applicant for the EZ permit rather than the Zoning Administrator or other City department, bureau or agency.

The ZONING BOARD OF APPEALS notes the permit history printout from the City's Hansen Permit System ("Hansen") also shows two electrical permits (one in 2008 and one in 2011). Electrical permits also cannot allow an alternation to a building that would add an additional dwelling unit, and as Mr. Valenziano testified, they are considered a type of EZ permit.<sup>17</sup> There is also a wrecking permit, which again cannot allow for an alteration to a building that would add an additional dwelling unit as wrecking permits are solely for the demolition of buildings. Dwelling unit counts on wrecking permits are also filled out by the applicant for said wrecking permit or its agent.<sup>18</sup> The only other building permit shown in Hansen is the 2019 Building Permit Application (as well as an EZ permit revision to the 2019 Building Permit Application). While Ms. O'Hara (acting as the Appellant's expeditor) stated that the prior building had two dwelling units on the 2019 Building Permit Application, the Zoning Administrator determined that that the prior building contained only one dwelling unit; hence, the imposition of the open space impact fees to the 2019 Building Permit Application.

Thus, the fact that Hansen<sup>19</sup> shows the prior building as a two dwelling unit building cannot be relied upon, as the only permits in Hansen that show that the prior building contains two units are permits where the applicant for the permit provided the dwelling unit count. Nor can the April 23, 2019 notice of violation entered into Hansen be relied upon to show that there were two legally established dwelling units contained in the prior building. A Department of Building's inspector inspects what is physically on the premises, regardless of whether the dwelling unit is legally established or not.

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<sup>17</sup> Meaning that an applicant for such electrical permit fills out the dwelling unit count.

<sup>18</sup> In this case, the Appellant's permit expeditor Mr. Miroslaw Ogdal filled out the wrecking permit application.

<sup>19</sup> The file the ZONING BOARD OF APPEALS received from the Zoning Administrator in this matter contains print-outs directly from Hansen. The Appellant's proposed Findings of Fact contains print-outs from the City's website's Hansen interface. The print-outs directly from Hansen include the 2019 Building Permit Application, the 2011 electrical permit application, the 2008 EZ permit application and an April 23, 2019 notice of violation. The print-outs from the City's website's Hansen interface include the print-out titled "building permit and inspection records" (Exhibit H to the Appellant's proposed Findings of Fact).

3. The ZONING BOARD OF APPEALS does not find persuasive the documents the Appellant submitted from the Office of the Cook County Assessor ("Assessor"), the Office of the Cook County Treasurer ("Treasurer") or the Property Tax Appeal Board. As Mr. Valenziano credibly testified, there is no interchange between the Zoning Administrator and the Assessor. The two offices and their respective systems do not communicate with each other and do not rely upon each other in any way. Additionally, the purposes of determining dwelling units are different between the Zoning Administrator and the Assessor. As Mr. Valenziano testified, the purpose of the Assessor in determining number of units of a building is related to tax revenue (as the Assessor's assessment<sup>20</sup> forms the base value for those taxes collected by the Treasurer) and thus actual use and appearance is relevant. In contrast, the purpose of the Zoning Administrator's examination is to determine the number of *lawful* dwelling units.

Because of the dissimilar purposes underlying the two governmental entities, the methodology is correspondingly different. As Mr. Valenziano testified, the Assessor counts units, mailboxes and doorbells. The Assessor's concern is not whether the dwelling unit has been lawfully established but rather the use of the building and whether it *appears* to have a certain number of units. In contrast, the Zoning Administrator is focused on whether the dwelling unit is *lawfully* established. As Mr. Valenziano testified, there are many properties in the City that have dwelling units that do not meet Chicago Construction Codes and are therefore not lawfully established dwelling units. Thus, the Zoning Administrator's standardized methodology is to examine historical records and not actual or apparent use. For this reason, the leases, tax bills, printouts from the Assessor and the administrative decision of the Property Tax Appeal Board submitted by the Appellant are also irrelevant in determining the number of lawful dwelling units.

Likewise, the ZONING BOARD OF APPEALS finds credible and persuasive Mr. Valenziano's testimony that the Zoning Administrator does not consider past certificates of zoning compliance as part of its standardized process for determining lawful dwelling units. As Mr. Valenziano testified, the dwelling unit counts exhibited on certificates of zoning compliance are filled out by the applicant and then reviewed by the Zoning Administrator. Further, and as shown by the subject property's 2019 Certificate and the earlier 2007 certificate of zoning compliance, this review can be in error. This is why nothing in the Municipal Code prohibits the Zoning Administrator from recognizing and correcting its mistakes. As indicated in the July 13, 2019 email from chief zoning plan examiner Ms. Anna Robles to Ms. O'Hara: "the Zoning Administrator reserves the right to reconsider and revoke [a certificate of zoning compliance] issued based on false or otherwise incorrect information."<sup>21</sup> Public policy is

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<sup>20</sup>From the Appellant's submissions, it appears that Mr. O'Hara contested the Assessor's assessment of the subject property to the Cook County Board of Review. As the Cook County Board of Review agreed with the Assessor in this instance, Mr. O'Hara then appealed to the Property Tax Appeal Board.

<sup>21</sup> Though unsubmitted by either party, the ZONING BOARD OF APPEALS takes judicial notice of the disclaimer on the back of all certificates of zoning compliance that reserves the right of the Zoning

served in allowing such correction, as it prevents the establishment and unintentional legalization of illegal dwelling units that, as Mr. Valenziano testified, do not conform with Chicago Construction Codes. In fact, the ZONING BOARD OF APPEALS notes that the illegal first floor dwelling unit contained within the prior building did not conform with Chicago Construction Codes.<sup>22</sup>

Because the Zoning Administrator adhered to its standardized procedure in determining the number of lawful dwelling units in the prior building, the Zoning Board of Appeals finds that the Zoning Administrator did not err with respect to determining, as part of the Zoning Administrator's examination of the 2019 Building Permit Application, that the prior building contained one dwelling unit.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Appellant has not met its burden of persuasion that the Zoning Administrator has erred as required by Section 17-13-1208 of the Municipal Code.

The ZONING BOARD OF APPEALS hereby affirms the decision of the Zoning Administrator, and the Appellant's appeal is denied.

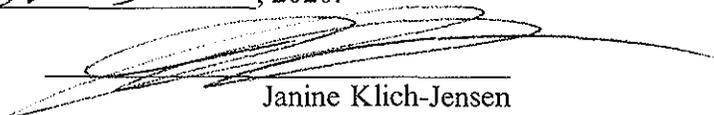
This is a final decision subject to review under the Illinois Administrative Review Law, 735 ILCS 5/3-101 *et seq.*

APPROVED AS TO SUBSTANCE

By: 

Farzin Parang, 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 Nov. 5, 2020.

  
Janine Klich-Jensen

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Administrator to "reconsider and revoke any Certificate of Zoning Compliance issued based on false or otherwise incorrect information provided by the applicant."

<sup>22</sup> See notice of violation entered into Hansen on April 23, 2019.

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

**APPLICANT:** 1100-1114 W. Randolph Associates, LLC **CAL NO.:** 591-19-Z

**APPEARANCE FOR:** Meg George **MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1100-1114 W. Randolph Street

**NATURE OF REQUEST:** Application for a variation to reduce the off-street parking from the required forty-three spaces to zero for a proposed retail and office building which shall be located within 1,320 feet of a CTA rail station.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the off-street parking to zero for a proposed retail and office building which shall be located within 1,320 feet of a CTA rail station; an additional variation was granted to the subject property in Cal. No. 592-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** 1100-1114 W. Randolph Associates, LLC

**CAL NO.:** 592-19-Z

**APPEARANCE FOR:** Meg George

**MINUTES OF MEETING:**

November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1100-1114 W. Randolph Street

**NATURE OF REQUEST:** Application for a variation to reduce the off-street loading zone requirement from one to zero for a proposed three-story retail and office building which shall be located within 1,320 feet of a CTA rail station.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**DEC 23 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 TIMOTHY KNUDSEN  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
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X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the off-street loading zone requirement to zero for a proposed three-story retail and office building which shall be located within 1,320 feet of a CTA rail station; an additional variation was granted to the subject property in Cal. No. 591-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** 2738 W. Cortez Condominium Association **CAL NO.:** 593-19-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2738 W. Cortez Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 37.4' to 2', east and west side setback from 2' each to zero, combined side setback from 5' to zero for a proposed garage roof deck with access bridge in the rear of an existing three-story, three dwelling unit building.

**ACTION OF BOARD-**  
**Continued to December 20, 2019 at 2:00 p.m.**

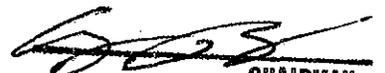
**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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		X
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** 2738 W. Cortez Condominium Association CAL NO.: 594-19-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2738 W. Cortez Street

**NATURE OF REQUEST:** Application for a variation to relocate the required 202 square feet of rear yard open to a proposed garage roof top deck which will serve the existing three-story, three dwelling unit building with garage with access bridge to the proposed roof deck.

**ACTION OF BOARD-**  
**Continued to December 20, 2019 at 2:00 p.m.**

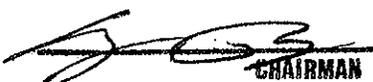
**THE VOTE**

**DEC 23 2019**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
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		X
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** 2738 W. Cortez Condominium Association CAL NO.: 595-19-Z  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:** November 15, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2738 W. Cortez Street

**NATURE OF REQUEST:** Application for a variation to reduce the required number off-street parking three parking spaces to two for a proposed garage roof deck with access bridge at the rear of the existing three-story, three dwelling unit building.

**ACTION OF BOARD-**  
 Continued to December 20, 2019 at 2:00 p.m.

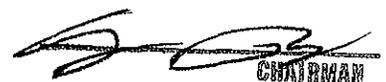
**THE VOTE**

DEC 23 2019  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 TIMOTHY KNUDSEN  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** An Abstract Grooming Company / Simeon O Haynes

**CAL NO.:** 596-19-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 900 S. Western Avenue

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

**ACTION OF BOARD-**

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

**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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		X
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Tim Pomaville

**CAL NO.:** 327-19-Z

**APPEARANCE FOR:** Paul Kolpak

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2438 N. Western Avenue

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

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**DEC 23 2019**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2019; and

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

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Kriser's Feeding Pets For Life, LLC **CAL NO.:** 376-19-S

**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3649 N. Western Avenue

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

**ACTION OF BOARD-  
APPLICATION WITHDRAWN**

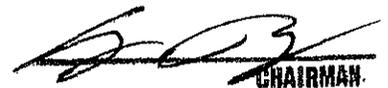
**THE VOTE**

**DEC 23 2019**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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		X
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** 1913 N. Halsted Inc.

**CAL NO.:** 407-19-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1913 N. Halsted Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 39.3' to 28.58' for a proposed four-story, two dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**DEC 23 2019**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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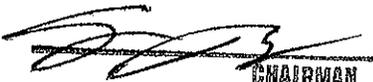
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 28.58' for a proposed four-story, two dwelling unit building; an additional variation was granted to the subject property in Cal. No. 408-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** 1913 N. Halsted Inc.

**CAL NO.:** 408-19-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**

**APPEARANCE AGAINST:** None

November 15, 2019

**PREMISES AFFECTED:** 1913 N. Halsted Street

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

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**DEC 23 2019**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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		X
X		

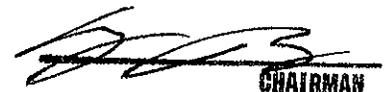
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a new curb cut to serve a proposed four-story, two dwelling unit building; an additional variation was granted to the subject property in Cal. No. 407-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

APPLICANT: 7-Eleven, Inc.

CAL NO.: 415-19-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:  
November 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4346 N. Kimball Avenue

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

ACTION OF BOARD-  
APPLICATION WITHDRAWN

THE VOTE

DEC. 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		
		X
X		

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** Gino Battaglia **CAL NO.:** 465-19-Z  
**APPEARANCE FOR:** Dean Maragos **MINUTES OF MEETING:**  
November 15, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1740 N. Milwaukee Avenue

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

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

DEC. 23 2019  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 TIMOTHY KNUDSEN  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

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

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

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

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

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

**APPLICANT:** Sarah & Todd Shraiberg  
**APPEARANCE FOR:** Thomas Moore  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2204 N. Orchard Street

**CAL NO.:** 524-19-Z

**MINUTES OF MEETING:**  
November 15, 2019

**NATURE OF REQUEST:** Application for a variation to reduce the north and south side setback from 2' to zero, combined side setback from 4.8' to zero, rear setback from 35' to zero for a proposed three-story, single family residence with an attached two-car garage with living area above and roof deck.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

DEC 23 2019  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 TIMOTHY KNUDSEN  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the north and south side setback to zero, combined side setback to zero, rear setback to zero for a proposed three-story, single family residence with an attached two-car garage with living area above and roof deck; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Education & Entertainment, Inc. **CAL NO.:** 528-19-Z  
**APPEARANCE FOR:** Frances Ostian **MINUTES OF MEETING:**  
November 15, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 9156 S. Stony Island Avenue

**NATURE OF REQUEST:** Application for a variation to establish a public place of amusement license to provide recreational services, live theatrical performances, dancing comedy and rental space which is located within 125' of a residential district.

**ACTION OF BOARD-**  
**Continued to December 20, 2019 at 2:00 p.m.**

**THE VOTE**

**DEC 23 2019**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Michael Kang

**CAL NO.:** 538-19-Z

**APPEARANCE FOR:** Corey Novick

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2147 W. Thomas Street

**NATURE OF REQUEST:** Application for a variation to reduce the east side setback from the required 2.4' to zero (west to be zero), combined side setback from 2.4' to zero for a proposed one-story addition to the existing one-story, single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

DEC 23 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the east side setback to zero (west to be zero), combined side setback to zero for a proposed one-story addition to the existing one-story, single family residence; an additional variation was granted to the subject property in Cal. No. 539-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Michael Kang

**CAL NO.:** 539-19-Z

**APPEARANCE FOR:** Corey Novick

**MINUTES OF MEETING:**  
November 15, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2147 W. Thomas Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard open space from the required 194.73 square feet to 115 square feet for a proposed rear one-story addition to the existing one-story, single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**DEC. 23 2019**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
TIMOTHY KNUDSEN  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard open space to 115 square feet for a proposed rear one-story addition to the existing one-story, single family residence; an additional variation was granted to the subject property in Cal. No. 538-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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



NOV 5 2020

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Irony, LLC**

APPELLANT

**548-19-A**

CALENDAR NUMBER

**6854 W. Thorndale Avenue**

PREMISES AFFECTED

**November 15, 2019**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The decision of the Zoning Administrator is affirmed.

	AFFIRMED	REVERSED	ABSENT
Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Timothy Knudsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE APPEAL OF A DECISION BY THE ZONING  
ADMINISTRATOR BY IRONY, LLC.**

**I. BACKGROUND**

Irony, LLC (the "Appellant") owns 6854 W. Thorndale Avenue (the "subject property"). The subject property is located in a RS-1 zoning district and is currently vacant. The subject property was created when the subject property's former owners Mr. Robert and Ms. Lillian Wordell (the "Wordells") violated Section 17-17-0301 (formerly Section 5.7-2) of the Chicago Zoning Ordinance, which reads as follows:

**17-17-0301 Division of Improved Zoning Lots.** No improved zoning lot may be divided into 2 or more zoning lots and no portion of any improved zoning lot may be sold unless all improved zoning lots resulting from the division or sale comply with all the applicable bulk regulations of the zoning district in which the property is located.

In particular, and as recounted in *People ex rel. Wordell v. City of Chicago*, 67 Ill.App.3d 321 (1st Dist. 1978), the Wordells owned a single zoning lot comprised of lots of record 17 and 18 in Block 5 of the subdivision of Norwood Park. These lots of record are commonly known as 5901 E. Circle Avenue<sup>1</sup> (lot 17) and 5909 E. Circle Avenue (lot 18).

<sup>1</sup> The *Wordell* decision refers to E. Circle as a drive but the plat of survey and Sidwell map refer to E. Circle as an avenue. For consistency, the ZONING BOARD OF APPEALS will refer to E. Circle as an avenue.

Each lot of record was improved with a frame single-family home fronting E. Circle Avenue. Each single-family home was a legal nonconforming home, in that neither home met the required side setback requirement in the RS-1 zoning district. The Wordells sold off the portions of the lots of record on which the homes were erected but retained ownership of the subject property.<sup>2</sup> The Wordells then applied for a building permit for the subject property so that they could erect a brick single-family home. The City of Chicago ("City") denied the Wordells' application for a building permit on the grounds that the application violated Section 5.7-2 (now Section 17-17-0301) of the Chicago Zoning Ordinance. The Wordells brought a *mandamus* action against the City. The circuit court granted the Wordells' *mandamus*. On appeal, the appellate court reversed, holding that as the Wordells had violated Section 5.7-2 (now Section 17-17-0301) of the Chicago Zoning Ordinance, the Wordells were not entitled to *mandamus*. The nonconforming homes still exist, and no variation has ever been filed with the ZONING BOARD OF APPEALS to correct the violation to Section 17-13-0301.<sup>3</sup> Consequently, the subject property has remained vacant since 1978. On April 26, 1991, a Mr. Vyt Misiulis recorded the appellate court's decision against the subject property in the Office of the Cook County Recorder of Deeds as document number 91194455.<sup>4</sup>

At some point in 2016, the Appellant requested that the City's Office of Zoning Administrator (the "Zoning Administrator") issue a zoning opinion letter regarding the subject property. On June 23, 2016, the Zoning Administrator issued a zoning opinion letter to the Appellant stating that the Zoning Administrator was of the opinion that the subject property could be improved with a single-family home provided that certain conditions<sup>5</sup> were met (the "June 2016 Letter"). However, on August 16, 2016, the Zoning Administrator *sua sponte* issued a new zoning opinion letter to the Appellant, stating that the Zoning Administrator had reconsidered its earlier opinion and had now determined that the subject property was not a buildable lot (the "August 2016 Letter"). The August 2016 Letter stated that the Zoning Administrator's opinion was based on learning the history of the subject property, namely that the subject property had been created in violation of Section 17-17-0301 (formerly Section 5.7-2) of the Chicago Zoning Ordinance.

The Appellant subsequently purchased the subject property on March 21, 2017. On July 26, 2019, the Appellant again requested that the Zoning Administrator issue a zoning opinion letter regarding the subject property. On August 16, 2019, the Zoning Administrator issued a zoning opinion letter to the Appellant reiterating the opinion

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<sup>2</sup> The *Wordell* decision states that the homes were located on the east portion of the lots 17 and 18 and that the Wordells retained ownership of the west portion of lots 17 and 18. However, this is a typographical error as both the plat of survey and Sidwell map clearly show that the subject property is the east portion of lots 17 and 18. Further, the plat of survey and Sidwell map clearly show that the portions of lot 17 and 18 that face E. Circle Avenue are the west portions of the lots.

<sup>3</sup> As Mr. Valenziano pointed out in his testimony before the ZONING BOARD OF APPEALS, the ZONING BOARD OF APPEALS routinely hears such matters. In fact, at the same November 15, 2019 meeting, the ZONING BOARD OF APPEALS heard two such matters. See Board Cal. No. 555-19-Z and the related Board Cal. Nos. 584-19-Z and 585-19-Z.

<sup>4</sup> The cover page of the recording incorrectly states that the Illinois Supreme Court affirmed the decision.

<sup>5</sup> Namely, the Appellant had to seek and receive a variation from the Zoning Board of Appeals with respect to minimum lot area.

contained in its August 2016 Letter (the "August 2019 Letter"). Pursuant to Section 17-13-1201 of the Chicago Zoning Ordinance, the Appellant then appealed the August 2019 Letter to the ZONING BOARD OF APPEALS.

## II. PUBLIC HEARING

### A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Appellant's appeal at its regular meeting of November 15, 2019, after due notice thereof as provided under Section 17-13-1206 of the Chicago Zoning Ordinance and as continued without notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. The Appellant's manager, sole member and attorney Mr. Steven H. Malato was present. The Assistant Zoning Administrator Steven Valenziano was present. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Appellant had previously submitted its proposed Finding of Fact. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Appellant's attorney Mr. Malato presented the Appellant's case to the ZONING BOARD OF APPEALS.

Assistant Zoning Administrator Steven Valenziano presented the Zoning Administrator's case to the ZONING BOARD OF APPEALS.

### B. Criteria

Pursuant to Section 17-13-1201 of the MCC, the ZONING BOARD OF APPEALS is granted authority to hear and decide appeals when it is alleged there is an error in any order, requirement, decision or determination by the Zoning Administrator in the administration or enforcement of the Chicago Zoning Ordinance.

Pursuant to Section 17-13-1208 of the Chicago Zoning Ordinance, an appeal may only be sustained if the ZONING BOARD OF APPEALS finds that the Zoning Administrator erred. Pursuant to Section 17-13-1207 of the Chicago Zoning Ordinance, the Zoning Administrator's decision must be granted a presumption of correctness by the ZONING BOARD OF APPEALS, placing the burden of persuasion of error on the Appellant.

## III. FINDINGS OF FACT.

After careful consideration of the evidence, testimony and the entire record, the ZONING BOARD OF APPEALS hereby makes the following findings with respect to the Appellant's appeal:

1. The narrow issue on appeal is whether or not the Zoning Administrator erred with respect to its issuance of the August 2019 Letter. The appeal has nothing

whatsoever to do with the relative merits (or lack thereof) of keeping the subject property vacant.

2. The ZONING BOARD OF APPEALS finds that the Zoning Administrator did not err with respect to the August 2019 Letter. The ZONING BOARD OF APPEALS agrees with the Zoning Administrator that the subject property is not a buildable lot. The subject property was created in violation of Section 17-13-0301 of the Chicago Zoning Ordinance. Therefore, it remains part of the existing zoning lot comprised of all of lots of record 17 and 18. Unless and until the nonconforming homes at 5901 and 5909 E. Circle Avenue come into compliance with the bulk regulations of the RS-1 zoning district, the subject property is not a separate zoning lot, and no building permit can be issued for the subject property. As Mr. Valenziano correctly pointed out, coming into compliance would require the Appellant to request for and receive from the ZONING BOARD OF APPEALS a variation to reduce the side setbacks for the existing zoning lot (i.e., the property commonly known as 5901 E. Circle Avenue, the property commonly known as 5909 E. Circle Avenue and the subject property).<sup>6</sup> This would allow the two lots of record and the subject property to be divided into three separate zoning lots (two improved zoning lots that complied with all bulk regulations of the RS-1 zoning district and one unimproved zoning lot). Once the subject property was a separate zoning lot, the Appellant could then file with the ZONING BOARD OF APPEALS a request for a variation to reduce the minimum lot area of the subject property (as set forth in the June 2016 Letter). If such a request were granted, the Appellant would be able to build on the subject property. The Appellant does not – as Mr. Malato claimed at the hearing – need to own the property commonly known as 5901 E. Circle Avenue and the property commonly known as 5909 E. Circle Avenue in order to apply for a variation.<sup>7</sup>
  
3. The ZONING BOARD OF APPEALS finds that the garage on lot 18 has no bearing on this issue. Garages in the City are frequently built in violation of the Chicago Zoning Ordinance and requests to the ZONING BOARD OF APPEALS to legalize said garages after the fact are common. Simply because the garage on lot 18 has not yet been cited does not make it a legal garage. Similarly, simply because the Appellant purchased the subject property separate from the remainder of the existing zoning lot does not make the subject property its own separate legal zoning lot.

#### IV. CONCLUSION

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<sup>6</sup> Pursuant to section 17-13-1101-B, the ZONING BOARD OF APPEALS has the power to reduce any required setback. This includes the side setback requirements of the RS-1 zoning district.

<sup>7</sup> As can readily be seen from the agenda of this November 15, 2019 meeting of the ZONING BOARD OF APPEALS, including the aforementioned related Board Cal. Nos. 584-19-Z and 585-19-Z. This can also be seen on the variation application available for download on the ZONING BOARD OF APPEALS' website ([www.chicago.gov/zba](http://www.chicago.gov/zba)).

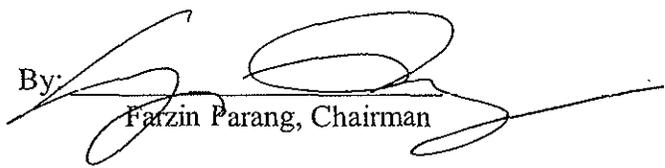
For all of these reasons, the ZONING BOARD OF APPEALS finds that the Appellant has not met its burden of persuasion that the Zoning Administrator has erred as required by Section 17-13-1208 of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby affirms the decision of the Zoning Administrator, and the Appellant's appeal is denied.

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:

  
Farzin Parang, 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 Nov. 5, 2020.

  
Janine Klich-Jensen