



**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

AUG 28 2024

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

**G.P. Green House, LLC**  
APPLICANT(S)

**129-24-A**  
CALENDAR NUMBER(S)

**620 N. Fairbanks Ct.**  
SUBJECT PROPERTY

**August 16, 2024**  
HEARING DATE

**G.P. Green House, LLC**  
APPELLANT

**Patrick Murphey**  
ZONING ADMINISTRATOR

ACTION OF BOARD	THE VOTE	AFFIRM	REVERSE	ABSENT
The decision of the Zoning Administrator is REVERSED.	Brian Sanchez, Chairman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Helen Shiller	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Adrian Soto	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Swathi Staley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## DECISION OF THE ZONING BOARD OF APPEALS

### I. APPEAL BACKGROUND

The subject property is located in the Streeterville neighborhood. It is zoned PD 981 and is improved with multi-story mixed use building. The Applicant submitted an application for a special use, proposing to operate a cannabis dispensary within one of the commercial units on the subject property. On March 11, 2024, the Zoning Administrator issued a decision revoking the Applicant's zoning denial, effectively preventing the Applicant's special use application from proceeding, because the Zoning Administrator determined that the proposed special use would be within 500 feet of a school. Pursuant to Section 17-9-0129-3 of the Chicago Zoning Ordinance ("CZO"), an adult use cannabis dispensary shall be located no closer than 500 feet from any school.

The specific decision being appealed is the Zoning Administrator's determination that Guidepost Montessori at the Magnificent Mile, operating at 226 E. Illinois Street, is a school pursuant to Section 17-17-0103-J of the CZO.

### II. PUBLIC HEARING

In accordance with the Rules of Procedure of the Zoning Board of Appeals ("ZBA"), the Appellant had submitted its proposed Findings of Fact. The ZBA held a public hearing on the appeal at its regular meeting held on Friday, August 16, 2024. Due notice of the

hearing was provided under CZO § 17-13-0107-A(9) and as continued without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance.

At the conclusion of the hearing, the ZBA took the matter under advisement. Prior to the conclusion of the meeting, the ZBA voted on the matter.

### III. CRITERIA FOR AN APPEAL

The ZBA is granted authority to hear and decide appeals when it is alleged there is an error in any order, requirement, decision, or determination by the Zoning Administrator in the administration or enforcement of the CZO. *CZO §17-13-1201*. The Zoning Administrator's decision must be granted a presumption of correctness by the ZBA, placing the burden of persuasion of error on the Appellant. *CZO § 17-13-1207*. An appeal may only be sustained if the ZBA finds that the Zoning Administrator erred. *CZO § 17-13-1208*.

**Based on the files, records, and hearings in this case, the ZBA makes the following:**

### IV. FINDINGS OF FACT:

1. The question before the Board is the following: is Guidepost Montessori at Magnificent Mile ("Guidepost") a school?
2. If Guidepost is determined to be a school, then the Appellant would be barred from applying for a Special Use to operate a cannabis dispensary at the proposed location of 620 N. Fairbanks Ct. pursuant to §17-9-0129-3 of the CZO, as the proposed location is within 500 feet of Guidepost. If Guidepost is determined to not be a school, then the Appellant would be allowed to proceed with a public hearing and make its case to the ZBA that it should be granted a Special Use.
3. Under the CZO, "school" is defined as *Public and private schools at the primary, elementary, junior high, or high school level that provide state-mandated basic education.* § 17-17-0103-J.
4. The Zoning Administrator believed Guidepost was a school based on the publicly available information on Guidepost's website. In particular, Guidepost advertises daycare, pre-k, kindergarten, and elementary programs. The Elementary program was advertised for children aged 6 to 12 years. The Zoning Administrator stated that the Department of Planning and Development had reached out to Guidepost by phone to inquire further, but Guidepost refused to provide any information including the quantity of students and the hours that elementary-aged children were served.
5. At the hearing, the Zoning Administrator was unable to produce information related to Guidepost's curriculum and was unable to produce any additional information as to whether or not Guidepost provided "state-mandated basic education."



6. On the other hand, the Appellant believed that Guidepost was a daycare. Unlike schools, under the CZO, cannabis dispensaries can be located within 500 feet of a daycare.
7. At the hearing, the Appellant brought evidence that Guidepost was registered as a daycare center through the Department of Children and Family Services. Further, the Appellant brought evidence that Guidepost did not register as a school through the Illinois State Board of Education, however this evidence was less helpful since registration of nonpublic schools with ISBE is voluntary.
8. It was the Appellant's position that even if there were elementary-aged children in Guidepost's facilities, they were there only as part of a before or after school programs.
9. What was particularly difficult in this case is that neither the Appellant nor the Zoning Administrator, were able to produce direct or testimonial evidence from Guidepost itself about its curriculum, operations, and importantly, whether or not it provides "state-mandated basic education."
10. Based on the files, records, and hearings in this case the ZBA finds that there was not sufficient evidence presented to the ZBA to determine that Guidepost is a school under the Chicago Zoning Ordinance. Therefore, the ZBA finds that the Zoning Administrator erred in his determination that Guidepost was a school. The Zoning Administrator's decision is reversed and the Appellant may proceed with its Special Use application.

### FINAL DECISION OF THE ZONING BOARD OF APPEALS

1. The ZBA hereby REVERSES the Zoning Administrator's decision.
2. 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:   
Brian Sanchez, 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, postage prepaid, on 8/28, 2024.

  
Janine Klich-Jensen

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

**APPLICANT:** Xo's Hair and Makeup, LLC **Cal. No.**310-24-S  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
August 16, 2024  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3936 W. School Street

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

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 has 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:

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23  
20 24

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Ling Lin dba F1 Head Care

**Cal. No.**311-24-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3249 N. Halsted Street

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

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 has 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:

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23.

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**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Marilyn's Beauty Salon P.C.

**Cal. No.**312-24-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3807 W. 63<sup>rd</sup> Street

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

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 has 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:

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** One Stop Beauty Salon, Inc.

**Cal. No.**313-24-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4810 W. Irving Park Road

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

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**

**ZBA**

SEP 23 2024

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

## THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 has 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:

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Christian Moreno

**APPEARANCE FOR:** Same as Applicant

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1936 N. Leavitt Street

**Cal. No.:** 314-24-Z

**MINUTES OF MEETING:**  
August 16, 2024

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30.14' to 14.7' for a proposed two-story rear raised deck and stair to an existing three story multi dwelling unit building.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

SEP 23 2024

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 14.7' for a proposed two-story rear raised deck and stair to an existing three story multi dwelling unit building; an additional variation was granted to the subject property in Cal. No. 315-24-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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

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

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

**APPLICANT:** Christian Moreno

**APPEARANCE FOR:** Same as Applicant

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1936 N. Leavitt Street

**Cal. No.:** 315-24-Z

**MINUTES OF MEETING:**  
August 16, 2024

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard open space from the required 900 square feet to zero for a proposed two-story rear addition to the existing three-story multi dwelling unit building.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear yard open space to zero for a proposed two-story rear addition to the existing three-story multi dwelling unit building; an additional variation was granted to the subject property in Cal. No. 314-24-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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23, 2024

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Amy & Anthony Karony

**Cal. No.:** 316-24-Z

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**

August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4356 N. Keeler Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the north side setback from the required 4' to zero (south to be zero), combined side yard setback from 6.68' to zero for a proposed 9' solid fence at the north side of the lot.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

SEP 23 2024

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the north side setback to zero (south to be zero), combined side yard setback to zero for a proposed 9' solid fence at the north side of the lot; 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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

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

**APPLICANT:** Thrisona Freeman

**APPEARANCE FOR:** Same as Applicant

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3402 S. Giles Avenue

**Cal. No.:** 317-24-Z

**MINUTES OF MEETING:**  
August 16, 2024

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard open space from the required 450 square feet to zero for a proposed detached, two-car garage.

**ACTION OF BOARD – Continued to September 20, 2024 at 2pm.**

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Dennis Kern

**APPEARANCE FOR:** Same as Applicant

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3744 S. Michigan Avenue

**Cal. No.:** 318-24-Z

**MINUTES OF MEETING:**  
August 16, 2024

**NATURE OF REQUEST:** Application for a variation to increase the height from the maximum 38' to 40.42' for a proposed three-story rear addition to the existing three-story, single-family residence.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

**ZBA**

SEP 23 2024

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 height to 40.42' for a proposed three-story rear addition to the existing three-story, single-family residence; an additional variation was granted to the subject property in Cal. No. 319-24-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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Dennis Kern

**APPEARANCE FOR:** Same as Applicant

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3744 S. Michigan Avenue

**Cal. No.:** 319-24-Z

**MINUTES OF MEETING:**  
August 16, 2024

**NATURE OF REQUEST:** Application for a variation to expand the existing floor area by 1,065.625 square feet for a proposed three-story, rear addition to the existing three-story, single-family residence.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 expand the existing floor area by 1,065.625 square feet for a proposed three-story, rear addition to the existing three-story, single-family residence; an additional variation was granted to the subject property in Cal. No. 318-24-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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23, 2024

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Beauty Studio By AP, LLC Cal. No.320-24-S

**APPEARANCE FOR:** Leahu Law Group

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2343 W. Montrose Avenue, Unit A

**MINUTES OF MEETING:**  
August 16, 2024

**NATURE OF REQUEST:** Application for a special use to establish a body art service (permanent make up).

## ACTION OF BOARD – APPLICATION APPROVED

## THE VOTE

**ZBA**

SEP 23 2024

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

### THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 (permanent make up); 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 has 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, Beauty Studio By AP, LLC.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Beauty Studio By AP, LLC Cal. No.321-24-S

**APPEARANCE FOR:** Leahu Law Group **MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2343 W. Montrose Avenue, Unit A

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

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
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X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 has 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:

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Bao Dang and Elizabeth Diaz

**Cal. No.:** 322-24-Z

**APPEARANCE FOR:** Agnes Plecka

**MINUTES OF MEETING:**

August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3054 N. Clifton Avenue

**NATURE OF REQUEST:** Application for a variation to expand the existing floor area by 271.6 for a proposed third story dormer additions and an as built rear three and one-story addition for the existing three-story, two dwelling unit building.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 expand the existing floor area by 271.6 for a proposed third story dormer additions and an as built rear three and one-story addition for the existing three-story, two dwelling unit building; an additional variation was granted to the subject property in Cal. No. 323-24-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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/2024.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Bao Dang and Elizabeth Diaz

**Cal. No.:** 323-24-Z

**APPEARANCE FOR:** Agnes Plecka

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3054 N. Clifton Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the north side setback from the required 2' to 1.92' (south to be 2.83'), combined side yard setback from 5' to 4.75' for a proposed new third story dormer additions and an as built rear three-story and one-story addition to the existing three-story, two dwelling unit building.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the north side setback to 1.92' (south to be 2.83'), combined side yard setback to 4.75' for a proposed new third story dormer additions and an as built rear three-story and one-story addition to the existing three-story, two dwelling unit building; an additional variation was granted to the subject property in Cal. No. 322-24-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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Demetrio Lopez

**Cal. No.:** 326-24-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**

August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2953-55 W. 25<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 7.2' to 0.2', east side setback from 2' to 0.4' for the division on an improved zoning lot. The existing two-story building at 2955 shall remain to establish a general retail use\* and second story dwelling unit. A vacant lot is proposed for 2953 W. 25th Street.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 0.2', east side setback to 0.4' for the division on an improved zoning lot. The existing two-story building at 2955 shall remain to establish a general retail use\* and second story dwelling unit. A vacant lot is proposed for 2953 W. 25th Street; an additional variation was granted to the subject property 2955 W. 25<sup>th</sup> Street in Cal. No. 327-24-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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23, 2024

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Demetrio Lopez

**Cal. No.:** 327-24-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**

August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2953-55 W. 25<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a variation to reduce the off-street parking from the required nine spaces to zero to allow the renovation of an existing two-story building to establish a meeting hall and second story dwelling unit. This is a transit served location within 1,320 of a CTA bus line.

## ACTION OF BOARD - VARIATION WITHDRAWN

## THE VOTE

**ZBA**

SEP 23 2024

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

**ZBA**

**NOV 22 2024**

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

**1101 W. Berwyn LLC**

**328-24-Z; 329-24-Z; 330-24-Z;  
331-24-Z**

APPLICANT(S)

CALENDAR NUMBER(S)

**5256 N. Winthrop Ave.**

SUBJECT PROPERTY

**August 16, 2024**

HEARING DATE

ACTION OF BOARD	THE VOTE			
The variation applications were APPROVED.		AFFIRMATIVE	NEGATIVE	ABSENT
	Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Helen Shiller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Adrian Soto	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Swathi Staley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS**

**I. APPLICATION BACKGROUND**

The subject property is located in the Edgewater neighborhood. It is zoned B1-5 and as of the hearing date, is vacant and unimproved. The Applicant proposed to construct a five-story mixed-use building with retail and 20 parking spaces on the ground floor, with fifty-six dwelling units on the floors above. To do so, the Applicant requested four variations from the Chicago Zoning Ordinance: (1) reduce the rear setback for residential floors from the required 30' to 1' ; (2) eliminate the required loading berth; (3) allow the proposed building location, which does not comply with the required pedestrian street building location standards; (4) reduce the required on-site parking from 60 spaces to 20 spaces as a building located in a Transit Served Location (TSL).

**II. PUBLIC HEARING**

In accordance with the Rules of Procedure of the Zoning Board of Appeals, the Applicant had submitted its proposed Findings of Fact. The Zoning Board of Appeals ("ZBA") held a public hearing on the Applicant's special use application at its regular meeting held on Friday, August 16, 2024. Due notice of the hearing was 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*. The list of participants who provided sworn testimony is attached as the **Hearing Participant Exhibit**. At the conclusion of the hearing, the ZBA took the



matter under advisement. Prior to the conclusion of the meeting, the ZBA voted on the matter.

The ZBA notes that the Scott Thurk, the neighbor who appeared in objection to the application ("objecting neighbor") objected to the project in part because he "would have liked to have been informed that things were changing." By all accounts, the Applicant followed all of the notice and posting requirements under the Municipal Code which included mailing written notice to all property owners within 100 feet of the subject property and posting the notice sign on the subject property after filing its variation applications. Additionally, as was stated above, the ZBA office provided notice by publication in the Chicago Tribune and mailed a postcard containing notice to all property owners within 100 feet of the property. This is the extent of the notice owed to neighboring property owners. There is no meeting requirement other than "meeting" before the ZBA at the public hearing, which the objecting neighbor did attend.

### III. 17-13-1107 VARIATION APPROVAL CRITERIA AND REVIEW FACTORS

**17-13-1107-A Approval Criteria.** The Zoning Board of Appeals may not approve a variation unless it makes findings, based upon the evidence presented to it in each specific case, that: (1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; and (2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance (See Sec. 17-1-0500).

**17-13-1107-B Evidence of Practical Difficulties or Particular Hardship.** 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 this 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.

**17-13-1107-C Other Review Factors.** 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.

For the purpose of clarity, the ZBA has rearranged the approval criteria under the Chicago Zoning Ordinance into five broad categories in its findings consisting of the following: (I) **practical difficulties or particular hardships** [17-13-1107 A(1) & C(4)]; (II) **reasonable return** [17-13-1107 B(1) & C(3)]; (III) **unique circumstances** [17-13-1107 B(2), C(1), & C(2)]; (IV) **neighborhood's essential character** [17-13-1107 B(3), C(5), & C(6)]; and (V) **consistency with the stated purpose and intent of the Zoning Ordinance** [17-13-1107 A(2)].

#### IV. FINDINGS OF FACT

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

##### I. Practical Difficulties or Particular Hardships:

The practical difficulties or particular hardships that would derive from strict compliance with the regulations and standards of the Zoning Ordinance are the following: the subject property is located in a TSL based on its close proximity to the Berwyn CTA Station and has two street frontages. Additionally, the general pattern of multi-unit residential development in the immediate area supports the application. In reaching its conclusion that practical difficulties or particular hardships exist, the ZBA conducted an analysis of the variation requirements under the "reasonable return", "unique circumstances", and "neighborhood's essential character" categories below. Further, the ZBA finds that the practical difficulties or particular hardships were not created by any person having an interest in the property because the Applicant recently purchased the subject property and inherited the existing conditions upon purchase. The Applicant did not create any of the unique zoning lot conditions upon which the requested variations are sought.

##### II. Reasonable Return:

The property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of the zoning ordinance because without the requested variations, the Applicant would have to build a taller, more expensive building. That option would increase the price per square foot of the projected rents and risk market incompatibility. The requested variations allow the applicant to develop the property with a viable building and design that follows the pattern of development in the subject area.

The ZBA finds that the purpose of the variations sought by the Applicant were not based exclusively upon a desire to make more money out of the property because the purpose of the requested variations is to (a) maintain a five-story building height that is compatible with the neighboring buildings; (b) utilize the parking reductions afforded to Transit



Served Locations; and (c) allow for a building footprint that follows the pattern of development along a residential street.

### III. Unique Circumstances:

The practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property primarily due to the neighborhood in which the subject property is located. The subject property is located in a multi-unit residential neighborhood comprised of three, four, and five story residential buildings. The subject property is also located next to a CTA train station. That, combined with the oversized lot size, impacted the Applicant's proposed building design and its corresponding footprint on the subject property. Furthermore, looking at the particular physical surroundings, shape, or topographical condition of the subject property, the present conditions would result in a particular hardship upon the property owner if the strict letter of the regulations were carried out because the Applicant would have to build a taller and more expensive building which negatively impacts the Applicant's reasonable return but also would be out of character with the neighborhood and negatively impact the neighboring property owners. The ZBA also finds that the conditions upon which the variation application is based are not generally applicable to other property within the same zoning classification because of the same reasons above.

### IV. Neighborhood's Essential Character:

If granted, the variations sought will not alter the essential character of the neighborhood because the subject property has historically had a retail component. The proposed five-story height and inclusion of residential units is also similar to neighboring buildings. By contrast, an "as of right" B1-5 building design would force a taller building design that would be out of character with the immediate area.

Granting the variations will not be detrimental to the public welfare or injurious to other property or improvements in which the subject property is located because the proposed building improvements were designed to match the general pattern of multi-unit residential development in the surrounding area. The project will also reactivate a vacant corner property located adjacent to a CTA train station.

Furthermore, the ZBA finds that granting of the variations will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion in the public streets, or increase the danger of fire, or endanger public safety, or substantially diminish or impair property values within the neighborhood because the proposed building design maintains a 5' setback on the south side and an 11' setback on the front side along N. Winthrop.

As it relates to street congestion and parking, at the hearing, the objecting neighbor took issue with the parking reduction on the basis that the neighborhood does not have sufficient parking. The ZBA notes that by designating certain areas as Transit Served Locations, it is the City's goal or policy to reduce the amount of required parking overall and to encourage the use of public transportation. The proposed development is in a Transit Served Location, it is directly next to the Berwyn CTA Red Line station and a

CTA Bus #92 stop and is one block from a CTA Bus #36 stop. It is also a couple of blocks from stops for the #92, #136, #146, #147, and #151 CTA buses. To deny this variation request and require additional on-site parking would not only reduce or eliminate the proposed commercial spaces on the subject property but would likely increase the amount of traffic in the immediate area. The increase of vehicle traffic by adding additional parking spots so close to a CTA station as proposed by the objecting neighbor would not be in the best interest of pedestrians who rely on the train and would not be keeping in the neighborhood's essential character, which is defined by its dense and walkable nature.

**V. Consistency with the Stated Purpose and Intent of the Zoning Ordinance:**

The ZBA finds that variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: protecting the character of established residential neighborhoods, pursuant to Section 17-1-0503, by constructing residential units above the first floor of the mixed-use building; maintaining economically vibrant as well as attractive business and commercial areas, pursuant to Section 17-1-0504, by reactivating what used to be commercial space on the subject property on the first floor of the proposed mixed-use development; promoting pedestrian, bicycle and transit use, pursuant to Section 17-1-0507, by reducing the requirements of on-site parking and proposing this development next to a train station; and maintaining orderly and compatible land use and development patterns, pursuant to Section 17-1-0508, by constructing a mixed-use building that is similar in height and design to surrounding buildings.

**CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS**

1. For all the above reasons, the ZBA 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 Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance.
2. The ZBA hereby APPROVES 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:   
Brian Sanchez, 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, postage prepaid, on 11/22, 2024.



Janine Klich-Jensen



**HEARING PARTICIPANT EXHIBIT**

Applicant is represented by an attorney: ☐ No ☒ Yes, Nick Ftikas

[illegible]

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

**APPLICANT:** AZM 27, LLC

**Cal. No.:** 332-24-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**

August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1937 W. Fulton Street

**NATURE OF REQUEST:** Application for a variation to increase the maximum allowed area for a proposed office use from 9,000 square feet to 9,7623.9 square feet for a proposed office use in a three-story with a proposed three-story addition with a proposed contractor/ storage use.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

SEP 23 2024

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 maximum allowed area for a proposed office use to 9,7623.9 square feet for a proposed office use in a three-story with a proposed three-story addition with a proposed contractor/ storage use; an additional variation was granted to the subject property in Cal. No. 333-24-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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

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

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

**APPLICANT:** AZM 27, LLC

**Cal. No.:** 333-24-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1937 W. Fulton Street

**NATURE OF REQUEST:** Application for a variation to reduce the parking spaces from four to three for a proposed office use in a three-story building with a proposed three-story addition with a proposed contractor / storage use.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

SEP 23 2024

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 parking spaces to three for a proposed office use in a three-story building with a proposed three-story addition with a proposed contractor / storage use; an additional variation was granted to the subject property in Cal. No. 332-24-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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** 749 Western Funding, LLC Cal. No.334-24-S

**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2354 W. Polk Street

**NATURE OF REQUEST:** Application for a special use to establish residential use below the second floor to allow the conversion of the existing first story retail use tenant space into two new residential units for a total of twenty-two dwelling units in an existing five-story, mixed use building.

## ACTION OF BOARD – APPLICATION APPROVED

## THE VOTE

**ZBA**

SEP 23 2024

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

### THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 to allow the conversion of the existing first story retail use tenant space into two new residential units for a total of twenty-two dwelling units in an existing five-story, mixed use building; a variation was also granted to the subject property in Cal. No. 335-24-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony has 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 9, 2024, prepared by Hanna Architects, 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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** 749 Western Funding, LLC

**Cal. No.:** 335-24-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2354 W. Polk Street

**NATURE OF REQUEST:** Application for a variation to reduce the required off-street parking from the required two parking spaces to zero for the conversion of an existing first story retail use tenant space into two residential units for a total of twenty-two dwelling units in an existing five-story, mixed use building.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

**SEP 23 2024**

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the required off-street parking to zero for the conversion of an existing first story retail use tenant space into two residential units for a total of twenty-two dwelling units in an existing five-story, mixed use building; a special use was also approved for the subject property in Cal. No. 334-24-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** LocHomes, LLC

**Cal. No.:** 336-24-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2006 S. Des Plaines Street

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area from the required 3,000 square feet to 2,925 square feet for a proposed three-story, three dwelling unit building with a rear open porch and detached three car garage.

**ACTION OF BOARD – Continued to October 18, 2024 at 2pm.**

**ZBA**

**SEP 23 2024**

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



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

**APPLICANT:** LocHomes, LLC

**Cal. No.:** 337-24-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2006 S. Des Plaines Street

**NATURE OF REQUEST:** Application for a variation to increase the area occupied by an accessory building in a required setback from 526 square feet to 573 square feet for a proposed detached three-car garage to serve a proposed three-story, three dwelling unit building.

**ACTION OF BOARD – Continued to October 18, 2024 at 2pm.**

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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



**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

**ZBA****FEB 7 2025**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**Gary and Anne McCoy**  
APPLICANT(S)

**338-24-Z, 339-24-Z & 340-24-Z**  
CALENDAR NUMBER(S)

**1105 W. Wellington Avenue**  
SUBJECT PROPERTY

**August 16, 2024**  
HEARING DATE

ACTION OF BOARD	THE VOTE			
		AFFIRMATIVE	NEGATIVE	ABSENT
The variation applications were APPROVED.	Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Helen Shiller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Adrian Soto	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Swathi Staley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## FINDINGS OF THE ZONING BOARD OF APPEALS

### I. APPLICATION BACKGROUND

The subject property is located in the Lake View neighborhood. It is zoned RS-3 and is improved with a 2 dwelling unit, 3-story building. The Applicant proposed to turn the 3-story, 2 dwelling unit building into a 3 dwelling unit building and build a 2-story coach house over a 2 parking space garage. The Applicant sought the following variations from the Chicago Zoning Ordinance: increase the density not to exceed more than one dwelling unit above its original construction to allow the conversion of an existing three-story, two dwelling building to a three dwelling unit building and a rear two story accessory building containing a coach house and two enclosed parking spaces, (2) reduce rear open yard space from 675 square feet to 0 square feet, and (3) reduce the required off-street parking spaces from three to two.

Note: An accessory dwelling unit (ADU), which is what the coach house above the garage is classified as, is "as of right." The fact that one is included in the Applicant's project does not mean that the ZBA is granting an ADU.

### II. PUBLIC HEARING

In accordance with the Rules of Procedure of the Zoning Board of Appeals, the Applicant had submitted their proposed Findings of Fact. The Zoning Board of Appeals ("ZBA") held a public hearing on the Applicant's variation application at its regular meeting held on Friday, August 16, 2024. Due notice of the hearing was 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*. The list of participants who provided sworn testimony is attached as the **Hearing Participant Exhibit**. At the conclusion of the hearing, the ZBA took the matter under advisement. Prior to the conclusion of the meeting, the ZBA voted on the matter.

### III. 17-13-1107 VARIATION APPROVAL CRITERIA AND REVIEW FACTORS

**17-13-1107-A Approval Criteria.** The Zoning Board of Appeals may not approve a variation unless it makes findings, based upon the evidence presented to it in each specific case, that: (1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; and (2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance (See Sec. 17-1-0500).

**17-13-1107-B Evidence of Practical Difficulties or Particular Hardship.** 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 this 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.

**17-13-1107-C Other Review Factors.** 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.

For the purpose of clarity, the ZBA has rearranged the approval criteria under the Chicago Zoning Ordinance into five broad categories in its findings consisting of the following: (I) **practical difficulties or particular hardships** [17-13-1107 A(1) & C(4)]; (II) **reasonable return** [17-13-1107 B(1) & C(3)]; (III) **unique circumstances** [17-13-1107 B(2), C(1), & C(2)]; (IV) **neighborhood's essential character** [17-13-1107 B(3), C(5), & C(6)]; and (V) **consistency with the stated purpose and intent of the Zoning Ordinance** [17-13-1107 A(2)].



#### IV. FINDINGS OF FACT

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

##### I. Practical Difficulties or Particular Hardships:

The practical difficulties or particular hardships that would derive from strict compliance with the regulations and standards of the Zoning Ordinance are the following: The lot is substandard in width and depth. Additionally, in 2017, the building was certified by the City as having 3 dwelling units, and when the Applicants filed for an accessory dwelling unit (ADU), the City made the determination that the existing building is only 2 dwelling units. In reaching its conclusion that practical difficulties or particular hardships exist, the ZBA conducted an analysis of the variation requirements under the "reasonable return", "unique circumstances", and "neighborhood's essential character" categories below. Further, the ZBA finds that the practical difficulties or particular hardships were not created by any person having an interest in the property because the Applicants purchased the property in 2017, and the lot depth, lot width, and the error regarding the number of dwelling units were not created by the Applicants.

##### II. Reasonable Return:

The property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of the zoning ordinance because the Applicants believed they bought a legal 3 dwelling unit building and because the City said it was only 2 legal dwelling units, the Applicants essentially will lose rental income for 1 unit each month. The ZBA notes that this is not the case where an owner knew it was a 2 unit building and came to the ZBA in hopes of adding a unit. Here, the Applicants had a zoning certificate that they relied on to their detriment in purchasing the home, and are merely trying to recover their "lost" unit. The ZBA finds that the purpose of the variations sought by the Applicant were not based exclusively upon a desire to make more money out of the property because attempting to recover rent from the "lost" unit only returns the Applicant to the financial position they were in before.

##### III. Unique Circumstances:

The practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property because most properties are not substandard in width and depth while also being "re-classified" down from 3 dwelling units to 2. Furthermore, looking at the particular physical surroundings, shape, or topographical condition of the subject property, the present conditions would result in a particular hardship upon the property owner if the strict letter of the regulations were carried out because the lot is substandard in size, and the lot width affects parking space layout. The ZBA also finds that the conditions upon which the variation applications are based are not generally applicable to other property within the same zoning classification because the vast majority of RS-3 properties are not substandard in both length and width.

IV. Neighborhood's Essential Character:

The Applicants' neighbor appeared in objection to the proposed variations. It was not immediately clear how the proposed variations would impact him and his own property. The neighbor stated that if approved, the project would "set a very poor precedent for the neighborhood" and "would diminish the neighborhood's ability to enjoy open space in their backyards." Again, it was unclear how the Applicants' plans for their own yard would impact the neighborhood's ability to enjoy their own yards. But if somehow the neighbor would be affected by the reduction of rear yard space, the record, by testimony and the plans, is clear that the property will still have approximately 680 square feet of rear yard open space. The neighbor also objected to the parking reduction from three to two spaces, stating that parking in the neighborhood is hard to come by. This was similarly unpersuasive to the Board as the neighborhood is very walkable and the subject property's close proximity to a CTA station.

If granted, the variations sought will not alter the essential character of the neighborhood because the front building is an existing building, the rear yard does not change, and the coach house with 2 parking spaces will replace an existing 2-car garage. Granting the variations will not be detrimental to the public welfare or injurious to other property or improvements in which the subject property is located because there will be virtually no change from a planning perspective. Furthermore, the ZBA finds that granting of the variations will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion in the public streets, or increase the danger of fire, or endanger public safety, or substantially diminish or impair property values within the neighborhood because virtually no change from a planning perspective, the height of the project is allowed in a RS-3 zoning district, the neighboring commercial building to the east is taller than the subject property, the subject property conforms with setback requirements, the property is within 2 blocks of the Wellington CTA train station for Purple and Brown line trains, and the project requires permitting and adherence to the building code.

V. Consistency with the Stated Purpose and Intent of the Zoning Ordinance:

The ZBA finds that the variations are consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: promoting the public health, safety and general welfare, pursuant to Section 17-1-0501, because all variations are permitted by the CZO; preserving the overall quality of life for residents and visitors, pursuant to Section 17-1-0502, by preserving the current building and providing an additional dwelling unit from 2 units to 3 units; protecting the character of established residential neighborhoods, pursuant to Section 17-1-0503, reusing the existing front building; promoting pedestrian, bicycle and transit use, pursuant to Section 17-1-0507, by offering a additional dwelling unit near a train station; maintaining orderly and compatible land use and development patterns, pursuant to Section 17-1-0508, by developing the property as allowed by the CZO; ensuring adequate light, air, privacy, and access to property, pursuant to Section 17-1-0509, by not encroaching within the setbacks or constructing a building height greater than the CZO allows; encouraging environmentally responsible development practices, pursuant to Section 17-1-0510, by not increasing construction debris by not demolishing the front building; promoting rehabilitation and reuse of older buildings, pursuant to Section 17-1-0511, by developing the front building to add another

dwelling unit; and maintaining a range of housing choices and options, pursuant to Section 17-1-0512 by offering rental units in a "flat" type, walkup building.

**CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF  
APPEALS**

1. For all the above reasons, the ZBA finds that the Applicant has proved their 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 Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance.
2. The ZBA hereby APPROVES 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: 

Brian Sanchez, 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, postage prepaid, on 2/7, 2025.

  
Janine Klich-Jensen



**HEARING PARTICIPANT EXHIBIT**

Applicant is represented by an attorney: ☐ No ☒ Yes, Nick Ftikas

[illegible]

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

**APPLICANT:** David Kim

**Cal. No.:** 341-24-Z

**APPEARANCE FOR:** Frederick Agustin

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 19 S. Oakley Boulevard

**NATURE OF REQUEST:** Application for a variation to relocate the 109.36 square feet of rear yard open space on to a proposed roof deck of a proposed detached two-car garage with roof deck to serve the existing single-family residence.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**  
  
**SEP 23 2024**  
  
CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to relocate the 109.36 square feet of rear yard open space on to a proposed roof deck of a proposed detached two-car garage with roof deck to serve the existing single-family residence; an additional variation was granted to the subject property in Cal. No. 342-24-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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** David Kim

**Cal. No.:** 342-24-Z

**APPEARANCE FOR:** Frederick Agustin

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 19 S. Oakley Boulevard

**NATURE OF REQUEST:** Application for a variation to reduce the setback from the rear property line located at 10' from the centerline of the alley from the required 2' to zero for a proposed detached two-car garage with roof deck to serve the existing single-family residence.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

**SEP 23 2024**

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 setback from the rear property line located at 10' from the centerline of the alley from the required 2' to zero for a proposed detached two-car garage with roof deck to serve the existing single-family residence; an additional variation was granted to the subject property in Cal. No. 341-24-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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** 1215-25 W. 18<sup>th</sup> Street (Chicago), LLC **Cal. No.:** 343-24-Z

**APPEARANCE FOR:** Bridget O'Keefe / Janet Stengle **MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1805-11 S. Allport Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard setback on floors containing dwelling units from the required 30' to 4.46' for a proposed two-story addition to an existing theater located in a four-story, mixed-use building.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 setback on floors containing dwelling units to 4.46' for a proposed two-story addition to an existing theater located in a four-story, mixed-use building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Amber S. Fuller dba Shady Snobs Beauty Bar

Cal. No.344-24-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**

August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 10409 S. Western Avenue

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

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 has 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:

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/2024.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Pollo Campero of Illinois, LLC Cal. No.345-24-S

**APPEARANCE FOR:** Brigitte O'Keefe / Janet Stengle

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 7912 S. Pulaski Road

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

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 single lane drive-through to serve a proposed one-story, 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 has 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, Pollo Campero of Illinois, LLC; (2) the development is consistent with the design and layout of the plans and drawings, dated August 15, 2024, prepared by WT Group, except as amended by the following condition; and (3) prior to issuance of any building permits, the applicant submits a final site plan for review and approval by the Department of Planning and Development, detailing any adjustments made to the exact areas of impervious surface removals and/or additions, as may be needed, to keep such areas of disturbances and the associated stormwater flow patterns within the limits of the previously approved stormwater management requirements.

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/2024.

Page 37 of 62

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** TA Development, LLC

**Cal. No.:** 346-24-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2949 W. 25<sup>th</sup> Place

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area from the required 3,000 square feet to 2,902 square feet for a proposed two-story, three dwelling unit building.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum lot area to 2,902 square feet for a proposed two-story, three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 347-24-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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** TA Development, LLC

**Cal. No.:** 347-24-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2949 W. 25<sup>th</sup> Place

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 14.48' to 10.67' for a proposed two-story, three dwelling unit building.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 10.67' for a proposed two-story, three dwelling unit building, three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 346-24-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 aforesaid variation request be and it hereby is approved and the Zoning Administrator is authorized to permit said variation subject to the following condition(s) provided:

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** TA Development, LLC

**Cal. No.:** 348-24-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**

August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2948 W. 25<sup>th</sup> Place

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 14.4' to 10.67' for a proposed two-story, three dwelling unit building.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

SEP 23 2024

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 10.67' for a proposed two-story, three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 349-24-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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** TA Development, LLC

**Cal. No.:** 349-24-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2948 W. 25<sup>th</sup> Place

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area from the required 3,000 square feet to 2,880 square feet for a proposed two-story, three dwelling unit building.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

SEP 23 2024

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum lot area to 2,880 square feet for a proposed two-story, three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 348-24-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 aforesaid variation request be and it hereby is approved and the Zoning Administrator is authorized to permit said variation subject to the following condition(s) provided:

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Racool St Residence, LLC

**Cal. No.:** 350-24-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1231 W. School Street

**NATURE OF REQUEST:** Application for a variation to reduce the east side setback from the required 4' to 3' (west to be 4'), combined side yard setback from 10' to 7' for a proposed three-story, single-family residence and walkway connecting to a two-car garage.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

**SEP 23 2024**

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 east side setback to 3' (west to be 4'), combined side yard setback to 7' for a proposed three-story, single-family residence and walkway connecting to a two-car garage; an additional variation was granted to the subject property in Cal. No. 351-24-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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Racool St Residence, LLC

**Cal. No.:** 351-24-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**

August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1231 W. School Street

**NATURE OF REQUEST:** Application for a variation to permit an enclosed walkway, connecting garage space to the principle building to encroach into the ear setback for a proposed three-story, single-family residence and walkway connecting to a two-car garage.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to permit an enclosed walkway, connecting garage space to the principle building to encroach into the ear setback for a proposed three-story, single-family residence and walkway connecting to a two-car garage; an additional variation was granted to the subject property in Cal. No. 350-24-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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** R2 Development, LLC

**Cal. No.:** 352-24-Z

**APPEARANCE FOR:** Liz Butler

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 79 W. Monroe Street

**NATURE OF REQUEST:** Application for a variation to eliminate the one required loading berth for a proposed one-hundred seventeen dwelling units with amenity space to an existing fourteen-story mixed use building.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**  
  
SEP 23 2024  
  
CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; and

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

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** The Catholic Bishop of Chicago

**Cal. No.:** 353-24-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**

August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1639 S. Allport Street

**NATURE OF REQUEST:** Application for a variation to reduce the off- street parking from the required two stall to zero for the proposed conversion of an existing three-story office building to a monastery.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the off- street parking to zero for the proposed conversion of an existing three-story office building to a monastery; 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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Nozar Amiran and Azin Amiran

**Cal. No.:** 354-24-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1879 N. Hoyne Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 39.22' to 6.45', rear setback from 28' to 2' for a proposed two-story, single-family residence, a one-story rear open deck, detached two car garage with rooftop deck and access stairs.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**  
  
SEP 23 2024  
  
CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 6.45', rear setback to 2' for a proposed two-story, single-family residence, a one-story rear open deck, detached two car garage with rooftop deck and access stairs; an additional variation was granted to the subject property in Cal. No. 355-24-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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Nozar Amiran and Azin Amiran

**Cal. No.:** 355-24-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1879 N. Hoyne Avenue

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

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE



BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to relocate 225 square feet of the required rear yard open space to a garage roof deck for a proposed two-story, single-family residence with rear one, story open deck and detached two-car garage with roof deck and access stairs; an additional variation was granted to the subject property in Cal. No. 354-24-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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24, 2024.

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

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

**APPLICANT:** Dolores Lopez and Edgar Lopez

**Cal. No.:** 356-24-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3412 W. 13<sup>th</sup> Place

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 41.87' to 2.48' combined side yard setback from 5.05' to 4.95' (west to be 2.77', east to be 2.18' for an as built second-story addition and exterior entrance stairs more than 6' above grade containing a coach house on an existing two-car garage in the rear of an existing two-story, single-family residence.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 2.48' combined side yard setback to 4.95' (west to be 2.77', east to be 2.18' for an as built second-story addition and exterior entrance stairs more than 6' above grade containing a coach house on an existing two-car garage in the rear of an existing two-story, single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Dustin Voss & Nora Cole

**Cal. No.:** 357-24-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1621 W. 37<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard setback from 35.1' to 2' for a proposed two-car detached garage occupying 73% of the rear yard for an existing two-story, single-family residence.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 setback to 2' for a proposed two-car detached garage occupying 73% of the rear yard for an existing two-story, single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Shurlon Thompson

**Cal. No.:** 358-24-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 7547 S. Emerald Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the north side setback from the required 2' to 0.4' (south side setback to remain at 3.38'), combined side yard setback from 4' to 3.38 for a proposed rear two-story addition with an exterior stair to an existing two-story, single-family residence.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

SEP 23 2024

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 0.4' (south side setback to remain at 3.38'), combined side yard setback to 3.38 for a proposed rear two-story addition with an exterior stair to an existing two-story, single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Alfred R. Flojo

Cal. No.359-24-S

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**

August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3049 W. Diversey Avenue

**NATURE OF REQUEST:** Application for a special use to expand an existing special use for a new rear two-story addition for the existing two-story, two dwelling unit building with a new third story addition.

## ACTION OF BOARD – APPLICATION APPROVED

## THE VOTE

**ZBA**

SEP 23 2024

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

### THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to expand an existing special use for a new rear two-story addition for the existing two-story, two dwelling unit building with a new third story addition; 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 has 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 9, 2024, prepared by Michael Office of Architecture.

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23/24.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

**ZBA**

**OCT 30 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**Westside Visionaries, LLC**

APPLICANT(S)

**360-24-S**

CALENDAR NUMBER(S)

**2709 N. Elston Ave.**

SUBJECT PROPERTY

**August 16, 2024**

HEARING DATE

ACTION OF BOARD	THE VOTE			
		AFFIRMATIVE	NEGATIVE	ABSENT
The special use application was APPROVED SUBJECT TO CONDITIONS.	Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Helen Shiller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Adrian Soto	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Swathi Staley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS**

**I. APPLICATION BACKGROUND**

The subject property is located in the Bucktown neighborhood. It is zoned C1-1 and is improved with a “strip mall” commercial shopping center. The Applicant submitted a special use application, proposing to operate a cannabis dispensary on the subject property. Pursuant to Section 17-3-0207-AAA(1) of the Chicago Zoning Ordinance, an Adult Use Cannabis Dispensary is a special use in a C1 district. 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 the “Department”) recommended approval provided (1) the special use is issued solely to the Applicant, Westside Visionaries, LLC; (2) all onsite customer queuing occurs within the building; (3) the development is consistent with the design and layout of the plans and drawings dated August 2, 2024, prepared by DMAC Architecture & Interiors.

**II. PUBLIC HEARING**

In accordance with the Rules of Procedure of the Zoning Board of Appeals (“ZBA”), the Applicant had submitted its proposed Findings of Fact. The ZBA held a public hearing on the Applicant’s special use application at its regular meeting held on Friday, August 16, 2024. Due notice of the hearing was 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*. The list of participants who provided sworn testimony is attached as the **Hearing Participant Exhibit**.



At the conclusion of the hearing, the ZBA took the matter under advisement. Prior to the conclusion of the meeting, the ZBA voted on the matter.

### III. SPECIAL USE CRITERIA

Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use application may be approved unless the ZBA 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.

Additional Special Use Criteria for Cannabis Business Establishment: 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 ZBA finds that the applicant for such special use has held at least one community meeting in the ward in which the cannabis business establishment is proposed to be located for the purpose of explaining the proposal and soliciting comments on it. Such community meeting must be held no later than two weeks prior to the date of the anticipated special use hearing before the ZBA. The applicant must notify the Chairman of the ZBA 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 such 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 ZBA on or before the public hearing is held by the ZBA, in a form prescribed by the Commissioner of the Department of Planning and Development

### IV. FINDINGS OF FACT

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZBA hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A (1)-(5) of the Chicago Zoning Ordinance:

(1). The subject property is located in a C1-1 zoning district. Since a cannabis dispensary is a special use in this zoning district, the Applicant requires a special use. The proposed

use complies with all other standards set forth in the Chicago Zoning Ordinance because it is only the requirement to request a special use from the Zoning Board of Appeals that prevents full compliance with all applicable standards of the Chicago Zoning Ordinance.

(2). The proposed use is in the interest of the public convenience and will not have a significant impact on the general welfare of the neighborhood or community because there are no other dispensaries in the immediate area and there is a significant number of residents and shoppers in the immediate area. The subject property is in an existing shopping center that is located in an area along Elston Avenue that contains multiple retail establishments, including larger stores like Target, PetSmart, Ross, and Burlington. These factors support that the proposed Special Use is in the interest of the public convenience.

All interior modifications will be undertaken in accordance with the applicable provisions of the Chicago Municipal Code, including the Chicago Building Code and also with all regulations of the State of Illinois applicable to the proposed Special Use, including required significant security features. The security features will include on-site security personnel during operating hours and camera surveillance both inside and along the exterior of the property, which cameras are connected to the State Police. Information and data were provided that indicate that no significant adverse impacts are associated with the operation of cannabis dispensaries in terms of property values, crime or other parameters. Lastly, there is parking available in the shopping center parking lot. All of these facts indicate that the proposed Special Use will not have a significant adverse impact on the general welfare of the neighborhood or community.

A nearby neighbor ("objector") appeared in objection to the proposed use. The initial objection was that the proposed use was too close to a residentially zoned area. However, given that the proposed use would be locating in one of the several commercial spaces of a larger existing commercial development, it became clearer that the objection was not to any commercial use of the subject property, but to a cannabis dispensary in particular. The Objector's underlying assumption was that a cannabis dispensary would pose a disturbance to local residents. This assumption lacks evidentiary support. In fact, the Applicant's expert report and the Board's understanding of the State's strict regulations indicates the opposite.

(3). The proposed use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the proposed use will occupy an existing vacant store within an existing shopping center that has long been a part of the community's character. The exterior of the building and store will not be altered. The building's interior will be designed in a manner that suitably accommodates the proposed use and complies with all applicable Chicago Building Code provisions and State mandated separations between public areas, limited access areas and restricted areas. As no change is proposed to the existing site plan or the exterior of the building and the interior modifications provide appropriate areas for the safe operation of the proposed use and comply with all applicable regulations, the proposed cannabis dispensary is

compatible with the character of the surrounding area in terms of site planning and building scale and project design.

(4). The proposed 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 because the subject property is located along a commercial corridor on Elston Avenue that includes a variety of commercial uses including retail, restaurants and a health club. Residential areas are located north of the site and are generally improved with two flats or other multi-unit buildings. These residential uses have for a long time co-existed with the significant commercial uses in the area. The proposed Special Use will be open from 9:00 a.m. to 9:00 p.m., which hours are consistent with those of other commercial establishments in the area. Outdoor lighting will be provided only as required for safety and will not be directed toward other establishments. As all operations will occur within the existing building, there will be no appreciable exterior noise. Good access is provided from Elston Avenue and Logan Boulevard and the property is proximate to entrances to the Kennedy Expressway. The proposed use will generate traffic similar to other retail uses in the shopping center and the area, and on-site parking is provided in the shopping center's 128-space parking lot. The site also is served by two CTA bus lines, one along Western Avenue and one along Diversey Avenue.

(5). The proposed use is designed to promote pedestrian safety and comfort because the proposed use will provide direct pedestrian access to the adjacent public way along Logan Boulevard via the existing shopping center's internal sidewalk. Access from the proposed use to that sidewalk will be via existing doors that will not be altered and will not obstruct the public way or the shopping center sidewalk. The site is served by two CTA bus lines, one along Western Avenue and one along Diversey Avenue, which encourages pedestrian travel by public transportation. Exterior lighting will be provided for safety, and there will be exterior cameras monitoring the perimeter of the property, which cameras are connected to the State Police. All deliveries will be scheduled and occur from the rear of the property, with security protocols being implemented. Finally, the proposed use will have on-site security during operating hours that will monitor the interior and exterior of the property, enhancing area safety.

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

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.

Since the applicant meets all of the special use criteria as required by the Chicago Zoning Ordinance, the application will be approved.



**CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF  
APPEALS**

1. For all the above reasons, the ZBA 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 and 17-13-0905-G of the Chicago Zoning Ordinance.
2. The ZBA hereby APPROVES the Applicant's application for a special use, and pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use  
**SUBJECT TO THE FOLLOWING CONDITIONS:** (1) the special use is issued solely to the Applicant, Westside Visionaries, LLC; (2) all onsite customer queuing occurs within the building; (3) the development is consistent with the design and layout of the plans and drawings dated August 2, 2024, prepared by DMAC Architecture & Interiors.

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: 

Brian Sanchez, 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, postage prepaid, on 10/30, 2024.

  
Janine Klich-Jensen

**HEARING PARTICIPANT EXHIBIT**

Applicant is represented by an attorney: ☐ No ☒ Yes, Rolando Acosta

[illegible]

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

**APPLICANT:** Fifth Third Bank, National Association Cal. No.361-24-S

**APPEARANCE FOR:** Lenny Asaro

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5902 S. Western Avenue

**NATURE OF REQUEST:** Application for a special use to establish a single lane drive-through facility to serve a commercial bank.

## ACTION OF BOARD – APPLICATION APPROVED

## THE VOTE



**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

### THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 single lane drive-through facility to serve a commercial bank; 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 has 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, Fifth Third Bank, National Association, and the development is consistent with the design and layout of the plans and drawings dated August 14, 2022, all prepared by Moody Nolan.

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23 2024

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



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

**APPLICANT:** Native 312, LLC (Adam Dittman)

**Cal. No.:** 362-24-Z

**APPEARANCE FOR:** Katarina Karac

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3527-29 W. Grand Avenue

**NATURE OF REQUEST:** Application for a variation to establish a public place of amusement license to provide private event space that is within 125' of a residential district for ticketed events and charging at the door.

## ACTION OF BOARD - VARIATION GRANTED

## THE VOTE

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; 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 establish a public place of amusement license to provide private event space that is within 125' of a residential district for ticketed events and charging at the door; 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 a character of the neighborhood, it is therefore

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

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 addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 9/23 2024

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Lawndale Christian Health Center Cal. No.173-24-S  
**APPEARANCE FOR:** Lewis Powell **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None August 16, 2024  
**PREMISES AFFECTED:** 4000-04 W. Jackson Boulevard

**NATURE OF REQUEST:** Application for a special use to establish a community center on the ground floor of an existing three-story, mixed-use building.

**ACTION OF BOARD – Continued to September 20, 2024 at 2pm.**

**THE VOTE**

**ZBA**  
  
SEP 23 2024  
  
CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

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:** Lawndale Christian Health Center Cal. No.174-24-S

**APPEARANCE FOR:** Lewis Powell

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4000-04 W. Jackson Boulevard

**NATURE OF REQUEST:** Application for a special use to establish a transitional residence on the second floor of an existing three-story, mixed-use building at 4000 W. Jackson Boulevard.

**ACTION OF BOARD – Continued to September 20, 2024 at 2pm.**

### THE VOTE

**ZBA**

**SEP 23 2024**

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

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:** Lawndale Christian Health Center Cal. No.175-24-S

**APPEARANCE FOR:** Lewis Powell

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4000-04 W. Jackson Boulevard

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard setback on floor containing dwelling units from the required 30' to 25' for a proposed second and third floor addition and rear exterior stair on an existing three-story, mixed-use building.

**ACTION OF BOARD – Continued to September 20, 2024 at 2pm.**

**THE VOTE**

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ


ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

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:** Phoenix Recovery Services Cal. No.266-24-S

**APPEARANCE FOR:** Lewis Powell

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4000-04 W. Jackson Boulevard

**NATURE OF REQUEST:** Application for a special use to establish a transitional residence on the third floor of an existing three-story, mixed-use building.

**ACTION OF BOARD – Continued to September 20, 2024 at 2pm.**

**THE VOTE**

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

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:** Phoenix Recovery Services Cal. No.267-24-S

**APPEARANCE FOR:** Lewis Powell

**MINUTES OF MEETING:**  
August 16, 2024

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4000-04 W. Jackson Boulevard

**NATURE OF REQUEST:** Application for a special use to establish a transitional residence in an existing two-story residential building at 4002 W. Jackson Boulevard.

**ACTION OF BOARD – Continued to September 20, 2024 at 2pm.**

**THE VOTE**

**ZBA**

**SEP 23 2024**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
HELEN SHILLER  
ADRIAN SOTO  
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**



**ZBA**

NOV 18 2024

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**
**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**
**NA Builders, Inc.**  
APPLICANT(S)

**222-24-S, 223-24-Z**  
CALENDAR NUMBER(S)

**511-13 S. California Ave.**  
SUBJECT PROPERTY

**August 16, 2024**  
HEARING DATE

ACTION OF BOARD	THE VOTE	AFFIRMATIVE	NEGATIVE	ABSENT
The special use application was APPROVED SUBJECT TO CONDITIONS.	Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The variation application was APPROVED.	Helen Shiller	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Adrian Soto	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Swathi Staley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS**
**I. APPLICATION BACKGROUND**

The subject property is located in the East Garfield Park neighborhood. It is zoned B3-3 and is currently a vacant lot. The Applicant submitted a special use application, proposing to construct a new gas station with accessory retail convenience store on the subject property. Pursuant to Section 17-3-0207-HH of the Chicago Zoning Ordinance, a gas station is a special use in a B3 district. 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 the "Department") recommended approval of the proposed gas station and convenient store provided: (1) the special use is issued solely to the Applicant; (2) the development is consistent with the design and layout of the plans and drawings dated July 11, 2024, prepared by Grid Studio, except as amended by the following condition; (3) the interior of the building is not divided into multiple tenant spaces through the use of demising walls and remains as a single tenant space.

The Applicant also submitted an application for a variation to reduce the minimum lot area from the required 20,000 square feet to 18,750 square feet in order to construct and operate the proposed use.

**II. PUBLIC HEARING**

In accordance with the Rules of Procedure of the Zoning Board of Appeals (“ZBA”), the Applicant had submitted its proposed Findings of Fact. The ZBA held a public hearing on the Applicant’s special use application at its regular meeting held on Friday, August 16, 2024. Due notice of the hearing was 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 without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. The list of participants who provided sworn testimony is attached as the **Hearing Participant Exhibit**.

At the conclusion of the hearing, the ZBA took the matter under advisement. Prior to the conclusion of the meeting, the ZBA voted on the matter.

### III. SPECIAL USE CRITERIA

Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use application may be approved unless the ZBA 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.

### IV. SPECIAL USE FINDINGS OF FACT

After careful consideration of the evidence, testimony and the entire record, including the Applicant’s proposed Findings of Fact, the ZBA hereby makes the following findings with reference to the Applicant’s application for a special use pursuant to Section 17-13-0905-A (1)-(5) of the Chicago Zoning Ordinance:

(1). The subject property is located in a B3 zoning district. Since a gas station is a special use in this zoning district, the Applicant requires a special use. The proposed use complies with all other standards set forth in the Chicago Zoning Ordinance because it is only the requirement to request a special of use from the Zoning Board of Appeals that prevents full compliance with all applicable standards of the Chicago Zoning Ordinance.

The Board notes that the neighboring property owner and his architect who operates or plan to operate a competing gas station business appeared and objected to the proposed special use<sup>1</sup>. The neighbors’ stated basis of objection was a lack of compliance with all applicable code sections. One of the noted code sections was the section governing transit served locations. The Zoning Administrator and the Department of Planning and Development are tasked with administering the Zoning Ordinance. The ZBA generally accepts the Department’s interpretation and administration of the code unless an issue

---

<sup>1</sup> The ZBA notes that there was no objection specific to the variation standards.

comes before the Board as an appeal, and an appeal was not before the Board. In this *special use* matter, the Zoning Administrator has determined that the project meets all the applicable standards of the zoning ordinance as included in the recommendation submitted to the Board. The Board accepts the Zoning Administrator's determination.

The ZBA also believes that the neighboring gas station's objection was a thinly veiled competition argument. This was in part surmised as the objectors brought up their own project but was not before the Board for this hearing. The ZBA notes that it cannot consider competition as a valid reason to deny a Special Use application. Control or restriction of competition is not a proper or lawful zoning objection.<sup>2</sup>

(2). The proposed use is in the interest of the public convenience and will not have a significant impact on the general welfare of the neighborhood or community because the applicant will be developing and activating a lot that has been vacant for nearly fifteen years. The proposed convenience mart will also serve as another local store for the community. The project has support from the nearby church, the Good Hope Church, as well as other nearby business owners. The local alderman also supports the project. Due to the subject property's location next to the expressway and the on-ramp, the proposed use is not expected to have an adverse impact on the general welfare of the community.

(3). The proposed use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the proposed gas station and 1-story brick and masonry convenience store will be located just south of the I-290 expressway ramp. Current improvements in the area include a gas station, 1-3 story brick and masonry mixed use buildings with ground floor commercial use and residential use above along S. California Ave. Along W. Congress Pkwy are newer 1-3 story brick and masonry buildings.

(4). The proposed use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation. The subject property is located next to an expressway ramp and in the vicinity of another gas station. The outdoor lighting will be confined to the property and public sidewalks adjacent to the property. The proposed ingress/egress driveway facilities located on S. California Ave. and W. Congress Pkwy will lend to safe and productive ingress/egress of the site.

(5). The proposed use is designed to promote pedestrian safety and comfort because the site plans provide a concrete walkway to and from the convenience store which separates vehicle and pedestrian traffic. One concrete walkway connects the sidewalk along California Ave. with the convenience store and the other walkway connects the sidewalk along W. Congress Pkwy. with the convenience store. Further, the driveways were designed to be farthest from the pedestrian crosswalks at Californian Ave. and Congress Pkwy. The site plan also includes plants, trees, and lighting which will enhance the

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<sup>2</sup> *Cosmopolitan Nat. Bank v. Village of Niles*, 118 Ill.App.3d 87, 91 (1st Dist. 1983); see also *Lazarus v. Village of Northbrook*, 31 111.2d 146, 152 (1964).



pedestrian experience both on the subject property and on the sidewalk along the borders of the subject property.

Since the applicant meets all five of the special use criteria as required by the Chicago Zoning Ordinance, the application will be approved.

#### V. VARIATION

As was stated above, there were no objections to the Applicant's variation application. Therefore, taking into account the variation criteria under Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance, the materials submitted to the ZBA, as well as the full hearing record, the Zoning Board of Appeals adopts the Applicant's proposed findings of fact for a variation as its own findings of fact, in full. *See attached **Exhibit 2**.*

#### CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS

1. For all the above reasons, the ZBA 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.
2. The ZBA hereby APPROVES the Applicant's application for a special use, and pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use SUBJECT TO THE FOLLOWING CONDITIONS: (1) the special use is issued solely to the Applicant; (2) the development is consistent with the design and layout of the plans and drawings dated July 11, 2024, prepared by Grid Studio, except as amended by the following condition; (3) the interior of the building is not divided into multiple tenant spaces through the use of demising walls and remains as a single tenant space.
3. For all the above reasons, the ZBA 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 Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance.
4. The ZBA hereby APPROVES the Applicant's application for a variation.

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

APPROVED AS TO SUBSTANCE

By:  \_\_\_\_\_

Brian Sanchez, 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, postage prepaid, on 11/18, 2024.



Janine Klich-Jensen

**HEARING PARTICIPANT EXHIBIT**

Applicant is represented by an attorney: ☐ No ☒ Yes, Paul Kolpak

[illegible]



Variation (v.1 2021)

**EXHIBIT 2.**

*Photos, plans, and affidavits remain on file with the ZBA office.*

PROPOSED FINDINGS OF FACT

SUBMITTED TO THE ZONING BOARD OF APPEALS

In the Matter of a Variation Application

for Address: 511 South California Avenue

Submitted by: Atty. Paul A. Kolpak

[*check one*] ☐ Applicant or ☒ Applicant's Attorney

**Variation (v.1 2021)**

**ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO**

**FINDINGS OF THE ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO**

**IN THE MATTER OF A VARIATION APPLICATION**

FOR ADDRESS: 511 South California Avenue

BY APPLICANT: NA Builders, Inc

**I. THE APPLICANT**

The Applicant is a(n) *[check one]* ☐ individual ☐ limited liability company ☒ corporation  
☐ trust ☐ other (*please specify:* N/A ).

*[If the Applicant is a legal entity, please fill out this section. Otherwise skip to Section II.]*  
The Applicant's *[insert title]* Operations Manager, *[insert name]* Mr. Moinuddin Ali Aqil Jaddj  
(the "Applicant's Representative") was present at the hearing.

*[NOTE: The Applicant or (if applicable) the Applicant's Representative **MUST** be present at the hearing.]*

**II. BRIEF SUMMARY OF REQUEST**

The Applicant seeks a variation to reduce the required minimum lot area from 20,000.0 sq. ft. to 18,750.0 sq. ft. to allow the establishment of a gas station with convenience store.  
(two of two)

Please note: This project previously received unanimous approval from the ZBA; Cal. Nos. 358-17-S & 359-17-Z June 18th, 2017  
however the applicant chose not to proceed. Cal Nos 157-20-S & 158-20-Z was unanimously approved 06/02/2020; the property  
owner fell terminally ill from COVID and passed away and the earlier architect also fell ill.

**III. BACKGROUND OF THE SUBJECT PROPERTY**

The subject property is currently zoned B3-3 and is *[check one]* ☒ vacant ☐  
improved. Additionally *[provide any additional pertinent facts about the property]*,  
Subject property is a 18,750.0 sq. ft. lot which has been vacant for over 15 years. Prior to its vacancy, subject  
property was a gas station use.

Variation (v.1 2021)

IV. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on \_\_\_\_\_, 20\_\_, 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*.

The [check one] ☐ Applicant ☒ Applicant's Representative was present at the hearing. The Applicant/Applicant's Representative (as applicable) testified that their testimony was consistent with the affidavit attached to these proposed Findings of Fact as Exhibit A.

The Applicant's architect was present at the hearing. The Applicant's architect testified that they were a licensed architect in the State of Illinois. The Applicant's architect testified that their testimony was consistent with the affidavit attached to these proposed Findings of Fact as Exhibit B.

*[If additional witnesses are necessary to explain the Applicant's application, please attach their affidavits to these proposed Findings of Fact as Exhibit C. In the event that any of these additional witnesses are expert witnesses, written reports rather than affidavits should be submitted. The affiant of any affidavit or author of any report submitted as part of Exhibit C must be present at the hearing on the application.]*

*[All affidavits submitted as part of Exhibits A through C must be: (1) notarized; (2) fact-based; (3) based solely on an affiant's personal knowledge; (4) non-conclusory; and (5) made on the form attached to these proposed Findings of Fact. Please note that these requirements do not and are not intended to provide legal advice. If you have questions regarding the drafting of affidavits, please consult an attorney. The ZONING BOARD OF APPEALS and its staff cannot provide legal advice.]*

The Applicant also submitted into the record the following documents: *[List all documents the Applicant intends to submit; add additional sheets as necessary]*  
Survey, Architectural Plans, Narrative, and Photographs.

\_\_\_\_\_. Copies of these submitted documents are attached to these proposed Findings of Fact as Exhibit D. *[Note: **Plans must be attached. Photographs of the block must be attached.**]*

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



## Variation (v.1 2021)

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.

### V. FINDINGS OF FACT

*[Any statement set forth below shall only refer to facts and opinions expressed in Exhibits A, B, C and D attached to these proposed Findings of Fact and must use those references to explain why or how the proposed special use meets the standards set forth. In other words, what is written below must be explanatory and must be supported by an exhibit. Add additional sheets as necessary.]*

After careful consideration of the evidence, testimony and the entire record, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a 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 because:

Applicant has purchased a site previously approved with a Variation and Special Use by the Zoning Board of Appeals as a gas station (see Cal. Nos. 157-20-S and 158-20-Z, June 5th, 2020). Present owners added

## Variation (v.1 2021)

an additional 3,000.0 sq. ft. of lot area to make the overall site more conforming for the proposed use.

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

The Zoning Ordinance requires 20,000.0 sq. ft. in order to make subject proposal a permitted Special Use. Our additional lot will bring the lot area just shy of the 20,000.0 sq. ft. by 1,250.0 sq. ft. This makes our proposal more conforming than the previously approved site plan.

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After careful consideration of the evidence, testimony and the entire record, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a 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 because:

Subject property has a history of gas station use and our proposed enlargement of the site rendering a more conforming lot size is using all available land in order for us to present this proposal.

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*[For developers, please ensure that all relevant financial information such as cost of land, cost of construction, sales price and anticipated profit margin are listed using the Reasonable Return Economic Analysis Form in Exhibit D. Please include any marketability studies you have conducted.]*

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

The 20,000.0 sq. ft. lot area requirement for proposed gas station in the urban setting is unique to this use and the location adjacent to interstate expressway makes this use necessary for the public convenience.

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

This site has a history of gas station use and this proposal is an improvement upon the previous developments and proposals for this location.

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**Variation (v.1 2021)**

After careful consideration of the evidence, testimony and the entire record, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a 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 because:

There is no obtainable land available in order to make this site meet the 20,000.0 sq. ft. threshold.

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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 because:

The 20,000.0 sq. ft. requirement for a gas station is unique and no other use in this B3-3 zoning classification has a 20,000.0 sq. lot area requirement.

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

The previous approved applications had lesser lot area than the current proposal yet the additional lot area and the additional landscaping is for the public convenience and would allow for a safer use of the proposed gas station use at this location.

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

The previous gas station use at this site pre-dates our ownership.

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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 because:



## Variation (v.1 2021)

The site plan has been reviewed by the Department of Transportation as well as DPD staff; all comments have been addressed in our proposal.

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 because:

Because proposal has been designed to meet today's standard for safety regarding materials used as well as operational design.

## VI. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved their/its case by evidence, testimony and the entire record covering the specific criteria for a variation pursuant to Section 17-13-1107-A, B & C of the Chicago Zoning Ordinance.

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

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

**Variation (v.1 2021)**

**REASONABLE RETURN ECONOMIC ANALYSIS FORM (for developers)**

		Proposed (With Variations)	Without Variations
<b>Costs</b>			
	Cost of Land	\$225,000.00	\$175,000.00
	Cost of Construction	<b>\$1,463,574.00</b>	<b>0.00</b>
	Soft Costs/ Expenses ( <i>please specify in an attachment</i> )	\$50,000.00	\$50,000.00
	<b>Total Costs</b>	\$1,738,574.00	\$225,000.00
<b>Rental Properties Income</b>			
	Monthly Rental Income	N/A	N/A
	Annual Rental Income	N/A	N/A
	Total Rental Income (for <u>N/A</u> years)	N/A	N/A
<b>Condo Properties Revenue</b>			
	Anticipated Total Sales Price	N/A	N/A
<b>Gross Profit</b>	(Income or Sales) - (Costs + Expenses)	\$987,820.00 (10 years profit) -\$1,738,574.00 (expense) -\$750,754.00	-\$225,000.00
<b>Return on Investment</b>	Gross Profit / (Costs + Expenses)	3-5% profit increase / year	-100%



**ZBA**

**OCT 30 2024**

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**K Town BCP, LLC**  
APPLICANT(S)

**309-24-S**  
CALENDAR NUMBER(S)

**4720 West Fifth Avenue**  
SUBJECT PROPERTY

**August 16, 2024**  
HEARING DATE

ACTION OF BOARD	THE VOTE			
		AFFIRMATIVE	NEGATIVE	ABSENT
The special use application was APPROVED SUBJECT TO CONDITIONS.	Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Adrian Soto	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Swathi Staley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Helen Shiller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS**

**I. APPLICATION BACKGROUND**

The subject property is located in the Lawndale neighborhood. It is zoned M1-2 and is unimproved. The Applicant submitted a special use application, proposing to develop the subject property into an accessory parking lot to serve adjacent manufacturing buildings. Pursuant to Section 17-5-0207-X of the Chicago Zoning Ordinance, an accessory parking lot is a special use in a M1 zoning district. 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 the "Department") recommended approval of the accessory parking lot with up to 133 off-street parking spaces provided that: (1) the special use is issued solely to the Applicant, K Town BCP, LLC; (2) the development is consistent with the design and layout of the plans and drawings dated June 28, 2024, prepared by Eriksson Engineering Associates, Ltd.; and (3) prior to issuance of any driveway permits, applicant addresses remaining Chicago Department of Transportation review comments and finalizes perimeter restoration agreement as needed.

**II. PUBLIC HEARING**

In accordance with the Rules of Procedure of the Zoning Board of Appeals ("ZBA"), the Applicant had submitted its proposed Findings of Fact. The ZBA held a public hearing on the Applicant's special use application at its regular meeting held on Friday, August 16, 2024. Due notice of the hearing was 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 without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. The list of participants who provided sworn testimony is attached as the **Hearing Participant Exhibit**.

At the conclusion of the hearing, the ZBA took the matter under advisement. Prior to the conclusion of the meeting, the ZBA voted on the matter.

### III. SPECIAL USE CRITERIA

Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use application may be approved unless the ZBA 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.

### IV. FINDINGS OF FACT

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZBA hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A (1)-(5) of the Chicago Zoning Ordinance:

(1). The subject property is located in a M1 zoning district. Since an accessory parking lot is a special use in this zoning district, the Applicant requires a special use. The proposed use complies with all other standards set forth in the Chicago Zoning Ordinance because it is only the requirement to request a special of use from the Zoning Board of Appeals that prevents full compliance with all applicable standards of the Chicago Zoning Ordinance.

(2). The proposed use is in the interest of the public convenience and will not have a significant impact on the general welfare of the neighborhood or community because the accessory parking lot will enhance the usability and attractiveness of the K Town business center by providing access to the staff of the on-site businesses and their respective visitors. The K Town business center is focused on local job creation and stimulating social capital in the Lawndale community. The Applicant will also be adding 5,237 square feet of landscaping onto the parking lot facility which will yield 36 new trees and shrubbery to the currently distressed property.

A neighboring landowner ("neighbor") appeared in objection to the proposed use, expressing concern that the proposed development will devalue his property. The

neighbor referred to his property at 4746 W. 5<sup>th</sup> Ave. as a house, but the zoning map and aerial photos provided by the Applicant show his property as vacant land, zoned for manufacturing. As such it would not be permissible, absent a zoning change, for the neighbor to construct a home on the property.

The ZBA finds that this parking lot as part of a larger development will be a positive improvement over the current state of the subject property which the Land Use Expert described as a "big mud hole." The Applicant's manager testified that to develop the K Town business center, they had purchased land that had not been on the tax rolls for nearly 30 years and invested \$8 million in facilities. He estimated that they have invested about \$14 million to bring jobs to the community. In order to enhance job creation, it is necessary to provide parking to the facilities. Finally, the ZBA believes that the Applicant's investment and development in the subject property and adjacent parcels would have a positive effect on the value of the neighbor's property.

(3). The proposed use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because Fifth Avenue is primarily improved with manufacturing and commercial uses from Kostner Avenue to Cicero Avenue. Additionally, many of the current properties along this stretch have large, surface parking lots. The subject property is zoned for manufacturing and is hugged by two railroad rights of way, one just east of Kilpatrick Ave. and one abutting Fifth Avenue. Just northeast of the subject property is the Applicant's two warehouse facilities with related uses.

(4). The proposed 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 because it will serve the surrounding manufacturing uses as part of the K Town business center. The proposed hours of operation are from 6:30am to 3:30pm Monday through Friday, these are in line with the other manufacturing and commercial uses in the area. Lighting will be muted on-site and with safe and efficient ingress/egress provided by proposed driveways, the proposed use is not expected to generate any significant noise or traffic.

(5). The proposed use is designed to promote pedestrian safety and comfort. Because the proposed use is intended to serve the adjacent K Town business center, the Applicant has an interest in ensuring that staff and visitors are able to safely walk from their vehicle to the buildings for which the proposed use will serve. The lighting, perimeter fencing, and landscaping are also designed to promote pedestrian safety and comfort.

Since the applicant meets all five of the special use criteria as required by the Chicago Zoning Ordinance, the application will be approved.

## **CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS**

1. For all the above reasons, the ZBA 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.
2. The ZBA hereby APPROVES the Applicant's application for a special use, and pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use SUBJECT TO THE FOLLOWING CONDITIONS: (1) the special use is issued solely to the Applicant, K Town BCP, LLC; (2) the development is consistent with the design and layout of the plans and drawings dated June 28, 2024, prepared by Erikkson Engineering Associates, Ltd.; and (3) prior to issuance of any driveway permits, applicant addresses remaining Chicago Department of Transportation review comments and finalizes perimeter restoration agreement as needed.

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: 

Brian Sanchez, 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, postage prepaid, on 10/30, 2024.

  
Janine Klich-Jensen



**HEARING PARTICIPANT EXHIBIT**

Applicant is represented by an attorney: ☐ No ☒ Yes, Angela Spears

[illegible]