

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

APPLICANT: Justine Jentes and Daniel Kuruna **Cal. No.:** 1-23-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
 January 20, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1651-56 W. North Avenue

NATURE OF REQUEST: Application for a variation to reduce the east side setback from the required 2' to zero for a proposed 8.5' tall masonry wall at the north property line and to permit the 8.5 masonry wall at the east property line of a lot containing an existing residential building.

ACTION OF BOARD - VARIATION GRANTED

ZBA

FEB 22 2022 2023

CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the east side setback to zero for a proposed 8.5' tall masonry wall at the north property line and to permit the 8.5 masonry wall at the east property line of a lot containing an existing residential building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22, 2023.

2nd mailing 5/4/2023

APPROVED AS TO SUBSTANCE

[Signature]
 CHAIRMAN

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

APPLICANT: Fanny Zhagui Cal. No.2-23-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
APPEARANCE AGAINST: None January 20, 2023
PREMISES AFFECTED: 4417 N. Sheridan Road

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

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

FEB 22 2022 *2023*
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS
 BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

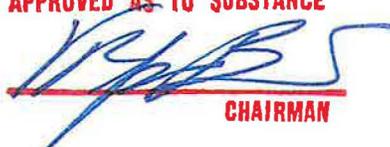
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair salon; expert testimony was offered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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22, 2023

Ind mailing 5/4/2023

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Anastasia Nails and Spa Inc. dba Banana Nail School Cal. No.3-23-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3952-54 N. Avondale Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

FEB 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22/23.

2nd mailing 5/4/2023

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 2412 Belden, LLC

Cal. No.: 4-23-Z

APPEARANCE FOR: Ximena Castro

MINUTES OF MEETING:
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2412 W. Belden Avenue

NATURE OF REQUEST: Application for a variation to expand the existing floor area by 174.81 square feet for the proposed expansion of a residential use into an unfinished attic for the existing two-story, four dwelling unit building.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

FEB 22 2022 2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to expand the existing floor area by 174.81 square feet for the proposed expansion of a residential use into an unfinished attic for the existing two-story, four dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22, 2023.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Bloom Events Inc.

Cal. No.: 5-23-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3801 N. Elston Avenue

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license for an event space which is located within 125' of a residential district.

ACTION OF BOARD - VARIATION GRANTED WITH CONDITIONS

ZBA

THE VOTE

FEB 22 2022-2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to establish a public place of amusement license (“PPA”) for an event space which is located within 125’ of a residential district; Ms. Janet Sabaduquia of 3839 N. Bernard, Mr. Jack Edgar of 3838 N. Bernard, Ms. Maria Frias of 3828 N. Bernard, and Ms. Jacqueline Torres of 3828 N. Bernard entered their appearances at the remote public hearing and after having their questions answered along with the applicant agreeing to seven conditions - all seven conditions to be included in this Resolution as well as the Applicant’s PPA Plan of Operations, testified that they not object to the application; 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): 1) A solid board-on-board fence will be erected along the rear of the parking lot to prevent vehicular access to the alley and also provide visual screening. The fence shall be as opaque and tall as allowed by City of Chicago codes; 2) Garbage related to any events at the facilities related to catering activities will be removed by the caterers at the end of each event and the applicant’s staff will patrol the perimeter of the property and the adjacent area to pick-up any garbage in that area; 3) Security will be provided for every event; 4) The event space will be surrounded by walls and exterior doors will be closed during events to prevent noise from an event emanating into the neighborhood; 5) All loading and unloading for events shall occur from Elston Avenue; 6) The applicant will seek to prevent any staff or guests at an event from

parking on North Bernard Street or North St. Louis Avenue by: (a) A written provision in all contracts for use of the event space including a provision prohibiting such parking; (b) Posting signs on the premises advising that parking is not allowed on the North Bernard Street or North St. Louis Street and that violators may be subject to ticketing; and (c) Prohibition on parking on North Bernard street or North St. Louis Avenue shall be included in the contracts with caterers and valet operators; 7) Hours of Operation shall be Sunday through Thursday, 4:30PM to 8:00PM, Friday and Saturday, 4:30PM to Midnight.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22.

2023
2nd mailing 5/4/2023

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: ACG Development, LLC

Cal. No.: 6-23-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 22 N. Throop Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 25.13' to 20.75', north and south side setback from the required 2' each to zero, combined side yard setback from 4.20' to zero for a proposed three-story single-family residence and an attached two car garage.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

FEB 22 2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS
BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 20.75', north and south side setback to zero, combined side yard setback to zero for a proposed three-story single-family residence and an attached two car garage; an additional variation was granted to the subject property in Cal. No. 7-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22/23.

2023. [Signature] 5/4/2023

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: ACG Development, LLC

Cal. No.: 7-23-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 22 N. Throop Street

NATURE OF REQUEST: Application for a variation to relocate the required 99 square feet of rear yard open space to the garage roof deck which is over 4' above ground for a proposed three-story, single-family residence with roof deck enclosure and attached two-car garage with roof deck.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

FEB 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to relocate the required 99 square feet of rear yard open space to the garage roof deck which is over 4' above ground for a proposed three-story, single-family residence with roof deck enclosure and attached two-car garage with roof deck; an additional variation was granted to the subject property in Cal. No. 6-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22, 2023.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: National Italian American Sports Hall of Fame, Inc.

Cal. No.: 8-23-Z

APPEARANCE FOR: Tyler Manic/Matthew Allee

MINUTES OF MEETING:
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3417 N. Harlem Avenue

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license to serve a cultural exhibit venue which shall be located within 125' of a residential district.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

FEB 22 2023 2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to establish a public place of amusement license to serve a cultural exhibit venue which shall be located within 125' of a residential district; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22/23.

Handwritten signature and date: 2/22/23

APPROVED AS TO SUBSTANCE
Handwritten signature
CHAIRMAN

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

APPLICANT: Andy's Frozen Custard Stores, LLC Cal. No.9-23-S
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
APPEARANCE AGAINST: None January 20, 2023
PREMISES AFFECTED: 6366 S. Archer Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

ZBA
 FEB 22 2022
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: provided the special use is issued solely to the applicant, Andy's Frozen Custard Stores, LLC, and the development is consistent with the design and layout of the Site Plan and Vehicular Turning Movement Plans (2 sheets), dated December 14, 2022, prepared by Haeger Engineering; Floor Plan and Elevations, dated December 14, 2022, prepared by Hufft; and Tree Removal & Protection Plan, Landscape Plan & Plant List, and Details & Notes, dated December 14, 2022, prepared by Daniel Weinbach & Partners, LTD.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22/23.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Goodwill Retail Services Inc. Cal. No.10-23-S
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
January 20, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3558 N. Spaulding Avenue

NATURE OF REQUEST: Application for a special use to establish a one-story, retail sales building.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

FEB 22 2023 2023
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

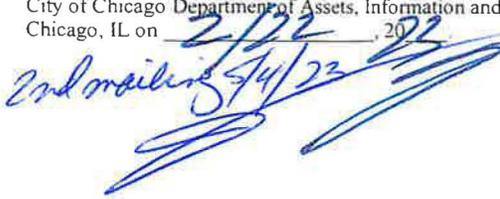
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a one-story, retail sales building; expert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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: (1) the special use is issued solely to the applicant, Goodwill Retail Services Inc.; (2) the development is consistent with the design and layout of the Site Plan, dated January 18, 2023, Floor Plan and Grading Plan, dated September 6, 2022, Elevations, dated January 13, 2022, all prepared by Design Studio 24, LLC, and Landscape Plan and Details & Specifications, dated January 18, 2023, prepared by Planned Environments Associates; and (3) prior to issuance of any permits, applicant submits a final landscape plan, which is fully compliant with all on-site and parkway landscaping requirements, in terms of number, location, size, and species, for review and approval.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22/23.

2nd mailing 2/24/23



APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: 103rd St. Property, LLC

Cal. No.11-23-S

APPEARANCE FOR: Timothy Barton

MINUTES OF MEETING:
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 511 E. 103rd Street

NATURE OF REQUEST: Application for a special use to establish a one-story gas station building with a mini mart.

ACTION OF BOARD – Continued to March 17, 2023

ZBA

FEB 22 2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Connolly Brothers, LLC
APPEARANCE FOR: Nicholas Ftikas
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3135 N. Oakley Avenue

Cal. No.: 12-23-Z

MINUTES OF MEETING:
January 20, 2023

NATURE OF REQUEST: Application for a variation to convert an existing two-dwelling unit building to a three-dwelling unit building in an existing two-story front building.

ACTION OF BOARD – Continued to March 17, 2023

ZBA

FEB 22 2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Maria Black Gold 721, Inc. Cal. No.13-23-S
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
APPEARANCE AGAINST: None August 18, 2023
PREMISES AFFECTED: 72 E. 51st. Street

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

ACTION OF BOARD – Continued to November 17, 2023 at 2:00 p.m.

ZBA

SEP 18 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Maria Black Gold 721, Inc. Cal. No.14-23-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
APPEARANCE AGAINST: None August 18, 2023
PREMISES AFFECTED: 72 E. 51st. Street

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area for a proposed gas station from the required 20,000 square feet to 15,975.5 square feet.

ACTION OF BOARD – Continued to November 17, 2023 at 2:00 p.m.

ZBA

SEP 18 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE
Brian Sanchez
CHAIRMAN

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

APPLICANT: Artico Cold Storage Chicago, LLC Cal. No.15-23-S

APPEARANCE FOR: Betsy Gates-Alford **MINUTES OF MEETING:**
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1515 W. 43rd Street

NATURE OF REQUEST: Application for a special use to establish an off-site parking lot at 1515 W. 43rd Street to serve an existing cold storage warehouse and distribution facility located at 1556 W. 43rd Street.

ACTION OF BOARD – Continued to March 17, 2023

ZBA

FEB 22 2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: , Artico Cold Storage Chicago, LLC Cal. No.16-23-S

APPEARANCE FOR: Betsy Gates-Alford **MINUTES OF MEETING:**
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1515 W. 43rd Street

NATURE OF REQUEST: Application for a special use to establish a fleet storage yard (vehicle storage and towing).

ACTION OF BOARD – Continued to March 17, 2023

ZBA

FEB 22 2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Artico Cold Storage Chicago, LLC

Cal. No.: 17-23-Z

APPEARANCE FOR: Betsy Gates - Alford

MINUTES OF MEETING:
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1515 W. 43rd Street

NATURE OF REQUEST: Application for a variation to reduce the interior trees from the required thirty-nine to twenty-three and to allow the existing ornamental fence to remain at the property line instead of the required 5' setback from the property line and to eliminate hose bib requirements every 100' throughout perimeter landscape area for the required off-site parking lot to serve an existing cold storage warehouse and distribution facility at 1556 W. 43rd Street.

ACTION OF BOARD – Continued to March 17, 2023

THE VOTE

ZBA
FEB 22 2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Commonwealth Ventures, LLC Cal. No.18-23-S
APPEARANCE FOR: Edwin Gausselin **MINUTES OF MEETING:**
January 20, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2557-59 W. Lawrence Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

FEB 22 2023
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; 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 liquor store; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the special use is issued solely to the applicant, Commonwealth Ventures, LLC, and the development is consistent with the design and layout of the plans and drawings dated March 4, 2022, prepared by Integrus.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22/23, 2023.

Handwritten signature and date: 2/22/23 and mailing 5/14/23

APPROVED AS TO SUBSTANCE

Handwritten signature
CHAIRMAN

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

APPLICANT: Kyle Lewis and Alison Ambre **Cal. No.:** 19-23-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
January 20, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3537 N. Hermitage Avenue

NATURE OF REQUEST: Application for a variation to reduce the north side setback from the required 2' to 0.29' (south to be 2.51') combined side yard setback from 5' to 2.88' for a proposed front open porch with deck above and a rear two-story addition and a rear open planter to an existing two-story, two dwelling unit building to be deconverted to a single-family residence.

ACTION OF BOARD - VARIATION GRANTED

ZBA

FEB 22 2023
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the north side setback to 0.29' (south to be 2.51') combined side yard setback to 2.88' for a proposed front open porch with deck above and a rear two-story addition and a rear open planter to an existing two-story, two dwelling unit building to be deconverted to a single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22/23.

Handwritten signature and date: 2/22/23

APPROVED AS TO SUBSTANCE

Handwritten signature
CHAIRMAN

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

APPLICANT: Jamarber Luzaj and Elizabeth Yopez **Cal. No.:** 20-23-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
 January 20, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1734 W. Grand Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 5.5' for a proposed second story addition over an existing three car garage for the existing three-story, mixed-use building with new rear three-story elevator addition and rear three-story addition.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

FEB 22 2022 *2023*
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS
 BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 5.5' for a proposed second story addition over an existing three car garage for the existing three-story, mixed-use building with new rear three-story elevator addition and rear three-story addition; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22/23

23
Janine Klich-Jensen 5/4/2023

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: JEK Enterprises, LLC

Cal. No.: 22-23-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3050 N. Greenview Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 7.22' to 3' for a proposed four-story, three dwelling unit building.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

FEB 22 2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 3' for a proposed four-story, three dwelling unit building; a special use was also approved for the subject property in Cal. No. 21-23-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): the development is consistent with the design and layout of the plans and drawings dated August 18, 2022, prepared by Compass Architecture, LLC.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22

20 *Hand mailing 5/4/23*

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Manoj Mahenthrian
APPEARANCE FOR: Thomas Moore
APPEARANCE AGAINST: None
PREMISES AFFECTED: 947 N. Wolcott Avenue

Cal. No.: 23-23-Z
MINUTES OF MEETING:
 January 20, 2023

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required rear setback from 34.95' to 2', south side setback from 2' to 0.04' (north to be 3'), combined side yard setback from 4.8' to 3.04' for a proposed new roof deck and access stair to the existing two-car detached garage in the rear of on existing single-family residence.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

FEB 22 2023
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 2', south side setback to 0.04' (north to be 3'), combined side yard setback to 3.04' for a proposed new roof deck and access stair to the existing two-car detached garage in the rear of on existing single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22/23.

20

APPROVED AS TO CORRECTNESS

 CHAIRMAN

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

APPLICANT: Connections for Abused Women and their Children

Cal. No.24-23-S

APPEARANCE FOR: Donna Pugh/Michael Noonan

MINUTES OF MEETING:
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3311 W. Carroll Avenue

NATURE OF REQUEST: Application for a special use to establish a community center in an existing one- and two-story building with a proposed three-story addition.

ACTION OF BOARD – Continued to March 17, 2023

ZBA

FEB 22 2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Connections for Abused Women and their Children

Cal. No.25-23-S

APPEARANCE FOR: Donna Pugh/Michael Noonan

MINUTES OF MEETING:
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3311 W. Carroll Avenue

NATURE OF REQUEST: Application for a special use to establish a domestic violence shelter in an existing one and two-story building with a proposed three-story addition.

ACTION OF BOARD – Continued to March 17, 2023

ZBA

FEB 22 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Connections for Abused Women and their Children Cal. No.26-23-Z

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

January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3311 W. Carroll Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 45' to zero for a proposed three-story addition to an existing one and two-story building to be used as a community center and domestic violence shelter.

ACTION OF BOARD – Continued to March 17, 2023

ZBA

FEB 22 2023 *2023*

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Connections for Abused Women and their Children

Cal. No.27-23-Z

APPEARANCE FOR: Donna Pugh/Michael Noonan

MINUTES OF MEETING:
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3311 W. Carroll Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 1,248 square feet to zero for a proposed three-story addition to an existing one and two-story building to be used as a community center and domestic violence shelter.

ACTION OF BOARD – Continued to March 17, 2023

ZBA

FEB 22 2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Mirella Rosales Cal. No.28-23-S
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
January 20, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4426 W. Fullerton Avenue
NATURE OF REQUEST: Application for a special use to hair salon.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

FEB 22 2023
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X	.	
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/22/23, 2023.

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: 2417 Walton Corp.

Cal. No.: 29-23-Z

APPEARANCE FOR: Agnes Plecka

MINUTES OF MEETING:
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2417 W. Walton Street

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area per unit from the required 1,000 square feet to 996.96 per unit for a proposed three-story, three dwelling unit building with three-open accessory parking spaces at the rear.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

FEB 22 2022/2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum lot area per unit to 996.96 per unit for a proposed three-story, three dwelling unit building with three-open accessory parking spaces at the rear; an additional variation was granted to the subject property in Cal. No. 30-23-Z; Sandra Selcuk and Murat Selcuk of 2421 W. Walton entered their appearances at the remote public hearing and after having their questions answered by the applicant's attorney, testified that they not object to the application; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22/23.

Handwritten signature and date: 2/22/23

APPROVED AS TO SUBSTANCE
Handwritten signature
CHAIRMAN

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

APPLICANT: 2417 Walton Corp.

Cal. No.: 30-23-Z

APPEARANCE FOR: Agnes Plecka

MINUTES OF MEETING:
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2417 W. Walton Street

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from 195 square feet to zero for a proposed three-story, three dwelling unit building with three open accessory parking spaces at the rear.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

FEB 22 2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear yard open space to zero for a proposed three-story, three dwelling unit building with three open accessory parking spaces at the rear; an additional variation was granted to the subject property in Cal. No. 29-23-Z; Sandra Selcuk and Murat Selcuk of 2421 W. Walton entered their appearances at the remote public hearing and after having their questions answered by the applicant's attorney, testified that they not object to the application; the Board finds strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22/23, 2023.

Janine Klich-Jensen
5/4/23

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

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

APPLICANT: LPD Contractors, LLC

Cal. No.: 31-23-Z

APPEARANCE FOR: Agnes Plecka

MINUTES OF MEETING:
January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 530 E. 44th Place

NATURE OF REQUEST: Application for a variation to reduce the west and east side setback from 2' to 0.33' and 1' respectively, combined side yard setback from 3.57' to 1.33' for a proposed two-story single family with rear deck and two car garage.

ACTION OF BOARD - VARIATION GRANTED

ZBA

FEB 22 2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the west and east side setback to 0.33' and 1' respectively, combined side yard setback to 1.33' for a proposed two-story single family with rear deck and two car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22/23.

23 Janine Klich-Jensen 5/4/23

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Orlando Salon, LLC Cal. No.32-23-S
APPEARANCE FOR: Patrick Turner **MINUTES OF MEETING:**
January 20, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5416 N. Broadway

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

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

FEB 22 2023
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

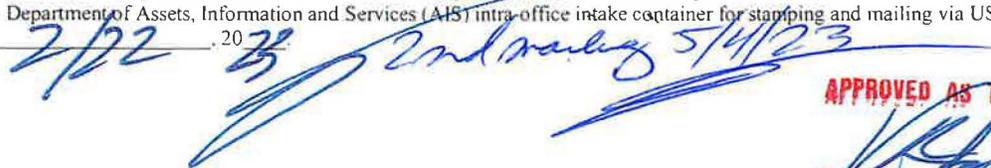
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22/23.


APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Over the Rainbow Association **Cal. No.:** 33-23-Z
APPEARANCE FOR: Liz Butler **MINUTES OF MEETING:**
APPEARANCE AGAINST: None January 20, 2023
PREMISES AFFECTED: 835 W. Addison Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 12.24' to 5', east reverse corner lot from 5.82' to zero, west from 12.03' to 2' rear setback from 30.6' to 25' for a proposed six-story building with thirty-seven dwelling units, ten on-site parking spaces and a ground floor community room with a ninety-two-seat religious assembly.

ACTION OF BOARD - VARIATION GRANTED

ZBA
 FEB 22 2023
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
RECUSED		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 5', east reverse corner lot to zero, west to 2' rear setback to 25' for a proposed six-story building with thirty-seven dwelling units, ten on-site parking spaces and a ground floor community room with a ninety-two-seat religious assembly; an additional variation was granted to the subject property in Cal. No. 34-23-Z; Chris Harnack of 3540 N. Reta, #2 and Warren Frank of 3540 N. Reta entered their appearances at the remote public hearing and after having their questions answered by the applicant's attorney, testified that they not object to the application; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22/23.

20
 79
 2nd meeting 5/4/23
 Page 34 of 40

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Over the Rainbow Association **Cal. No.:** 34-23-Z
APPEARANCE FOR: Liz Butler **MINUTES OF MEETING:** January 20, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 835 W. Addison Street

NATURE OF REQUEST: Application for a variation to reduce the number of bicycle parking spaces for a transit served location from forty to eight for a proposed six-story thirty-seven dwelling unit building with ten on-site parking spaces and a ground floor community room with a ninety-two-seat religious assembly.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

FEB 22 2023
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
RECUSED		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 5, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the number of bicycle parking spaces for a transit served location to eight for a proposed six-story thirty-seven dwelling unit building with ten on-site parking spaces and a ground floor community room with a ninety-two-seat religious assembly; an additional variation was granted to the subject property in Cal. No. 33-23-Z; Chris Harnack of 3540 N. Rita, #2 and Warren Frank of 3540 N. Rita entered their appearances at the remote public hearing and after having their questions answered by the applicant's attorney, testified that they not object to the application; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

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

20 *24* *Janine Klich-Jensen* 5/4/23
 Page 35 of 40

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 6617 South Ashland, LLC Cal. No.379-22-S
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
January 20, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6617 S. Ashland Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor within an existing two-story building containing six dwelling units on the second story and offices on the first story to convert to ten dwelling units.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

FEB 22 2022 *2023*
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

BRIAN SANCHEZ
 ANGELA BROOKS
 ZURICH ESPOSITO
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on October 6, 2022; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the development is consistent with the design and layout of the plans and drawings, dated October 20, 2022, prepared by PMPC Architects.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 2/22/23.

2nd mailing 5/4/23

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
www.chicago.gov/zba



ZBA

MAR 20 2022

2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

Baoliang Song
APPLICANT

438-22-Z
CALENDAR NUMBER

1448 West Flourney St.
PREMISES AFFECTED

January 20, 2023
HEARING DATE

ACTION OF BOARD	THE VOTE	AFFIRMATIVE	NEGATIVE	ABSENT
The application for the variation was APPROVED.	Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Zurich Esposito	<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 APPLICATION FOR 1448 WEST
FLOURNOY ST. BY BAOLIANG SONG.**

I. SUMMARY

Baoliang Song (the "Applicant") submitted an application for a variation for 1448 W. Flourney St. (the "subject property") in order to build a three-story, two-dwelling unit building (the "Proposed Home"). The Applicant also proposed to build a detached two-car garage with rooftop deck; however, while such garage was part of the Applicant's overall plan of development for the subject property, only the Proposed Building required the variation. The ZONING BOARD OF APPEALS held a public hearing on the Applicant's application. At the public hearing, the Applicant and his architect appeared with counsel, Richard Toth, and offered testimony in support of the application. A member of the public also offered testimony in support of the application. The Applicant's next-door neighbors (both at 1446 W. Flourney) offered testimony in opposition to the application (collectively, the "Objectors"). At the conclusion of the public hearing, the ZONING BOARD OF APPEALS approved the application.

II. APPLICATION BACKGROUND

The subject property is located in the Little Italy neighborhood. It is zoned RT-4 and is improved with an existing foundation.¹ The Applicant proposed to build the Proposed Home on the existing foundation. To do so, the Applicant proposed to reduce: (1) the front setback from 13.34 feet to 1.91 feet²; (2) the east side setback from 2 feet to 1.16 feet (west to be 2.25 feet)³; and (3) combined side yard setback from 4.8 feet to 3.41 feet.⁴ The ZONING BOARD OF APPEALS is authorized to hear and decide variations for the reduction of any setback pursuant to Section 17-13-1101-B of the Chicago Zoning Ordinance. Therefore, the Applicant submitted a variation application to the ZONING BOARD OF APPEALS.

III. PUBLIC HEARING

In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted his proposed Findings of Fact. The ZONING BOARD OF APPEALS held a remote public hearing⁵ on the Applicant's variation application at its regular meeting held on Friday, January 20, 2023. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune* and as continued without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. The following people participated in the hearing:

- Richard Toth, counsel for the Applicant, provided an opening statement, including the following: The Applicant is seeking a variation to reduce the front yard setback and east side setback. The subject property is 24 feet by 111 feet, which is narrower and shorter than the standard 25 by 125 foot City of Chicago ("City") lot on which the Chicago Zoning Ordinance is based. Undersized lot sizes are typical for the block as are reduced front and side setback. Due to this, no less than seven properties on the block have received variations.

Testimony in Support of the Application

- Baoliang Song, of 614 S. Laflin St. Unit C, Chicago, IL 60607, provided sworn testimony, including the following: He and his wife had purchased the subject property a little over two years ago. At the time, the subject property was improved with two-story, two flat (the "Prior Building"). The Prior Building had

¹ When the Applicant purchased the subject property, it was improved with a two-story, two flat building. The Applicant originally proposed to renovate the building. During the renovation process, it was discovered that the existing brickwork was not capable of standing renovation, and the building was demolished. The Applicant then reinforced the original foundation with a new layer of concrete.

² See Section 17-2-0305-B of the Chicago Zoning Ordinance.

³ See Section 17-2-0309-A of the Chicago Zoning Ordinance.

⁴ *Id.*

⁵ In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.* The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021). 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.

legal nonconforming reduced front yard and east side yard setbacks. He and his wife had lived in Little Italy for over twenty-six years. He and his wife had purchased the subject property with the intention of living out their retirement years on the subject property. As such, they planned to substantially rehabilitate the Prior Building. Such rehabilitation included a rear addition (“Rear Addition”) and third floor expansion as well as internal reconfiguration to accommodate future installation of an elevator in case he and his wife had future mobility needs. During renovation of the Prior Building, the masonry contractor determined that the foundational and structural problems of the Prior Building required demolition of the Prior Building. This demolition caused the Prior Building to lose its prior legal nonconforming status with respect to the front and east side setbacks⁶. After demolition, Mr. Song – acting as general contractor – mistakenly reinforced the Prior Building’s foundation without a permit. To obtain a building permit for the Proposed Home, Mr. Song therefore sought a variation to continue to build on the footprint of the Prior Building’s foundation (with its reduced front and east side setbacks). Mr. Song testified that he had budgeted \$600,000 for the entire project and had already spent \$70,000 on the excavation, grading and foundation work so far.

- Ronald A. Vari, of 824 North Racine, Chicago, IL, provided sworn testimony, including the following: He is a licensed Illinois architect and is familiar with the Prior Building, the development plans, and the project work. He testified that the subject property’s lot size is not typical of other properties within the same RT-4 zoning classification. He testified that the Applicant’s proposed plan of development for the subject property was to build on the Prior Building’s original foundation.⁷ He testified that the front setback⁸ of the nearest ten buildings to the subject property is 2.72 feet and four of these ten buildings have no front setback. He testified that the property next east to the subject property has only a 1.5 foot side setback facing the subject property. He testified that the property next west to the subject property has only a 1.05 foot side setback facing the subject property. Mr. Vari testified that Mr. Song had no role in creating the Prior Building’s inadequate foundational and structural problems. He testified that the Prior Building’s existing foundation remains on the subject property but was reinforced. He testified that he does not believe the proposed variation will be detrimental to the public welfare or injurious to other property in the neighborhood. He testified that the variation would not impair an adequate supply of light and air to the neighboring property because the front and east side setbacks for the Proposed Home would be no different from the Prior Building that had been on the subject property for decades. Mr. Vari testified that the Applicant had obtained building permits for the Rear Addition and that the Rear Addition did not require setback relief. He testified that neither the length of the

⁶ See Section 17-15-304-B of the Chicago Zoning Ordinance.

⁷ He testified that the Applicant also proposed to build on the foundation of the Rear Addition (as such foundation had already been poured). However, as the Rear Addition met all setback requirements, no variation was required.

⁸ As calculated by Section 17-2-0305-A of the Chicago Zoning Ordinance.

Proposed Home nor the height of the Proposed Home were issues with respect to the variation the Applicant is seeking. Finally, Mr. Vari pointed out that most of the windows on the Objectors' property facing the subject property were on the first floor and noted that the Objectors' light and air would therefore be affected by any building constructed on the subject property.

- Wade Arends, whose business address is 10129 Western Avenue, Chicago, IL 60643, provided sworn testimony, including the following: He had been trying to assist the Applicant in negotiating an agreement with the Objectors, but they were unable to reach an agreement. He stated that the project in question would be a good project for the neighborhood and the placement of a two-car garage on the subject property would help ease congestion.

Testimony in Opposition to the Application

- Antonio Musillani, of 1446 W. Flournoy, Chicago, IL 60607, provided sworn testimony, including the following: the Objectors had been negotiating with the Applicant but were unable to come to an agreement, but would be open to continuing negotiations. He stated while the testimony concerning the site plan and the lot size was accurate, he did not believe it is accurate to state that the Applicant is rebuilding the Prior Building. Furthermore, he argued that the Applicant's hardship was self-created because had the Applicant properly applied for permits and been denied them, he would not have spent \$70,000 on the foundation. He expressed concern that as the plans for the Proposed Home were longer and taller than the Prior Building, the Proposed Home would impact light and ventilation on his property (which abuts the subject property). His primary concern was the Applicant's proposed garage and fence (which were not before the ZONING BOARD OF APPEALS). Mr. Musillani described a narrow gangway between the Objectors' property and the subject property, and explained that were Mr. Song to be allowed to build the proposed fence and garage, it would impact the Objectors' ability to use the subject property to access the back alley.⁹ He stated he would be willing to accept the requested front and east setbacks in exchange for keeping his access to the alley open.
- Kelly Gisburne, of 1446 W. Flournoy, Chicago, IL 60607, provided sworn testimony, including the following: Ms. Gisburne agreed with everything that Mr. Musillani stated.

⁹ At the hearing, Mr. Musillani stated that the Objectors and the Applicant were at odds over the Objectors' belief they had a prescriptive easement over the subject property. Mr. Toth correctly noted that any adverse possession rights the Objectors may have in the subject property were not before the ZONING BOARD OF APPEALS. After all, "The City does not enforce or keep a record of private agreements." Section 17-1-1003 of the Chicago Zoning Ordinance. Nevertheless, in the event that the Objectors do file and eventually prevail in their suit to quiet title against the Applicant, the Applicant would have to remove the fence and alter the garage as Section 17-1-1003 of the Chicago Zoning Ordinance also states that "[i]f the provisions of a valid, enforceable private agreement impose greater restrictions than this Zoning Ordinance, the provisions of the private agreement will control."

At the conclusion of the hearing, the ZONING BOARD OF APPEALS took the matter under advisement. Prior to the conclusion of the meeting, the ZONING BOARD OF APPEALS voted on the matter.

IV. OVERVIEW OF CRITERIA

- 1. 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.

V. FINDINGS OF FACT

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

A (1). Strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships.

The subject property is both shorter and narrower than a standard City lot. It is located on a block that is either improved with older buildings with legal nonconforming front and side yard setbacks or improved with buildings that have had front and side yard setbacks reduced by the ZONING BOARD OF APPEALS. Due to this short and narrow lot depth, the ZONING BOARD OF APPEALS finds that strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships because the following criteria under B(1)-(3) are met:

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

The Applicant has budgeted \$600,000 for the Proposed Home. Since the Applicant will continue to own the subject property and will be – along with his wife – residing at the subject property, the ZONING BOARD OF APPEALS finds that reasonable return in this instance is properly measured in terms of the subject property's livability. The subject property's reduced lot dimensions – that is, its short lot depth and narrow lot width – greatly impacts the ability to design a modern, functional home that complies with all setbacks. This is evidenced by the fact that seven other variations have been granted in this block for front and side yard setback reductions on similarly sized lots. Without the variation, therefore, the subject property cannot yield a reasonable return in that the Applicant and his wife cannot have a modern, functional home in their retirement despite their substantial investment in the subject property.

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

The hardship for the subject property is the lot size. The subject property is undersized, measuring 24 feet by 111 feet. As Mr. Vari credibly testified, the subject property's lot size is not typical of other properties within the same RT-4 zoning classification.

B (3). The variation, if granted, will not alter the essential character of the neighborhood.

The block is comprised of short, narrow lots. In consequence, the majority of the buildings have reduced front and side yard setbacks, either due to the fact that the buildings are (like the Prior Building) legal nonconforming or have had their setbacks reduced by the ZONING BOARD OF APPEALS. The variation the Applicant is proposing for the Proposed Home is in line with the other buildings on the block. As Mr. Vari credibly testified, the front yard setback of the nearest ten buildings to the subject property is 2.72 feet and four of these buildings have no front setback. In addition, the property next east to the subject property has only a 1.5 foot side setback facing the subject property, and the property next west to the subject property has only a 1.05 foot side setback facing the subject property. Therefore, the requested setbacks will be in conformance with the neighboring residences. Moreover, the variation itself will allow the Proposed Home to follow the front setback and the east side setback of the Prior Building, and the Prior Building had existed on the subject property for decades. Based on all this, the ZONING BOARD OF APPEALS finds that the variation, if granted, will not alter the essential character of the neighborhood.

The ZONING BOARD OF APPEALS also finds that strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships after taking into consideration the extent to which evidence has been submitted under C(1)-(6):

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

The shape of the subject property would result in a particular hardship upon the Applicant if the strict letter of the regulations were carried out. The subject property is 24 feet wide by 111 feet deep, which is both narrower and shorter than a standard City lot. The ZONING BOARD OF APPEALS finds this is far more a mere inconvenience since reduced lot size impacts the ability to design a modern, functional home. As Mr. Vari very credibly testified, homes on substandard lots such as the subject property typically have reduced setbacks – even those original construction buildings that predate the Chicago Zoning Ordinance (and thus, like the Prior Building, have legal nonconforming reduced setbacks).

C (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.

The conditions which led the Applicant to seek a variation are not generally applicable to other property within the RT-4 zoning classification. The subject property has a unique size, measuring 24 feet by 111 feet, which as Mr. Vari credibly testified is not typical of properties within the RT-4 zoning classification.

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

The Applicant credibly testified that he and his wife purchased the subject property for their future long-term home. Indeed, the Proposed Home was designed to accommodate the Applicant and his wife and to allow for the installation of an elevator to accommodate possible future needs of the owners who are approaching their senior years. As such, the variation is not being requested for resale or commercial development of the subject property and is therefore not based exclusively upon a desire to make more money out of the subject property.

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

The Applicant and his wife did not create the substandard lot size.

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

The ZONING BOARD OF APPEALS agrees with Mr. Vari that the variation will not be detrimental to the public welfare or injurious to other property in the neighborhood. Instead, the variation will allow the Proposed Home to follow the front and east side setbacks of the Prior Building, which reduced setbacks have existed on the subject property for decades. The Objectors conceded that their primary concern with respect to the Applicant's program of development was the garage and fence, as such fence and garage would keep the Objectors from accessing the alley from the subject property. Neither the fence nor the garage are part of the variation request, and thus the variation itself would not alter the Objectors' access to the alley.

C (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.*

The variation will allow the Proposed Home to follow the front and east side setbacks of the Prior Building. The requested setbacks match those of the Prior Building before it was demolished for renovation and therefore will not impair an adequate supply of light and air to adjacent property. The ZONING BOARD OF APPEALS finds Mr. Vari – a licensed architect – to be very credible on this point. Like the Prior Building, the Proposed Home will have two dwelling units, and so the variation will not increase congestion in the public street. The Applicant has budgeted \$600,000 for the project and thus the variation will not impair property

values. The Proposed Home will be built in accordance with all City codes and will therefore not increase the danger of fire or endanger the public safety.

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

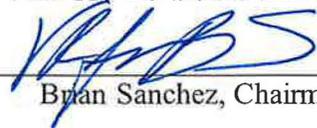
The requested variation will allow for the Applicant to build a modern, functional home that follows the Prior Building's front and east side setbacks. The ZONING BOARD OF APPEALS finds that the variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by (1) protecting the character of established residential neighborhoods, pursuant to Section 17-1-0503, by allowing the east and side setbacks of the Prior Building to be reestablished; (2) maintaining orderly and compatible land use and development patterns, pursuant to Section 17-1-0508, in that the front and east setback reductions will allow the Applicant to follow the pattern of development on the block; (3) ensuring adequate light, privacy and access to property pursuant to Section 17-1-0509 by reestablishing setbacks on the subject property that have existed for decades and, as Mr. Vari testified, such setbacks did not interfere with light and air to adjacent property; and (4) maintaining a range of housing choices and options, pursuant to Section 17-1-0512, by allowing the Applicant and his wife to construct a home for their retirement in their long-time neighborhood of Little Italy.

CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS

1. **Variation.** For all the above reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved his case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance.
2. The ZONING BOARD OF APPEALS hereby APPROVES the Applicant's application for a variation, and the Zoning Administrator is authorized to permit said variation.

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

APPROVED AS TO SUBSTANCE

By: 
Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 3/20, 2023.

Second Mailing 5/26/23


A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Janine Klich-Jensen

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

APPLICANT: Parkview Mart, Inc. Cal. No.446-22-S

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

January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6700 S. Jeffery Boulevard

NATURE OF REQUEST: Application for a special use to establish a gas station with an accessory retail convenience store.

ACTION OF BOARD – Continued to April 21, 2023

ZBA

FEB 22 2022
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED BY THE CHAIRMAN


CHAIRMAN

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

APPLICANT: Parkview Mart, Inc. Cal. No.447-22-Z

APPEARANCE FOR: Nicholas Ftikas MINUTES OF MEETING:

January 20, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6700 S. Jeffery Boulevard

NATURE OF REQUEST: Application for a variation to reduce the south side setback from the required 4.5' to zero for a proposed gas station with an accessory convenience store.

ACTION OF BOARD – Continued to April 21, 2023

ZBA

THE VOTE

FEB 22 2022 *2023*

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

City Hall Room 905
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-3888
www.chicago.gov/zba



ZBA

MAR 20 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

Raina 24th Western, LLC
APPLICANT

453-22-S
CALENDAR NUMBER

2448 W. 24th Street
PREMISES AFFECTED

January 20, 2023
HEARING DATE

ACTION OF BOARD	THE VOTE	AFFIRMATIVE	NEGATIVE	ABSENT
The application for the special use was APPROVED.	Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 2448 W. 24TH
ST. BY RAINA 24TH WESTERN, LLC.**

I. SUMMARY

Raina 24th Western, LLC (the "Applicant") submitted an application for special use for 2448 W. 24th Street (the "subject property") to establish a dual-lane drive through to serve a proposed Dunkin' Donuts restaurant. The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application. At the public hearing, the Applicant's representative and its witnesses offered testimony in support of the special use application. A community member offered testimony in opposition to the special use application. After the conclusion of the public hearing, the ZONING BOARD OF APPEALS approved the application.

II. APPLICATION BACKGROUND

The subject property is located in the Heart of Chicago neighborhood. It is zoned M2-3 and is vacant and unimproved.¹ The Applicant proposed to build a new single-story

¹ The ZONING BOARD OF APPEALS notes the property is sometimes described in the Applicant's application as vacant and unimproved and at other times described as improved with a surface parking lot. From the pictures, it is clear from a zoning standpoint that the property is vacant and unimproved as any parking provided on the subject property is not compliant with the Chicago Zoning Ordinance.

restaurant building with a drive through, with two lanes for ordering, which merge into a single drive-through lane for pick up and exit. Pursuant to Section 17-5-207-P of the Chicago Zoning Ordinance, a drive-through is a special use in a M2 zoning district. The ZONING BOARD OF APPEALS is authorized to hear and decide special use applications.² Therefore, the Applicant submitted a special use application to the ZONING BOARD OF APPEALS to operate a restaurant and drive-through at the subject property. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator" and the "Department") recommended approval of the application provided the special use was issued solely to the applicant, Raina 24th Western, LLC, and provided that the development was consistent with the design and layout of the site plan and landscape dated January 20, 2023, and consistent with the site details, key site plan, landscape details, exterior elevations, two sheets and floor plan dated September 28, 2022.

III. PUBLIC HEARING

In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The ZONING BOARD OF APPEALS held a remote public hearing³ on the Applicant's special use application at its regular meeting held on Friday, January 20, 2023. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune* and as continued without further notice as provided under Section 17-13-108-A of the Chicago Zoning Ordinance. The following people participated in the hearing:

- Nick Ftikas of the Law Offices of Samuel V.P. Banks, provided an overview of the application, including the following: the Applicant currently operates a Dunkin' Donuts location at 2356 West Cermak. This Cermak location is part of a larger strip mall and does not have a drive-through facility. There had been several incidents involving safety of both customers and employees of the Applicant's business and other businesses at the location. The Applicant made the decision to relocate its restaurant in part due to safety but also because of the opportunity to operate a drive-through at the new location (the subject property). Mr. Ftikas noted that the subject property is zoned M2-3 (manufacturing) which would not support any residential use.

Testimony in Support of the Application

² See Section 17-14-0302-B of the Chicago Zoning Ordinance.

³ In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.* The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021). 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.

- Sanjeev Khatau,⁴ of 16 Gene Darfler Court, Naperville, Illinois 60565, provided sworn testimony, including the following: Mr. Khatau was the manager of the Applicant. The Applicant intended to develop the subject property with a new one-story building to operate a Dunkin' Donuts restaurant with a dual-lane drive-through. Mr. Khatau has twenty (20) years of experience operating fast food restaurants in Chicago and twenty (20) of the current locations he operates have drive-through lanes. He believed that drive-through lanes were a critical component to the Applicant's businesses. Mr. Khatau also testified to additional safety features that will be added to improve pedestrian safety along South Western Avenue.
- Nikoletta Scarlatis, of 5405 West 127th Street, Crestwood, Illinois, provided sworn testimony, including the following: Ms. Scarlatis is a licensed architect in the State of Illinois and is the Applicant's project architect. She designed the program of development for the proposed restaurant and dual drive-through lane at the subject property. She designed the drive-through traffic to circle back and exit the subject property onto 24th Street. She testified that this design provided maximum separation between the drive-through lane and the entrance to the school to the north of the subject property. Ms. Scarlatis testified that due to the site plan, the vehicle traffic will be directed away from the school and toward the intersection at 24th Street.
- Kareem Musawwir, of 221 North LaSalle Street, Chicago, Illinois, provided sworn testimony, including the following: Mr. Musawwir is the Applicant's land planning consultant. He inspected the subject property and surrounding area and provided an analysis report summarizing his findings and conclusions. He testified that it was his professional opinion that the Applicant's special application meets all of the approval criteria for a special use. He also testified that there are a number of more intensive vehicle uses that are permitted without special use approval in the subject property's zoning district. He testified that some of these uses permitted by right included motor vehicle repair, freight terminal, RV and boat storage, manufacturing and production, and recycling facilities.
- Ruben Franko, the Director of Legislative Affairs for the 25th Ward Office ("Ward Office"), provided sworn testimony, including the following: the Ward Office made sure that the Applicant and the subject property's neighbors had an opportunity to have a community meeting about the Applicant's application. He testified that the Ward Office had been involved in assisting the Applicant in relocating from the location on Cermak. He testified that Alderman Sigcho-Lopez had no objection to the Applicant's application but understood there was some objection by the most immediate neighbors to the subject property.

Testimony in Opposition to the Application

⁴ Sweta Khatau served to recite/amplify Sanjeev Khatau's testimony and answers for him so that the ZONING BOARD OF APPEALS could hear him.

- Rick Bak of 2414 South Western Avenue, first floor, Chicago, IL 60608, provided sworn testimony, including the following: Mr. Bak objected to the construction of a drive-through. He testified that the neighborhood is predominantly mixed use and pedestrian oriented. He testified that the subject property is located in a transit-oriented corridor and hoped that developers would take advantage of building transit-oriented projects. Mr. Bak was concerned about the additional traffic, litter, and vehicle exhaust that a Dunkin' drive-through would bring to the neighborhood, using the nearby Taco Bell as an example of a "horrible neighbor" which generates these negative externalities. Mr. Bak also expressed concern for pedestrian safety, especially since the proposed special use would be next to a school.

At the conclusion of the hearing, the ZONING BOARD OF APPEALS took the matter under advisement. Prior to the conclusion of the meeting, the ZONING BOARD OF APPEALS voted on the matter.

IV. OVERVIEW OF CRITERIA

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

V. FINDINGS OF FACT

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

A (1). *It complies with all applicable standards of the Chicago Zoning Ordinance*

The Applicant's proposed one-story restaurant building is permitted by right in an M2-3 light industry district. Further, and as noted in Mr. Musawwir's report, the Applicant's proposed drive-through facility meets all standards for drive-through facilities as set forth in the Chicago Zoning Ordinance. However, the proposed drive-through facility still requires special use approval from the ZONING BOARD OF APPEALS before it complies with all applicable standards of the Chicago Zoning

Ordinance. The ZONING BOARD OF APPEALS has authority to grant the special use, and hereby does so; thus, the ZONING BOARD OF APPEALS finds that the proposed special use complies with all applicable standards of the Chicago Zoning Ordinance.

A (2). It is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community.

The proposed Dunkin' Donuts will replace the community's existing Dunkin' Donuts walk-in store located at the corner of Cermak and Western. The proposed special use will make the proposed Dunkin' Donuts the only coffeeshop with a drive-through facility within a mile-and-a-half of the subject property. As such, the ZONING BOARD OF APPEALS finds that proposed special use is in the interest of the public convenience as a drive-through coffeeshop is an amenity for neighborhood residents and the general public. Further, the ZONING BOARD OF APPEALS finds that the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood. The ZONING BOARD OF APPEALS makes this finding due to the careful design of the proposed special use. As set forth in the testimony of Mr. Mussawir and Ms. Scarlatis, the design of the proposed special use will not only allow for efficient patron ingress and egress but more importantly will greatly improve pedestrian conditions along South Western Avenue.

A (3). It is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

The stretch of South Western Avenue on which the subject property is located is improved with other one-story service uses, including another drive-through facility for food service and a car wash facility. As can be seen from the Applicant's plans, the proposed special use is therefore compatible with the character of the surrounding area in terms of site planning and building scale. This stretch of South Western Avenue is also improved with small pockets of residential use and a public school. As such, the Applicant's enhancements to pedestrian safety (including its blinking pedestrian crossing sign), emphasis on ensuring vehicular traffic is drawn away from the school (including its right-out only driveway on South Western Avenue) and attention to aesthetics (including its masonry trash enclosure and 5,634 square foot landscaping area) in its overall site plan for the subject property ensures that the proposed special use is compatible with the character of the surrounding area in terms of project design.

At the hearing, Mr. Bak argued that the proposed special use is not compatible with the character of the surrounding area in terms of project design as he believed that the Applicant's drive-through facility would create an increase of idling vehicles in the neighborhood as well as pedestrian safety issues due to the nearby school. The ZONING BOARD OF APPEALS does not at all agree with Mr. Bak's characterization of the proposed special use. In fact, the ZONING BOARD OF APPEALS finds that due to Ms. Scarlatis' careful project design, the proposed special

use will not have idling cars and will not in any way negatively impact pedestrian safety and comfort.

A (4). It is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.

The ZONING BOARD OF APPEALS finds that the proposed special use is compatible with the character of the surrounding area in terms of operating characteristics. As Mr. Mussawir testified, the drive-through facility's hours of operation are compatible with other service uses in the surrounding area. Lighting will be muted on the subject property. Due to the Applicant's careful project design, ingress to and from the proposed special use will be efficient, ensuring that there will not be increased noise or traffic generation from the proposed special use.

A (5). It is designed to promote pedestrian safety and comfort.

The drive-through facility has been designed so that all ingress and egress to the drive-through occurs off of 24th Street and away from the school to the north of the subject property. Further, the Applicant has incorporated additional safety features into the overall development of the subject property, particularly with respect to the driveway onto Western Avenue. This driveway will be right-turn exit only and will include a blinking pedestrian crossing sign. These features were added to improve pedestrian conditions and reduce potential pedestrian conflicts along South Western Avenue. The driveway proposed on South Western Avenue will include a blinking pedestrian crossing sign and make the driveway a right-turn-only exit. These features were added to improve pedestrian conditions and reduce potential pedestrian conflicts along South Western Avenue. Pedestrian walkways located on the north side of the subject site will not intersect with the proposed drive-through facility or the dedicated two directional driveway serving the drive-through facility. The subject property will be improved with new landscaping, including several new parkway trees. Based on all this, the ZONING BOARD OF APPEALS finds that the proposed special use is designed to promote pedestrian safety and comfort.

CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS

1. **Special Use.** For all the above reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance.
2. The ZONING BOARD OF APPEALS hereby APPROVES the Applicant's application for a special use and, pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning

Administrator is authorized to permit said special use subject to the following conditions:

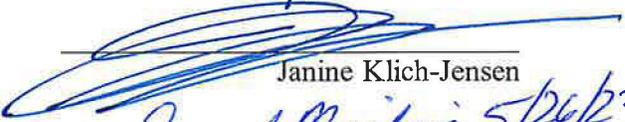
- a. The special use shall be issued solely to the Applicant; and
- b. The development shall be consistent with the design and layout of the site plan and landscape plan dated January 20, 2023, and site details, key site plan, landscape details, exterior elevations (two sheets) and floor plan, dated September 28, 2022, all developed by Nick Scarlatis & Associates, Ltd.

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

APPROVED AS TO SUBSTANCE

By: 
Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 3/20, 2023.


Janine Klich-Jensen
Second Mailing 5/26/23
