

JULY 17, 2020

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

MINUTES OF MEETING:

July 17, 2020

Cal. No. 239-19-S

The Zocalo Development, LLC 1851 Loomis presented a written request for an extension of time in which to establish residential use below the second floor for a proposed three story, six dwelling unit building with a six car garage at the subject property 1849 S. Loomis Street. The special use was approved on May 17, 2019 in Cal. No. 239-19-S.

The Applicant's representative, Rudy Mendez, stated that it was in the process of obtaining the permits for work to the subject property. However, in the last six months, this process has been slowed by pandemic quarantine restrictions for both businesses and government offices as well as the deaths of two close relations from Covid-19.

Chairman Parang moved the request be granted and the time for obtaining the necessary permits be extended to June 24, 2021.

THE VOTE

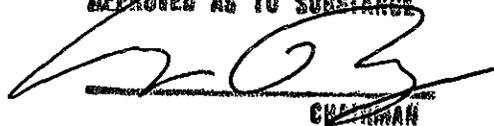
FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

SEP 17 2020

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

**MINUTES OF MEETING:**

July 17, 2020

Cal. No. 240-19-S

The Zocalo Development, LLC 1851 Loomis presented a written request for an extension of time in which to establish residential use below the second floor for a proposed three-story, three dwelling unit with a three car garage at the subject property 1853 S. Loomis Street. The special use was approved on May 17, 2019 in Cal. No. 240-19-S.

The Applicant's representative, Rudy Mendez, stated that it was in the process of obtaining the permits for work to the subject property. However, in the last six months, this process has been slowed by the pandemic quarantine restrictions for both businesses and government offices as well as the deaths of two close relations from Covid-19.

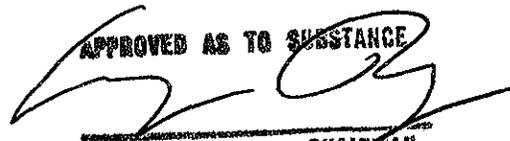
Chairman Parang moved the request be granted and the time for obtaining the necessary permits be extended to June 24, 2021.

**THE VOTE**

**SEP 17 2020**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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: Ingrid Cheatham dba Posh Lash Inc.

Cal. No. 227-20-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:  
July 17, 2020

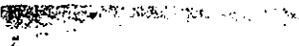
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1652 E. 53<sup>rd</sup> Street

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

ACTION OF BOARD-  
APPLICATION APPROVED

THE VOTE



SEP 17 2020

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2020; and

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

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

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

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



SEP 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**CorEtt Builders Corporation**  
APPELLANT

**228-20-Z & 229-20-Z**  
CALENDAR NUMBERS

**2855 N. Ashland Avenue**  
PREMISES AFFECTED

**July 17, 2020**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The applications for the variations are denied.

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

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 2855 N.  
ASHLAND AVENUE BY CORETT BUILDERS CORPORATION.**

**I. BACKGROUND**

CorEtt Builders Corporation (the "Applicant") submitted two variation applications for 2855 North Ashland Avenue (the "subject property"). The subject property is currently zoned RT-4. The Applicant had improved the subject property with a new construction three-story, two-unit building (the "building") and a new construction detached two-car garage at the rear of the subject property (the "garage"). The garage's roof deck (the "garage roof deck") is attached to the building by means of an access bridge (the "access bridge"). To bring this new construction into compliance with the Chicago Zoning Ordinance, the Applicant sought variations to: (1) reduce the rear setback from the required 32.14' to 21.4'; and (2) relocate the required 167 square feet of rear yard open space to the garage roof deck.

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting on July 17, 2020, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the

ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Facts. In accordance with the ZONING BOARD OF APPEALS' Emergency Rules (eff. July 1, 2020)<sup>1</sup>, the Applicant had submitted all documentary evidence. The Applicant's attorney and secretary Ms. Corine O'Hara was present as was the Applicant's structural engineer Mr. Michael Cox. The City of Chicago's Assistant Zoning Administrator Mr. Steven Valenziano was also present. The statements, documentary evidence and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Emergency Rules and Rules of Procedure.

The Applicant's attorney and secretary Ms. Corine O'Hara provided an explanation in support of the Applicant's application to reduce the rear setback.

The Applicant's structural engineer Mr. Michael Cox testified in support of the application to reduce the rear setback.

In response to questions from the ZONING BOARD OF APPEALS, Ms. O'Hara provided further explanation regarding the Applicant's application to reduce the rear setback. As part of her explanation, she stated: (1) that the Chicago Zoning Ordinance allowed for access bridges such as the Applicant's for single-family residences but not multi-family residences; and (2) that the Applicant's original plans<sup>2</sup> for the garage showed a garage roof deck.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Cox provided further testimony in support of the application to reduce the rear setback. He also provided testimony to correct Ms. O'Hara's statements regarding (1) and (2) above. He testified that the Chicago Zoning Ordinance did not allow for access bridges such as the Applicant's for either single-family residences or multi-family residences. He testified that the Applicant's original plans for the garage did not show a garage roof deck but instead showed a flat grade garage roof.

The City of Chicago's Assistant Zoning Administrator Mr. Steven Valenziano provided testimony regarding how garage roof decks may be accessed under the Chicago Zoning Ordinance.<sup>3</sup> He also testified that the original plans for the garage did not show a garage roof deck.

Ms. O'Hara continued to state that the original plans did, in fact, show a garage roof deck.

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<sup>1</sup> 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.

<sup>2</sup> Note, at no time was the ZONING BOARD OF APPEALS presented with the Applicant's original plans for the garage.

<sup>3</sup> The so-called "Hopkins' Amendment" as such an amendment to the Chicago Zoning Ordinance was introduced by Aldermen Brian Hopkins and Michele Smith. See Journal of Proceedings of the City Council of Chicago for March 29, 2017, at pages 45477 through 45493.

In response to Ms. O'Hara's continued statements regarding the original plans, Mr. Valenziano provided further testimony.

#### B. Criteria for a Variation

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

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

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

### III. FINDINGS OF FACT

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

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

#### Variation to Reduce the Rear Setback

The ZONING BOARD OF APPEALS fails to see how strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. During the hearing, when asked to articulate the particular difficulty or particular hardship for the subject property that necessitated the variation, Ms. O'Hara stated that if the Applicant had to strictly comply with the Chicago Zoning Ordinance, the Applicant would need to install a second set of stairs into the rear yard.<sup>4</sup> She stated that as there was already a set of stairs in the rear yard for ingress and egress to the building, such second set of stairs would result in the entirety of the subject property's rear yard being taken up by stairs. She further stated that this constituted hardship. While the ZONING BOARD OF APPEALS agrees that the Applicant needs – for fire safety reasons – to have a rear set of stairs for ingress and egress to the building, the ZONING BOARD OF APPEALS notes that the building's rear stairs are much more than stairs for fire safety. On the contrary, and as can be seen from the pictures and the site plan, the stairs are part of a deck system that is deliberately designed in such a manner as to take up the entirety of the rear yard (and, in fact, connect the decks at the rear of the building to the garage roof deck by means of the access bridge). As the Applicant chose to construct the current improvements on the subject property – including the building's rear stair – the Applicant cannot now complain that complying with the Chicago Zoning Ordinance would cause the Applicant hardship. After all, a hardship cannot be one that is self-imposed, and the ZONING BOARD OF APPEALS finds that by deliberately creating a deck system that violates the Chicago Zoning Ordinance, the Applicant created the very hardship of which it now complains. Further, the ZONING BOARD OF APPEALS does not find that strict compliance with the Chicago Zoning Ordinance would cause particular difficulty, as the Applicant is free to install a second set of stairs, thus still allowing for access to the garage roof deck<sup>5</sup>.

#### Variation to Relocate the Rear Yard Open Space

It is up to the Applicant to prove its case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. The Applicant presented no evidence or argument as to why strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular

<sup>4</sup> As set forth in Section 17-17-0309 of the Chicago Zoning Ordinance.

<sup>5</sup> The ZONING BOARD OF APPEALS notes that while the garage roof deck currently exists, it does not yet have a valid building permit. This is because the original plans for the garage did not show a garage roof deck but instead showed a flat roof. The ZONING BOARD OF APPEALS finds Mr. Valenziano and Mr. Cox to be very credible witnesses as to this fact. In contrast, the ZONING BOARD OF APPEALS finds that Ms. O'Hara has zero credibility as to this fact.

hardships for the subject property if the variation to relocate the rear open space were not granted. In fact, the Applicant – in both its proposed Findings of Fact and at its hearing before the ZONING BOARD OF APPEALS – did not make any reference to this variation at all.<sup>6</sup> The ZONING BOARD OF APPEALS notes that from the site plan, it is clear that the subject property does not currently have a rear yard in compliance with the Chicago Zoning Ordinance. Presumably, this means that the Applicant will need to tear down the rear deck system and instead erect a smaller rear stair so that there is adequate rear yard open space at grade. However, and as noted above, a hardship cannot be one that is self-imposed, and as the Applicant deliberately created the rear deck system in question, its tear down and subsequent erection of a smaller rear stair cannot be considered a particular hardship. Nor – as the Applicant did not provide any evidence – can it be considered a practical difficulty.

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

Variation to Reduce the Rear Setback & Variation to Relocate the Rear Yard Open Space

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 variations are not consistent with the Chicago Zoning Ordinance’s clear and efficient development review and approval procedures.

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

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<sup>6</sup> Leading Mr. Valenziano to mistakenly believe (as can be seen from his testimony in response to Commissioner Garcia’s questions) that the Applicant was only before the ZONING BOARD OF APPEALS for its request to reduce the rear yard setback.

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

Variation to Reduce the Rear Setback

It is up to the Applicant to prove its case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. The Applicant provided no credible evidence to demonstrate that the subject property would not be able to realize a reasonable rate or return if the variation were not granted. The Applicant indicated in its proposed Findings of Fact that prospective buyers would not purchase a property without adequate access to the roof deck. However, this is both speculative and in direct contradiction to Ms. O'Hara's statement during the hearing that the subject property had already been sold. Whether or not the Applicant sold the property, it is clear that no credible evidence was put forth to support the argument that the subject property could not yield a reasonable return without the variation.

Variation to Relocate the Rear Yard Open Space

It is up to the Applicant to prove its case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. The Applicant presented no evidence or argument that without the variation the subject property would be unable to yield a reasonable rate of return. As noted above, the Applicant did not address this variation in either its proposed Findings of Fact or at the hearing. Thus, the Applicant provided no evidence to demonstrate that the subject property could not yield a reasonable rate of return without the proposed variation. Again, and as also noted above, presumably, the Applicant will need to tear down the rear deck system and instead erect a smaller rear stair so that the subject property has adequate rear yard open space at grade. However, the Applicant did not present any evidence – such as estimates by its general contractor – that the cost of demolishing the rear deck system and the subsequent erection of a smaller rear stair would prevent the subject property from realizing a reasonable rate of return.

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

Variation to Reduce the Rear Setback

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or particular hardship. To the extent that a difficulty or particular hardship exists in relation to access to the garage roof deck, nothing in the record suggests that such difficulty or hardship is due to the unique circumstances of the subject property. Without the access bridge, the Applicant would still have the option of providing access to the garage roof deck via a

stairway adjacent to the garage.<sup>7</sup> Any residential property that features a garage roof deck would be faced with the issue of providing access. The ZONING BOARD OF APPEALS does not find credible the Applicant's argument that the fact that the subject property is a multi-unit building and not a single-family home places additional restrictions upon its ability to provide access to its garage roof deck. As Mr. Cox testified, access bridges connecting to garage roof decks are not permitted as of right for either single-family homes or multi-unit buildings; instead, a variation is always required.<sup>8</sup> Nor does the Applicant's argument that the subject property is a short lot create unique circumstances in this instance. As Ms. O'Hara noted, the subject property is located on Ashland Avenue, and when Ashland Avenue was widened, the subject property's lot depth decreased. However, *all* residential property on Ashland Avenue faces this same issue and, as such, is also not a unique circumstance. Thus, the Applicant has offered no evidence to demonstrate unique circumstances in this instance.

#### Variation to Relocate the Rear Yard Open Space

It is up to the Applicant to prove its case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. As noted above, the Applicant did not address this variation in either its proposed Findings of Fact or at the hearing. Thus, the Applicant provided no evidence to demonstrate that either practical difficulties or particular hardships existed with respect to providing the required rear yard open space at grade let alone that such practical difficulties or particular hardships were the result of unique circumstances.

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

#### Variation to Reduce the Rear Setback

It is up to the Applicant to prove its case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. The only evidence offered as to this criterion was Ms. O'Hara's blanket statement that there were access bridges "all over the place" in the Lakeview neighborhood. However, no evidence was provided to the ZONING BOARD OF APPEALS as to what these access bridges looked like so that the ZONING BOARD OF APPEALS could compare the access bridge in this instance to the other access bridges. Nor did the Applicant provide any evidence as to where these other access bridges were located. The ZONING BOARD OF APPEALS notes that Lakeview is one of the City of Chicago's seventy-seven communities and is comprised of *several* neighborhoods (e.g., Wrigleyville, North Halsted, Boystown). Thus, to state that there are access bridges in Lakeview is not, in and of itself, determinative of this

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<sup>7</sup> Provided, of course, that the Applicant obtained a valid building permit for such garage roof deck and adjacent stairway.

<sup>8</sup> It is apparent from the hearing (especially the back and forth between Ms. O'Hara and Mr. Cox) that the Applicant's argument that multi-family residences face additional restrictions under the Chicago Zoning Ordinance that single-family residences do not was the result of a misunderstanding on Ms. O'Hara's part.

criterion. As such, the ZONING BOARD OF APPEALS finds that the Applicant did not present sufficient evidence as to this criterion.

Variation to Relocate the Rear Yard Open Space

It is up to the Applicant to prove its case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. As noted above, the Applicant did not address this variation in either its proposed Findings of Fact or at the hearing. Thus, the Applicant provided no evidence to demonstrate that the relocation of the rear yard open space from grade to the garage roof deck would not alter the essential character of the neighborhood.

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

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

Variation to Reduce the Rear Setback

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or a particular hardship. To the extent that a difficulty or hardship exists in relation to the Applicant's inability to incorporate the access bridge, the ZONING BOARD OF APPEALS finds that such inability is not the result of the subject property's physical surroundings, shape or topographical condition. Further, the ZONING BOARD OF APPEALS finds that such an inability to incorporate the access bridge constitutes a mere inconvenience upon the property owner. Though the Applicant argued in its proposed Findings of Fact that the Chicago Zoning Ordinance "lacks a vehicle to get from the code permitted garage roof deck to the required fire and exit stair in a two-unit building," the Chicago Zoning Ordinance does allow for stairs that access *from grade* to the garage roof deck.<sup>9</sup> Thus, while it may be more convenient to keep the current access bridge, its removal is not a hardship, especially as the subject property's short lot depth does not prevent the Applicant from installing a stair to access the garage roof deck from grade.

Variation to Relocate the Rear Yard Open Space

It is up to the Applicant to prove its case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. As noted above, the Applicant did not address this variation in either its proposed Findings of Fact or

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<sup>9</sup> In accordance with Section 17-17-0309 of the Chicago Zoning Ordinance.

at the hearing. Thus, the Applicant provided no evidence to demonstrate that the particular physical surroundings, shape or topographical condition of the subject property would result in particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the Chicago Zoning Ordinance were carried out. As noted above, the denial of this variation will presumably result in the Applicant removing the current rear deck system to the building and instead erecting a smaller rear stair so that there is adequate rear yard open space at grade. However, since no evidence was presented by the Applicant as to the cost of this undertaking, the Applicant failed to prove that rectifying the current topographical condition of the subject property is more than a mere inconvenience.

2. *With respect to the rear setback, the conditions upon which the petition for the variation are based would be applicable, generally, to other property within the same zoning classification. With respect to the relocation of the rear yard open space, there is insufficient evidence that the conditions upon which the petition for the variation is based would not be applicable, generally, to other property within the same zoning classification.*

#### Variation to Reduce the Rear Setback

The subject property is located in an RT-4 zoning district. Because an access bridge connecting a building to an accessory building is not a permitted obstruction/projection into the required rear setback, any property within an RT-4 zoning district would be required to seek a variation in order to incorporate such an access bridge.

#### Variation to Relocate the Rear Yard Open Space

It is up to the Applicant to prove its case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. As noted above, the Applicant did not address this variation in either its proposed Findings of Fact or at the hearing. Thus, the Applicant provided no evidence to demonstrate as to how the Applicant's request to relocate the rear open space was based upon a condition that was not applicable, generally, to other property within the RT-4 zoning district.

3. *With respect to the request to reduce the rear setback, the variation is not based exclusively upon a desire to make more money out of the subject property. With respect to the request to relocate the rear yard open space, there is insufficient evidence that the variation is not based exclusively upon a desire to make more money out of the property.*

Variation to Reduce the Rear Setback

As Ms. O'Hara did state that the Applicant desired the access stair so that the residents of the building would have more outdoor space, the ZONING BOARD OF APPEALS finds that the variation is not based exclusively upon a desire to make more money out of the subject property.

Variation to Relocate the Rear Yard Open Space

It is up the Applicant to prove its case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. As noted above, the Applicant did not address this variation in either its proposed Findings of Fact or at the hearing. Thus, the Applicant provided no evidence to demonstrate as to why the Applicant's request to relocate the rear yard open space is not based exclusively upon a desire to make more money out of the subject property.

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

Variation to Reduce the Rear Setback

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or a particular hardship. To the extent that there exists a practical difficulty or particular hardship, such practical difficulty or particular hardship is attributable solely to the Applicant as it was the Applicant that improved the subject property in such a manner that now requires the requested variation. After all, the Applicant purchased the subject property and proceeded to demolish its existing improvements. It thus had a blank slate to design a program of development. As set forth above, the Applicant could have designed a small stair at the rear of the building so that the Applicant could provide access to the garage roof deck in compliance with the Chicago Zoning Ordinance without taking up the entirety of the rear yard with stairs.

Nevertheless, the Applicant chose an alternate plan of development. The ZONING BOARD OF APPEALS does not find credible Ms. O'Hara's statement that the Chicago Zoning Code required the Applicant to configure the new improvements for the subject property in a manner that necessitated the existing access bridge. As stated in the hearing, Section 17-17-0309 addresses access to garage roof decks. Likewise, the ZONING BOARD OF APPEALS rejects Ms. O'Hara's inference that the Zoning Administrator's approval of the Applicant's

original plans<sup>10</sup> for the subject property somehow meant that such plans were the only possible configuration for improvements on the subject property. As set forth in Section 17-13-1301 of the Chicago Zoning Ordinance, the Zoning Administrator reviews all building permit applications for compliance with the Chicago Zoning Ordinance. Such review does not indicate that site plans submitted as part of a building permit application are the only acceptable site plans for a given property. The Zoning Administrator can only approve (or deny) the site plans that an applicant submits. It is disingenuous for the Applicant to argue that the Zoning Administrator's approval of the original plans implies that the subject property could have only been improved in the manner Applicant chose. After all, had the Applicant's original plans provided for a smaller rear stair to the building as well as access to the garage roof deck in accordance with Section 17-17-0309, the Zoning Administrator would have also approved them. Furthermore, as both Mr. Cox and Mr. Valenziano testified, the original plans did not include a roof deck but instead featured a flat garage roof. Mr. Valenziano also testified that the original plans featured a continuous parapet wall for the garage. Thus, the original plans did not show – as the photographs submitted by the Applicant do – a gap in the garage parapet wall where the access bridge connects the garage roof deck to the rear deck system. As Mr. Valenziano further testified, had the garage roof deck and access bridge been included in the original plans when such original plans were review by the Zoning Administrator, the Zoning Administrator would have been denied the Applicant's building permit application, as the site plans submitted with such application would not have confirmed to the Chicago Zoning Ordinance. It is clear that the Applicant submitted plans that either did not contemplate or did not disclose any intention to provide a garage roof deck. The ZONING BOARD OF APPEALS finds Mr. Valenziano to be a very credible witness with respect to this variation.

#### Variation to Relocate the Rear Yard Open Space

It is up the Applicant to prove its case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. As noted above, the Applicant did not address this variation in either its proposed Findings of Fact or at the hearing. Thus, the ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or particular hardship. Nevertheless, to the extent to which the Applicant must tear down the rear deck system and erect a smaller stair so that there is adequate rear yard open space at grade can be

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<sup>10</sup> As noted in footnote 2 above, at no time was the ZONING BOARD OF APPEALS presented with these original plans. However, as the Applicant's proposed Findings of Fact reference two separate building permit numbers, the original plans are the plans included in City of Chicago building permit number 100813281. These are separate and apart from the revised plan showing the garage roof deck and access bridge that the Applicant presented to the ZONING BOARD OF APPEALS. As credibly testified to by Mr. Cox and Mr. Valenziano, the original plans had neither a garage roof deck nor an access bridge.

considered a practical difficulty or particular hardship, such difficulty or hardship has been created solely by the Applicant. As noted above, the Applicant chose the plan of development for the subject property.

5. *There is insufficient evidence to show that granting the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

#### Variation to Reduce the Rear Setback

The Applicant failed to sufficiently establish that the granting of the variation would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located. Though the Applicant stated in its proposed Findings of Fact and Ms. O'Hara stated during the hearing that there were similar access bridges in the Lakeview neighborhood, there was no evidence presented to indicate how many there were, their proximity to the subject property or whether those access bridges were a detriment to the public welfare or injurious to other property or improvements in the neighborhood. As such, the ZONING BOARD OF APPEALS finds that the Applicant did not present sufficient evidence as to this criterion.

#### Variation to Relocate the Rear Yard Open Space

It is up the Applicant to prove its case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. As noted above, the Applicant did not address this variation in either its proposed Findings of Fact or at the hearing. Thus, the Applicant provided no evidence to demonstrate that the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located.

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

#### Variation to Reduce the Rear Setback

It is up the Applicant to prove its case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. Aside from a bare assertion that the variation will not impair an adequate supply of light and air to adjacent property, the record is bereft of any evidence to support the Applicant's contention that the variations would not affect the supply of light and air to

adjacent property. As such, the ZONING BOARD OF APPEALS finds that there is insufficient evidence to show whether the variations will impair an adequate supply of light and air to adjacent property.

The ZONING BOARD OF APPEALS finds that the variation would not substantially increase the congestion in the public streets as the variation is so that the access bridge can be legalized and therefore remain. It will not reduce the required on-site parking for the subject property. Similarly, the ZONING BOARD OF APPEALS finds that the variation would not increase the danger of fire or endanger the public safety as such variation, if granted, would require the Applicant to receive a valid building permit for the access bridge and garage roof deck.<sup>11</sup>

However, there is insufficient evidence in the record to show that the variations will not substantially impair property values within the neighborhood. Again, it is up to the Applicant to prove its case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. The Applicant puts forth in its proposed Findings of Fact that the variation will not diminish property values because the rear deck system and the garage currently exist. This argument is conclusory and circular. Simply because the current improvements exist on the subject property is not, in and of itself, sufficient evidence that these improvements do not diminish or impair property values, especially when – as here – the improvement in question (i.e., the access bridge) was erected without a valid building permit.

#### Variation to Relocate the Rear Yard Open Space

It is up to the Applicant to prove its case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. As noted above, the Applicant did not address this variation in either its proposed Findings of Fact or at the hearing. Thus, the Applicant provided no evidence to demonstrate that the variation would impair an adequate supply of light and air to adjacent property.

The ZONING BOARD OF APPEALS finds that the variation would not substantially increase the congestion in the public streets as the variation is only to relocate the rear yard open space from grade to the garage roof deck. It will not reduce the required on-site parking for the subject property. Similarly, the ZONING BOARD OF APPEALS finds that the variation would not increase the danger of fire or endanger the public safety as such variation, if granted, would allow the Applicant to relocate the rear yard open space to the garage roof deck,

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<sup>11</sup> While the garage roof deck currently exists, it is not currently authorized by a valid building permit. The Applicant was before the ZONING BOARD in an attempt to gain a zoning certificate for a building permit that included the garage roof deck and the access bridge. As the ZONING BOARD declined to grant this variation, the Zoning Administrator has no authority to grant such zoning certificate. Thus, if the Applicant wishes to keep the garage roof deck, the Applicant will need to submit a new building permit application for said garage roof deck with plans that are in compliance with the Chicago Zoning Ordinance.

which roof deck would only be permitted<sup>12</sup> after the issuance of a valid building permit.

However, there is insufficient evidence in the record to show that the variation will not substantially impair property value within the neighborhood. Again, it is up to the Applicant to prove its case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. As noted above, the Applicant did not address this variation in either its proposed Findings of Fact or at the hearing. Thus, the Applicant provided no evidence to demonstrate that the variation will not substantially diminish or impair property values in the neighborhood.

#### IV. CONCLUSION

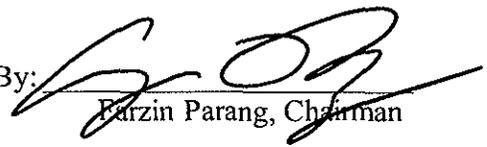
For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has not proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago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

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

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

APPROVED AS TO SUBSTANCE

By:

  
Farzin Parang, Chairman

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<sup>12</sup> See footnote 11 above.

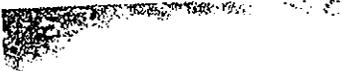
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: Felicia O'Connor dba Pash Nails & Co. Cal. No. 230-20-S  
APPEARANCE FOR: Same as Applicant  
APPEARANCE AGAINST: None  
PREMISES AFFECTED: 1606 N. Harding Avenue

MINUTES OF MEETING:  
July 17, 2020

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

ACTION OF BOARD-  
APPLICATION APPROVED



THE VOTE

SEP 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2020; and

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

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Mark Holt **CAL NO.:** 231-20-Z  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
July 17, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4955 S. Washington Park Court

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 27.16' to 15.5', north side setback from 2' to 1.17' (south to be 3') combined side setback to be 3.9', the rear setback for a garage accessed from an alley from 2' to 1' for a proposed one-car garage with roof deck and unenclosed stair for access.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

SEP 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOJA

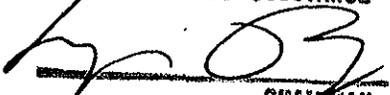
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 15.5', north side setback to 1.17' (south to be 3') combined side setback to be 3.9', the rear setback for a garage accessed from an alley to 1' for a proposed one-car garage with roof deck and unenclosed stair for access; an additional variation was granted to the subject property in Cal. No. 232-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

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

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

**APPLICANT:** Mark Holt

**CAL NO.:** 232-20-Z

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
July 17, 2020

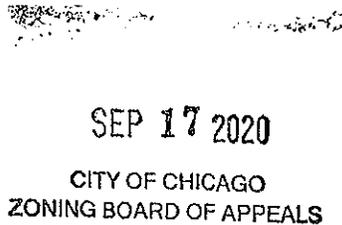
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4955 S. Washington Park Court

**NATURE OF REQUEST:** Application for a variation to relocate 99.3 square feet of required rear yard open space to the proposed garage roof deck which is more than six feet above grade to a proposed one car garage with an unenclosed access stair.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**SEP 17 2020**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 JOLENE SAUL  
 SAM TOIA

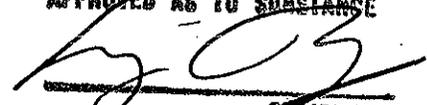
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to relocate 99.3 square feet of required rear yard open space to the proposed garage roof deck which is more than six feet above grade to a proposed one car garage with an unenclosed access stair; an additional variation was granted to the subject property in Cal. No. 231-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

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

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

APPLICANT: Road to Righteousness dba Emma's House Cal. No. 233-20-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:  
July 17, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 322 N. Latrobe

NATURE OF REQUEST: Application for a special use to establish a transitional residence to serve up to seventeen women in an existing three story building.

ACTION OF BOARD-  
APPLICATION APPROVED

THE VOTE

SEP 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

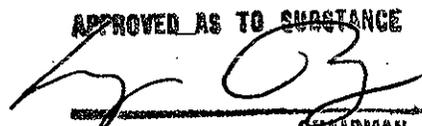
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2020; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant Road to Righteousness DBA Emma's House, and the development is consistent with the design and lay out of the plans and drawings dated July 7, 2020, prepared by Luis A. Martinez Architect.

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

APPLICANT: 2434 State Street QOZB. LLC Cal. No. 234-20-S

APPEARANCE FOR: Roland Acosta

MINUTES OF MEETING:

APPEARANCE AGAINST: None

July 17, 2020

PREMISES AFFECTED: 2423 S. State Street

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed five-story, nine dwelling unit building.

ACTION OF BOARD-  
Continued to August 21, 2020

THE VOTE

SEP 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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: Tracy Locke – beneficial owner CTLTC LT 8002369152 CAL NO.: 235-20-Z

APPEARANCE FOR: Adam Kingsley

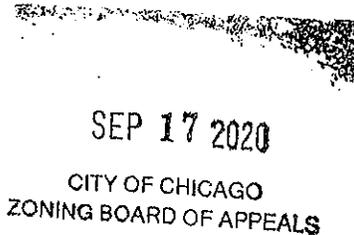
MINUTES OF MEETING:  
July 17, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3329 W. Washington Boulevard

NATURE OF REQUEST: Application for a variation to reduce the west side setback from the required 2.5' to zero (east to be 0.5'), combined side setback from 6.25' to 0.5' for a proposed three-story open porch on the existing four-story single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

  
SEP 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**THE VOTE**

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

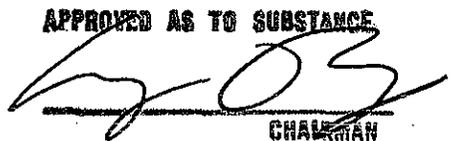
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the west side setback to zero (east to be 0.5'), combined side setback to 0.5' for a proposed three-story open porch on the existing four-story single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Shastriji Associates

Cal. No. 236-20-S

**APPEARANCE FOR:** Paul Kolpak

**MINUTES OF MEETING:**  
July 17, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5005 S. Western Boulevard

**NATURE OF REQUEST:** Application for a special use to establish a drive through facility to serve a proposed restaurant.

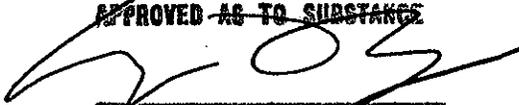
**ACTION OF BOARD-**  
Continued to August 21, 2020

**SEP 17 2020**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**THE VOTE**

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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: Shastriji Associates

CAL NO.: 237-20-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:  
July 17, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5005 S. Western Boulevard

NATURE OF REQUEST: Application for a variation to reduce the front setback from 20' to 5' for a proposed one-story restaurant with a drive through facility.

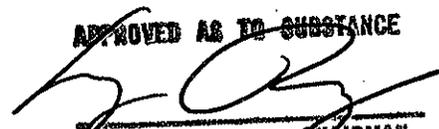
ACTION OF BOARD-  
Continued to August 21, 2020.

THE VOTE

SEP 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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:** Taylor Residences

**CAL NO.:** 238-20-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
July 17, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1057-59 W. Taylor Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to 10' on floors containing dwelling units for a proposed four-story, six dwelling unit building with rear patios on floors two through floor and first floor retail and an attached garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

SEP 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 10' on floors containing dwelling units for a proposed four-story, six dwelling unit building with rear patios on floors two through floor and first floor retail and an attached garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

*[Signature]*  
\_\_\_\_\_  
CHAIRMAN

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

**APPLICANT:** Planrise, LLC

**CAL NO.:** 239-20-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**

July 17, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1801 W. Grand Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to 18' for a proposed four-story, twenty unit building with roof top deck, stair, elevator enclosure on the fifth floor, first floor retail and twenty parking space garage.

**ACTION OF BOARD-**  
Continued to August 21, 2020

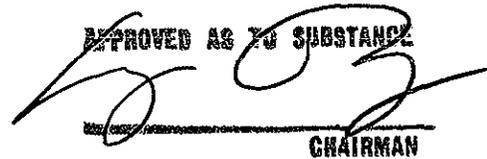
**THE VOTE**

SEP 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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:** Midway Assets, LLC

**CAL NO.:** 240-20-Z

**APPEARANCE FOR:** Tyler Manic

**MINUTES OF MEETING:**  
July 17, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1721 W. 21<sup>st</sup> Street

**NATURE OF REQUEST:** Application for a variation to reduce the number of required off street parking spaces from two to zero to permit the conversion of an existing three-story, five dwelling unit building to a seven dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**SEP 17 2020**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the number of required off street parking spaces to zero to permit the conversion of an existing three-story, five dwelling unit building to a seven dwelling unit building; an additional variation was granted to the subject property in Cal. No. 241-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

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

**APPLICANT:** Midway Assets, LLC **CAL NO.:** 241-20-Z  
**APPEARANCE FOR:** Tyler Manic **MINUTES OF MEETING:**  
July 17, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1721 W. 21<sup>st</sup> Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard open space from the required 252 square feet to 101 square feet for the conversion of an existing three-story, five dwelling unit building to a seven dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

SEP 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

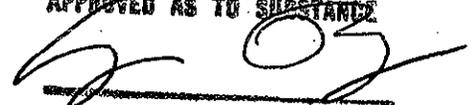
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard open space to 101 square feet for the conversion of an existing three-story, five dwelling unit building to a seven dwelling unit building; an additional variation was granted to the subject property in Cal. No. 240-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

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

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

APPLICANT: 957 Grace Acquisitions, LLC

CAL NO.: 242-20-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:

July 17, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3763 N. Sheffield Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 5.73' to zero, south setback from 2' to zero for a proposed four-story addition to the existing four-story forty dwelling unit building to be converted to fifty dwelling units.

ACTION OF BOARD- VARIATION GRANTED

THE VOTE

SEP 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

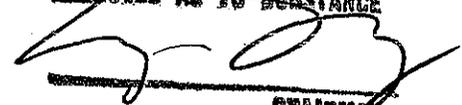
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2020; and

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

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRPERSON

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

**APPLICANT:** 738 N. Clark St Building, LLC **CAL NO.:** 243-20-Z  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
 July 17, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 738 N. Clark Street

**NATURE OF REQUEST:** Application for a variation to reduce the number of off-street parking spaces from one to zero to convert an existing three-story commercial building to a mixed use building by adding a dwelling unit to the third floor.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**

SEP 17 2020  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 JOLENE SAUL  
 SAM TOIA

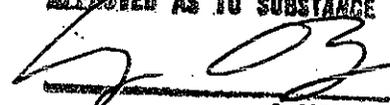
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2020; and

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

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

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

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

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

**APPLICANT:** Jordan Machock & Samatha Booth **CAL NO.:** 244-20-Z  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:** July 17, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1733 N. Hoyne Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 28.14' to 1' for a proposed detached garage with a rooftop deck to serve the existing single family residence.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**

SEP 17 2020  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 JOLENE SAUL  
 SAM TOIA

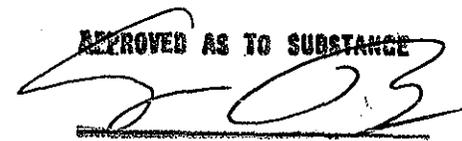
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 1' for a proposed detached garage with a rooftop deck to serve 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.

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

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

**APPLICANT:** Keith Gutillo **CAL NO.:** 245-20-Z  
**APPEARANCE FOR:** Louis Weinstock **MINUTES OF MEETING:**  
July 17, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 5201 S. Oak Park Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from 22.88' to 21.54', the individual side setback from 4' to 0.75' (north) and 2.75' (south) combined side setback from 8.1 to 3.5' for a two-story front window bay to alter the front and side facades to erect a second story addition with a rear overhang and build a rear deck for the existing single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**SEP 17 2020**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

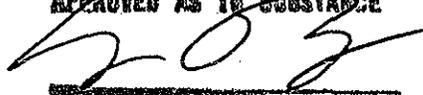
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 21.54', the individual side setback to 0.75' (north) and 2.75' (south) combined side setback to 3.5' for a two-story front window bay to alter the front and side facades to erect a second story addition with a rear overhang and build a rear deck for 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.

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

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

APPLICANT: Annette Akins dba Thiz How U Do It Cal. No. 159-20-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:  
July 17, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5945 W. Madison Street

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

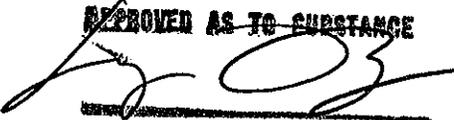
ACTION OF BOARD-  
Continued to August 21, 2020

THE VOTE

SEP 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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:** Krzysztof Granat  
**APPEARANCE FOR:** Same as Applicant  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3934 S. Wells Street

**CAL NO.:** 162-20-Z

**MINUTES OF MEETING:**  
July 17, 2020

**NATURE OF REQUEST:** Application for a variation to reduce the front setback along Princeton Avenue from 14.67' to 4' and to reduce the parking setback from the front property line from 20' to 4' to prevent obstruction of the side walk by parked cars for a proposed single family residence with a detached garage.

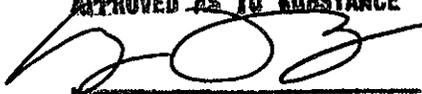
**ACTION OF BOARD-**  
Continued to August 21, 2020

**THE VOTE**

**SEP 17 2020**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAMTOIA

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:** SHC Dev, LLC

**CAL NO.:** 192-20-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
July 17, 2020

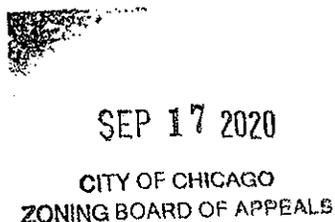
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1909 N. Howe Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 35' to 0.67, south side setback from 2.04' to 0.15' (north to be 0.12') combined side setback from 5.12' to 0.27' for a proposed three-story, single family residence with underground storage and detached garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**SEP 17 2020**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 0.67, south side setback to 0.15' (north to be 0.12') combined side setback to 0.27' for a proposed three-story, single family residence with underground storage and detached garage; an additional variation was granted to the subject property in Cal. No. 193-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
 CHAIRMAN

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

**APPLICANT:** SHC Dev, LLC **CAL NO.:** 193-20-Z  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
July 17, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1909 N. Howe Street

**NATURE OF REQUEST:** Application for a variation to relocate the required 208 square feet of rear yard open space to the roof of the garage to serve a proposed three-story, single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

SEP 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to relocate the required 208 square feet of rear yard open space to the roof of the garage to serve a proposed three-story, single family residence; an additional variation was granted to the subject property in Cal. No. 192-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

APPLICANT: LIANA Build, LLC

CAL NO.: 194-20-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:

July 17, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1301 S. California Boulevard

NATURE OF REQUEST: Application for a variation to reduce the required number of additional off-street parking spaces from three to one to convert an existing three-story, thirteen dwelling unit building to a sixteen dwelling unit building.

ACTION OF BOARD-VARIATION GRANTED

THE VOTE

SEP 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2020; and

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

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

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

APPROVED AS TO SUBSTANCE

*[Handwritten Signature]*  
CHAIRMAN

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

APPLICANT: The Rebuild Foundation NFP Cal. No. 197-20-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:  
July 17, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1341-53 E. 72<sup>nd</sup> Street

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

ACTION OF BOARD-  
Continued to August 21, 2020

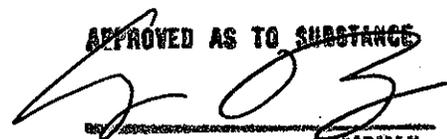
THE VOTE

SEP 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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:** Kasper Development, LLC

**CAL NO.:** 199-20-Z

**APPEARANCE FOR:** Paul Kolpak

**MINUTES OF MEETING:**  
July 17, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2716 S. Emerald Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area per unit from 3,000 square feet to 2,952 square feet for a proposed three-story, three dwelling unit building.

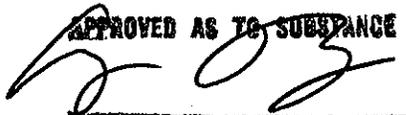
**ACTION OF BOARD-**  
Continued to August 21, 2020

**THE VOTE**

**SEP 17 2020**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



**SEP 22 2020**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**1443 W Summerdale Partners, LLC**  
APPLICANT

**144-20-Z & 145-20-Z**  
CALENDAR NUMBERS

**1443 W. Summerdale Avenue**  
PREMISES AFFECTED

**July 17, 2020**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The applications for the variations are denied.

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

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 1443 W.  
SUMMERDALE AVENUE BY 1443 W SUMMERDALE PARTNERS, LLC.**

**I. BACKGROUND**

1443 W Summerdale Partners, LLC (the "Applicant") submitted variation applications for 1443 W. Summerdale Avenue (the "subject property"). The subject property is currently zoned RS-3 and is currently improved with a two-story, two-unit building (the "building"). The Applicant proposed to redevelop the building into a single-family residence. As part of its proposed plan of redevelopment, the Applicant sought variations to: (1) reduce the rear setback from the required 35.15' to 2', east side setback from 2.4' to 0' and combined side setback from 7' to 0'; and (2) increase the allowed floor area from the maximum 3,389 square feet (0.9) to 3,766 square feet (1.0).

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation applications at its regular meeting on July 17, 2020, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*, and as continued without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26,

2020), the Applicant had submitted its proposed Findings of Facts. In accordance with the ZONING BOARD OF APPEALS' Emergency Rules (eff. July 1, 2020)<sup>1</sup>, the Applicant had submitted all documentary evidence. The Applicant's member Mr. William Pepin and its attorney Mr. Nick Ftikas were present at the hearing. The Applicant's architect Mr. Remiel Kenoun was also present. Testifying in support of the applications was Mr. Kevin Erker. Testifying in opposition to the applications were Mr. Dan Luna, Mr. Christopher Madoff and Ms. Julie Wlach (collectively, the "Objectors").

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

One of the Applicant's members Mr. William Pepin testified in support of the applications:

The Applicant's architect Mr. Ramiel Kenoun testified in support of the applications.

Mr. Kevin Erker, of 1469 W. Summerdale, testified in support of the applications

Mr. Dan Luna, chief of staff to 48th ward alderman Harry Osterman (the "Alderman") testified that due to opposition by neighbors and the East Andersonville Residents' Council Block Club ("EARC"), the Alderman did not support the applications.

Mr. Christopher Madoff, of 1443-45 W. Berwyn and chairman of EARC's zoning committee, testified in opposition to the applications.

In response to Mr. Madoff's testimony, Mr. Kenoun and Mr. Pepin provided further testimony in support of the applications.

Ms. Julie Wlach, of 5245 N. Glenwood, testified in opposition to the applications.

In response to Ms. Wlach's testimony, Mr. Kenoun provided further testimony in support of the applications.

Mr. Madoff then provided further testimony in opposition to the applications.

In response to Mr. Madoff's testimony, Mr. Ftikas provided further explanation of the applications as well as some closing remarks.

#### B. Criteria for a Variation

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

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<sup>1</sup> 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.

standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships; and (2) the requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance.

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

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

### III. FINDINGS OF FACT.

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

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

As a threshold matter, the ZONING BOARD OF APPEALS does not find any of the Objectors' testimony to the applications to be relevant to the applications. It is clear that their opposition stemmed solely from their desire to keep the original

building's front façade and not from any real objection to the applications themselves.<sup>2</sup> However, such front façade was not before the ZONING BOARD OF APPEALS. Moreover, and more importantly, the use of property cannot be restricted merely because neighboring property owners so desire.<sup>3</sup>

Nevertheless, it is up to the Applicant to prove its case, and the ZONING BOARD OF APPEALS finds that the Applicant failed to prove how strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. As the subject property is slightly oversized<sup>4</sup> and can support access stairs from the first floor to grade and from grade to the proposed garage roof deck within the subject property's required side and rear setbacks, the ZONING BOARD OF APPEALS fails to see how strict compliance with the regulations and standards of the Chicago Zoning Ordinance's side and rear setback requirements create practical difficulties or particular hardships for the subject property. Further, the ZONING BOARD OF APPEALS finds that the Applicant provided no credible justification for why it could not redevelop the building in strict compliance with the building's allowed floor area. While Mr. Pepin briefly testified that a new rear addition to the building was necessary for the development to "become a viable home in today's market," no testimony was elicited from Mr. Pepin to establish how he was qualified to draw such a conclusion. For instance, he did not testify as to how many homes either he or the Applicant had sold in the past nor did he establish that he had any credentials in real estate sales.

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

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

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<sup>2</sup> Or, as Mr. Madaff testified, "And like I said to them, we went to them and tried to have a negotiation, said, 'Hey, if you would keep the front façade, we'll give you your two variances back.'"

<sup>3</sup> See, e.g., *Hope Deliverance Center, Inc. v. Zoning Bd. of Appeals of the City of Chi.*, 116 Ill.App.3d 868, 874-875 (1st Dist. 1983).

<sup>4</sup> The subject property measures 30' wide by 125½' deep. A standard City of Chicago lot is 25' wide by 125' deep.

Ordinance would create practical difficulties or particular hardships for the subject property, the requested variations are not consistent with the Chicago Zoning Ordinance's clear and efficient development review and approval procedures.

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

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

It is up to the Applicant to prove its case. The Applicant did not provide any credible evidence that the subject property could not yield a reasonable return if permitted to be used only in accordance with the Chicago Zoning Ordinance. The Applicant admitted that it purchased the subject property for \$485,000. Therefore, it is clear that the subject property can realize a reasonable rate of return without any redevelopment. Moreover, with respect to redevelopment, the Applicant conceded that it could provide access to the proposed garage roof deck without the requested side and rear setback relief. Thus, to the extent the Applicant requires a garage roof deck for the subject property to be marketable (something the ZONING BOARD OF APPEALS very much doubts given that the Applicant did purchase the subject property without such garage roof deck), such garage roof deck (along with access thereto) can be established in accordance with the standards of the Chicago Zoning Ordinance. While the ZONING BOARD OF APPEALS applauds the Applicant's plan to remove the illegally closed rear porch, the Applicant provide no credible justification as to why the subject property could not realize a reasonable rate of return without the rear addition. The ZONING BOARD OF APPEALS notes that without the rear addition, the building (as redeveloped) could still – as shown by the proposed floor plans – support four bedrooms, three and half baths, a kitchen and ample living/dining space. There is, after all, 3,389 square feet that the Applicant can legally work with. Alternatively, the Applicant could choose not to redevelop the subject property as a single-family home and have it remain a two-flat. The ZONING BOARD OF APPEALS notes that the majority of this side of the block is made up of multi-family buildings, so having the building remain a two-flat would not be out of character with the neighborhood.

2. *Any practical difficulty or particular hardship is not due to unique circumstances and is generally applicable to other similarly situated property.*

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or a particular hardship. Even assuming that an inability to walk directly from the first floor of the building to the garage roof deck (as opposed to taking a set of stairs from the first floor of the building down to grade, crossing the rear yard and then taking another set of stairs from grade to the proposed garage roof deck) constitutes a practical difficulty or particular hardship, such an inability is not a unique circumstance. It is a situation generally applicable to other residential property with detached garages improved with roof decks as the classic City of Chicago residential site configuration is a primary residence located at the front of the property, a rear yard and then a detached garage. Nor is the inability to increase the building's allowed floor area due to unique circumstances. Instead, most residential properties developed (or redeveloped) by developers such as the Applicant attempt to maximize allowed floor area in attempt to maximize profits.

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

It is up the Applicant to prove its case. The Applicant provided no credible evidence as to this criterion. For instance, while the Applicant did provide evidence as to other garage roof decks on the block, the Applicant provided no evidence as to whether or not these other garage roof decks were accessed by a stair system that attached the principal building on the property to the garage by means of a masonry wall. As can be seen from the Applicant's proposed east elevation, this drastically alters the subject property's rear yard in that it will create a masonry wall along the entirety of the east side of the subject property where none previously existed. Further, while the Applicant argued that the rear addition would be in character with this particular block of Summerdale, the criteria is "essential character of the neighborhood" not the block. The ZONING BOARD OF APPEALS notes that this particular block of Summerdale is made up of older, multi-family buildings, including the large U-shaped apartment building to the east of the subject property. As the Applicant intends to convert the building to a single-family residence, the Applicant needed to provide evidence as to how far into the rear yard other single-family homes in the neighborhood extended, not multi-family residences.

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

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

As noted above, the ZONING BOARD OF APPEALS does not find that a particular hardship exists in this matter. There is nothing about the particular physical surroundings, shape or topographical condition of the subject property that results in particular hardship upon the property owner. As stated above, the Applicant can provide access to the proposed garage roof deck in strict compliance with the Chicago Zoning Ordinance. The ZONING BOARD OF APPEALS finds that the inability to walk directly from the building's first floor to the garage roof deck to be – at most – a mere inconvenience. Further, while the Applicant argued that the increase of the allowed floor area was necessary to bring the building “into compliance,” the fact of the matter is that the Applicant is (as can be seen from the plans) removing the illegally enclosed porch and replacing it with a new rear addition. Nor was (as also can be seen from the plans) the illegally enclosed porch ever used as internal living space. As noted above, the Applicant has 3,389 square feet to work with in its de-conversion of the building from a two-flat to a single-family residence. As such, the inability to expand the building's allowed floor area to 3,766 square feet is, at most, a mere inconvenience.

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

The Applicant's desire to increase the building's allowed floor area is a condition that is inherent to many, if not most, developers redeveloping buildings in the RS-3 zoning classification. Likewise, providing direct access from the first floor of the building to the garage roof deck is, as noted above, a situation generally applicable to all other RS-3 properties with detached garages improved with roof decks.

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

The ZONING BOARD OF APPEALS finds that the purpose of the variations is exclusively to make more money out of the subject property. The Applicant is redeveloping the subject property for profit. The variation to increase the allowed floor area will allow the Applicant to sell the subject property for even more profit as, generally, homes with a larger square footage sell for a higher price point. The variation to reduce the rear and side setbacks will allow the Applicant to build a stair structure that will allow the building's eventual owner to walk directly from

the first floor of the building to the proposed garage roof deck. This convenience would also garner a higher price point.

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

As set forth in great detail above, the ZONING BOARD OF APPEALS finds that no practical difficulty or particular hardship exists in the present case. To the extent that without the variations, the Applicant cannot redevelop the building in accordance with its proposed plans, the ZONING BOARD OF APPEALS finds that this inability to redevelop the building is a self-created hardship of the Applicant as the Applicant purchased the subject property and then deliberately proposed to redevelop the subject property in such a manner that necessitated the proposed variations.

5. *There is insufficient evidence to show that granting the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

It is up to the Applicant to prove its case. The Applicant provided no credible evidence as to this criterion as all it provided were brief, conclusory statements in its proposed Findings of Fact. In fact, Mr. Kenoun's affidavit provided only conclusions, rather than concrete facts, as to this criterion.

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

The variations would allow the building to be rehabilitated in line with the proposed plans. As can be seen from the proposed plans, the rehabilitated building will not impair an adequate supply of light and air to adjacent property. It will not substantially increase congestion in the public streets. Nor will it – as it would not be built unless and until a valid building permit would be issued – increase the danger of fire or endanger the public safety. Nor would such rehabilitation impair property values in the neighborhood.

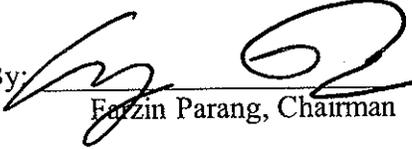
#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that 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 applications for variations.

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

APPROVED AS TO SUBSTANCE

By:   
Farzin Parang, Chairman

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

APPLICANT: PC AU 3, LLC  
APPEARANCE FOR: Katriina McGuire  
APPEARANCE AGAINST: None  
PREMISES AFFECTED: 12-14 W. Maple Street

Cal. No. 152-20-S

MINUTES OF MEETING:  
July 17, 2020

NATURE OF REQUEST: Application for a special use to establish an Adult Use Cannabis Dispensary.

ACTION OF BOARD-  
Continued to August 21, 2020

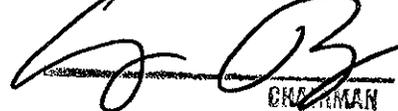
THE VOTE

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FARZIN PARANG  
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AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN