

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

APPLICANT: Angel Sanchez dba Angel's Shop, LLC Cal. No.411-21-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6036 W. Irving Park Road

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

ACTION OF BOARD – APPLICATION WITHDRAWN

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

NOV 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Angelica Herrera dba Friends Unisex Cal. No.412-21-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
October 15, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6301-03 W. Grand Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: KCY Hair Salon Cal. No.413-21-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
APPEARANCE AGAINST: None October 15, 2021
PREMISES AFFECTED: 2900 N. Laramie Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

NOV 22 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; 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 the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.



APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 4644 Inc. Cal. No.414-21-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
APPEARANCE AGAINST: None October 15, 2021
PREMISES AFFECTED: 4644 N. Central Avenue

NATURE OF REQUEST: Application for a variation to expand an existing non-conforming tavern use to include retail food service (pizza) on the ground floor of an existing two-story building.

ACTION OF BOARD – APPLICATION DISMISSED

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Addiction Nails Cal. No.415-21-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
APPEARANCE AGAINST: None October 15, 2021
PREMISES AFFECTED: 4411 N. Kimball Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

NOV 22 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

THE RESOLUTION:

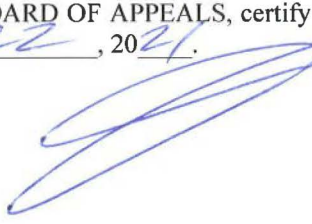

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; 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 the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.


APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Lele Nails Ltd, dba Ella Nails Cal. No.416-21-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
APPEARANCE AGAINST: None October 15, 2021
PREMISES AFFECTED: 2320 N. Clark Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

NOV 22 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

THE RESOLUTION:

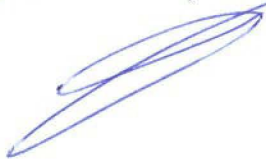
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; 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 the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.



APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Rene Munoz **CAL. NO.:** 417-21-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
October 15, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4722 S. Tripp Avenue

NATURE OF REQUEST: Application for a variation to increase the existing floor area from 3,367.92 to 3,534.96 square feet with a proposed 167.04 square foot third story addition to the existing three-story, three dwelling unit building to be deconverted to a two dwelling unit building.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the existing floor area to 3,534.96 square feet with a proposed 167.04 square foot third story addition to the existing three-story, three dwelling unit building to be deconverted to a two dwelling unit building the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Thaibinh Nguyen Hernandez dba Beauty Bladed Company Cal. No.418-21-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4360 N. Milwaukee, Unit 1

NATURE OF REQUEST: Application for a special use to establish a permanent make-up and body art tattoo facility.

ACTION OF BOARD – Continued to December 17, 2021

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Seeds of Joy Enterprises-NFP **CAL. NO.:** 419-21-Z
APPEARANCE FOR: Tamara Walker **MINUTES OF MEETING:**
October 15, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4530 N. Beacon Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 50.14' to 22.16', south side yard setback from 4' to zero (north to be 4.06'), combined side yard setbacks from 10' to 4.06' to erect rear open decks and trash enclosure for a new day care in an existing three-three-story single family residence, a roof top elevator penthouse will also be erected.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

NOV 22 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 22.16', south side yard setback to zero (north to be 4.06'), combined side yard setbacks to 4.06' to erect rear open decks and trash enclosure for a new day care in an existing three-three-story single family residence, a roof top elevator penthouse will also be erected; an additional variation was granted at the subject property in Cal. No. 420-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Seeds of Joy Enterprises-NFP **CAL. NO.:** 420-21-Z
APPEARANCE FOR: Tamara Walker **MINUTES OF MEETING:**
October 15, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4530 N. Beacon Street

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 541.52 square feet to zero to erect rear open porch with decks, trash enclosure and five car parking lot for a new day care in an existing three-story single-family residence, a roof top elevator penthouse will also be erected.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

NOV 22 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear yard open space to zero to erect rear open porch with decks, trash enclosure and five car parking lot for a new day care in an existing three-story single-family residence, a roof top elevator penthouse will also be erected; an additional variation was granted at the subject property in Cal. No. 419-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Next Generation Tattoo Shop, LLC Cal. No.421-21-S

APPEARANCE FOR: Kevin Coyne **MINUTES OF MEETING:**

October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5527 S. Ashland Avenue

NATURE OF REQUEST: Application for a special use to establish a body art service (tattoo shop).

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE


NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; 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 body art service (tattoo 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 the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.


APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Tri City Foods of Illinois, LLC Cal. No.422-21-S

APPEARANCE FOR: Donna Pugh / Michael Noonan **MINUTES OF MEETING:**

APPEARANCE AGAINST: None October 15, 2021

PREMISES AFFECTED: 6350 S. Cicero Avenue

NATURE OF REQUEST: Application for a special use to establish a tandem drive through and electronic menu boards to serve an existing fast-food restaurant.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
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THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; 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 a special use to establish a tandem drive through and electronic menu boards to serve an existing fast-food restaurant; 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 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, Tri City Foods of Illinois, LLC, and the development is consistent with the design and layout of the plans and drawings dated July 20, 2021, prepared by Anchor CM, with landscape plan prepared by Anchor CM/Terra Engineering, LTD.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Tri City Foods of Illinois, LLC Cal. No.423-21-S
APPEARANCE FOR: Donna Pugh / Michael Noonan
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5425 S. Pulaski Road

MINUTES OF MEETING:
 October 15, 2021

NATURE OF REQUEST: Application for a special use to establish a dual lane drive-through facility and electronic menu boards for an existing fast-food restaurant.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

NOV 22 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
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THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; 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 a special use to establish a dual lane drive-through facility and electronic menu boards for an existing fast-food restaurant; 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 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, Tri City Foods of Illinois, LLC, and the development is consistent with the design and layout of the plans and drawings dated October 15, 2021, prepared by Anchor CM, with landscape plan prepared by Anchor CM/Terra Engineering, LTD.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Wendy's Properties, LLC Cal. No.424-21-S

APPEARANCE FOR: Donna Pugh / Michael Noonan **MINUTES OF MEETING:**

October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2811 N. Narragansett Avenue

NATURE OF REQUEST: Application for a special use to establish a one-lane drive-through facility to serve a proposed fast-food restaurant in an existing one-story building.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; 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 use to establish a one-lane drive-through facility to serve a proposed fast-food restaurant in an existing one-story building; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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, Wendy's Properties, LLC, and the development is consistent with the design and layout of the site and landscape plans dated October 15, 2021, prepared by Weaver Consultants Group, and architectural plans dated July 14, 2021 and elevations dated October 14, 2021, all prepared by Wallin Gomez Architects, LTD.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: McDonald's Corporation Cal. No.425-21-S
APPEARANCE FOR: Elvin Charity **MINUTES OF MEETING:**
APPEARANCE AGAINST: None October 15, 2021
PREMISES AFFECTED: 9211-13 S. Commercial Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; 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 use to establish a dual lane drive through to serve an existing fast-food restaurant; 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 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, McDonald's Corporation, and the development is consistent with the design and layout of the site and landscape plans dated October 13, 2021, with truck turning plan dated October 12, 2021, prepared by Watermark Engineering Resources, LTD, and elevations dated May 12, 2021, prepared by Lingle Design Group, Inc.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

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 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

MedMar Lakeview, LLC
APPLICANT

426-21-S & 427-21-S
CALENDAR NUMBERS

3524 N. Clark Street
PREMISES AFFECTED

October 15, 2021
HEARING DATE

ACTION OF BOARD

THE VOTE

The applications are approved.

AFFIRMATIVE NEGATIVE RECUSED

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

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

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

I. BACKGROUND

Medmar Lakeview (the "Applicant") submitted two special use applications for 3524 N. Clark Street (the "subject property"). The subject property is currently zoned C2-2 and is improved with a two-story brick building (the "building") which was formerly used for commercial purposes but is now vacant. The Applicant currently operates a medical cannabis dispensary¹ and adult use cannabis dispensary² at 3812 N. Clark Street inside a commercial storefront on the first floor of the building. The Applicant proposed to relocate operations of both its medical cannabis dispensary and its adult use cannabis dispensary into the second commercial storefront at 3524 N. Clark Street. To permit this relocation, the applicant sought a special use to relocate an existing medical cannabis dispensary and a special use to relocate an existing adult use cannabis dispensary.³ In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Zoning

¹ Pursuant to a special use issued by the ZONING BOARD OF APPEALS on December 18, 2015, as Board Cal. No. 503-15-S.

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

³ In accordance with Section 17-13-0910 of the Chicago Zoning Ordinance which states: "A change or increase in the area, bulk or function of any existing special use, or from those conditions specified by the Zoning Board of Appeals at the time of approval, will constitute and be deemed the same as a new special use and will require special use approval pursuant to all procedures of this section."

Administrator”) recommended approval of the proposed expansion of the existing medical cannabis dispensary and the exiting adult use cannabis dispensary provided that: (1) the special use is issued solely to the applicant, MedMar Lakeview, LLC; (2) the development is consistent with the design and layout of the plans and drawings dated April 9, 2020, all prepared by Clayco Ventures, Inc./LJC/Woolpert/RTM Engineering/Illuminart; (3) the applicant surrenders and abandons its medical cannabis dispensary special use at 3812 N. Clark Street (the “2015 Special Use”) upon commencement of the special use and that the 2015 Special Use shall be null and void and of no further force and effect; (4) in the event the applicant does not abandon and surrender the 2015 Special Use upon commencement of the special use, both the 2015 Special Use and the special use shall be null and void and of no further force and effect; and (5) the special use shall concurrently operate a medical cannabis dispensary and an adult use cannabis dispensary and that any separation of the medical cannabis dispensary and the adult use dispensary shall render the special use null and void and of no further force and effect.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing⁴ on the Applicant’s special use applications at its regular meeting on October 15, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS’ Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Facts. The Applicant’s co-founder and chief executive officer Mr. Charles Bachtel, its senior vice president for retail Mr. William Butler, its vice president of community integration Ms. Tai Duncan, its executive vice president of social equity and educational development Mr. Chimaobi Enyia, its director of security Mr. Abraham Jamal and its attorney Mr. John George were present. Also present on behalf of the Applicant were its certified MAI appraiser Mr. Gregory Nold, its licensed architect Mr. Lamar Johnson, its consultants Mr. Jack Teitelman and Ms. Susan Dekker. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS’ Rules of Procedure and its Emergency Rules (eff. September 9, 2020)⁵.

The Applicant’s attorney Mr. John George provided an overview of the applications and the nature of the relief sought (namely, relocation of both the medical cannabis dispensary and the adult use cannabis dispensary from its 3812 N. Clark Street location to

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

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

3524 N. Clark Street location). The Applicant had outgrown its original space at its 3812 N. Clark Street location. The Applicant was approved for a special use to establish a medical cannabis dispensary at the Subject Property in September, 2019.⁶ However, the Applicant was unable to relocate both the medical cannabis dispensary and the adult use dispensary to the Subject Property as the State of Illinois Cannabis Regulation and Tax Act did not have a provision in place to move locations. As of July, 2021, the Act was amended to include such provision.⁷

The Applicant offered the testimony of its chief executive officer Mr. Charles Bachtel in support of its applications.

The Applicant offered the testimony of its senior vice president for retail Mr. William Butler in support of its applications.

The Applicant offered the testimony of its director of security Mr. Abraham Jamal in support of its applications.

The Applicant offered the testimony of its vice president of community integration Ms. Tai Duncan in support of its applications.

The Applicant offered the testimony of its executive vice president of social equity and educational development Mr. Chimaobi Enyia in support of its applications.

The Applicant offered the testimony of its MAI certified real estate appraiser Mr. Gregory Nold in support of its applications. The ZONING BOARD OF APPEALS recognized Mr. Nold's expertise in real estate appraisal.

The Applicant offered the testimony of its licensed architect Mr. Lamar Johnson in support of its applications.

The Applicant offered the testimony of its consultant Jack Teitelman in support of its applications.

The Applicant offered the testimony of its consultant Susan Dekker in support of its 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

⁶ Pursuant to a special use issued by the ZONING BOARD OF APPEALS on September 20, 2019, as Board Cal. No. 420-19-S.

⁷ That is, the Cannabis Regulation and Tax Act, 410ILCS 705/1 *et seq.*

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

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

Pursuant to the ZONING BOARD OF APPEALS' Supplemental Rule for Cannabis Business Establishments dated June 26, 2020, Governing the Conduct of Cannabis Business Establishment Community Meetings ("Supplemental Rule"), in addition to the requirements of Section 17-13-0905-G of the Chicago Zoning Ordinance, each community meeting held on or after March 20, 2020⁸ must: (1) be comprised of at least three (3) physical sessions so that the maximum amount of persons that wish to physically attend the community meeting may have the opportunity; and (2) that each session has a virtual component so that those that wish to attend and participate but do not want to physically attend can virtually attend and participate.

III. FINDINGS OF FACT

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

⁸ The date upon which the Governor of the State of Illinois issued Executive Order 2020-10 in response to the COVID-19 public health emergency. Among other things, Executive Order 2020-10 limited the amount of people that may attend public gatherings. Although Executive Order 2020-10 no longer governs the COVID-19 public health emergency, the amount of people that may attend public gatherings remains limited.

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

The subject property is located in a C2-2 zoning district. Both medical cannabis dispensaries and adult use cannabis dispensaries are special uses in a C2-2 zoning district.⁹ The Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special uses that bring it before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the special uses to the Applicant, the Applicant's proposed special uses therefore comply with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special uses are in the interest of the public convenience as they will allow the Applicant to increase its ability to provide retail products for which (as has been evident over the past twenty-two months¹⁰) there is very high demand. As Mr. Charles Bachtel testified, the current location at 3812 N. Clark contains a smaller storefront. Mr. Bachtel testified that as business increased after the addition of adult use cannabis dispensaries, it was necessary to utilize an additional storefront on the east side of Clark as a staging area to accommodate customer orders. Customers then crossed Clark Street traffic to pick up their orders at the 3812 N. Clark location. The proposed special uses will allow the Applicant to relocate to a larger, more compatible storefront thus eliminating the need for a second storefront. Mr. Butler testified the proposed special uses will allow the Applicant to manage increased customer flow projected to be approximately 2,000 customers per day at the Subject Property. Mr. Butler testified that the Applicant will provide additional staff and registers for all customers, separate ingress/egress, and dedicated counseling rooms and lines for the medical patients. The ZONING BOARD OF APPEALS finds that whether cannabis dispensaries – as with all special uses that involve a controlled substance and cash – have a significant adverse impact on the general welfare of the neighborhood depends on the operation of the cannabis dispensary in question. It is clear from Mr. Butler's testimony that the Applicant has robust and tested Standard Operational Procedures in place at the former location that will be utilized and further enhanced at the Subject Property. From Mr. Butler's

⁹ Pursuant to Sections 17-3-0207-AAA(1) & (2) of the Chicago Zoning Ordinance.

¹⁰ The ZONING BOARD OF APPEALS takes judicial notice of the fact that since adult use cannabis became legal in Illinois on January 1, 2020, cannabis dispensaries have had long lines and have frequently sold out of adult use cannabis products.

testimony and averments, it is clear that the Applicant has past experience operating the current cannabis dispensary and understands that two of the greatest areas of concern in a cannabis dispensary are customer flow – even prior to the COVID-19 health pandemic – and product loading/unloading. From Mr. Jamal and Mr. Teitelman’s testimony, the Applicant has previous experience overseeing security of an adult use cannabis dispensary and understands the safety concerns regarding customer flow and loading/unloading of product as well as the safe storage of said product. Mr. Butler and Mr. Enyia testified that the 3812 N. Clark location will be used as a first of its kind training center for cannabis businesses incorporating the Applicant’s social equity, educational development, and community outreach goals into its curriculum. The ZONING BOARD OF APPEALS finds Mr. Bachtel, Mr. Butler, Mr. Jamal, Mr. Enyia, and Mr. Teitelman to be very credible witnesses.

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

The proposed special uses will be located within an existing storefront in the building. As set forth in Mr. Johnson’s testimony, the space has been designed in compliance with all State and City regulations. As Mr. Bechtel testified, the only exterior modifications to be made will be exterior lighting and security cameras.

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

The Applicant has operated a medical cannabis dispensary at the 3812 N. Clark location since December 18, 2015. It has operated an adult use cannabis dispensary in the building since January 1, 2020. The Applicant has operated the dispensary without any issue for more than five years. Mr. Bachtell testified that the hours of operations will be consistent with other businesses in the area. As set forth in the Applicant’s proposed Findings of Fact, the proposed relocation would reuse an existing building and no material alterations are planned for the exterior of the building, only compatible outdoor lighting and cameras will be installed. As Mr. Nold testified, the proposed special uses are compatible with the character of the surrounding neighborhood in terms of the surrounding businesses, hours of operation and traffic generation. As on-site cannabis consumption is prohibited at the subject property and as all queuing will now occur inside the dispensaries, noise generation will be compatible with the character of the surrounding area.

5. *The proposed special uses are designed to promote pedestrian safety and comfort.*

The relocation and expansion of the Applicant's current adult use cannabis dispensary and medical cannabis dispensary will ensure that all customer queuing will be interior and within the same building. As Mr. Bachtel testified, the Applicant will no longer have to utilize additional storefronts for customer queuing. As Mr. Butler and Mr. Jamal testified, the Applicant will provide 24/7 onsite guard services and security cameras. Mr. Jamal further testified that an additional off-duty security service will monitor the product deliveries outside. As Mr. Jamal testified, the Applicant will schedule deliveries to avoid peak event times of the surrounding businesses. Finally, the proposed special uses are designed to promote pedestrian safety and comfort in that the Applicant's customers will no longer cross traffic between storefronts on Clark Street.

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

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

IV. CONCLUSION

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

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

- (1) the special use is issued solely to the applicant, MedMar Lakeview, LLC;
- (2) the development is consistent with the design and layout of the plans and drawings dated April 9, 2020, all prepared by Clayco Ventures, Inc./LJC/Woolpert/RTM Engineering/Illuminart;
- (3) the applicant surrenders and abandons its medical cannabis dispensary special use at 3812 N. Clark Street (the "2015 Special Use") upon commencement of the special use and that the 2015 Special Use shall be null and void and of no further force and effect;

(4) in the event the applicant does not abandon and surrender the 2015 Special Use upon commencement of the special use, both the 2015 Special Use and the special use shall be null and void and of no further force and effect; and

(5) the special use shall concurrently operate a medical cannabis dispensary and an adult use cannabis dispensary and that any separation of the medical cannabis dispensary and the adult use dispensary shall render the special use null and void and of no further force and effect.

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

APPROVED AS TO SUBSTANCE

By:



Timothy Knudsen, Chairman

I, Janine Klich-Jensen, project coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.



Janine Klich-Jensen

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

APPLICANT: 5216 N. Lincoln, LLC **CAL. NO.:** 428-21-Z
APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:**
APPEARANCE AGAINST: None October 15, 2021
PREMISES AFFECTED: 2501-05 W. Farragut Avenue / 5216-24 N. Lincoln Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 30' to 3' for a proposed five-story, mixed use building.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 3' for a proposed five-story, mixed use building; two additional variations were also granted to the subject property in Cal. Nos. 429-21-Z and 430-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 5216 N. Lincoln, LLC **CAL. NO.:** 429-21-Z
APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:**
October 15, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2501-05 W. Farragut Avenue / 5216-24 N. Lincoln Avenue

NATURE OF REQUEST: Application for a variation to reduce the ground floor commercial area from 2,901.25 to 2,349 square feet for a proposed five-story mix use building.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

NOV 22 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the ground floor commercial area to 2,349 square feet for a proposed five-story mix use building; two additional variations were also granted to the subject property in Cal. Nos. 428-21-Z and 430-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 5216 N. Lincoln, LLC **CAL. NO.:** 430-21-Z
APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:**
 October 15, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2501-05 W. Farragut Avenue / 5216-24 N. Lincoln Avenue

NATURE OF REQUEST: Application for a variation to reduce the loading space from the one required space to zero for a proposed five-story mixed use building.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

NOV 22 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the loading space from the one required space to zero for a proposed five-story mixed use building; two additional variations were also granted to the subject property in Cal. Nos. 428-21-Z and 429-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Angelica Monroy and Harika J. Panduro **CAL. NO.:** 431-21-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6531 S. Kilpatrick Avenue

NATURE OF REQUEST: Application for a variation to reduce the north side setback from 4' to 2.86', south side from 4' to 3.12', combined side yard setback from 9' to 5.98' for a proposed rear one-story addition for the existing two-story single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the north side setback to 2.86', south side to 3.12', combined side yard setback to 5.98' for a proposed rear one-story addition for the existing two-story single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



FEB 22 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Tim and Danielle Frank

APPLICANTS

432-21-Z
CALENDAR NUMBER

2130 N. Kenmore Avenue

PREMISES AFFECTED

December 17, 2021

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is approved.

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

AFFIRMATIVE NEGATIVE ABSENT

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<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 2130 N.
KENMORE BY TIM AND DANIELLE FRANK.**

I. BACKGROUND

Tim and Danielle Frank (the “Applicants”) submitted a variation application for 2130 N. Kenmore Avenue (the “subject property”). The subject property is 50’ wide by 123.8’ deep and is zoned RT-4. A single-family house and detached garage are currently under construction on the subject property. The Applicants proposed to connect the house and the garage by means of both an above-ground deck system and an underground passageway (the “proposed connection”). In order to permit construction of the proposed connection, the Applicant sought a variation to reduce: (1) the rear setback from the required 34.68’ to 2’; and (2) the north setback from 4.8’ to 0’ (south to be 19.33’).

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing¹ on the Applicant’s variation applications at its regular meeting held on December 17, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune* and as continued

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

without further notice Section 17-13-0108-A. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicants submitted their proposed Findings of Fact. One of the Applicants Mr. Tim Frank and the Applicants' attorney Mr. Nick Ftikas were present. The Applicant's architect Mr. Christopher Boehm was present. Ms. Susan Holtzman was present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).².

The Applicant's attorney Mr. Nick Ftikas provided overview the application.

One of the Applicants Mr. Tim Frank offered testimony in support of the application.

The Applicants offered the testimony of their architect Mr. Christopher Boehm in support of the application.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Frank offered further testimony.

Ms. Susan Holtzman, of 2118 N. Kenmore, asked questions of the Applicants. She then testified that she did not have an objection but just sought clarification of the request sought.

In response to Ms. Holtzman's questions, Mr. Ftikas made statements and Mr. Frank offered further testimony.

Mr. Ftikas then made a brief closing statement.

B. Criteria for a Variation

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

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

² Such Emergency Rules were issued by the Chairman of the ZONING BOARD OF APPEALS in accordance with his emergency rule-making powers set forth in the Rules of Procedure.

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

III. FINDINGS OF FACT.

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

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

As can be seen from the plat of survey and the photographs of the neighborhood, the property next north and the property next south are improved with three-story buildings set nearly on the north and south side property lines. Further, the subject property is slightly substandard in depth although wider in width (as it is a double lot) than an average City lot. Because of this, strict compliance would cause practical difficulties or particular hardships for the subject property in that there would be less open green space on the subject property.

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

The requested variation will allow for the proposed connection to be constructed on the subject property. As such, the requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1)

promoting the public health, safety and general welfare pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance by allowing approximately 70 more square feet of open green space on the subject property; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance by again allowing approximately 70 more square feet of open green space on the subject property; (3) protecting the character of the established residential neighborhood pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance by ensuring that the improvements on the subject property match the improvements of adjacent and neighboring properties and preserve the maximum amount of open green space on the subject property; (4) maintaining orderly and compatible land use and development patterns while allowing the subject property to be improved in a manner consistent with the surrounding properties while yet promoting maximum open green space on the subject property; (5) ensuring adequate light, air, privacy and access to property pursuant to Section 17-1-0509 as can be seen from a comparison of the proposed connection and the photographs of the neighborhood; and (6) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance by allowing the proposed connection.

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

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

As the Applicants will be residing on the subject property, reasonable return in this instance is livability of the subject property. As can be seen from the renderings of the home with the variation and without the variation and from Mr. Frank's testimony, it is clear that if the subject property were to be used only in accordance with the Chicago Zoning Ordinance, the subject property would not be as livable and thus unable to yield a reasonable return.

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

The ZONING BOARD OF APPEALS finds that the particular hardships facing the subject property, that is: the improvements on the adjacent properties, its slightly substandard lot depth and its wider than average lot width to be unique circumstances not generally applicable to other residential property.

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

As can be seen from comparing the photographs of the neighborhood with the plans and renderings of the proposed connection, the variation, if granted, will not alter the essential character of the neighborhood. On the contrary, the ZONING BOARD OF APPEALS finds that as the variation requested will allow the subject property to be improved in a manner consistent with other properties in the neighborhood while at the same time preserving the maximum amount of open green space on the subject property.

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

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

If the strict letter of the Chicago Zoning Ordinance were carried out, the Applicant would lose approximately 70 square feet of open green space. The ZONING BOARD OF APPEALS finds that due to the particular physical surroundings (that is, the improvements on the adjacent properties) and the shape (that is, the subject property's substandard lot depth and its wider than average lot width), this loss of approximately 70 square feet would result in particular hardship upon both the Applicants and the property owner³ as distinguished from a mere inconvenience.

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

The ZONING BOARD OF APPEALS finds that the improvements to the adjacent properties as well as the subject property's substandard lot depth and wider than average lot width are conditions that are not applicable, generally, to other property within the RT-4 zoning classification.

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

³ The Applicants are the contract purchasers of the subject property and as Mr. Frank testified that the contract of sale is not contingent on the variation being granted. However, should the sale of the subject property fall through the livability of the subject property would still be an issue. As such, it's a hardship upon the property owner as well.

The variation is not based exclusively upon a desire to make more money out of the subject property. Instead, the variation is requested so that the Applicants can preserve more open green space on 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.*

Neither the Applicants nor the property owner created the improvements to the adjacent properties or the subject property's substandard lot depth and wider than average lot width.

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

The variation will allow the Applicants to construct the proposed connection. As can be seen by comparing the plans and drawings of the proposed connection with photographs of the neighborhood, the proposed connection will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. On the contrary, as the proposed connection will ensure that the subject property is improved in a manner that is consistent with the other improvements in the neighborhood while preserving the maximum amount of open green space on the subject property, the granting of the variation will be beneficial to other improvements in the area.

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

The variation will allow the Applicant to construct the proposed connection. As can be seen from the plans and drawings, the proposed connection will not impair an adequate supply of light and air to adjacent properties. As the variation will not impede the Applicant from providing all required on-site parking, the proposed variation will not substantially increase congestion in the public streets. As the proposed connection will not be constructed unless and until the Applicant has received valid building permits, the variation will not increase the danger of fire or endanger the public safety. Finally, as the variation will allow for the subject property to be improved in a manner consistent with other improvements in the neighborhood, 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 Applicants have proved their case by evidence, testimony and the entire record, including the Applicants' proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

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

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 2/22, 2022.


Janine Klich-Jensen

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

APPLICANT: Lakeshore Recycling Systems, LLC Cal. No.433-21-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4121 S. Packers Avenue

NATURE OF REQUEST: Application for a special use to allow Class III recycling activities at an existing recycling facility.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE



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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

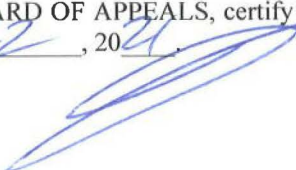
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to allow Class III recycling activities at an existing recycling facility; two additional special uses were approved for the subject property in Cal. Nos. 434-21-S and 435-21-S expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided (1) the special use is issued solely to the applicant, Lakeshore Recycling Systems, LLC; (2) the development is consistent with the design and layout of the plans and drawings dated October 15, 2021 all prepared by Hutter Architects, LTD; (3) the applicant provides a final landscape plan, which includes a minimum of two hundred twenty-seven (227) trees, with species and adequate spacing for growth by redistributing the planting area(s), acceptable to the Department's Landscape Architect and in accordance with his review, dated October 15, 2021, and in compliance with Section 17-11 of the Chicago Zoning Ordinance, for final review and approval by DPD prior to issuance of any permits; (4) if the applicant owns any portion of Packers Avenue, 41st Street, and/or 42nd Place right of ways, at the City's demand, the applicant shall dedicate such property, or any portions thereof, as public ROW to the City; (5) unless the applicant provides sufficient evidence to the City of their exclusive ownership of the 30'-wide east-west alley located approximately 915' north of the north ROW line of W. 43rd Street right-of-way ("Exchange/alley"), from Packers Avenue to the eastern edge of their property line, then applicant shall dedicate any portions of Exchange/alley they own, at the City's demand, as public ROW to the City; and (6) at the City's demand, the applicant shall hire a qualified surveyor and pay for the creation

of an updated Plat of Opening for those private portions of Packers Avenue (41st Street to 42nd Place), 41st Street (Packers Avenue to Justine Street), Justine Street (41st Street to 41st Place), 41 Place (Justine Street to Ashland Avenue), 42nd Place (Packers Avenue to Loomis Avenue), and/or Exchange/alley (Packers to Racine Avenues), should the City determine it would be in the best interest of public convenience and welfare to convert these rights of ways (ROWS), or any portion thereof, from private to public.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2024.



APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Lakeshore Recycling Systems, LLC Cal. No.434-21-S

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

October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4121 S. Packers Avenue

NATURE OF REQUEST: Application for a special use to allow Class V recycling activities at an existing recycling facility.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

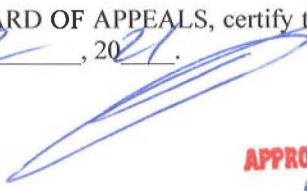
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to allow Class V recycling activities at an existing recycling facility; two additional special uses were approved for the subject property in Cal. Nos. 433-21-S and 435-21-S expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore


RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided: (1) the special use is issued solely to the applicant, Lakeshore Recycling Systems, LLC: (2) the development is consistent with the design and layout of the plans and drawings dated October 15, 2021 all prepared by Hutter Architects, LTD; and (3) the applicant provides a final landscape plan, which includes a minimum of two hundred twenty-seven (227) trees, with species and adequate spacing for growth by redistributing the planting area(s), acceptable to the Department's Landscape Architect and in accordance with his review, dated October 15, 2021, and in compliance with Section 17-11 of the Chicago Zoning Ordinance, for final review and approval by DPD prior to issuance of any permits; (4) if the applicant owns any portion of Packers Avenue, 41st Street, and/or 42nd Place right of ways, at the City's demand, the applicant shall dedicate such property, or any portions thereof, as public ROW to the City; (5) unless the applicant provides sufficient evidence to the City of their exclusive ownership of the 30'-wide east-west alley located approximately 915' north of the north ROW line of W. 43rd Street right-of-way ("Exchange/alley"), from Packers Avenue to the eastern edge of their property line, then applicant shall dedicate any portions of Exchange/alley they own, at the City's demand, as public ROW to the City; and (6) at the City's demand, the applicant shall hire a qualified surveyor and pay for the creation

of an updated Plat of Opening for those private portions of Packers Avenue (41st Street to 42nd Place), 41st Street (Packers Avenue to Justine Street), Justine Street (41st Street to 41st Place), 41 Place (Justine Street to Ashland Avenue), 42nd Place (Packers Avenue to Loomis Avenue), and/or Exchange/alley (Packers to Racine Avenues), should the City determine it would be in the best interest of public convenience and welfare to convert these rights of ways (ROWS), or any portion thereof, from private to public.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.



APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Lakeshore Recycling Systems, LLC Cal. No.435-21-S

APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
October 15, 2021

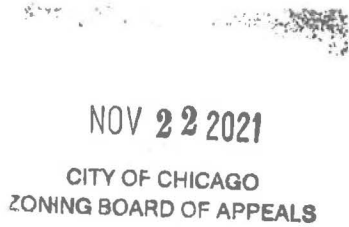
APPEARANCE AGAINST: None

PREMISES AFFECTED: 4121 S. Packers Avenue

NATURE OF REQUEST: Application for a special use to allow a waste transfer station at an existing recycling facility.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE



NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

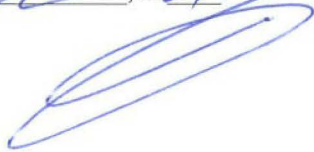
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to allow a waste transfer station at an existing recycling facility; two additional special uses were approved for the subject property in Cal. Nos. 433-21-S and 434-21-S expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided: (1) the special use is issued solely to the applicant, Lakeshore Recycling Systems, LLC; (2) the development is consistent with the design and layout of the plans and drawings dated October 15, 2021 all prepared by Hutter Architects, LTD; and (3) the applicant provides a final landscape plan, which includes a minimum of two hundred twenty-seven (227) trees, with species and adequate spacing for growth by redistributing the planting area(s), acceptable to the Department's Landscape Architect and in accordance with his review, dated October 15, 2021, and in compliance with Section 17-11 of the Chicago Zoning Ordinance, for final review and approval by DPD prior to issuance of any permits; (4) if the applicant owns any portion of Packers Avenue, 41st Street, and/or 42nd Place right of ways, at the City's demand, the applicant shall dedicate such property, or any portions thereof, as public ROW to the City; (5) unless the applicant provides sufficient evidence to the City of their exclusive ownership of Exchange/alley right-of-way, from Packers Avenue to the eastern edge of their property line, then applicant shall dedicate any portions of Exchange/alley they own, at the City's demand, as public ROW to the City; and (6) at the City's demand, the applicant shall hire a qualified

surveyor and pay for the creation of an updated Plat of Opening for those private portions of Packers Avenue (41st Street to 42nd Place), 41st Street (Packers Avenue to Justine Street), Justine Street (41st Street to 41st Place), 41 Place (Justine Street to Ashland Avenue), 42nd Place (Packers Avenue to Loomis Avenue), and/or Exchange/alley (Packers to Racine Avenues), should the City determine it would be in the best interest of public convenience and welfare to convert these rights of ways (ROWs), or any portion thereof, from private to public.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.



APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Star Quality Hair, LLC Cal. No.436-21-S

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

October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4755 S. Ashland Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; 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 the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

[Handwritten signature in blue ink]
APPROVED AS TO SUBSTANCE
CHAIRMAN

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

APPLICANT: Howard Orloff Imports, Inc.

CAL. NO.: 437-21-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1804 W. Armitage Avenue

NATURE OF REQUEST: Application for a special use to permit a vehicle outdoor storage to serve an auto dealership located at another location.

ACTION OF BOARD – Continued to December 17, 2021

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Howard Orloff Imports, Inc.

CAL. NO.: 438-21-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1804 W. Armitage Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from 1.31' to zero, west side setback from 2' to 1.82' for a proposed 6' high privacy fence and vehicular outdoor storage to serve an auto dealership located at another location.

ACTION OF BOARD – Continued to December 17, 2021

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: I Development, Inc. **CAL. NO.:** 439-21-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
 October 15, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 933-35 N. Orleans Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 30' to 20.25' for a proposed four-story with basement and partial ground floor nine dwelling unit building with roof deck, roof top penthouse stair and elevator enclosure and five open parking spaces at the rear.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

NOV 22 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 20.25' for a proposed four-story with basement and partial ground floor nine dwelling unit building with roof deck, roof top penthouse stair and elevator enclosure and five open parking spaces at the rear; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 10, 2021, prepared by Hanna Architects; and the side and rear facades of the building as well as the attached garage are masonry.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: SNS Realty Group, LLC

CAL. NO.: 440-21-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1138 W. Belmont Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 24.4' to 7.6', rear setback from 30' to zero for a proposed five-story, mixed use building with attached sixteen space parking garage. This is a transit served location.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		


WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 7.6', rear setback to zero for a proposed five-story, mixed use building with attached sixteen space parking garage. This is a transit served location; an additional variation was granted to the subject property in Cal. 441-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 10, 2021, prepared by Hanna Architects; and the side and rear facades of the building as well as the attached garage are masonry.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: SNS Realty Group, LLC **CAL. NO.:** 441-21-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
October 15, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1138 W. Belmont Avenue

NATURE OF REQUEST: Application for a variation to reduce the off-street loading space from the required one to zero for a proposed five-story, mixed use building with an attached sixteen space garage. This is a transit served location.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

NOV 22 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

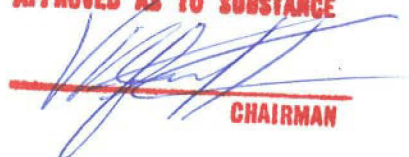
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the off-street loading space to zero for a proposed five-story, mixed use building with an attached sixteen space garage. This is a transit served location; an additional variation was granted to the subject property in Cal. 440-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 10, 2021, prepared by Hanna Architects; and the side and rear facades of the building as well as the attached garage are masonry.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 700 W. Grace Inc. **CAL. NO.:** 442-21-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
 October 15, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 700-10 W. Grace Street / 3802-04 N. Pine Grove Avenue

NATURE OF REQUEST: Application for a variation to reduce the required rear yard open space from 144 square feet to zero to allow the conversion of an existing three-story sixteen dwelling unit building to a twenty dwelling unit building.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

NOV 22 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		


WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the required rear yard open space to zero to allow the conversion of an existing three-story sixteen dwelling unit building to a twenty dwelling unit building; an additional variation was granted to the subject property in Cal. 443-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 10, 2021, prepared by Hanna Architects; and the side and rear facades of the building as well as the attached garage are masonry.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 700 W. Grace Inc. **CAL. NO.:** 443-21-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
 October 15, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 700-10 W. Grace Street / 3802-04 N. Pine Grove Avenue

NATURE OF REQUEST: Application for a variation to reduce the required on-site accessory parking from four spaces to two for the conversion of an existing sixteen dwelling unit building to a twenty dwelling unit building.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the required on-site accessory parking to two for the conversion of an existing sixteen dwelling unit building to a twenty dwelling unit building; an additional variation was granted to the subject property in Cal. 442-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 10, 2021, prepared by Hanna Architects; and the side and rear facades of the building as well as the attached garage are masonry.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Esther and Eugen Chukudebelu

CAL. NO.: 444-21-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 8108 S. Exchange Avenue

NATURE OF REQUEST: Application for a special use to establish an additional dwelling unit in the basement of a two-story, two dwelling unit building.

ACTION OF BOARD – Continued to December 17, 2021

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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 24 2022

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Starbucks Corporation

APPLICANT

445-21-S

CALENDAR NUMBER

5600 N. Harlem Ave.

PREMISES AFFECTED

October 15, 2021

HEARING DATE

ACTION OF BOARD

THE VOTE

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

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

AFFIRMATIVE NEGATIVE ABSENT

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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 5600 N.
HARLEM BY STARBUCKS CORPORATION.**

I. BACKGROUND

Starbucks Corporation (the "Applicant") submitted a special use application for 5600 N. Harlem (the "subject property"). The subject property is zoned B3-1 and is vacant. The Applicant proposed to establish a coffee shop on the subject property. As part of the coffee shop, the Applicant proposed to establish a one lane drive-through. The Applicant therefore sought a special use for such one lane drive-through. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator" and "Department") recommended approval of the proposed special use provided that: (1) the special use was issued solely to the Applicant; and (2) the development was consistent with the design and layout of the site and landscape plans dated August 4, 2021, by Watermark Engineering Ltd., the architectural plans and elevations dated October 15, 2021, all prepared by Agama Designs and the building floor plan dated September 24, 2021, prepared by the Applicant.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing¹ on the Applicant's special use application at its regular meeting on October 15, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Facts. The Applicant's director of store development Mr. Dean Klein and the Applicant's attorney Mr. Paul Kolpak were present. The Applicant's architect Ms. Alberto Alma, its land planner Mr. Kareem Musawwir, its traffic engineer Mr. Javier Millan and its land developer Mr. Jerry Cairo were present. Ms. Shari Centrone, Mr. Peter Sisto and Ms. Sharon Sisto were present and in opposition to the application (collectively, the "Objectors").

The Applicant's attorney Mr. Paul Kolpak provided a brief overview of the application.

The Applicant offered the testimony of its director of store development Mr. Dean Klein in support of the application.

The Applicant offered the testimony of its traffic engineer Mr. Javier Millan in support of the application.

The Applicant offered the testimony of its land planner Mr. Kareem Musawwir in support of the application.

In response from questions from the ZONING BOARD OF APPEALS, Mr. Klein and Mr. Musawwir offered further testimony in support of the application.

Ms. Shari Centrone, of 6023 N. Niagara, offered testimony in opposition to the application.

Mr. Peter Sisto, of 7214 W. Bryn Mawr Ave., offered testimony in opposition to the application.

Mrs. Sharon Sisto, also of 7214 W. Bryn Mawr Ave., offered testimony in opposition to the application.

In response to the Objectors' testimony, Mr. Klein offered further testimony in support of the application.

In response to the Objectors' testimony, the Applicant's architect Mr. Alberto Agama offered testimony in support of the application.

In response to the Objectors' testimony, the Applicant's land developer Mr. Jerry Cairo offered testimony in support of the application.

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

In response to the further testimony of Mr. Klein and the testimony of Mr. Agama and Mr. Cairo, Ms. Centrone, Mr. Sisto and Mrs. Sisto offered further testimony in opposition to the application.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Cairo offered further testimony in support of the application.

Mr. Sisto and Mrs. Sisto then offered further testimony in opposition to the application.

Mr. Kolpak then made a brief closing statement.

B. Criteria for a Special Use

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

III. FINDINGS OF FACT

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for 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 ZONING BOARD OF APPEALS finds that the proposed special use complies with all applicable standards of the Chicago Zoning Ordinance. The subject property is located in a B3-1 zoning district. The Applicant's proposed drive-through is a special use in a B3-1 zoning district.² The Applicant is seeking no other relief from the Chicago Zoning Ordinance. Indeed, the restaurant use necessary for the coffee shop is a permitted use for the subject property,³ and the proposed construction clearly meets all bulk and density standards of the B3-1 zoning district. It is only the proposed drive-through that brings the Applicant before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the

² Pursuant to Section 17-3-0207-Z of the Chicago Zoning Ordinance.

³ Pursuant to Section 17-3-0207-AA of the Chicago Zoning Ordinance.

special use to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards (i.e., use, bulk, density, etc.) 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 subject property is located at the intersection of Harlem Avenue (a state route⁴) and Bryn Mawr (a frontage road for the Kennedy Expressway). At this intersection, cars may access the northbound Kennedy Expressway from Bryn Mawr.⁵ Alternatively, the southbound Kennedy Expressway may be accessed a half block south on Harlem (i.e., Harlem between Bryn Mawr and West Higgins). As Mr. Musawwir very credibly testified, Harlem is a major thoroughfare at this location, and there are many quick-take restaurants on Harlem south of the subject property. Consequently, the ZONING BOARD OF APPEALS finds that a drive-through for a coffee shop at this location is therefore very much in the interest of the public convenience as it will be a great benefit to both commuters and the general traveling public at large. Indeed, as Mr. Musawwir very credibly testified, that the proposed drive-through is designed to service such users of the Kennedy Expressway. Further, as very credibly testified by Mr. Millan and as can be seen from the plans and drawings, the Applicant has designed the proposed drive-through so that it will not negatively impact the intersection. In addition, the Applicant has designed – as can be seen from the plans and drawings and as very credibly testified by Mr. Musawwir, Mr. Agama and Mr. Cairo⁶ – the proposed drive-through has been designed so that it will not negatively impact the adjacent residential properties. Consequently, the ZONING BOARD OF APPEALS finds that the proposed drive-through will not have a significant adverse impact on the general welfare of the neighborhood or community.

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.*

From Mr. Agama's and Mr. Cairo's very credible testimony, it is clear that the proposed drive-through has been designed so that it does not negatively impact

⁴ Illinois Route 43.

⁵ The Harlem Blue Line CTA station and adjoining CTA bus terminal may be also be accessed from this intersection.

⁶ It is clear from Mr. Cairo's testimony that he has developed drive-throughs for Starbucks in other locations that – like the subject property – are adjacent to residential neighborhoods. From his testimony it is clear that the drive-throughs at these other locations were planned with great care so that there was no negative impact to the adjacent residential neighborhood. From his testimony it is also clear that he is taking the same care with respect to the proposed drive-through on the subject property.

the neighboring residential properties. For instance, the Applicant has spent great time and expense to ensure that there is no headlight spillage from the subject property into the alley⁷ immediately west of the subject property (such alley being what separates the subject property from the residential neighborhood to the west). The Applicant will also be installing robust landscaping⁸ as well as a noise-deadening fence to ensure that sound from the proposed drive-through will remain contained on the subject property and will not travel to the adjacent residential neighborhood to the north or to the west. The Applicant will also be utilizing a new type of speaker to ensure that the drive-through speaker volumes are low. All curb cuts for the proposed drive-through will be off of either the state route of Harlem or the frontage road of Bryn Mawr (i.e., no curb cuts onto the subject property from the residential street of N. Olive). From Mr. Millan's very credible testimony, it is clear that the Applicant has carefully designed the proposed drive-through so it will not negatively impact the intersection of Harlem and Bryn Mawr for either vehicular or pedestrian traffic, especially the pedestrians that traverse this intersection to reach the Harlem CTA Blue Line station and bus terminal to the south. The proposed special use itself will be part of a one-story coffee shop, which is – as can be seen from the plans and drawings – of suitable size and scale so that it will not overwhelm the residential neighborhood to the north and west while yet being capable of serving those traveling on Harlem, the Kennedy Expressway or the CTA Blue Line and bus terminal to the immediate south. Thus, the proposed special use is compatible with the character of the surrounding area (i.e., the residential use to the north and west and the transit-oriented use to the south) in terms of site planning and building scale and project design.

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

The Applicant's hours of operation for the coffee shop (including the drive-through) will be from approximately 5:30 AM until no later than 10:00 PM (seven days a week). These are similar to the hours of operation of other quick-take restaurants south on Harlem. As noted above, the Applicant has designed the proposed drive-through in such a way that any light generated by headlights will not spill into the adjacent residential properties. As also noted above, any noise – if any – generated by the proposed drive-through will be minimal. With respect to traffic generation, as Mr. Millan very credibly testified, 70% of the traffic

⁷ The alley is platted although not improved. Thus, it is legally an alley.

⁸ They will also be – as Mr. Cairo very credibly testified – incorporating several mature trees already on the subject property into this landscaping plan.

generated by the entire coffee shop, including the proposed drive-through, is already in the area (i.e., meaning it's not new traffic). Further, and as Mr. Millan also very credibly testified, any additional (i.e., new) traffic generated by the proposed drive-through will not affect the acceptable levels of service currently at the intersection of Bryn Mawr and Harlem.⁹ The Applicant – as very credibly testified by Mr. Klein – takes great care to ensure cleanliness in its business practices (i.e., no refuse buildup leading to smells or rodent problems). Based on all this, the ZONING BOARD OF APPEALS finds that the proposed drive-through is compatible with the character of the surrounding area (i.e., the residential use to the north and west and the transit-oriented use to the south) in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.

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

The ZONING BOARD OF APPEALS finds that the proposed drive-through is designed to promote pedestrian safety and comfort. As very credibly testified by Mr. Millan, the entire plan of development for the subject property – including the proposed drive-through – has been designed to promote pedestrian safety. With respect to the proposed drive-through in particular, this may be seen by the fact that the Applicant has kept the curb cuts solely to the frontage road of Bryn Mawr and the state route of Harlem. There is ample stacking for cars. There are excellent site lines for customers entering/exiting the proposed special use and pedestrians traversing the sidewalk. Thus, pedestrian safety is promoted. Further, the entire plan of development for the subject property – including the proposed drive-through – will greatly improve the streetscape in that currently the subject property is a vacant lot. As can be seen from the landscape plans, the Applicant will be greatly enhancing the subject property with landscaping. Therefore, the proposed drive-through is also designed to promote pedestrian comfort.

IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Section 17-13-0905-A 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 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use subject to the following conditions:

⁹ In contrast, the ZONING BOARD OF APPEALS found the Objectors' testimony on traffic to be wildly speculative. Indeed, the Applicant's witnesses were far more credible on all the criteria than the Objectors.

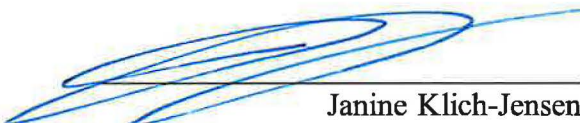
1. The special use shall be issued solely to the Applicant; and
2. The special use shall be developed consistently with design and layout of the site and landscape plans dated August 4, 2021, by Watermark Engineering Ltd., the architectural plans and elevations dated October 15, 2021, all prepared by Agama Designs and the building floor plan dated September 24, 2021, prepared by the Applicant.

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/24, 2022.


Janine Klich-Jensen

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

APPLICANT: Luis Cuzco

CAL. NO.: 446-21-Z

APPEARANCE FOR: Tyler Manic

MINUTES OF MEETING:
October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3343 W. Warner Avenue

NATURE OF REQUEST: Application for a variation to reduce the west side setback from the required 2.8' to 1.12' (east to be 10.97'), combined side yard setback to be 12.09' for a proposed one-story rear addition to the first-floor unit to the existing two-story, two dwelling unit building.

ACTION OF BOARD – Continued to December 17, 2021

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



DEC 20 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Conservatory Apartments, LLC

APPLICANT

447-21-Z
CALENDAR NUMBER

414 N. Central Park Ave.

PREMISES AFFECTED

October 15, 2021

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is approved.

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

AFFIRMATIVE NEGATIVE ABSENT

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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 414 N.
CENTRAL PARK BY CONSERVATORY APARTMENTS, LLC.**

I. BACKGROUND

Conservatory Apartments, LLC (the "Applicant") submitted two variation applications for 414 N. Central Park Avenue (the "subject property"). The subject property is a substandard¹ through lot² and is zoned RM-5. It is currently vacant. The Applicant proposed to construct a four-story, forty-three unit Single Room Occupancy³ (the "proposed SRO"). In order to permit construction of the proposed SRO, the Applicant sought a variation to reduce: (1) the front setback on Monticello Avenue from the required 9.88' to 0' and (2) the required parking setback from the front property line on Monticello Avenue to prevent obstruction of the sidewalk by parked cars from 20' to 0'.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing⁴ on the Applicant's variation applications at its regular meeting held on October 15, 2021, after

¹ Section 17-17-02174 of the Chicago Zoning Ordinance.

² Section 17-17-02177 of the Chicago Zoning Ordinance.

³ Section 17-17-02163 of the Chicago Zoning Ordinance.

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

due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant submitted its proposed Findings of Fact. The president of the Applicant's manager and sole member Mr. Perry Vietti and the Applicant's attorney Mr. Andrew Scott were present. The Applicant's architect Ms. Susan King was also present. Ms. Mya Diaz was present and in opposition to the application.

The Applicant's attorney Mr. Andrew Scott provided overview the application.

The Applicant offered the testimony of the president of its manager and sole member Mr. Perry Vietti in support of the application.

The Applicant offered the testimony of its architect Ms. Susan King in support of the application.

Ms. Mya Diaz, of 432 N. Central Park Avenue, offered testimony in opposition to the application.

Mr. Scott then made a brief closing statement.

B. Criteria for a Variation

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

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

Pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance, in making its determination of whether practical difficulties or particular hardships exist, the ZONING BOARD OF APPEALS must take into consideration the extent to which evidence has been submitted substantiating the following facts: (1) the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; (2) the conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification; (3) the purpose of the variation is

not based exclusively upon a desire to make more money out of the property; (4) the alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property; (5) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

III. FINDINGS OF FACT.

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

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

As can be seen from the plat of survey, the subject property is a through lot; that is, it fronts both North Central Park Avenue and North Monticello Avenue. As such, it has two front property lines and must abide by two front setback requirements. Further, and as also can be seen from the plat of survey, the subject property is only 82.36' in depth. Because of this, new construction on the subject property is incredibly difficult if not impossible as there is no way to provide the required on-site parking without the requested variation. As such, the ZONING BOARD OF APPEALS finds that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property.

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

The requested variation will allow for the proposed SRO to be constructed on the subject property. As such, the requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance by allowing a vacant lot to be improved with a brand new SRO; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance by allowing brand new construction on what is currently a vacant lot; (3) protecting the character of the established residential neighborhood pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance by ensuring that vehicular ingress and egress to the subject property occurs off of North Monticello; (4) ensuring

adequate light, air, privacy and access to property pursuant to Section 17-1-0509 by ensuring that there is adequate separation between the proposed building and the improvements on the adjacent properties; and (5) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance by allowing the proposed SRO.

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

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

As can be seen from the plat of survey, the subject property is currently vacant. Due to the fact that the subject property is a through lot and only 82.36' deep, without the requested variation, the Applicant would not be able to build anything on the property as the Applicant would not be able to provide the required on-site parking. As such, if the subject property were permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance, it would remain vacant and could not yield a reasonable return.

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

The ZONING BOARD OF APPEALS finds that the particular hardships facing the subject property, that is: its through lot nature and its 82.36' lot depth are unique circumstances that are generally not applicable to other vacant property.

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

As can be seen from comparing the photographs of the neighborhood with the proposed building's plans and drawings, the variation, if granted, will not alter the essential character of the neighborhood. On the contrary, the ZONING BOARD OF APPEALS finds that as the variation requested will allow for the on-site parking to be accessed off of North Monticello, the variation will preserve the essential character of the neighborhood. As explained by Mr. Scott and as agreed to by Ms. Diaz, vehicular ingress and egress off of North Monticello is consistent with other homes on the block.

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

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

The particular physical surroundings (that is, the subject property's through lot nature) and the shape (that is, the subject property's 82.36' lot depth) of the subject property would result in particular hardship upon the Applicant. If the strict letter of the Chicago Zoning Ordinance were carried out, the Applicant would be limited to a vacant lot (as no new construction could be erected since the on-site parking requirement could not be fulfilled). Such a result is far more than a mere inconvenience as a vacant lot is not the highest and best use of the property, does not fit within the character of the neighborhood and does not allow the subject property to realize a reasonable return.

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

The ZONING BOARD OF APPEALS finds that the subject property's through lot nature and its 82.36' lot depth are conditions that are not applicable, generally, to other property within the RM-5 zoning classification.

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

The variation is not based exclusively upon a desire to make more money out of the subject property. Instead, the variation is requested so that the subject property can be improved in a manner consistent with the surrounding area.

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 subject property's through lot nature or its 82.36' lot depth.

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

The variation will allow the Applicant to construct the proposed SRO. As can be seen by comparing the proposed SRO's plans and drawings with photographs of the neighborhood, the proposed building will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. On

the contrary, as the proposed SRO will replace the vacant lot, it will be beneficial to the public welfare and other property 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 construct the proposed SRO. As can be seen from the plans and drawings, the proposed SRO will not impair an adequate supply of light and air to adjacent properties. As the variation will allow the Applicant to provide all required on-site parking, the proposed variation will not substantially increase congestion in the public streets. As the proposed SRO will not be constructed unless and until the Applicant has received valid building permits, the variation will not increase the danger of fire or endanger the public safety. Finally, as the variation will allow for all new construction on a currently vacant lot, 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 variation, and the Zoning Administrator is authorized to permit said variation.

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12/20, 2021.


Janine Klich-Jensen

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

APPLICANT: Juan Pineda **CAL. NO.:** 448-21-Z
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
October 15, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1000 N. Lawndale Street

NATURE OF REQUEST: Application for a variation to reduce the north side yard setback from the required 4' to 1.01', south side yard setback from 4' to zero, combined side yard setback from 10' to 1.01', rear yard setback from 37.47' to 1.24', rear feature setback from 2' to 1.24' for a two car garage with alley access and a four car garage with two vehicles having alley access and two vehicles having drive way access and a proposed 7' high iron fence to serve the existing four dwelling unit building.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the north side yard setback to 1.01', south side yard setback to zero, combined side yard setback to 1.01', rear yard setback to 1.24', rear feature setback to 1.24' for a two car garage with alley access and a four car garage with two vehicles having alley access and two vehicles having drive way access and a proposed 7' high iron fence to serve the existing 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): provided the development is consistent with the design and layout of the plans and drawings dated September 10, 2021, prepared by Hanna Architects; and the side and rear facades of the building as well as the attached garage are masonry.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

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 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Joe Bollini
APPLICANT

449-21-Z & 450-21-Z
CALENDAR NUMBERS

1741 W. Roscoe St.
PREMISES AFFECTED

October 15, 2021
HEARING DATE

ACTION OF BOARD

THE VOTE

The applications for the variations are denied.

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

AFFIRMATIVE NEGATIVE ABSENT

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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATIONS FOR JOE BOLLINI
BY 1741 W. ROSCOE STREET.**

I. BACKGROUND

Mr. Joe Bollini (the “Applicant”) submitted two variation applications for 1741 W. Roscoe Street (the “subject property”). The subject property is currently zoned RT-4 and is improved with a three story, three dwelling unit building (“building”) and detached garage. The building is a condominium, and the detached garage is currently improved with a garage roof deck (the “garage roof deck”). The Applicant purchased the first floor duplex-down unit in 2019 from the building’s developer and currently lives there with his family. As part of the unit, the Applicant owns the rights to the garage roof deck. After the final inspection of the building by the City’s Department of Buildings (“DOB”)¹, the developer illegally connected the garage roof deck to the rear stair of the building (the “connector”). The Applicant now proposes to sell his unit. In order to legalize the connector, the Applicant sought two variations to: (1) reduce the rear setback from the required 37.5’ to 2’; reduce the east side setback from 2’ to 0’ (west side setback to be zero); and reduce the combined side setback from 5’ to 0’; and (2) relocate the required 203 square feet of rear yard open space to a garage roof deck.

¹ In other words, after DOB confirmed that the building was built in accordance the building’s permit (and thus according to all City codes).

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing² on the Applicant's variation applications at its regular meeting on October 15, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted his proposed Findings of Facts. The Applicant Mr. Joe Bollini and the Applicant's attorney Mr. John Pikarski were present. The Applicant's architect Mr. Patrick Magner was also present.

The Applicant's attorney Mr. John Pikarski provided a brief overview of the applications.

The Applicant Mr. Joe Bollini offered testimony in support of his applications.

The Applicant offered the testimony of his architect Mr. Patrick Magner in support of the applications

In response to questions by the ZONING BOARD OF APPEALS, Mr. Bollini offered further testimony.

B. Criteria for a Variation

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

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

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

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

III. FINDINGS OF FACT

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

1. *Strict compliance with the regulations and standards of the Chicago Zoning Ordinance would not create practical difficulties or particular hardships for the subject property.*

The Applicant argued that with the connector legalized, the Applicant could sell his unit for \$1 million. Conversely, the Applicant argued that if the connector were not legalized, his unit would be worth "at least \$100,000" less (presumably, because he would have to remove the garage roof deck due to lack of access to it). This, however, is not a practical difficulty or particular hardship for the *subject property*. At best, it is a practical difficulty or particular hardship to the *Applicant*. Further, a practical difficulty or particular hardship cannot mean that "piece of property is better adapted for a forbidden use than the one for which it is permitted, or that a variation would be to the owner's profit or advantage or convenience." *River Forest State & Trust Co. v. Zoning Board of Appeals of Maywood*, 34 Ill.App.2d 412, 419 (1st Dist. 1961). In this case, as the variations are solely for the Applicant's profit, it cannot be a practical difficulty or particular hardship.

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

Pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance, the purpose and intent of the Chicago Zoning Ordinance is to “promot[e] the public health, safety and general welfare. In the instant case, the building’s developer (with the Applicant’s knowledge and consent) deliberately altered the building *after* the building had passed DOB’s final inspection. Now the Applicant seeks variations to legalize this alteration. The ZONING BOARD OF APPEALS finds that allowing the illegal alteration of the building to be legalized does not promote the public health, safety and the general welfare in that it legalizes the deliberate circumvention of the building permit process established by DOB for the safety and general welfare of the City’s residents.

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 applications for variations 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.*

If the variations are denied, the subject property will still be improved with the building and garage. The garage will simply not have a garage roof deck³. It is up to the Applicant to prove his case, and Mr. Bollini had zero credibility as a

³ The Applicant stated in his Proposed Findings of Fact that replacing the connector with a spiral staircase is “totally undesirable.” At the hearing, Mr. Bollini’s testimony indicated that Mr. Bollini would be removing the roof deck if the variations weren’t granted (“be able to legally sell with the roof deck, if possible”). Thus, the ZONING BOARD OF APPEALS concludes that as the variations are not granted, Mr. Bollini will be removing the roof deck.

witness with respect to this criterion. First, Mr. Bollini established no credentials in real estate appraisal. Second, even accepting Mr. Bollini's numbers that the unit is worth \$1 million with the variations and approximately \$800 - \$900,000⁴ without the variations, Mr. Bollini paid \$939,000 for the unit despite knowing the connector was illegal. The ZONING BOARD OF APPEALS finds Mr. Bollini's answers to the ZONING BOARD OF APPEALS' questions on this point to be extremely evasive and, ultimately, not credible. For instance:

COMMISSIONER SANCHEZ: So they built [the connector] at your request?

MR. BOLLINI: Yes, we aligned on this being a part of what we wanted to buy.

COMMISSIONER SANCHEZ: And at that time did they tell you that you needed a permit for that?

MR. BOLLINI: It was not part of the discussion, no.

This testimony cannot be reconciled with his later admission that he purchased the unit over other condominium units in the area because the developers of other units "were more overt about it if you want [the connector], we will do it, but we have to jump through these crazy hoops," leaves no doubt that he was aware that what the developer did was illegal. Similarly, his admission that the connector was built by the developers *after* the building passed DOB's final inspection cannot be reconciled with his testimony that "[i]t all seemed above board at the time."

Thus, even accepting Mr. Bollin's argument that the unit is worth less without the variations than with the variations, Mr. Bollini clearly overpaid for the unit at the time he purchased it. His inability to sell the unit now for the price he feels it is worth is not the same as the subject property being unable to yield a reasonable return.

Mr. Magner's affidavit also fails to prove the subject property is unable to yield a reasonable return with the variations. Mr. Manger averred that without the variations, the Applicant would be required to replace the connector with a spiral staircase, which he averred to be impractical as it would block the garage door. However, this is different than removing the garage roof deck entirely. This also

⁴ Based on the sale of the slightly smaller unit at 1711 W. Roscoe without a garage roof deck for \$850,000.

cuts against the argument that the Applicant would be forced to remove the garage roof deck if the variations were denied.

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

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or particular hardship. To the extent that there is a practical difficulty or particular hardship in this matter, it is simply that without the connector (and thus without the garage roof deck), the Applicant believes he may make less money – or even suffer a loss – from the sale of the unit. However, this is not a unique circumstance and is indeed generally applicable to other residential property that has been illegally improved.

3. *The Applicant failed to prove that the variations, if granted, will not alter the essential character of the neighborhood.*

It is up to the Applicant to prove his case. The Applicant provided brief testimony at the hearing that other properties in the neighborhood were improved with connectors that linked the principal building with a roof deck atop the detached garage. However, the Applicant provided no testimony with respect to when and how these connectors were established. Further, the Applicant also provided testimony that the property at 1711 W. Roscoe had no garage roof deck. Thus, the ZONING BOARD OF APPEALS is not convinced that the neighborhood is so improved with connectors that connectors are somehow the essential character of the neighborhood. Nor is the ZONING BOARD OF APPEALS convinced that legalizing an illegal connection 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 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 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.*

The subject property is regular in shape and size.⁵ With respect to topographical condition, the subject property is already improved with the connector. The

⁵ It is a classic City lot: 25' wide by 125' deep lots.

existence of the connector, however, cannot be considered a particular hardship to the Applicant. Indeed, the Applicant knowingly chose to purchase the unit without the variations (and consequently the building permit⁶) necessary to establish the connector. This is not a practical difficulty or particular hardship; this is a strategic decision by the Applicant for his profit and convenience. Nor did the Applicant provide any evidence that the subject property's physical surroundings somehow caused a practical difficulty or particular hardship.

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

The Applicant is requesting the variations so that he can sell the unit for more money. Such a condition is applicable, generally, to other property within the RT-4 zoning classification as – generally speaking – all property owners of RT-4 zoned property would like to sell their property for more money.

3. *The variations are based exclusively upon a desire to make more money out of the subject property.*

By the Applicant's own admission, the variations are sought so that the Applicant can sell the unit for more money than he believes the unit is worth without the variations. As such, they are based exclusively on a desire to make more money out of the subject property.

4. *The alleged practical difficulty or particular hardship was created by a person presently having an interest in the property.*

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or a particular hardship. To the extent there is a practical difficulty or particular hardship⁷, such difficulty or hardship stems from the fact that the Applicant purchased the unit because the developer was willingly to construct the connector without complying with either the Chicago Zoning Ordinance or the developer's building permit for the building. Such alleged practical difficulty or particular hardship is therefore self-created.

⁶ As a reminder, without a zoning certificate, no building permit can be issued. See Section 17-13-1300 of the Chicago Zoning Ordinance. In this instant case, as no variations were granted for the connector at the time it was built, no zoning certificate could have been issued for the connector and, consequently, no building permit could have been issued for such connector.

⁷ As noted above, a practical difficulty or particular hardship cannot mean that "piece of property is better adapted for a forbidden use than the one for which it is permitted, or that a variation would be to the owner's profit or advantage or convenience." *River Forest State & Trust Co. v. Zoning Board of Appeals of Maywood*, 34 Ill.App.2d 412, 419 (1st Dist. 1961).

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

It is up to the Applicant to prove his case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. The Applicant provided no credible evidence as to this criterion. The Applicant argued in his proposed Findings of Facts that granting the variations would not be detrimental because they would “cause [his] family’s unit to be compatible with the existing improvements in the area.” However, the Applicant admitted at the hearing that 1711 W. Roscoe did not even have a garage roof deck. As such, the ZONING BOARD OF APPEALS finds that the Applicant failed to provide sufficient evidence to prove to the ZONING BOARD OF APPEALS that granting the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located.

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

The record is bereft of any evidence to support that the variations will not impair an adequate supply of light and air to adjacent property. As such, the ZONING BOARD OF APPEALS finds that there is insufficient evidence to show that the variations will not impair an adequate supply of light and air to adjacent property. The variations will not substantially increase congestion in the public streets. If the connections were legalized, the Applicant would be required to obtain an as-built building permit; thus, the variations will not substantially increase the danger of fire, or endanger the public safety. However, aside from a bare conclusory statement, the record is bereft of any evidence to support the Applicant’s contention that the variations will not substantially diminish or impair property values. As such, the ZONING BOARD OF APPEALS finds that there is insufficient evidence to show that the variations will not substantially diminish or impair property values.

IV. CONCLUSION

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

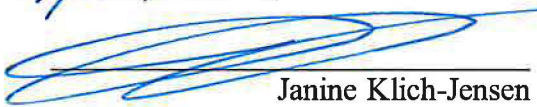
The ZONING BOARD OF APPEALS hereby denies the Applicant’s applications for variations.

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the mail on 1/24, 2022.


Janine Klich-Jensen

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

APPLICANT: John Svienty **CAL. NO.:** 451-21-Z
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
October 15, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6336 W. 60th Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 39.30' to 6.10', west side yard setback from 4' to 2.80' (east to be 5') combined side yard setback from 9' to 7.80' for a proposed second level addition to the existing one-story detached garage with an overall height of 20.72 feet to serve an existing single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

NOV 22 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

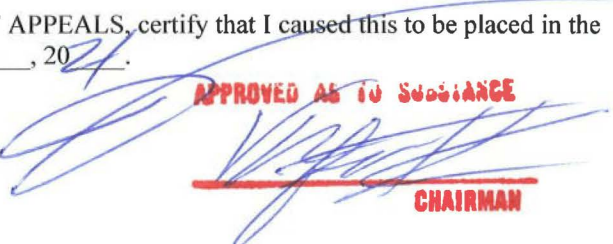
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 6.10', west side yard setback to 2.80' (east to be 5') combined side yard setback to 7.80' for a proposed second level addition to the existing one story detached garage with an overall height of 20.72 feet to serve an existing single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 10, 2021, prepared by Hanna Architects; and the side and rear facades of the building as well as the attached garage are masonry.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: IDIL 3700 Morgan, LLC Cal. No.452-21-S
APPEARANCE FOR: Katie Jahnke Dale **MINUTES OF MEETING:**
October 15, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1109 W. 37th Street

NATURE OF REQUEST: Application for a special use to establish a non-accessory parking containing one-hundred, seventy-nine parking stalls.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

NOV 22 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 30, 2021; 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 non-accessory parking containing one-hundred, seventy-nine parking stalls; 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 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, IDIL 3700 Morgan, LLC, and the development is consistent with the design and layout of the overall site plan dated October 14, 2021, prepared by Macgregor Associates Architects, with landscape plan dated October 14, 2021, prepared by Gary R Weber Associates/Jacob & Hefner Associates.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Canna B Growth, LLC

CAL. NO.: 37-21-S

APPEARANCE FOR: Langdon Neal

MINUTES OF MEETING:

October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4411 W. Carroll Street

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

ACTION OF BOARD – Continued to December 17, 2021

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Canna B Growth, LLC

CAL. NO.: 38-21-S

APPEARANCE FOR: Langdon Neal

MINUTES OF MEETING:
October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4411 W. Carroll Street

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

ACTION OF BOARD – Continued to December 17, 2021

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Toyin Omolasho dba Ty African Hair Braiding

CAL. NO.: 332-21-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2602 E. 79th Street

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

ACTION OF BOARD – Continued to December 17, 2021

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: 1600 Pilsen, LLC

CAL. NO.: 335-21-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1606-10 S. Ashland Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 24,000 square feet to 23,380 square feet for a proposed four-story, twenty-four dwelling unit building with thirty-four parking spaces and retail use.

ACTION OF BOARD – VARIATION WITHDRAWN

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Easyway Property

CAL. NO.: 336-21-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
October 15, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 11100 S. State Street

NATURE OF REQUEST: Application for a special use to expand the floor area of an existing gas station from 437 square feet to 893 square feet.

ACTION OF BOARD – Continued to December 17, 2021

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Tim Pomaville Cal. No.341-21-S
APPEARANCE FOR: Paul Kolpak **MINUTES OF MEETING:**
APPEARANCE AGAINST: None October 15, 2021
PREMISES AFFECTED: 4013-15 N. Pulaski Road

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

NOV 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on October 15, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 5, 2021; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated August 17, 2021, prepared by KLLM, Inc.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN