

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

MINUTES OF MEETING:

December 17, 2021

Cal. No. 288-20-S

The Applicant Chicago Alternative Health Center dba Midway Dispensary presented a written request for an extension of time in which to expand an existing medical cannabis dispensary at the subject property 5848-50 S. Archer Avenue. The special use was approved on September 18, 2020 in Cal. No. 288-20-S.

The Applicant's representative, Tyler Manic stated that the Applicant is at the end of the process of obtaining the permits from the City which were delayed due to corrections on the application and resolution. The Department of Planning and Development and the Department of Buildings differed on the range of address for the subject Property.

Chairman Knudsen moved the request be granted and the time for obtaining the necessary permits be extended to November 23, 2022.

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
RECUSED		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

MINUTES OF MEETING:

December 17, 2021

Cal. No. 289-20-S

The Applicant Chicago Alternative Health Center dba Midway Dispensary presented a written request for an Expand an existing adult use recreational cannabis dispensary at the subject property 5848-50 S. Archer Avenue. The special use was approved on September 18, 2020 in Cal. In Cal. No. 289-20-S.

The Applicant's representative, Tyler Manic stated that the Applicant is at the end of the process of obtaining the permits from the City which were delayed due to corrections on the application and resolution. The Department of Planning and Development and the Department of Buildings differed on the range of address for the subject Property.

Chairman Knudsen moved the request be granted and the time for obtaining the necessary permits be extended to November 23, 2022.

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
RECUSED		
X		
X		

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

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Herbert Johnson Cal. No.491-21-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
December 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 9936 S. Aberdeen Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 33.75' to 12', south side setback from 4' to 1.68' (north to be 1.9'), combined side yard setback from 8.7' to 3.58' for a proposed second floor addition, rear open wood decks and stair and rear detached three-car garage on an existing one-story single-family residence.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

JAN 24 2022
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
	X	
X		
X		
X		

THE RESOLUTION:

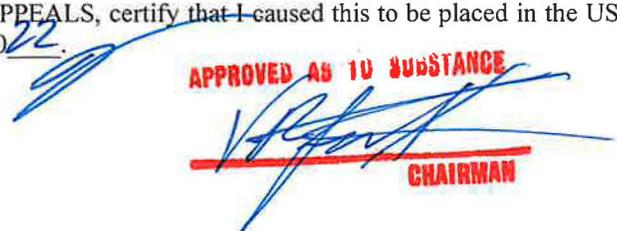
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on December 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted use to reduce the front setback to 12', south side setback to 1.68' (north to be 1.9'), combined side yard setback to 3.58' for a proposed second floor addition, rear open wood decks and stair and rear detached three-car garage on an existing one-story single-family residence; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: Therese C. Glab

CAL. NO.: 492-21-Z

APPEARANCE FOR: Richard Zulkey

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5626 N. Kerbs Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.21' to 21.83' for a proposed one-story addition to the existing single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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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 21.83' for a proposed one-story addition to the existing single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Panoptic Group, LLC* **CAL. NO.:** 493-21-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
December 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2132 W. Rice Street

NATURE OF REQUEST: Application for a variation to reduce minimum lot area from the required 3,000 square feet to 2,953 square feet for a proposed three-story, three-dwelling unit building with three-story covered porch and a three-parking space parking pad.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

JAN 24 2022
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on December 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce minimum lot area to 2,953 square feet for a proposed three-story, three-dwelling unit building with three-story covered porch and a three-parking space parking pad; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

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

*Amended at Hearing

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Baked Buds Company, LLC Cal. No.494-21-S
APPEARANCE FOR: Liz Butler **MINUTES OF MEETING:**
APPEARANCE AGAINST: None December 17, 2021
PREMISES AFFECTED: 1958 W. Lake Street

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

JAN 24 2022
 CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
		X
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on December 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 2, 2021; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): (1) the special use is issued solely to the applicant, Baked Buds Company, LLC; (2) no retail sales, samples, or physical product displays or stock are allowed at this facility; (3) no cannabis growing or production are allowed at this facility; (4) the development is consistent with the design and layout of the site, floor, and odor plans dated December 16, 2021, prepared by Pathangay Architects, and the Odor Control Plan report, dated December 16, 2021, prepared by Green Consulting Partners; and (5) details and final design for the odor control system and components, including but not limited to: the size, type, and location of equipment, filters, roof top mechanical units and exterior system exhaust, etc. and details on the design and location of the airlocks, system layout, etc. are reviewed and approved by Chicago Department of Public Health prior to issuance of any permits.

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 3244 Lincoln, LLC **CAL. NO.:** 495-21-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
December 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3244-46 N. Lincoln Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 1' for a proposed four-story, seven dwelling unit building with roof deck and ground floor retail use.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

JAN 24 2022
 CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
		X
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on December 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 2, 2021; and

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

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

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Noel Roma, Jr. **CAL. NO.:** 496-21-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
December 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1628 N. Harding Avenue

NATURE OF REQUEST: Application for a variation to reduce the north side setback from the required 2' to zero (south side setback to be 2.01'), combined side yard setback from 4.80' to 2.01' for a proposed third floor north/south side dormers to the existing three-story, two dwelling unit building.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

JAN 24 2022
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on December 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the north side setback to zero (south side setback to be 2.01'), combined side yard setback to 2.01' for a proposed third floor north/south side dormers to the existing three-story, two dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JAN 24 2022

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JRA Holdings, LLC
APPLICANT

497-21-S
CALENDAR NUMBER

5914 S. Central Avenue
PREMISES AFFECTED

December 17, 2021
HEARING DATE

ACTION OF BOARD

THE VOTE

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

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

AFFIRMATIVE NEGATIVE ABSENT

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 5914 S.
CENTRAL AVENUE BY JRA HOLDINGS, LLC.**

I. BACKGROUND

JRA Holdings, LLC (the “Applicant”) submitted a special use application for 5914 S. Central (the “subject property”). The subject property is zoned M1-1 and is improved with a surface parking lot. The Applicant proposed to establish a non-accessory parking¹ lot with sixty (60) parking spaces (the “proposed parking lot”). In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City’s Department of Planning and Development (the “Zoning Administrator” and “Department”) stated that it was not opposed to the proposed parking lot provided that: (1) the special use was issued solely to the Applicant; and (2) the development was consistent with the design and layout of the plans and drawings dated December 17, 2021, prepared by Axios Architects & Consultants.

II. PUBLIC HEARING

A. The Hearing

¹ As defined in Section 17-17-0104-V of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS held a remote public hearing² on the Applicant's special use application at its regular meeting on December 17, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Facts. The Applicant's manager Mr. Jack Saleh and the Applicant's attorney Mr. Nick Ftikas were present. The Applicant's architect Mr. Bill Kokalias and its MAI real estate appraiser Mr. Terrance O'Brien were present. The alderman of the 13th ward Mr. Marty Quinn (the "Alderman") was present and in opposition to the application. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).³

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

The Applicant offered the testimony of its manager Mr. Jack Saleh in support of the application.

The Applicant offered the testimony of its architect Mr. Bill Kokalias in support of the application.

The Applicant offered the testimony of its MAI real estate appraiser Mr. Terrance O'Brien in support of the application.

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

The Alderman offered testimony in opposition to the application.

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

In response to the Alderman's testimony and questions from the ZONING BOARD OF APPEALS, Mr. Ftikas made further statements and Mr. Saleh offered further testimony.

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

Mr. Ftikas made a closing statement.

B. Criteria for a Special Use

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

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

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

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

III. FINDINGS OF FACT

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

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

The ZONING BOARD OF APPEALS finds that the proposed special use complies with all applicable standards of the Chicago Zoning Ordinance. The subject property is located in a M1-1 zoning district. The Applicant's proposed non-accessory parking lot is a special use in a M1-1 zoning district.⁴ The Applicant is seeking no other relief from the Chicago Zoning Ordinance. Indeed, based on Mr. Kokalias' testimony, the proposed parking lot clearly meets all parking lot standards of the Chicago Zoning Ordinance. It is only the non-accessory use of the parking lot that brings the Applicant before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the special use to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards (i.e., landscaping, surfacing, stall width, etc.) of the Chicago Zoning Ordinance.

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

The subject property is located directly east (across Central Avenue) from Midway Airport. Minutemen Park is located (across an alley) to the north. To the east (across an alley) is single-family residential use. To the south is commercial/industrial use. As Mr. O'Brien very credibly testified, the predominant land use in the area is Midway Airport. Because of this, there are

⁴ Pursuant to Section 17-5-0207-X of the Chicago Zoning Ordinance.

various facilities that operate in conjunction with Midway airport in the area – such as parking lots and parking structures. The ZONING BOARD OF APPEALS finds that the proposed special use is in the interest of the public convenience because it will allow the public another option with respect to remote parking for Midway Airport. As set forth in Mr. O'Brien's report, there is a need for parking in the area. Further, the ZONING BOARD OF APPEALS finds that the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community. The ZONING BOARD OF APPEALS notes that while the prior operator did not operate the lot in a safe manner, and in fact – based on the citations issued by the City's Department of Streets and Sanitations – was illegally operating a junk yard and car repair shop on the subject property, such unsafe and illegal actions cannot be attributed to the Applicant. The ZONING BOARD OF APPEALS found Mr. Saleh to be very credible not only with respect to his plans for the subject property but also with respect to his history as a responsible landlord. The ZONING BOARD OF APPEALS finds that non-accessory parking lots – such as the proposed parking lot – cause significant adverse impact to the neighborhood when they are poorly operated.

From the Applicant's site plans and the credible testimony of the Applicant's witnesses, it is clear that the proposed parking lot is well designed and will operate in such a manner that it will not negatively impact residential use to the east of the subject property nor the commercial/industrial use to the south of the subject property. It also will not negatively impact the park to the north of the subject property, and obviously, it will positively impact Midway Airport to the west.

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

As Mr. Kokolias testified and as can be seen from the plans and drawings, the Applicant will be replacing the current chain link fence on the subject property's north and east sides with a 6' high solid wood fence (with the exception of the northeast corner which will be wrought iron). This will better shield the residential neighborhood to the east and the park to the north from any light and noise caused by the proposed parking lot. Further, the Applicant will be providing 28 trees and 156 shrubs which will also dampen sound and noise. The Applicant will be replacing the chain link fence on the subject property's west and south sides with a wrought iron fence. The Applicant is closing one of the curb cuts on South Central and is reorganizing and restriping the parking spaces within the proposed parking lot. There will also be new interior lighting. Based on all this, the ZONING BOARD OF APPEALS finds that the proposed parking lot is

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

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

As the Applicant's proposed parking lot will service Midway Airport it will, like Midway itself, be a twenty-four hour, seven days a week operation. Nevertheless, and as can be seen from the plans and drawings and the testimony of the Applicant's witnesses, the Applicant has designed and will operate the proposed parking lot so that it will not interfere with the residential use to the east and the park use to the north of the subject property. All ingress and egress to the proposed parking lot will occur off of the arterial street of S. Central Avenue. The residential use to the east and the park use to the north of the subject property will be protected due to the wooden fence and the new landscaping. Further, the Applicant will be adding new interior lighting and will always have at least one employee present. As such, the proposed parking lot will be secure and well-lit. The main hours of operation (6:00 AM – 10 PM) will coincide with travel patterns for Midway Airport. The Applicant will therefore be timing its shuttle services to account for this. Based on all this, the ZONING BOARD OF APPEALS finds that the proposed parking lot is compatible with the character of the area in terms of operating characteristic, such as hours of operation, outdoor lighting, noise and traffic generation.

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

The ZONING BOARD OF APPEALS finds that the proposed parking lot is designed to promote pedestrian safety and comfort. Again, the Applicant will be closing one of the existing curb cuts off of S. Central Avenue. There will be new landscaping on the site as well as attractive new fencing. Further, the new interior lighting and the added presence of always at least one employee on site will also greatly add to pedestrian safety and comfort.

IV. CONCLUSION

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

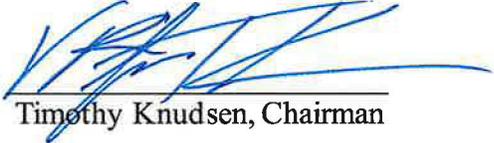
The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a special use, and pursuant to the authority granted to the ZONING BOARD OF

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

1. The special use shall be issued solely to the Applicant; and
2. The special use shall be developed consistently with the design and layout of the plans and drawings dated December 17, 2021, prepared by Axios Architects & Consultants.

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

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


Janine Klich-Jensen

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

APPLICANT: Dana Westfall and Nicole Van Haverbeke **CAL. NO.:** 498-21-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:** December 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1909 W. Cortland Avenue

NATURE OF REQUEST: Application for a variation to reduce the west side setback from the required 2' to 0.2' (east to be 2.8'), combined side yard setback from 4.8' to 3' for a proposed two-story rear addition and two car garage with rooftop deck to the existing three-story, single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

JAN 24 2022
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on December 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the west side setback to 0.2' (east to be 2.8'), combined side yard setback to 3' for a proposed two-story rear addition and two car garage with rooftop deck to the existing three-story, single-family residence; an additional variation was granted to the subject property in Cal. No. 499-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 12-29, 2022.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Dana Westfall and Nicole Van Haverbeke

APPEARANCE FOR: Nicholas Ftikas

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1909 W. Cortland Avenue

CAL. NO.: 499-21-Z

MINUTES OF MEETING:
December 17, 2021

NATURE OF REQUEST: Application for a variation to increase the floor area ratio from 0.9 to 1.0 for a proposed two-story rear addition and two car garage with rooftop deck to an existing three-story, single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on December 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the floor area ratio to 1.0 for a proposed two-story rear addition and two car garage with rooftop deck to an existing three-story, single-family residence; an additional variation was granted to the subject property in Cal. No. 498-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Lux Living 4U, LLC Cal. No.500-21-S
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
December 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 605 N. Ashland Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

JAN 24 2022
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on December 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed four-story, four dwelling unit building with an attached four car garage; a variation was also granted at the subject property in Cal. No. 501-21-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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 November 29, 2021, 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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/24, 2022.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Lux Living 4U, LLC

CAL. NO.: 501-21-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 605 N. Ashland Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 3', east side setback from 2.8' to zero for a proposed four-story, four dwelling unit building with an attached four-car garage.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on December 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: the applicant shall be permitted variation to reduce the rear setback on floors containing dwelling units from the required 30' to 3', east side setback to zero for a proposed four-story, four dwelling unit building with an attached four-car garage; a special use was also approved for the subject property in Cal. No. 500-21-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated November 29, 2021, 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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/24, 2022.

APPROVED AS TO SUBSTANCE


CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



ZBA

APR 25 2022

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

Elston Petroleum, Ltd.
APPLICANT

502-21-S & 503-21-Z
CALENDAR NUMBERS

1940 N. Elston Avenue
PREMISES AFFECTED

February 18, 2022
HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the special use is denied. The variation is denied.

	AFFIRMATIVE	NEGATIVE	ABSENT
Timothy Knudsen, Chairman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ann MacDonald (alt.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brian Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE AND VARIATION APPLICATIONS
FOR 2115 N. DAMEN AVE. BY 2115 DAMEN LLC.**

I. BACKGROUND

Elston Petroleum, Ltd. (the “Applicant”) submitted a special use application and a variation application for 1940 N. Elston Avenue. The subject property is irregularly shaped and is surrounded on all sides by public right of way: W. Armitage Avenue to the north, N. Elston Avenue to the east, W. Homer Street to the south and N. Ashland Avenue to the west. The subject property is currently zoned M3-3 and is currently improved with a one-and-two story vacant retail building (“retail building”). The Applicant proposed to re-adapt the retail building into a convenience store and construct a five pump¹ gas station on the subject property (collectively, the “proposed gas station”). To permit this, the Applicant sought: (1) a special use to establish the proposed gas station (the “proposed special use”); and (2) a variation to reduce the lot area for a gas station from the required 20,000 square feet to 16,834 square feet. 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 denial of the proposed special use.

II. PUBLIC HEARING

A. The Hearing

¹ The Applicant originally sought a six pump gas station. However, at the hearing, it amended its request to a five pump gas station.

The ZONING BOARD OF APPEALS held a remote public hearing² on the Applicant's special use application at its regular meeting held on February 18, 2022, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*, and as continued without further notice as provided under Section 17-13-108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 26, 2021), the Applicant had submitted its proposed Findings of Fact. The Applicant's president Mr. Zafar Hussain and its attorney Mr. Nick Ftikas were present. The Applicant's architect Mr. Eric Eriksson, its MAI certified real estate appraiser Mr Terrance O'Brien and its traffic engineer Mr. Michael Werthmann were present. The Zoning Administrator Mr. Patrick Murphey and Department Assistant Commissioner Ms. Nancy Radzevich were present and in opposition to the applications. Mr. William Higgins project manager for the City's Department of Transportation ("CDOT") was present and in opposition to the applications. The chief of staff for 32nd ward alderman Scott Waguespack (the "Alderman") Mr. Paul Sajovec was present and in opposition to the applications. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).

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

The Applicant offered the testimony of its president Mr. Zafar Hussain in support of the applications.

The Applicant offered the testimony of its architect Mr. Eric Eriksson in support of the applications.

The Applicant offered the testimony of its MAI certified real estate appraiser Mr. Terrance O'Brien in support of the applications.

The Applicant offered the testimony of its traffic engineer Mr. Michael Werthmann in support of the applications.

The Applicant offered further testimony of Mr. O'Brien in support of the applications.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Ftikas made a clarifying statement.

The Zoning Administrator Mr. Patrick Murphey offered testimony in opposition to the applications.

Mr. William Higgins project manager for CDOT offered testimony in opposition to the applications.

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

The Alderman's chief of staff Mr. Paul Sajovec offered testimony in opposition to the applications.

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

In response to the testimony of Mr. Murphey, Mr. Higgins and Mr. Sajovec, Mr. Hussain offered further testimony.

Mr. Ftikas then offered a rebuttal argument.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Werthmann offered further testimony, Mr. Ftikas made a statement, Mr. Eriksson offered further testimony and Department Assistant Commissioner Ms. Nancy Radzevich offered testimony.

Mr. Ftikas then made a closing statement.

B. Criteria for a Special Use

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

C. Criteria for a Variation

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

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

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

III. FINDINGS OF FACT

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

1. *The proposed special use does not comply with all applicable standards of the Chicago Zoning Ordinance.*

The subject property is located in a M3-3 zoning district. The Applicant's proposed gas station is a special use in a M3-3 zoning district.³ Further due to the size of the subject property, a gas station use also requires a companion variation to reduce the lot area. Since the ZONING BOARD OF APPEALS declines to grant both the proposed special use and its companion variation, the proposed special use does not comply with all applicable standards of the Chicago Zoning Ordinance.

2. *The Applicant failed to prove that the proposed special use is in the interest of the public convenience. The proposed special use will have a significant adverse impact on the general welfare of the neighborhood or community.*

It is up to the Applicant to prove its case. While the Applicant provided evidence that the proposed special use would be commercially expedient for the Applicant, the Applicant failed to prove that the proposed special use would be expedient or reasonably convenient for the public welfare. In fact, the ZONING BOARD OF APPEALS agrees with Mr. Higgins that ingress/egress to the proposed special use

³ Section 17-5-0207-U of the Chicago Zoning Ordinance.

would lead to more traffic congestion in one of the highest crash points (for vehicles, bicycle and pedestrians) in the City. This is neither expedient nor reasonably convenient to the public welfare. Further, while the ZONING BOARD OF APPEALS agrees with Mr. Ftikas that any decision by the ZONING BOARD OF APPEALS must be based on the current conditions of the neighborhood or community and not – as Mr. Murphey would like – on future conditions of the neighborhood or community, the ZONING BOARD OF APPEALS does find that the proposed special use will have a significant adverse impact on the general welfare of the neighborhood or community. The ZONING BOARD OF APPEALS makes this finding due to the very credible testimony of Mr. Higgins and Mr. Sajovec. Both Mr. Higgins and Mr. Sajovec have their backgrounds in urban planning. From their testimony, it is clear that they have extensive knowledge of the current conditions of the surrounding neighborhood and community. Moreover, Mr. Higgins has spent the last eight years at CDOT reviewing proposals such as the Applicant's. From their testimony, it is also clear that the proposed special use at the subject property would greatly exacerbate one of the most congested, difficult intersections in the City: that is, the three-way intersection of N. Ashland, W. Armitage and N. Elston and make it more dangerous.

- 3. The proposed special use is not compatible with the character of the surrounding area in terms of site planning and building scale and project design.*

As set forth above, the proposed special use would greatly exacerbate one of the most congested, difficult intersections in the City and make it more dangerous. As such, the proposed special use is not compatible with the character of the surrounding area in terms of site planning and building scale and project design.

- 4. The proposed special use is not 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 proposed special use will allow gas station and convenience store use at the subject property. As both Mr. Higgins and Mr. Sajovec very credibly testified, the proposed special use will – due to the way its ingress/egress is configured and due to the fact that a gas station with a convenience store is one of the highest trip generators – greatly slow and congest traffic at the already congested three-way intersection of N. Ashland, W. Armitage and N. Elston, making it much more dangerous. The proposed special use therefore is not compatible with the character of the surrounding area in terms of operating characteristics, especially traffic generation.

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

As the proposed special use would greatly exacerbate one of the most congested, difficult intersections in the City and make it more dangerous, the proposed special use is not designed to promote pedestrian safety and comfort.

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

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

As will be discussed in greater detail below, the ZONING BOARD OF APPEALS finds that the variation, if granted, will alter the essential character of the neighborhood. Consequently, practical difficulties or particular hardships do not exist for the subject property.

2. *The requested variation is not consistent with the stated purpose and intent of the Chicago Zoning Ordinance.*

The request variation would allow for the proposed gas station. As very credibly testified by Mr. Higgins and Mr. Sajovec, the proposed gas station at the subject property would greatly exacerbate one of the most congested, difficult intersections in the City and make it more dangerous. Consequently, the proposed variation is not consistent with the stated purpose and intent of the Chicago Zoning Ordinance in that it: (1) does not promote the public health, safety and general welfare pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance; (2) does not preserve the overall quality of life for residents and visitors pursuant to Section 17-1-0502; and (3) does not maintain orderly and compatible land use and development patterns pursuant to Section 17-1-0508.

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

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

1. *The variation, if granted, will alter the essential character of the neighborhood.*

The variation will allow for a gas station to be constructed on the subject property, and this gas station would alter the essential character of the neighborhood. The ZONING BOARD OF APPEALS makes this finding due to the very credible testimony of Mr. Higgins and Mr. Sajovec. Both Mr. Higgins and Mr. Sajovec have their backgrounds in urban planning. From their testimony, it is clear that they have extensive knowledge of the current conditions of the surrounding neighborhood. Moreover, Mr. Higgins has spent the last eight years at CDOT reviewing proposals such as the Applicant's. From their testimony, it is also clear that the proposed gas station at the subject property would greatly exacerbate one of the most congested, difficult intersections in the City: that is, three-way intersection of N. Ashland, W. Armitage and N. Elston and make it more dangerous.

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

1. *The granting of the variation will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

The variation will allow the proposed gas station. As set forth in greater detail above, the proposed gas station at the subject property would have significant adverse impact on the neighborhood. Therefore, granting the variation will be detrimental to the public welfare in the neighborhood.

2. *The variation will substantially increase the congestion in the public streets and endanger the public safety.*

The variation will allow for the proposed gas station. As very credibly testified by Mr. Higgins, the proposed gas station would substantially increase congestion in the public streets. Further, and as also very credibly testified by Mr. Higgins, it would endanger public safety.

IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that: (1) the Applicant has not proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Sections 17-13-0905-A of the Chicago Zoning Ordinance; and (2) the Applicant has not proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

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

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

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage pre-paid, at 121 North LaSalle Street, Chicago, IL on 4/25, 2022.


Janine Klich-Jensen

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

APPLICANT: Lawndale Educational and Regional Network Cal. No.504-21-Z

APPEARANCE FOR: Scott Borstein

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1700 W. 83rd Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 37.5' to 0.69' for a proposed two-story addition to an existing three-story school.

ACTION OF BOARD – Continued to February 18, 2022

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Lawndale Educational and Regional Network Cal. No.505-21-Z

APPEARANCE FOR: Scott Borstein

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1700 W. 83rd Street

NATURE OF REQUEST: Application for a variation to increase the floor area ratio from 1.2 (39,816 square feet) to 1.64 (54,336 square feet) for a proposed two-story addition to an existing three-story school.

ACTION OF BOARD – Continued to February 18, 2022

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Lawndale Educational and Regional Network Cal. No.506-21-Z

APPEARANCE FOR: Scott Borstein

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1700 W. 83rd Street

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 2,157 square feet to zero for a proposed two-story addition to an existing three-story school.

ACTION OF BOARD – Continued to February 18, 2022

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Lawndale Educational and Regional Network Cal. No.507-21-Z

APPEARANCE FOR: Scott Borstein

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1700 W. 83rd Street

NATURE OF REQUEST: Application for a variation to reduce the length of the required loading space from 50' to 25' for a proposed two-story addition to the existing three-story school.

ACTION OF BOARD – Continued to February 18, 2022

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Lawndale Educational and Regional Network Cal. No.508-21-S
APPEARANCE FOR: Scott Borstein **MINUTES OF MEETING:**
APPEARANCE AGAINST: None December 17, 2021
PREMISES AFFECTED: 8255 S. Paulina Street

NATURE OF REQUEST: Application for a special use to establish an accessory off-site parking lot for an existing school located at 1700 W. 83rd Street, which is not more than 600' from the use served for a proposed two-story addition to an existing three-story school.

ACTION OF BOARD – Continued to February 18, 2022

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Lawndale Educational and Regional Network Cal. No.509-21-S

APPEARANCE FOR: Scott Borstein

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 8255 S. Paulina Street

NATURE OF REQUEST: Application for a special use to establish a non-accessory parking lot with twenty-four parking stalls.

ACTION OF BOARD – Continued to February 18, 2022

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Lawndale Educational and Regional Network Cal. No.510-21-Z
APPEARANCE FOR: Scott Borstein **MINUTES OF MEETING:**
APPEARANCE AGAINST: None December 17, 2021
PREMISES AFFECTED: 8255 S. Paulina Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 15' to 4.61' for a proposed non-accessory parking lot with twenty-four parking spaces.

ACTION OF BOARD – Continued to February 18, 2022

THE VOTE

JAN 24 2022
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Lawndale Educational and Regional Network Cal. No.511-21-Z

APPEARANCE FOR: Scott Borstein

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 8255 S. Paulina Street

NATURE OF REQUEST: Application for a variation to reduce the required 7' landscape setback to 4.61' along 83rd Street and to allow ornamental fence to be installed at the property line instead of 5' from property line along 83rd Street and to waive required hose bibs for the required accessory off-site parking lot for an existing parking lot for an existing school at 1700 W. 83rd Street.

ACTION OF BOARD – Continued to February 18, 2022

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Board of Education for the City of Chicago **CAL. NO.:** 512-21-Z
APPEARANCE FOR: Scott Borstein **MINUTES OF MEETING:**
 December 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2423 E. 82nd Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 15' to 4.83', rear setback from 50' to zero for a proposed 8' tall chain link fence along E. 82nd Street and a new 12' tall chain link fence around the existing tennis courts to be renovated at an existing recreation use stadium building and associated outdoor recreation area.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

JAN 24 2022
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on December 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 4.83', rear setback to zero for a proposed 8' tall chain link fence along E. 82nd Street and a new 12' tall chain link fence around the existing tennis courts to be renovated at an existing recreation use stadium building and associated outdoor recreation area; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Ignacio Davila Ayala dba Illusion Beauty Cal. No.513-21-S
APPEARANCE FOR: Sara Barnes
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1208 W. Granville Avenue

MINUTES OF MEETING:
December 17, 2021

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

JAN 24 2022
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

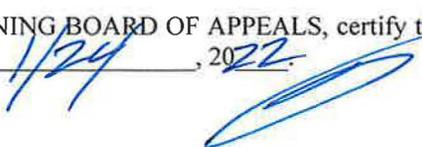
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on December 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 2, 2021; and

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

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

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

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



APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: OHS Properties, LP

CAL. NO.: 514-21-Z

APPEARANCE FOR: Tyler Manic

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4433 S. Prairie Avenue

NATURE OF REQUEST: Application for a variation to reduce the required parking spaces from three to two for a proposed three-story, three dwelling unit building with a detached garage.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

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

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

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

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: CEK111,LLC dba Salon Shiloh Cal. No.515-21-S
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
APPEARANCE AGAINST: None December 17, 2021
PREMISES AFFECTED: 1967 N. Halsted Street

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

JAN 24 2022
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on December 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 2, 2021; and

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

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

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Matthew Madden

CAL. NO.: 516-21-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1906 W. Warner Avenue

NATURE OF REQUEST: Application for a variation to reduce the east side setback from 4' to 2.86' (west to be 18.83'), combined side yard setback to be 21.69', rear setback from .35.05' to 29.02' for a proposed one-story rear addition to the existing single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on December 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the east side setback to 2.86' (west to be 18.83'), combined side yard setback to be 21.69', rear setback to 29.02' for a proposed one-story rear addition to the existing single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



FEB 22 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Luxe Suites Chicago, LLC
APPLICANT

517-21-S & 518-21-Z
CALENDAR NUMBERS

812 W. Adams Street
PREMISES AFFECTED

December 17, 2021
HEARING DATE

ACTION OF BOARD

THE VOTE

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

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

AFFIRMATIVE NEGATIVE ABSENT

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 812 WEST
ADAMS STREET BY LUXE SUITES CHICAGO, LLC.**

I. BACKGROUND

Luxe Suites Chicago, LLC (the "Applicant") submitted a special use application and a variation application for 812 W. Adams (the "subject property"). The subject property is L-shaped and has three street frontages but no alley access. The primary street frontage is Adams Street (245') but the subject property also has street frontages on Green Street (45') and Halsted Street (95'). Halsted Street is a pedestrian street at this location.¹ The subject property is currently zoned DX-5, is currently improved with a one-and-two story vacant building² and is located within 2640 feet (as measured along a straight line) of the Chicago Transit Authority ("CTA") UIC-Halsted Blue Line station entrance.³ The Applicant proposed to raze the vacant building and construct a seven-story mixed-use building with eighty dwelling units and twenty-seven parking spaces (the "proposed building"). To permit this, the Applicant sought: (1) a special use to reduce the required on-site parking from eighty (80) parking spaces to twenty-seven (27) parking

¹ As set forth in Section 17-4-0500 of the Chicago Zoning Ordinance.

² The former Pegasus and Santorini restaurants.

³ As such, the subject property qualifies as a transit served location ("TSL") pursuant to Section 17-10-0102-B of the Chicago Zoning Ordinance and may request an over 50% parking reduction pursuant to Section 17-13-0905-F of the Chicago Zoning Ordinance.

spaces; (2) a variation to reduce the rear setback from the required 30' to 0'. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Department") recommended approval of the proposed building provided that: (1) the development was consistent with the design and layout of the plans and drawings dated December 17, 2021, prepared by Axios Architects and Consultants; (2) the windows of the parking garage were translucent, frosted or similar; and (3) the final location of the loading zone along Adams Street was reviewed and approved by the City's Department of Transportation ("CDOT").

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing⁴ on the Applicant's special use and variation applications at its regular meeting held on December 17, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 21, 2021), the Applicant had submitted its proposed Findings of Fact. The Applicant's manager and architect Mr. Bill Kokalias and its attorney Mr. Nick Ftikas were present. The Applicant's MAI certified real estate appraiser Mr. Sylvester ("Bud") Kerwin, Jr. was present. Mr. Ted Grady, Mr. Alex Mitrovic, Ms. Yuxuan Ji, Ms. Bonnie Wu, Ms. Michele Anderson, Mr. Shong Long, Mr. Uzay Shen and Mr. Colin Chen were present and, with the exception of Mr. Grady, in opposition to the applications (those in opposition to the applications, collectively "the Objectors"). The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).⁵

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

The Applicant's manager and architect Mr. Bill Kokalias offered testimony in support of the applications.

The Applicant's MAI certified real estate appraiser Mr. Sylvester ("Bud") Kerwin, Jr. offered testimony in support of the applications.

Mr. Kokalias then offered further testimony in support of the applications.

Mr. Ftikas then made a statement.

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

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

Mr. Ted Grady, of 125 S. Green Street⁶, Unit #306A, and member of the condominium board for 125 S. Green Street, asked questions regarding the applications.

In response to Mr. Grady's questions, Mr. Kokalias and Mr. Kerwin offered further testimony.

Mr. Grady then testified that all of his questions had been answered.

Mr. Alex Mitrovic, of 125 S. Green Street, Unit #408A, and member of the condominium board, offered testimony in opposition to the applications.

Ms. Yuxuan Ji, of 125 S. Green Street, Unit #310B, offered testimony in opposition to the applications and asked questions of the Applicant.

In response to Ms. Ji's questions, Mr. Kokalias offered further testimony.

Ms. Bonnie Wu, of 125 S. Green Street, offered testimony in opposition to the applications and asked questions of the Applicant.

In response to Ms. Wu's questions, Mr. Kokalias offered further testimony.

In response to Mr. Kokalias' testimony, Mr. Mitrovic asked further questions.

In response to Mr. Mitrovic's questions, Mr. Ftikas made a statement and Mr. Kokalias offered further testimony.

Ms. Michele Anderson, of 125 S. Green Street, Unit #1209A, offered testimony in opposition to the applications and asked questions of the Applicant.

In response to Ms. Anderson's questions, Mr. Ftikas made a statement, Mr. Kerwin offered further testimony and Mr. Kokalias offered further testimony.

Ms. Anderson then offered further testimony.

Ms. Wu then offered further testimony and asked further questions of the Applicant.

In response to Ms. Wu's questions, Mr. Kokalias offered further testimony.

Mr. Shuanglong Wang, of 125 S. Green Street, Unit #1106A, offered testimony in opposition to the applications.

In response to Mr. Wang's testimony, Mr. Ftikas made a statement.

⁶ 125 S. Green Street is the property next west (from Halsted) and next north (from Adams) of the subject property. The condominium buildings at 123 S. Green Street and 125 S. Green Street are called the Emerald Condominiums (alternatively the Emerald on Green) and both "125 S. Green Street" and "the Emerald" were used interchangeably at the hearing.

In response to Mr. Ftikas' statement, Mr. Mitrovic offered further testimony.

Mr. Yuzhe Shen, of 125 S. Green Street, Unit #308A, offered testimony in opposition to the applications.

Mr. Colin Chen, of 125 S. Green Street, Unit #1105A, offered testimony in opposition to the applications.

Mr. Ftikas then made a closing statement.

B. Criteria for a Special Use Permit for Parking Reductions for Transit-Served Locations

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

Pursuant to Section 17-13-0905-F(1) of the Chicago Zoning Ordinance, no special use application for the reduction of off-street parking requirements for residential and non-residential uses from the otherwise applicable standards by more than fifty percent (50%) as expressly authorized in Section 17-10-0102-B of the Chicago Zoning Ordinance, may be approved unless the ZONING BOARD OF APPEALS finds that the special use meets the general criteria of Section 17-13-0905 of the Chicago Zoning Ordinance and all of the following specific criteria: (a) the project complies with the applicable standards of Section 17-10-0102-B of the Chicago Zoning Ordinance; (b) the project complies with the standards and regulations of Section 17-3-0500 of the Chicago Zoning Ordinance pertaining to pedestrian streets and pedestrian retail streets, even if the project is not located along a pedestrian street or a pedestrian retail street; (c) the project complies with the general goals set forth in the Transit Friendly Development Guide: Station Area Typology, and any other station-specific plans, designs or guidelines adopted by the Chicago Plan Commission; (d) the Applicant will actively promote public transit and alternatives to automobile ownership through car sharing programs or other shared modes of transportation, such as funding the installation of new public bike-share (Divvy) docks or stations within or adjacent to the project site and the purchase of bikes for such docks or stations, subject to the review and approval of the Chicago Department of Transportation of such bike-share expenditures; and (e) the requested reduction will be offset by enhancements to the pedestrian environment that are not otherwise required, such as wider sidewalks, decorative pavement, trees, raised planters, outdoor seating,

special lighting, bus shelters or other types of weather protection for pedestrians, transit information kiosks, or other pedestrian amenities.

Pursuant to Section 17-13-0905-F(2) of the Chicago Zoning Ordinance, no special use application for the reduction of off-street parking requirements for residential and non-residential uses from the otherwise applicable standards by more than fifty percent (50%) as expressly authorized in Section 17-10-0102-B of the Chicago Zoning Ordinance, may be approved unless the ZONING BOARD OF APPEALS considers the availability of on-street parking in the vicinity of the project.

Pursuant to Section 17-13-0905-F(3) of the Chicago Zoning Ordinance, the ZONING BOARD OF APPEALS is authorized to require the applicant to submit a travel demand management plan prepared by a qualified professional that addresses the transportation impacts of the development on parking and transit use, and which includes a description of the strategies and programs the applicant will implement to reduce parking demands.

C. Criteria for a Variation

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

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

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

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

III. FINDINGS OF FACT

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

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

The subject property is located on a pedestrian street (Halsted) and is located within 2640 feet (as measured along a straight line) of a CTA rail station entrance (UIC-Halsted Blue Line). As such, it qualifies as a transit served location under Section 17-10-0102-B of the Chicago Zoning Ordinance, and the Applicant may request a special use to reduce its parking count to twenty-seven (27) spaces. Other than the accompanying variation, the Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special use and the variation that brings it before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the special use and the variation to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience because it will allow an obsolete, vacant commercial building to be replaced by an all-new construction mixed-use building that will provide eighty (80) dwelling units. The ZONING BOARD OF APPEALS agrees with Mr. Kerwin that the housing market in the downtown area – specifically the West Loop – is recovering from the COVID-19 pandemic. Thus, additional housing stock, especially new, high-quality housing stock such as that proposed by the Applicant, is very much in the interest of the public convenience.

Further, the proposed special use will not have a negative adverse impact on the general welfare of the neighborhood or the community. As Mr. Kokalias credibly

testified, no parking is required for the retail portion of the proposed building⁷. Thus, the only parking at issue is parking for the eighty (80) dwelling units. The ZONING BOARD OF APPEALS also agrees with Mr. Kerwin's very credible assessment that those in the downtown area rely increasingly on public transportation over automobiles. Conversely, the ZONING BOARD OF APPEALS did not find the Objectors speculations and anecdotes with respect to parking to be particularly credible. Simply because the Objectors' building was built prior to the adoption of transit served locations ("TSLs") does not mean that the Applicant's proposed building will not have adequate parking. Indeed, the ZONING BOARD OF APPEALS finds twenty-seven (27) parking spaces and sixty-seven (67) bicycle parking spaces to be ample parking for eighty (80) dwelling units in a TSL. As such, the ZONING BOARD OF APPEALS finds that the proposed special use will not have a negative adverse impact on the general welfare or the neighborhood or community.

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

The proposed special use will be housed in the proposed building. It is clear that the proposed building is consistent with and will complement other improvements in the area in terms of site planning and building scale and project design. This may be seen in the plans and drawings themselves, Mr. Kerwin's report and the very credible testimony of both Mr. Kerwin and Mr. Kokalias. For instance, the proposed building will be seven stories, ensuring that it will complement the newer, high-rise buildings and yet not overwhelm the older, mid-rise and low-rise buildings in the area. All vehicular egress and ingress will be off of Adams, ensuring that the pedestrian street of Halsted will not be disturbed by curb cuts. The retail component of the proposed building will be located at the corner of Adams and Halsted and will therefore not impact the residential portion of S. Green. In addition, the proposed building will not have any windows or balconies on the north side of the proposed building that is closest to 125 S. Green (i.e., the north side of the proposed building that is parallel to the Adam's frontage and is separated from 125 S. Green by 125 S. Green's 27' wide driveway). As such, the ZONING BOARD OF APPEALS finds that the proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

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

⁷ See also Section 17-10-0208 of the Chicago Zoning Ordinance.

Again, the proposed special use will be housed in the proposed building. As set forth in Mr. Kerwin's report, the subject property is located in a mixed-use area that includes residential, retail and restaurants. The proposed building is mixed-use. As can be seen from comparing the plans and drawings to the other buildings in the area, the proposed building is compatible with the character of the surrounding area in terms of hours of operation, outdoor lighting, noise and traffic generation. Consequently, the proposed special use is also compatible with the character of the surrounding area in terms of hours of operation, outdoor lighting, noise and traffic generation.

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

The proposed special use will be housed in the proposed building. As can be seen from the proposed building's plans and drawings, vehicular ingress and egress to the subject property will be greatly reduced (as there will be only twenty-seven parking spaces rather than the eighty parking spaces). As such, this will promote pedestrian safety on Adams (where vehicular ingress and egress will be located). The retail component located on the corner of Adams and Halsted will ensure that the corner will remain active, again promoting pedestrian safety. The proposed building will be providing parkway trees which will promote pedestrian comfort. As such, the ZONING BOARD OF APPEALS find that the proposed special use is designed to promoted pedestrian safety and comfort.

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

1. *The project complies with the applicable standards of Section 17-10-0102-B of the Chicago Zoning Ordinance.*

Section 17-10-0102-B of the Chicago Zoning ordinance states that residential uses on pedestrian streets in B, C or D zoning districts and located within 2640 feet of a CTA station entrance may have their off-street parking requirements reduced by 100% if certain conditions are met. In the instant case, the subject property is located in a D zoning district and on a pedestrian (Halsted) street. The subject property is located (as measured along a straight line) within 2640 feet of the CTA UIC-Halsted Blue Line station entrance. Further, the proposed building shall have one designated bicycle space for each parking space that would otherwise have been required (e.g., the proposed development will have 27 parking spaces, so the proposed development is required to have 54 bicycle spaces). The Applicant will be providing 67 bicycle spaces.

2. *The project complies with the standards and regulations of Section 17-3-0500 of the Chicago Zoning Ordinance pertaining to pedestrian streets and pedestrian retail streets, even if the project is not located along a pedestrian street or a pedestrian retail street.*

As noted above, Halsted is a pedestrian street at this location. Therefore, the Applicant's proposed development complies with the standards and regulations of Section 17-3-0500⁸ of the Chicago Zoning Ordinance for pedestrian streets.

3. *The project complies with the general goals set forth in the Transit Friendly Development Guide: Station Area Typology, and any other station-specific plans, designs or guidelines adopted by the Chicago Plan Commission.*

As set forth by the Applicant in its proposed Findings of Fact, the Applicant's proposed building generally complies with the general goals set forth in the Transit Friendly Development Guide: Station Area Typology (the "Guide") in that the proposed building encourages transit-friendly development in the vicinity of CTA rail stations and alternative public transit in a downtown zoning district. More specifically, the UIC-Halsted CTA Blue Line station is identified in the Guide as a Service Employment District typology. The Applicant's proposed development complies with the goals of such Service Employment District typology in that the proposed building will reactivate a parcel currently improved with an obsolete, vacant building with residential development (80 dwelling units) and selective employment-based projects (approx. 4200 square feet of retail).

4. *The Applicant will actively promote public transit and alternatives to automobile ownership through car sharing programs or other shared modes of transportation, such as funding the installation of new public bike-share (Divvy) docks or stations within or adjacent to the project site and the purchase of bikes for such docks or stations, subject to the review and approval of the Chicago Department of Transportation of such bike-share expenditures.*

As noted above, the Applicant is providing sixty-seven (67) off-street bicycle parking spaces. Further, there is space within the garage of the proposed building to allow for bicycle maintenance and repair. The Applicant will also work with CDOT and the alderman to provide Divvy docks adjacent to the subject property.

5. *The requested reduction will be offset by enhancements to the pedestrian environment that are not otherwise required, such as wider sidewalks, decorative pavement, trees, raised planters, outdoor seating, special lighting, bus shelters or other types of weather protection for pedestrians, transit information kiosks, or other pedestrian amenities.*

⁸ Although since this is in a D zoning district, Section 17-4-0500 of the Chicago Zoning Ordinance technically controls in this instance.

The Applicant will be providing new parkway trees. The Applicant will also be providing new building lights. Further, the proposed building will maintain approximately 6' of sidewalk (plus the parkway) along Halsted and approximately 7' of sidewalk (plus the parkway) along Adams.

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-F(2) of the Chicago Zoning Ordinance:

1. The availability of on-street parking in the vicinity of the project is:

On-street parking is generally available along W. Adams and S. Green Street.

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

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

Due to the irregular shape of the subject property and as very credibly testified by Mr. Kokalias, if the Applicant strictly complied with the regulations and standards of the Chicago Zoning Ordinance when redeveloping the subject property, the Applicant would have three options: (1) treat Halsted as the front setback and have a much taller, skinnier building as the back half of the lot (i.e., lot 9 on the plat of survey) would be (under the Chicago Zoning Ordinance) unusable; (2) treat Adams as the front setback and have a fifteen foot (15') wide apartment building which would not pass Chicago building codes; or (3) build a multi-story all commercial building. The ZONING BOARD OF APPEALS finds that all three options create practical difficulties or particular hardships for the subject property as the subject property is located in a mixed-use area and therefore – the highest and best use of the property is for mixed-use development. Moreover, the subject property itself is not small – it's a 17,500 square foot lot – and is located in the West Loop. As such, it is best suited for mid-rise development rather than a tall, narrow mixed-used building or an all-commercial building.

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

The requested variation will allow for the proposed building. Therefore, it is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance by allowing an all-new construction building on a currently underutilized and unoccupied lot; (2)

preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance by providing new construction that is complementary in both architecture and function to other improvements in the immediate area; (3) maintaining economically vibrant as well as attractive business and commercial areas pursuant to Section 17-1-0504 of the Chicago Zoning Ordinance by activating an underutilized and unoccupied downtown parcel and ensuring that the corner or Halsted and Adams continues to have ground floor retail use; (4) implementing the policies and goals contained in official adopted plans pursuant to Section 17-1-0506 of the Chicago Zoning Ordinance by constructing a building that furthers the policies and goals set forth in the Transit Friendly Development Guide: Station Area Typology adopted by the Chicago Plan Commission; (5) promoting pedestrian, bicycle and transit use pursuant to Section 17-1-0507 of the Chicago Zoning Ordinance by providing for sixty-seven (67) on-site bicycle spaces and reduced on-site vehicular parking; (6) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance by allowing a building that will be of consistent massing for a downtown multi-use building while yet being respectful of adjacent properties; (7) ensuring adequate light, air, privacy and access to property pursuant to Section 17-1-0509 of the Chicago Zoning Ordinance by allowing a building that will ensure that the adjacent properties – especially 125 S. Green – continue to receive adequate light, air privacy and access to property; and (8) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance by allowing eighty (80) new rental units in a TSL.

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

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

Currently, the subject property is realizing no return as it is improved with an obsolete, vacant building. Thus, in order for the subject property to realize a reasonable return, the subject property must be redeveloped. However, without the variation, redevelopment is limited to: (1) treating Halsted as the front setback and having a much taller, skinnier building as the back half of the lot (i.e., lot 9 on the plat of survey) would be (under the Chicago Zoning Ordinance) unusable; (2) treating Adams as the front setback and having a fifteen foot (15') wide apartment building which would not pass Chicago building codes; or (3) building a multi-story all commercial building. None of these options are financially feasible. Consequently, without the variation, the subject property cannot yield a reasonable return. The ZONING BOARD OF APPEALS finds both Mr. Kokalias and Mr. Kerwin to be very credible witnesses.

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

The irregular lot shape is a unique circumstance that is not generally applicable to other downtown property.

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

Again, the proposed variation will allow for the proposed building. As can clearly be seen from comparing the plans and drawings with the photographs and maps of the neighborhood, the proposed building is very much in character with the neighborhood. Indeed, Mr. Kokalias took much care in designing the proposed building so that it would complement – both architecturally and functionally – the other improvements in the neighborhood.

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

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

The particular shape of the subject property - that is, its irregular shape - would result in a particular hardship upon the property owner if the strict letter of the Chicago Zoning Ordinance were carried out. The size of the subject property is of sufficient size (17,500 square feet) to support the proposed building. It is simply the irregular shape that causes the issue. As very credibly set forth by Mr. Kokalias and Mr. Kerwin, the subject property – as currently improved – is underutilized. Indeed, it is currently not utilized at all. Moreover, without the requested variation, the subject property will remain underutilized. The ZONING BOARD OF APPEALS finds that such underutilization constitutes a particular hardship and not a mere inconvenience for the Applicant.

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

Not all property located in DX-5 districts is of such irregular shape. Indeed, as set forth in Mr. Kerwin's report the neighboring properties are of much more regular shape. Therefore, the ZONING BOARD OF APPEALS finds that the conditions upon which the petition for the variation is based is not generally applicable to other DX-5 property.

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

The purpose of the variation is not based upon a desire to make more money out of the subject property but rather to redevelop the subject property with a building that is both sensitive of and complementary to the surrounding area. Indeed, and as Mr. Kokalias testified at the hearing, the Applicant is not attempting to maximize the amount of dwelling units that can be placed on the subject property. Nor is the Applicant attempting to maximize building height. Instead, the variation is so that the Applicant can responsibly use the large but irregular lot size to redevelop a currently underutilized and unoccupied lot.

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

The Applicant did not create the irregular lot shape.

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

The variation will allow for the proposed building. A comparison of the plans and drawings of the proposed building with the photographs and descriptions of the surrounding neighborhood leaves no doubt that the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The ZONING BOARD OF APPEALS finds Mr. Kokalias and Mr. Kerwin to be very credible witnesses as to this criterion. In contrast, the ZONING BOARD OF APPEALS did not find any of the Objectors credible.

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

The variation will allow for the proposed building. As can be seen from comparing the plans and drawings of the proposed building with the photographs of the neighborhood, it is clear that the variation will not impair an adequate supply of light and air to adjacent property. The ZONING BOARD OF APPEALS finds Mr. Kokalias to be very credible as to this point. Indeed, the ZONING BOARD OF APPEALS utterly rejects the speculations put forth by the Objectors, including but not limited to the absurd contention that the proposed building will somehow cause exhaust fumes and other emissions from automobiles to negatively impact the inhabitants of 125 S. Green Street. Twenty-seven feet (27') is ample space between buildings, especially in the downtown

district where many buildings are built lot line to lot line. Twenty-seven feet (27') is also ample space for a car. The ZONING BOARD OF APPEALS agrees with Mr. Kokalias that twenty-seven feet (27') is wider than most alleys (as most alleys are between 14' to 16' wide). Further, and as set forth in greater detail above, the proposed variation will not substantially increase congestion in the public streets. Again, the ZONING BOARD OF APPEALS finds Mr. Kokalias and Mr. Kerwin to be very credible witnesses as to this point. As the proposed building will not be built unless and until valid building permits are issued, the proposed variation will not increase the danger of fire or endanger public safety. As the variation will allow the Applicant to activate a unoccupied and underutilized lot and replace it with the proposed building, the variation will not substantially diminish or impair property values within the neighborhood.

IV. CONCLUSION

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

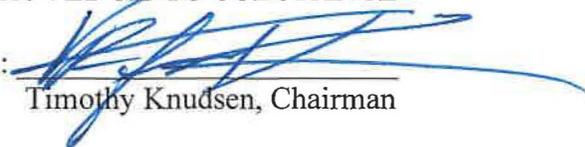
The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a special use, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use subject to the following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

1. Development shall be consistent with the design and layout of the plans and drawings dated December 17, 2021, prepared by Axios Architects and Consultants;
2. The windows of the parking garage are translucent, frosted or similar; and
3. The final location of the loading zone along Adams Street is reviewed and approved by CDOT.

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

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify
that I caused this to be placed in the mail on 2/22, 2022.



Janine Klich-Jensen

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

APPLICANT: Austin Donuts, Inc. Cal. No.519-21-S
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
December 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4825 N. Austin Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

JAN 24 2022
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on December 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 2, 2021; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided the special use is issued solely to the applicant, Austin Donuts, Inc., and the development is consistent with the design and layout plans and drawings dated December 17, 2021, prepared by DM Architects.

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Howard Orloff Imports, Inc.

CAL. NO.: 520-21-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1804 W. Armitage Avenue

NATURE OF REQUEST: Application for a variation to reduce the interior landscape area total from the required 586 square feet to 335 square feet, reduce the interior tree count from five to zero and waive the hose bib requirement.

ACTION OF BOARD - Continued to February 18, 2022

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Guaranteed Investment Corp.
APPEARANCE FOR: Caryn Shaw
APPEARANCE AGAINST: None
PREMISES AFFECTED: 7401 S. State Street

CAL. NO.: 521-21-S

MINUTES OF MEETING:
December 17, 2021

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

ACTION OF BOARD - Continued to February 18, 2022

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Canna B Growth, LLC

CAL. NO.: 37-21-S

APPEARANCE FOR: Charlotte Huffman

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4411 W. Carroll Street

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

ACTION OF BOARD - WITHDRAWN

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Canna B Growth, LLC

CAL. NO.: 38-21-S

APPEARANCE FOR: Charlotte Huffman

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4411 W. Carroll Street

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

ACTION OF BOARD - WITHDRAWN

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Guaranteed Investments, Inc.

CAL. NO.: 274-21-S

APPEARANCE FOR: Caryn Shaw

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7401 S. State Street

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

ACTION OF BOARD - Continued to February 18, 2022

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Toyin Omolasho dba Ty African Hair Braiding Cal. No.332-21-S
APPEARANCE FOR: Same as Applicant
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2602 E. 79th Street

MINUTES OF MEETING:
December 17, 2021

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

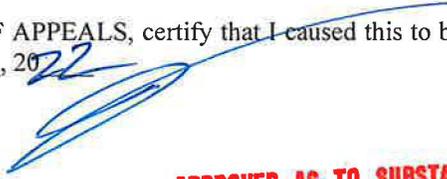
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on December 17, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication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

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

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

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

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


APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Easyway Property Cal. No.336-21-S
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
APPEARANCE AGAINST: None December 17, 2021
PREMISES AFFECTED: 11100 S. State Street

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
	X	
X		

THE RESOLUTION:

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to expand the floor area of an existing gas station to 893 square feet; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: that the special use is issued solely with the Department of Planning and Development’s first condition and second condition namely: (1) the special use is issued solely to the applicant, Community United Development Group, LLC; and (2) the development is consistent with the design and layout of the site plan dated November 28, 2021 (signature date), with landscape plan, details, elevations and floor plan dated August 23, 2021, all prepared by RIZ Architects.

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Thaibinh Nguyen Hernandez dba Beauty Bladed Company

CAL. NO.: 418-21-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4360 N. Milwaukee, Unit 1

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

ACTION OF BOARD - Continued to January 21, 2022

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Howard Orloff Imports, Inc.

CAL. NO.: 437-21-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1804 W. Armitage Avenue

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

ACTION OF BOARD - Continued to February 18, 2022

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Howard Orloff Imports, Inc.

CAL. NO.: 438-21-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1804 W. Armitage Avenue

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

ACTION OF BOARD - Continued to February 18, 2022

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

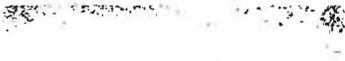
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: Esther and Eugene Chukudebelu Cal. No.444-21-S
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
 December 17, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 8108 S. Exchange Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE


JAN 24 2022
 CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

THE RESOLUTION:

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

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided that the development is consistent with the design and layout of the plans and drawings dated February 5, 2021, all prepared by Oladipo Animashaun, License Architect.

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Luis Cuzco

CAL. NO.: 446-21-Z

APPEARANCE FOR: Tyler Manic

MINUTES OF MEETING:
December 17, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3343 W. Warner Avenue

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

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

JAN 24 2022
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the west side setback to 1.12' (east to be 10.97'), combined side yard setback to be 12.09' for a proposed one-story rear addition to the first-floor unit to the existing two-story, two dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN