



**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

ZBA

FEB 13 2025

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

Cullen J. Davis
APPLICANT(S)

85-24-A
CALENDAR NUMBER(S)

2133-35 W. Charleston Street
SUBJECT PROPERTY

September 20, 2024
HEARING DATE

Leah Moskoff
APPELLANT

Patrick Murphey
ZONING ADMINISTRATOR

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

DECISION OF THE ZONING BOARD OF APPEALS

I. APPEAL BACKGROUND

The subject property is located in the Bucktown neighborhood. It is zoned RS-3 and is vacant land. On or about July 2, 2023, the Applicant submitted an application for an administrative adjustment to allow the reduction of the front setback from 25.5' to 12.75'. On November 17, 2023, the Zoning Administrator granted the Applicant's requested administrative adjustment. After which, the Appellant properly filed this appeal to the Zoning Board of Appeals ("ZBA").

II. PUBLIC HEARING

In accordance with the Rules of Procedure of the Zoning Board of Appeals ("ZBA"), the Appellant submitted its appeal of an administrative adjustment. The ZBA held a public hearing on the appeal at its regular meeting held on Friday, September 20, 2024. Due notice of the hearing was provided under MCC § 17-13-0107-A(9) and as continued without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance ("CZO").

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

III. CRITERIA FOR AN APPEAL

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

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

IV. FINDINGS OF FACT:

1. Before addressing this main question, the Appellant raised some other issues at hearing: (1) that the Applicant was not named on the notice, and (2) that the notice granting the administrative adjustment was not mailed timely.
2. Often, Applicants before the Zoning Administrator or ZBA sell their properties before getting a final decision on zoning relief. The fact that the mailed notice has a different Applicant on it is inconsequential. The ZBA finds that the Zoning Administrator did not err in this respect.
3. There is no requirement for when an administrative adjustment must be mailed out. However, the right to appeal an administrative adjustment to ZBA begins once the decision is mailed. The Appellant filed her appeal timely, so no harm was noted. The ZBA finds that the Zoning Administrator did not err in this respect.
4. That brings us to the real question before the ZBA: Did the Zoning Administrator err in granting an administrative adjustment, reducing the front setback from 25.5' to 12.75'?
5. §17-13-1003-I of the CZO states in part:
 1. *The Zoning Administrator is authorized to approve an administrative adjustment to permit a reduction of up to 50% in the depth of any setback required by the applicable zoning district regulations when such reduction would match the predominate yard depth of existing buildings on the block. Townhouse developments are not eligible for this administrative adjustment.*
6. Such administrative adjustments may be approved only when the Zoning Administrator determines that the proposed setback reduction meets the following general approval criteria of §17-13-1007-B:
 1. *the requested administrative adjustment is consistent with the stated purpose and intent of this Zoning Ordinance (See Sec. 17-1-0500);*

2. *the requested administrative adjustment eliminates an unnecessary inconvenience to the applicant and will have no appreciable adverse impact on the health, safety, or general welfare of surrounding property owners or the general public; and*
3. *any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible.*

7. The Zoning Administrator reviewed the documents submitted by the Applicant and found that the required setback of 25.5' should be reduced by 50% to 12.75' after applying the requirements of §17-13-1003-I.
8. The Zoning Administrator does not get to choose an arbitrary setback requirement. §17-2-0305-A of the Zoning Ordinance states:

"Buildings and structures in RS districts must be set back from the front property line a distance equal to the average front yard depth that exists on the nearest 2 lots on either side of the subject lot, excluding the lot with the least front yard depth. In those cases when the least front yard depth is identical for 2 or more lots, only a single lot shall be excluded from the calculation.

9. The 2 lots on either side of the subject property are 2127 W. Charleston, 2129 W. Charleston, 2137 W. Charleston, and 2139 W. Charleston.
10. As can be seen on Exhibit A, 2127 W. Charleston has a front yard depth of 7.23', 2129 W. Charleston has a front yard depth of 6.68', 2137 W. Charleston (Appellant's property) has a front yard depth of 61.62', and 2139 W. Charleston has a front yard depth of 7.53'.
11. Based on those measurements and applying the calculation formula outlined by §17-2-0305-A, 2129 W. Charleston has the least front yard depth at 6.68', and is discarded for calculation purposes. As such, the front yard depths needed to calculate the required setback are 7.23', 61.62', and 7.53'. The Zoning Administrator then finds the average depth of those three properties, and in this case the average front yard depth of those properties is 25.46'.
12. Per §17-10-0402, the average front yard depth of 25.46' could be rounded down to 25', up to 25.5', or left at 25.46'. The Zoning Administrator chose to round the required setback up to 25.5'. Effectively, this made the required front setback greater than required by code.
13. The Appellant presented a survey to the ZBA dated January 30, 2024, which shows different front yard depths than those given to the Zoning Administrator for the administrative adjustment.
14. The ZBA finds that the proper time for the Appellant to present this survey to the Zoning Administrator was between receiving notice of the application for administrative adjustment (sometime after July 2, 2023) and November 17, 2023, the date that the administrative adjustment was granted. The ZBA notes that during this

period, the Appellant did object to the administrative adjustment but did not present evidence that the setback calculations were incorrect. ZBA limits its review of evidence to what was before the Zoning Administrator at the time the administrative adjustment was granted. As such, the ZBA finds that the required setback of 25.5' was properly determined by the Zoning Administrator.

15. The Zoning Administrator is authorized to reduce any setback up to 50% of the of the required setback. The ZBA finds that because the required setback is 25.5', the maximum administrative adjustment in this case could be 12.75'. The ZBA further finds that the relief granted by the Zoning Administrator was within the 50% reduction limit granted to the Zoning Administrator.
16. §17-1-0500 states the broad purpose and intent of the CZO with 15 enumerated purposes stated therein. In granting an administrative adjustment, only one stated purpose needs to be shown. The ZBA finds that §17-1-0502 (preserving the overall quality of life for residents and visitors), §17-1-0503 (protecting the character of established residential neighborhoods), §17-1-0508 (maintaining orderly and compatible land use and development patterns), §17-1-0509 (ensuring adequate light, air, privacy, and access to property), §17-1-0510 (encouraging environmentally responsible development practices), §17-1-0512 (maintaining a range of housing choices and options), and 17-1-0513 establishing clear and efficient development review and approval procedures, were all met.
17. The Zoning Administrator further must determine that it "mitigate to the maximum extent feasible" appreciable adverse impacts "on the health, safety, or general welfare of surrounding property owners or the general public." §17-13-1007-B (2) & (3).
18. The ZBA finds that the Zoning Administrator properly mitigated appreciable adverse impacts as evidenced at the hearing:

MR. MURPHEY: And in discussions with the applicant and their architect, we discussed both a removal or movement of the rear patio further away from the objector's property. We discussed relocation and movement of rear stairs and a door away from the applicant's property, and a lowering of the rear patio height to a lesser degree above-grade, all of which are elements that were immediately proximate to the objector's residence.

CHAIRMAN SANCHEZ: And those things that you discussed, did the applicant actually comply with that -

MR. MURPHEY: Yes.

CHAIRMAN SANCHEZ: - in what they were proposing?

MR. MURPHEY: Not in what they originally proposed, but in the version that was finally approved, yes.

19. In the submitted materials, much of the Appellant's concerns revolved the Applicant's plans and designs and potential impact on the tree in her front yard. At the hearing, the Board noted that the Applicant's building design and side setbacks which would, according to the Appellant, impact the tree, were allowable by-right.

20. The Appellant also pointed to “severe loss of accustomed privacy around [her] tree, in the front of [her] home, and the front deck”, “loss of light”, and “loss of cross breeze and free flow of air” as additional impacts to her property. While the ZBA may take into consideration the impairment of light, it is interpreted to mean natural light generally, not direct sunlight at all times of day. The fact that parts of a property might be shaded from direct sunlight by an adjacent building does not mean that light to that property is impaired. The same goes for air. While it is possible the construction of the proposed house might alter wind direction or breezes to the Appellant’s property, there is no right to a breeze in the City of Chicago. By the Appellant’s standard, almost no property within the City limits would have adequate air. Finally, the Appellant raised a privacy concern. While the Zoning Ordinance provides some level of a privacy right, the Board is not convinced that property owners are owed full privacy in the front yard, which is adjacent to the public way. The ZBA notes that the City of Chicago is a dense urban environment. There are certain suburban-style property attributes such as large front yards, private yards, multidirectional breezes, that are not feasible in many City neighborhoods.
21. The Appellant wants to protect the “character” of the neighborhood, and the ZBA sympathizes with her. But “character” of the neighborhood is not a factor the Zoning Administrator is required to look at for this administrative adjustment. But even if the ZBA were to take this non-factor into account, the results would not be in the Appellant’s favor. As evidenced by Exhibit A, the average front yard set back for the entire street blockface is 10.3’. If not for the Appellant’s own extreme, non-conforming setback of 61.62’, the average setback for the street blockface would be 6.71.’ With a front setback of 61.62’, it is the Appellant’s property that is out of character with the block, as it was built not near the sidewalk, but on the alley. In fact, to build Appellant’s home today, the Appellant would have to apply to the Zoning Administrator or ZBA for rear setback relief. As a practical matter, the only reason the Applicant had to request zoning relief, an administrative adjustment in this case, is because of the Appellant’s own non-conforming property which caused the setback calculation to be 25.5’.
22. Based on the files, records, and hearings in this case the ZBA finds that the Appellant did not present sufficient evidence to the ZBA that the Zoning Administrator erred in granting the Applicant an administrative adjustment to reduce the front setback from 25.5’ to 12.75’.

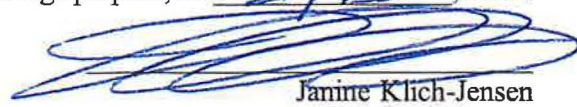
FINAL DECISION OF THE ZONING BOARD OF APPEALS

1. The ZBA hereby AFFIRMS the Zoning Administrator's decision.
2. This is a final decision subject to review under the Illinois Administrative Review Law, 735 ILCS 5/3-101 *et seq.*

APPROVED AS TO SUBSTANCE

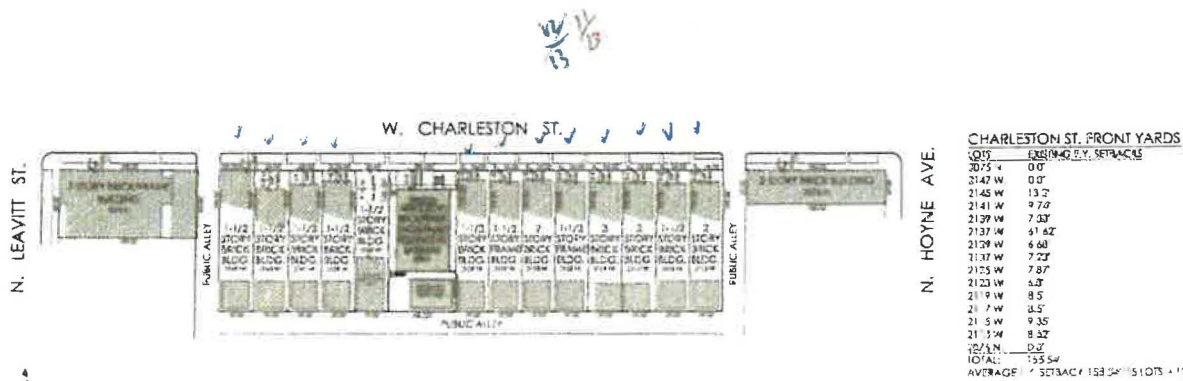
By: 
Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that
I caused this to be placed in the USPS mail, postage prepaid, on 2/13, 2025.



Janine Klich-Jensen

EXHIBIT A



2076 N HOYNE AVE 2113 W CHARLESTON ST 2115 & 2117 W CHARLESTON ST 2119 & 2123 W CHARLESTON ST 2125 & 2127 W CHARLESTON ST 2129 W CHARLESTON ST 2133-35 W CHARLESTON ST 2137 & 2139 W CHARLESTON ST 2145 W CHARLESTON ST 2147 W CHARLESTON ST 2075 N LEAVITT ST

SUBJECT LOT

PERMIT SET

New Single-Family Residence
2133 W. Charleston St.
Chicago, Illinois



ALUM, INC.
1000 N. LAKE ST.
CHICAGO, IL 60610
TEL: (312) 467-1000
FAX: (312) 467-1001
WWW.ALUM.COM

A-01

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

APPLICANT: Brett and Wanda Evangelista

Cal. No.: 363-24-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5142 N. Rutherford Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 22.98' to 16.28', the minimum required north side setback from 4' to 3.33', the minimum required south side setback from 4' to 2.33', for a total combined side setback from 9' to 5.66'; and the minimum required rear setback from 34.65' to 0.68' for a proposed one-story front addition, one-story, rear addition with roof top deck to the existing two-story single-family residence and new detached two car garage with 6' projecting roof on the east elevation accessed by a public alley.*

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

NOV 4 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

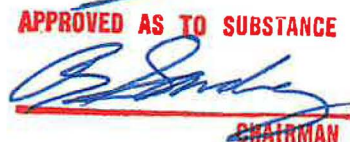
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 16.28', the minimum required north side setback to 3.33', the minimum required south side setback to 2.33', for a total combined side setback to 5.66'; and the minimum required rear setback to 0.68' for a proposed one-story front addition, one-story, rear addition with roof top deck to the existing two-story single-family residence and new detached two car garage with 6' projecting roof on the east elevation accessed by a public alley.* the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 11/14/2024

*Scrivener's error

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: ABM Industry Groups, LLC

Cal. No.364-24-S

APPEARANCE FOR: Taler Barbarian

MINUTES OF MEETING:

APPEARANCE AGAINST: None

September 20, 2024

PREMISES AFFECTED: 550 W. Jackson Boulevard

NATURE OF REQUEST: Application for a special use to establish a non-accessory parking garage with sixty parking stalls.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the special use is issued solely to the applicant, ABM Industry Groups, LLC, and the development is consistent with the design and layout of the plans and drawings dated July 13, 2022, prepared by Camburas Theodore 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 10/21/2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Toan Ba Le Cal. No.365-24-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6237 S. Union Avenue, Suite D & E

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Candice Macis dba Salon Aster, LLC Cal. No.366-24-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2252 W. North Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN



**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

ZBA

NOV 25 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

Megan Grant
APPLICANT(S)

367-24-Z
CALENDAR NUMBER(S)

859 N. Wood St.
SUBJECT PROPERTY

September 20, 2024
HEARING DATE

ACTION OF BOARD	THE VOTE	AFFIRMATIVE	NEGATIVE	ABSENT
The variation application 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"/>
	Adrian Soto	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Swathi Staley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Helen Shiller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FINDINGS OF THE ZONING BOARD OF APPEALS

I. APPLICATION BACKGROUND

The subject property is located in the East Village neighborhood. It is zoned RT-4 and is improved with a 3-unit condominium building with garage and garage roof deck. The Applicant sought to make improvements to the existing garage roof deck and learned that the existing access bridge was not properly permitted. The Applicant now seeks to bring the existing access bridge into compliance with the Chicago Zoning Ordinance. Therefore, the Applicant requested the following variation from the Chicago Zoning Ordinance: reduce the minimum required rear setback from 39' to 19.22'.

II. PUBLIC HEARING

In accordance with the Rules of Procedure of the Zoning Board of Appeals, the Applicant had submitted their proposed Findings of Fact. The Zoning Board of Appeals ("ZBA") held a public hearing on the Applicant's special use application at its regular meeting held on Friday, September 20, 2024. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. The list of participants who provided sworn testimony is attached as the **Hearing Participant Exhibit**. At the conclusion of the hearing, the ZBA took the matter under advisement. Prior to the conclusion of the meeting, the ZBA voted on the matter.

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

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

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

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

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

IV. FINDINGS OF FACT

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

I. Practical Difficulties or Particular Hardships:

The practical difficulties or particular hardships that would derive from strict compliance with the regulations and standards of the Zoning Ordinance are the following: the required exit stairs to the garage roof deck were in existence before the Applicant purchased the property, but they were never properly permitted. If the variation were not to be granted the Applicant and co-owners of the condominium building would have to demolish and rebuild the access structure which would be an unnecessary and burdensome cost. In reaching its conclusion that practical difficulties or particular hardships exist, the ZBA conducted an analysis of the variation requirements under the "reasonable return", "unique circumstances", and "neighborhood's essential character" categories below. Further, the ZBA finds that the practical difficulties or particular hardships were not created by the Applicant because the Applicant purchased the property three years ago and at that time the stairs to the garage roof deck were already in existence.

II. Reasonable Return:

The property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of the zoning ordinance because the loss of the use of outdoor space would negatively impact the Applicant's investment in the property. The Applicant testified that she was unaware of the noncompliant structure when she purchased the property and that she had hired professionals to perform a due diligence search. The ZBA also finds that the purpose of the variation sought by the Applicant was not based exclusively upon a desire to make more money out of the property but rather to be able to use the roof deck

III. Unique Circumstances:

The practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property because the Applicant inherited a noncompliant structure that was not reasonably foreseeable and even with professional help, was not identifiable. The hidden noncompliance was indistinguishable from similarly situated properties. Furthermore, looking at the particular physical surroundings, shape, or topographical condition of the subject property, the present conditions would result in a particular hardship upon the property owner if the strict letter of the regulations were carried out because it would be a hardship to have to either not use the outdoor space or to have to demolish and reconstruct the access structure. The ZBA also finds that the conditions upon which the variation application is based are not generally applicable to other property within the same zoning classification because for the same reasons as explained above.

IV. Neighborhood's Essential Character:

If granted, the variation sought will not alter the essential character of the neighborhood because the neighborhood has a large number of garage roof decks with various code compliant and noncompliant access structures. Granting the variation will not be detrimental to the public welfare or injurious to other property or improvements in which the subject property is located because the roof access is preexisting and located at the rear of the subject property. Furthermore, the ZBA finds that granting of the variation will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion in the public streets, or increase the danger of fire, or endanger public safety, or substantially diminish or impair property values within the neighborhood because the access structure will provide safe ingress and egress to and from the roof deck. The potential impact on light to the adjacent property was a point of contention as is discussed below.

The Applicant's neighbor appeared in objection to the requested variation. The neighbor has lived next to the subject property for over 15 years and lived there prior to the construction of the Applicant's condominium building. The neighbor stated that the construction of the Applicant's building as well as rooftop deck, pergola, and stairway has resulted in the neighbor having less sunlight than before its construction. The neighbor stated that there was also new construction two doors down from her which is also reducing sunlight and altering the view of the trees from her first-floor property.

The ZBA notes that the only item at issue before it is the variation for the staircase to the rooftop deck. The ZBA is not persuaded by the Neighbors' argument regarding the view from her property and about sunlight. The City of Chicago is a dense urban environment. It has long been settled that generally, nobody is entitled to a view, whether it be a view of the lake, a park, or in this case, the view of trees from the first floor of a building. As it relates to sunlight, while the Chicago Zoning Ordinance does require the ZBA to take into consideration the impairment of light, it is interpreted to mean natural light generally, not direct sunlight. The fact that parts of a property might be shaded from direct sunlight by an adjacent property does not mean that light to that property is impaired.

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

The ZBA finds that variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: preserving the overall quality of life for residents and visitors, pursuant to Section 17-1-0502, by allowing residents of the subject property to access their outdoor space; protecting the character of established residential neighborhoods, pursuant to Section 17-1-0503, because this pattern of development is common in this neighborhood; ensuring adequate light, air, privacy, and access to property, pursuant to Section 17-1-0509, by allowing the Applicant access to the roof top deck on her property;

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

1. For all the above reasons, the ZBA finds that the Applicant has proved their case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance.
2. The ZBA hereby APPROVES the Applicant's application for a variation.

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

APPROVED AS TO SUBSTANCE

By:


Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 11/25, 2024.


Janine Klich-Jensen

HEARING PARTICIPANT EXHIBIT

Applicant is represented by an attorney: ☐ No ☒ Yes, Thomas S. Moore

[illegible]

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

APPLICANT: Dena Oaklander and Travis Meyer

Cal. No.: 368-24-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:

APPEARANCE AGAINST: None

September 20, 2024

PREMISES AFFECTED: 1936 N. Sedwick Street

NATURE OF REQUEST: Application for a variation to reduce the north and south side setback from 2' to 0.35' and 1.74' and the combined setback from 4.08' to 2.09' for a proposed two-story rear addition and lower-level addition to connect the rear and principal building resulting in a two-story single-family residence.

ACTION OF BOARD – Continued to November 15, 2024 at 2:00pm.

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Dena Oaklander and Travis Meyer

Cal. No.: 369-24-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:

APPEARANCE AGAINST: None

September 20, 2024

PREMISES AFFECTED: 1936 N. Sedwick Street

NATURE OF REQUEST: Application for a variation to reduce the minimum required diameter of 10' and 155 square feet of rear yard open space to zero square feet for a proposed rear two-story addition and lower-level addition to connect rear and principal buildings in a two-story, single-family residence.

ACTION OF BOARD – Continued to November 15, 2024 at 2:00pm.

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Tulga Batsukh

Cal. No.370-24-S

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1824 W. Montrose Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Silvia Espinoza

Cal. No.: 371-24-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2922 N. Rockwell Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 14.19' to 9.45' for a proposed two-story front porch to an existing two-story, two dwelling unit building with interior alterations and two-story rear addition.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 9.45' for a proposed two-story front porch to an existing two-story, two dwelling unit building with interior alterations and two-story rear 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 a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24, 2024

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Jonathan & Kaley Lambeth

Cal. No.: 372-24-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:

September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2024 W. Erie Street

NATURE OF REQUEST: Application for a variation to reduce the rear yard setback from the required 34.02' to 1.60', east side setback from 2' to 0.70' (west to be 2.90'), combined side yard setback from 4.80' to 3.50' for a proposed rear two car garage road deck to serve a two-story, single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear yard setback to 1.60', east side setback to 0.70' (west to be 2.90'), combined side yard setback to 3.50' for a proposed rear two car garage road deck to serve a two-story, single-family residence; an additional variation was granted to the subject property in Cal. No. 373-24-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/14, 2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Jonathan & Kaley Lambeth

Cal. No.: 373-24-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:

APPEARANCE AGAINST: None

September 20, 2024

PREMISES AFFECTED: 2024 W. Erie Street

NATURE OF REQUEST: Application for a variation to reduce the required diameter of 12' and 225 square feet of rear yard open space to zero for a proposed rear two car garage with roof deck to serve an existing two-story, single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the required diameter of 12' and 225 square feet of rear yard open space to zero for a proposed rear two car garage with roof deck to serve an existing two-story, single-family residence; an additional variation was granted to the subject property in Cal. No. 372-24-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: The Slab Bar-B-Ques, LLC

Cal. No.: 374-24-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1922 E. 71st Street

NATURE OF REQUEST: Application for a variation to reduce the east side reverse corner lot setback abutting an RS1 zone district from 11' to zero for a proposed outdoor patio to serve a proposed general restaurant tenant buildout in an existing building.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the east side reverse corner lot setback abutting an RS1 zone district to zero for a proposed outdoor patio to serve a proposed general restaurant tenant buildout in an existing 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 aforesaid variation request be and it hereby is approved and the Zoning Administrator is authorized to permit said variation subject to the following condition(s) provided:

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24, 2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: John Trice

Cal. No.: 375-24-Z

APPEARANCE FOR: John Klytta

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2919-23 W. 36th Street

NATURE OF REQUEST: Application for a variation to reduce the combined side yard setback from the required 5' to 4.6' (west to be 1.9' east to be 2.7') for the division of an improved zoning lot. The existing single-family residence at 2923 W. 36th Street shall remain. A vacant lot is proposed for 2919 W. 36th Street.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		
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X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the combined side yard setback to 4.6' (west to be 1.9' east to be 2.7') for the division of an improved zoning lot. The existing single-family residence at 2923 W. 36th Street shall remain. A vacant lot is proposed for 2919 W. 36th Street; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Sarah Lane

Cal. No.: 376-24-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6126 N. Kirkwood Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.74' to 28.48' for a proposed two-story addition to the existing two-story, single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 28.48' for a proposed two-story addition to the existing two-story, single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24, 2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1502 N. Hudson, LLC

Cal. No.: 377-24-Z

APPEARANCE FOR: Ximena Castro

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1502 N. Hudson Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 37.08' to 24', north side setback from 2' to 0.76' (south side setback to be 3.07'), combined side yard setback from 5' to 3.83', for a proposed rear three-story addition with rear raised decks to an existing three-story, three dwelling unit building to be converted to a six-dwelling unit building. This is a transit served location within 2,640' of a CTA rail station.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 24', north side setback to 0.76' (south side setback to be 3.07'), combined side yard setback to 3.83', for a proposed rear three-story addition with rear raised decks to an existing three-story, three dwelling unit building to be converted to a six-dwelling unit building. This is a transit served location within 2,640' of a CTA rail station; two additional variations were granted to the subject property in Cal. Nos. 378-24-Z and 379-24-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1502 N. Hudson, LLC

Cal. No.: 378-24-Z

APPEARANCE FOR: Ximena Castro

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1502 N. Hudson Avenue

NATURE OF REQUEST: Application for a variation to reduce the number of additional parking spaces from two to zero to allow the removal of the existing two-car detached garage for a proposed rear three-story addition with rear raised decks to an existing three-story, three dwelling unit building to be converted to a six-dwelling unit building. This is a transit served location within 2,640' of a CTA rail station.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the number of additional parking spaces to zero to allow the removal of the existing two-car detached garage for a proposed rear three-story addition with rear raised decks to an existing three-story, three dwelling unit building to be converted to a six-dwelling unit building. This is a transit served location within 2,640' of a CTA rail station; two additional variations were granted to the subject property in Cal. Nos. 377-24-Z and 379-24-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24, 2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1502 N. Hudson, LLC

Cal. No.: 379-24-Z

APPEARANCE FOR: Ximena Castro

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1502 N. Hudson Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard open from the required 216 square feet to zero for a proposed rear three-story addition with rear raised decks to an existing three-story, three dwelling unit building to be converted to a six-dwelling unit building. This is a transit served location within 2,640' of a CTA rail station.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear yard open to zero for a proposed rear three-story addition with rear raised decks to an existing three-story, three dwelling unit building to be converted to a six-dwelling unit building. This is a transit served location within 2,640' of a CTA rail station; two additional variations were granted to the subject property in Cal. Nos. 377-24-Z and 378-24-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24, 2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: National A. Philip Randolph Pullman Porter Museum

Cal. No.: 380-24-Z

APPEARANCE FOR: Scott Borstein

MINUTES OF MEETING:

September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 10406-08 S. Maryland Avenue

NATURE OF REQUEST: Application for a variation to increase the floor area ratio from 0.90 to 1.16 for a proposed three-story rear addition for a three-story cultural exhibit building in a residential district.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the floor area ratio to 1.16 for a proposed three-story rear addition for a three-story cultural exhibit building in a residential district; an additional variation was granted to the subject property in Cal. 381-24-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: National A. Philip Randolph Pullman Porter Museum

Cal. No.: 381-24-Z

APPEARANCE FOR: Scott Borstein

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 10406-08 S. Maryland Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum required rear setback from 35.7' to 29.25', the south side setback from 16.79' to 0.75' (the north side yard to be 11.13') for a total combined side setback from 33.58' to 11.88', for a proposed three-story rear addition for three-story cultural exhibit building in a residential district.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum required rear setback to 29.25', the south side setback to 0.75' (the north side yard to be 11.13') for a total combined side setback to 11.88', for a proposed three-story rear addition for three-story cultural exhibit building in a residential district; an additional variation was granted to the subject property in Cal. 380-24-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24, 2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Catholic Charities of the Archdiocese of Chicago Cal. No.382-24-S

APPEARANCE FOR: Steve Friedland

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1900 N. Karlov Avenue

NATURE OF REQUEST: Application for a special use to convert a former three-story, twenty-two senior housing apartment building to shelter for a adults and their children (minors, up to 15 years old).

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

ZBA

OCT 21 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to convert a former three-story, twenty-two senior housing apartment building to shelter for a adults and their children (minors, up to 15 years old); a variation was also granted to the subject property in Cal. No. 383-24-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony has offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: 1) the special use is issued solely to the applicant, Catholic Charities of the Archdiocese of Chicago; 2) the development is consistent with the design and layout of the plans and drawings dated September 9, 2024, prepared by Red Architects; 3) the facility is exclusively utilized as a transitional shelter; and 4) there are no more than twenty-two (22) adult female clients, with their children (minors up to the age of fifteen), residing on-site at any time.

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 10/21/24.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Catholic Charities of the Archdiocese of Chicago **Cal. No.:** 383-24-Z

APPEARANCE FOR: Steve Friedland

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1900 N. Karlov Avenue

NATURE OF REQUEST: Application for a variation to reduce the number of off-street parking spaces for a transit served location from ten to zero to serve a proposed shelter.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the number of off-street parking spaces for a transit served location from ten to zero to serve a proposed shelter; a special use was also approved for the subject property in Cal. No. 382-24-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the aforesaid variation request be and it hereby is approved and the Zoning Administrator is authorized to permit said variation subject to the following condition(s) provided: 1) the special use is issued solely to the applicant, Catholic Charities of the Archdiocese of Chicago; 2) the development is consistent with the design and layout of the plans and drawings dated September 9, 2024, prepared by Red Architects; 3) the facility is exclusively utilized as a transitional shelter; and 4) there are no more than twenty-two (22) adult female clients, with their children (minors up to the age of fifteen), residing on-site at any time.

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 10/21/24.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Manue Martinez

Cal. No.: 384-24-Z

APPEARANCE FOR: Roberto Martinez

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5423 S. Lawndale Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 5.67' to zero for an as built front 6' tall opaque fence and rolling gate on a lot with an existing single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: the applicant shall be permitted variation to reduce the front setback to zero for an as built front 6' tall opaque fence and rolling gate on a lot with an existing single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/20/24.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Kyle Edward Giannone & Emily Katherine Hill **Cal. No.:** 385-24-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1629 W. Foster Avenue

NATURE OF REQUEST: Application for a variation to expand the existing floor area by 139.66 square feet for a proposed rear one-story addition and a third story addition to an existing three-story, three dwelling unit building.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to expand the existing floor area by 139.66 square feet for a proposed rear one-story addition and a third story addition to an existing three-story, three 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 a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24, 2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 2410 Prop Limited

Cal. No.386-24-S

APPEARANCE FOR: Timothy Barton

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1150 E. 95th Street

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the special use is issued solely to the applicant, 2410 Prop Limited, and the development is consistent with the design and layout of the Proposed Site Plan, Landscape Plan, dated September 9, 2024, and the Preliminary Interior Floor Plan and Elevations, dated August 27, 2024, all prepared by WMK.20 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 10/21 2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Good Look Studios, LLC

Cal. No.387-24-S

APPEARANCE FOR: Frederick Agustin

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 806 W. Armitage Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the special use is issued solely to the applicant, Good Look Studios, LLC.

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

I, Jamine 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 10/14/24.



APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: C.K.Construction, Inc. **Cal. No.:** 388-24-Z

APPEARANCE FOR: James Olguin **MINUTES OF MEETING:**

APPEARANCE AGAINST: None **September 20, 2024**

PREMISES AFFECTED: 11202-08 S. Christiana Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 20' to 16.4', north side setback from 4' to 1.3", (south to be 3.8'), combined side yard setback from 9' to 5.1' for the division of an improved zoning lot. The existing single-family residence at 11206 shall remain. Vacant lots at 11202 and 11208 are proposed.

ACTION OF BOARD – Continued to November 15, 2024 at 2:00pm.

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Benjamin Pourkhalil

Cal. No.: 389-24-Z

APPEARANCE FOR: Frederick Agustin

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1559 N. Wells Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to zero for a proposed five-story, retail and eight dwelling unit building with one on-site parking space.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to zero for a proposed five-story, retail and eight dwelling unit building with one on-site parking space; two additional variations were granted to the subject property in Cal. Nos. 390-24-Z and 391-24-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Benjamin Pourkhalil

Cal. No.: 390-24-Z

APPEARANCE FOR: Frederick Agustin

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1559 N. Wells Street

NATURE OF REQUEST: Application for a variation to increase the building from the maximum height of 50' to 53'-8" for a proposed five-story retail and eight dwelling unit building with one on-site parking space.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the building to 53'-8" for a proposed five-story retail and eight dwelling unit building with one on-site parking space; two additional variations were granted to the subject property in Cal. Nos. 389-24-Z and 391-24-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24, 2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Benjamin Pourkhalil

Cal. No.: 391-24-Z

APPEARANCE FOR: Frederick Agustin

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1559 N. Wells Street

NATURE OF REQUEST: Application for a variation to reduce the parking from eight spaces to one space for a proposed five-story retail and eight dwelling unit building in a transit served location with one on-site parking space.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the parking to one space for a proposed five-story retail and eight dwelling unit building in a transit served location with one on-site parking space; two additional variations were granted to the subject property in Cal. Nos. 389-24-Z and 390-24-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24.

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

APPLICANT: Kevin Coonan and Andrea Kartley

Cal. No.: 392-24-Z

APPEARANCE FOR: Agnes Plecka

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2329 W. Charleston Street

NATURE OF REQUEST: Application for a variation to increase the floor area from 3,074 square feet to 3,254 square feet for a proposed one-story rear addition to an existing three-story, two- dwelling unit building to be converted to a single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the floor area to 3,254 square feet for a proposed one-story rear addition to an existing three-story, two- dwelling unit building to be converted to a single-family residence; two additional variations were granted to the subject property in Cal. Nos. 393-24-Z and 394-24-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24, 2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Kevin Coonan and Andrea Kartley

Cal. No.: 393-24-Z

APPEARANCE FOR: Agnes Plecka

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2329 W. Charleston Street

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 225 square feet to zero for a proposed one-story rear addition to an existing three-story, two dwelling to be converted to a single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

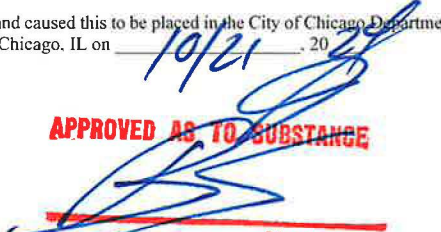
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: the applicant shall be permitted variation to reduce the rear yard open space to zero for a proposed one-story rear addition to an existing three-story, two dwelling to be converted to a single-family residence; two additional variations were granted to the subject property in Cal. Nos. 392-24-Z and 394-24-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24, 20

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Kevin Coonan and Andrea Kartley

Cal. No.: 394-24-Z

APPEARANCE FOR: Agnes Plecka

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2329 W. Charleston Street

NATURE OF REQUEST: Application for a variation to reduce the west side setback from the required 2' to 1.42' (east to be 2.28'), combined side yard setback from 4.82' to 3.7' for a proposed one-story rear addition to an existing three-story, two dwelling unit building to be converted to a single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: the applicant shall be permitted variation to reduce the west side setback to 1.42' (east to be 2.28'), combined side yard setback to 3.7' for a proposed one-story rear addition to an existing three-story, two dwelling unit building to be converted to a single-family residence; two additional variations were granted to the subject property in Cal. Nos. 392-24-Z and 393-24-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24, 2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZBA**

DEC 6 2024

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

Franciscan Outreach
APPLICANT(S)

395-24-S
CALENDAR NUMBER(S)

2508-40 W. 21st Street
SUBJECT PROPERTY

September 20, 2024
HEARING DATE

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

FINDINGS OF THE ZONING BOARD OF APPEALS

I. APPLICATION BACKGROUND

The subject property is located in the Little Village neighborhood. It is zoned M1-3 and is improved with a warehouse building. The Applicant submitted a special use application, proposing to convert the existing building on the subject property into a non-congregate transitional shelter. Pursuant to Section 17-5-0207-A(2) of the Chicago Zoning Ordinance, a transitional shelter is a special use in an M1 zoning district. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator" and the "Department") recommended approval provided: 1) the special use is issued solely to the applicant, Franciscan Outreach; 2) the development is consistent with the design and layout of the plans and drawings dated September 16, 2024, prepared by LBBA; 3) the facility is exclusively utilized as transitional shelter; and 4) there are no more than one hundred and twenty (120) adult male clients residing on-site at any time.

II. PUBLIC HEARING

In accordance with the Rules of Procedure of the Zoning Board of Appeals ("ZBA"), the Applicant had submitted its proposed Findings of Fact. The ZBA held a public hearing on the Applicant's special use application at its regular meeting held on Friday, September 20, 2024. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago*

Tribune. The list of participants who provided sworn testimony is attached as the **Hearing Participant Exhibit**.

Some of the objecting neighbors (“Objectors”) objected to the special use application due to perceived lack of community participation leading up to the public hearing.¹ By all accounts, the Applicant followed all of the notice and posting requirements under the Municipal Code which included mailing written notice to all property owners within 250 feet of the subject property and the alderperson’s office and posting the notice sign on the subject property after filing its special use application. Additionally, as was stated above, the ZBA office provided notice by publication in the *Chicago Tribune* and mailed a postcard containing notice to all property owners within 250 feet of the property. This is the extent of the notice owed to neighboring property owners. There is no meeting requirement other than “meeting” before the ZBA at the public hearing, which the Objectors did attend. Furthermore, the Applicant went above and beyond the legal notice and posting requirements by holding multiple community meetings which included translation services. The ZBA therefore finds this objection based on due process to be without merit.

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

III. SPECIAL USE CRITERIA

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

IV. FINDINGS OF FACT

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

(1). The subject property is located in a M1 zoning district. Since a transitional shelter is a special use in this zoning district, the Applicant requires a special use. The proposed use complies with all other standards set forth in the Chicago Zoning Ordinance because

¹ Dissatisfied with the process afforded to them by law, what some of the Objectors essentially asked for was a plebiscite for all development projects within the community.

it is only the requirement to request a special of use from the Zoning Board of Appeals that prevents full compliance with all applicable standards of the Chicago Zoning Ordinance. The Department of Planning and Development has reviewed the Applicant's site plan for code compliance.

(2). The proposed use is in the interest of the public convenience because it will provide a safe and dignified living environment for men experiencing homelessness. Typical congregate shelter settings contain a large number of beds in one space, such as a gymnasium, and are required to be closed for large portions of the day. During the time that the congregate shelter is closed, the shelter guests must leave the shelter with their belongings and try to find a safe place to stay until the shelter reopens. Because many of these types of shelters are "first come, first serve," shelter guests stay in the area to get a bed for the night, even if the area does not have services for the homeless. Non-congregate facilities provide 24-hour shelter and function as individual rooms hosting one to four individuals. Non-congregate settings afford shelter guests a greater sense of independence, dignity, and safety than do congregate settings. Non-congregate facilities also have the effect of removing the homeless population from the streets and surrounding neighborhood. The development of non-congregate settings is a prominent policy objective of Chicago's Department of Housing ("DOH") and reflect a "Housing First" strategy that has proven to be effective in reducing homelessness.

The subject property will not have a significant adverse impact on the general welfare of the neighborhood or community because the proposed use will also reactivate an area that has been underutilized. The subject property sits in a transitional neighborhood on the edge of a manufacturing district and is bordered by CTA tracks and a furniture manufacturing facility to the north, the BNSF railroad right of way to the east, a church to the west, and a retail commercial shopping center is to the south. Most of the buildings and the property have been substantially vacant for many years. The proposed use will function in a similar manner to other residential uses except with 24/7 staffed supervision, and the Applicant will provide medical, mental health, education, legal, substance abuse, and other services for shelter guests.

Many of the Objectors used the hearing as an opportunity to express frustrations with the local alderman, special use process, and issues within the neighborhood. The Board reminded Objectors that it is bound by five special use criteria under the Chicago Zoning Ordinance and that objections would have to be connected to these five criteria. Nevertheless, the Objectors spent a significant amount of time discussing general neighborhood concerns. Some made no effort to link the neighborhood concerns with the proposed use, others' efforts were tenuous at best. Those objections that did address the proposed use contained assumptions or conjecture as it relates to the people who the transitional shelter would be serving. Ultimately, the ZBA did not receive evidence-based testimony that that the proposed use would have a significant adverse impact on the general welfare of the community.

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

be within an existing warehouse building that has stood on the subject property for more than a century. As was previously mentioned, the subject property sits on the edge of a manufacturing district that includes many similar one-to three-story manufacturing, warehouse, and commercial buildings of masonry construction, including many of which have been converted from previous industrial uses to less intensive transitional uses, such as religious assembly and incubator uses. While significant improvements to the subject building's facades are proposed, including work to shore up the failing facade of the two-story portion of the existing structure, no additions or expansions of the building envelope are proposed as a part of this application. The number of curb cuts on the subject property is being reduced from two to one, and will be reduced in size and reconstructed to better serve the proposed parking facility. Proposed outdoor courtyard areas and added landscaping will further enhance the frontage of what is currently a deteriorating property. Given the foregoing, the proposed project is compatible with the character of the surrounding area in terms of site planning, building scale and project design.

(4). The proposed use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation. The proposed transitional shelter has an expected maximum capacity of 120 individuals. The facility will be staffed twenty-four hours per day, with a minimum of one security staff member and one direct care staff member on site at all times. Guests are referred from the City's DFSS/311 program and undergo a screening process before admission. Guidelines for the facility forbid weapons, drugs, or alcohol on site. The proposed use will be most active before and after normal business hours and will not interfere with industrial and commercial uses in the area. The facility will operate as a closed shelter, with no friends, family, or other social visitors permitted. Operating characteristics of the facility are designed to ensure that no disruption in the area will occur and there will be no negative impact on existing or nearby uses. The Applicant's guests typically do not own or have access to motor vehicles, and limited vehicular traffic to and from the subject property related to the proposed special use is anticipated. Given the property's location near multiple modes of public transit and the presence of on-street parking in the immediate area, it is not anticipated that parking or traffic will create an undue burden on the surrounding neighborhood.

(5). The proposed use is designed to promote pedestrian safety and comfort because the Applicant will reduce the number of curb cuts serving the subject property from two to one, and the remaining curb cut will be reduced in size. The Applicant's project design includes the addition of outdoor courtyards, ornamental fencing, landscape screening, interior landscaping, outdoor furniture, new street trees, and facade improvements (including additional transparency) which should serve to enhance the streetscape. Furthermore, the #21 CTA bus serves the subject property, via Cermak Road, and the #49 CTA bus serves Western Avenue, two blocks east of the subject property. The Western Avenue stop on the CTA Pink Line is located approximately 800 feet east of the subject property, the California Avenue stop on the CTA Pink Line is located approximately 1,200 feet west of the subject property, and the Western Avenue stop on the BNSF Metra line is located approximately 1,400 feet northeast of the subject property.

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


CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS

1. For all the above reasons, the ZBA finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance.
2. The ZBA hereby APPROVES the Applicant's application for a special use, and pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use SUBJECT TO THE FOLLOWING CONDITIONS: 1) the special use is issued solely to the applicant, Franciscan Outreach; 2) the development is consistent with the design and layout of the plans and drawings dated September 16, 2024, prepared by LBBA; 3) the facility is exclusively utilized as transitional shelter; and 4) there are no more than one hundred and twenty (120) adult male clients residing on-site at any time.

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 12/6, 2024.


Janine Klich-Jensen

HEARING PARTICIPANT EXHIBIT

Applicant is represented by an attorney: ☐ No ☒ Yes, Liz Butler

Name	Title (if applicable)	Address	Support	Oppose	Neutral
Robert Simpson	Executive Director of Applicant	1101 W. Adams St. Suite A Chicago, IL 60607	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Terran Wilson	Project Architect	1625 W. Carroll Chicago, IL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Kisiel	Planner	141 W Jackson Chicago, IL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meredith Muir	Chicago Department of Housing		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kimberly Howard	Chicago Department of Family and Support Services		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Thomas D. Huggett		5728 W. Lake Street Chicago, IL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Steve Gidden		1856 S. Loomis Chicago, IL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jason Terrill		2604 W. 21 st St Chicago, IL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nugentry Ward		1856 Loomis Chicago, IL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Evelyn Figueroa		2600 W. 21 st St. Chicago, IL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Graciela Garcia	Head Organizer, Little Village Community Council	3610 W. 26 th St. Chicago, IL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Baltazar Enriquez	Director, Little Village Community Council	2317 South Trumbull Chicago, IL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ms. Gomez			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Martinez		3052 W. Cermak Rd. Chicago, IL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

[illegible]

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

APPLICANT: Jose Esduardo Ostorga Flores dba Lalo's Barber Shop

Cal. No.396-24-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:

September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3140 W. 25th Street

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

ZBA

OCT 21 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a 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 10/21/24.

2024


APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Uprising Theater

APPEARANCE FOR: Same as Applicant

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2905 N. Milwaukee Avenue

Cal. No.: 397-24-Z

MINUTES OF MEETING:
September 20, 2024

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license to provide live theater, film screening, small concerts, private party room rental, live music and DJ which is within 125' of a residential zoning district.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to establish a public place of amusement license to provide live theater, film screening, small concerts, private party room rental, live music and DJ which is within 125' of a residential zoning 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 a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24, 2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Metric Kedzie, LLC

Cal. No.398-24-S

APPEARANCE FOR: Lawrence Lusk

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3110 N. Kedzie Avenue

NATURE OF REQUEST: Application for a special use to establish an outdoor patio at grade within 660' of an intensive manufacturing use in an existing one-story limited manufacturing and limited restaurant building.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an outdoor patio at grade within 660' of an intensive manufacturing use in an existing one-story limited manufacturing and limited restaurant building; a variation was also granted to the subject property in Cal. No. 399-24-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony has offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the special use is issued solely to the applicant, Metric Kedzie LLC, and the development is consistent with the design and layout of the plans and drawings, dated September 20, 2024, all prepared by Silvestro Design Operations.

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

L. 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 10/21/2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Metric Kedzie, LLC

Cal. No.: 399-24-Z

APPEARANCE FOR: Lawrence Lusk

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3110 N. Kedzie Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum required number of off-street parking spaces for a transit served location from six to two for the expansion of a limited restaurant with an outdoor patio at grade located on a CTA bus corridor.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum required number of off-street parking spaces for a transit served location to two for the expansion of a limited restaurant with an outdoor patio at grade located on a CTA bus corridor; a special use was also approved for the subject property in Cal. No.398-24-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

RESOLVED, that the aforesaid variation request be and it hereby is approved and the Zoning Administrator is authorized to permit said variation subject to the following condition(s) provided: the special use is issued solely to the applicant, Metric Kedzie LLC, and the development is consistent with the design and layout of the plans and drawings, dated September 20, 2024, all prepared by Silvestro Design Operations.

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 10/21/24.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: John Barry and Daniel Otto

Cal. No.: 400-24-Z

APPEARANCE FOR: Lawrence Lusk

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1531 W. Glenlake Avenue

NATURE OF REQUEST: Application for a variation to reduce the west side setback from 4' to 1.64' (east side setback to be 5.18'), combined side yard setback from 9' to 6.82' for a third-floor dormer addition and a second-floor single family residence being renovated with an as-built first floor open deck.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the west side setback to 1.64' (east side setback to be 5.18'), combined side yard setback to 6.82' for a third-floor dormer addition and a second-floor single family residence being renovated with an as-built first floor open deck; an additional variation was also granted to the subject property in Cal. No. 401-24-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/2024.

APPROVED AS TO SUBSTANCE
BS
CHAIRMAN

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

APPLICANT: John Barry and Daniel Otto

Cal. No.: 401-24-Z

APPEARANCE FOR: Lawrence Lusk

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1531 W. Glenlake Avenue

NATURE OF REQUEST: Application for a variation to increase the maximum building height from 30' to 32' for a proposed third floor dormer addition and a second-floor, upper story rear addition on to an existing two-story, single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the maximum building height to 32' for a proposed third floor dormer addition and a second-floor, upper story rear addition on to an existing two-story, single-family residence; an additional variation was also granted to the subject property in Cal. No. 400-24-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21, 2024

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Thomas and Rebecca Ansen-Wilson **Cal. No.:** 402-24-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1726 N. Hermitage Avenue

NATURE OF REQUEST: Application for a variation to increase the existing floor area ratio from 2,256 sq. ft. to 2,724 sq. ft. for a proposed third floor addition to an existing three-story, single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the existing floor area ratio to 2,724 sq. ft. for a proposed third floor addition to an existing three-story, single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: VIP Nails and Spa FG. Inc.

Cal. No.403-24-S 24-8

APPEARANCE FOR: Lisa Duarte

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5056-58 N. Sheridan Road

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: KNBWL Inc.

Cal. No.404-24-S

APPEARANCE FOR: Timothy Barton

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 937-39 W. Randolph Street

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on September 5, 2024; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the special use is issued solely to the applicant, KNBWL Inc., and the development is consistent with the design and layout of the plans and drawings, dated August 20, 2024, prepared by Berman Design.

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 10/21/24.

APPROVED AS TO SUBSTANCE

CHAIRMAN



**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

ZBA

FEB 20 2025

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

G.P. Greenhouse, LLC

APPLICANT(S)

209-23-S

CALENDAR NUMBER(S)

620 North Fairbanks Court

SUBJECT PROPERTY

September 20, 2024

HEARING DATE

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

FINDINGS OF THE ZONING BOARD OF APPEALS

I. APPLICATION BACKGROUND

The subject property is located in the Streeterville neighborhood. It is zoned PD-981 and is improved with a three-story multi-tenant building. The Applicant submitted a special use application, proposing to operate an Adult Use Cannabis Dispensary within one of the commercial units at the subject property. The governing documents of PD-981 state that any use allowed in a DX zoning district is permitted within PD-981. Pursuant to Section 17-4-0207-AAA of the Chicago Zoning Ordinance, an Adult Use Cannabis Dispensary is a special use in a DX zoning district and therefore is a special use in PD-981. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator" and the "Department") recommended: denial of the proposed use. The proposed cannabis dispensary does not comply with all applicable standards of the Chicago Zoning Ordinance as the proposed cannabis dispensary is located approximately 480 feet from a school, Guidepost Montessori, located at 226 East Illinois Street. To locate a dispensary at the subject property would be in violation of Section 17-9-0129-3 of the Chicago Zoning Ordinance.

II. PUBLIC HEARING

In accordance with the Rules of Procedure of the Zoning Board of Appeals, the Applicant had submitted its proposed Findings of Fact. The Zoning Board of Appeals ("ZBA" or "the Board") held a public hearing on the Applicant's special use application at its regular meeting held on Friday, September 20, 2024. Due notice of the hearing was provided

under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune* and as continued without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. The list of participants who provided sworn testimony is attached as the **Hearing Participant Exhibit**.

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

III. SPECIAL USE CRITERIA

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

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

IV. FINDINGS OF FACT

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

(1). The subject property is located in a PD 981 zoning district, with DX-12 underlying uses allowed. Since an adult use cannabis dispensary is a special use in this zoning district, the Applicant requires a special use.

At hearing, the question was raised as to whether the proposed use met all applicable standards of the Chicago Zoning Ordinance (“CZO”). Specifically, it was alleged that the proposed use would be located within 500 feet of a school, Guidepost Montessori (“Guidepost”), which has an address of 226 E. Illinois Street. Section 17-9-0129(3) of the Chicago Zoning Ordinance (“CZO”) prohibits adult use cannabis dispensaries from locating within 500 feet of a school. Therefore, if the proposed use would be within 500 feet of a school, it would not comply with all applicable standards of the CZO, and subsequently, would fail to meet all criteria necessary for special use approval. It was not disputed that the proposed dispensary would be located approximately 480 feet from Guidepost, so the question that remained was does Guidepost qualify as a school for the purposes of Chicago’s Zoning Ordinance?

Under the CZO, a “school” is defined as “public and private schools at the primary, elementary, junior high, or high school level that provide state-mandated basic education. MCC § 17-17-0103-J. This definition alone is not very illustrative, so in order to better understand the definition, the Board really needed to get a grasp on how “state-mandated basic education” is defined. Unfortunately, not a single person at the public hearing was able to address this issue head-on, that is, what qualifies as state-mandated basic education and does Guidepost provide such education?

The Department of Planning and Development (“DPD”) submitted a recommendation for denial on the basis that Guidepost provides state-mandated education and therefore is a school. DPD included as an attachment to its recommendation a letter from Steven Gaudino, head of School for Guidepost. The letter included vague references to adhering to city, state, and national regulations for schools as well as alignments of the Montessori Curriculum to the Common Core State Standards for language and mathematics without providing a comparison; but most notably, *the letter failed to state anywhere that it provides state-mandated basic education*. A plurality of the Board agreed that failure of Guidepost itself to assert that it qualified as a school and provided state-mandated basic education under the CZO weighed significantly in favor of the Applicant. The fact that nobody from Guidepost appeared at the hearing, despite multiple inquiries, also spoke volumes. While DPD stated that it looked at the Illinois State Board of Education website and compared it to what Guidepost provided in its letter, by its own admission it “did not do a deep dive.” The Board understands that getting into the details about school curriculum and state education requirements is outside DPD’s expertise (as it is similarly outside the Board’s scope of expertise) so without further substantive evidence or citation to law, the Board could not give DPD’s recommendation very much weight.

The Applicant argued that Guidepost was not a school as defined by the CZO, but was instead a daycare. The Applicant asserted that Guidepost was not a school because it did not register with the State as a school. This alone is not particularly determinative because there is no requirement that a private institution register with the state as a school. The Applicant then asserted that Guidepost was a daycare because it registered with the Illinois Department of Child and Family Services (“DCFS”) as a daycare. The

Board notes, however, that a “school” can be both a daycare (registered as one with DCFS) and a school, so registering as a daycare with DCFS does not preclude an entity from also being a school if it provides basic state-mandated education.

At the hearing, one parent testified that she has two children attending Guidepost, including one who is a seven-year-old second grader. She stated that the curriculum is unique because it follows the “Montessori method” but it is a school.¹ On the other hand, another parent with a young child testified that she toured Guidepost and not only was introduced to it as a daycare but that “every single parent that lives in the Lake Shore East community refers to Guidepost as a day care, not as a school.” One person who is employed as a teacher speculated that Montessori’s don’t register with the state board of education because they don’t want to follow state standards and that Montessori “teachers” are not licensed.

As may be evident by the preceding paragraphs, the ZBA was frustrated because the issue of whether Guidepost is a school could have been cleared up if anyone from Guidepost’s administration or ownership attended the hearing and answered the ZBA’s questions. Unfortunately, nobody did. Any time a matter comes before the ZBA, the Board is tasked with making decisions based on the evidence before it. For this matter, the Board would have benefitted from better evidence, but the Board finds that DPD and opposing neighbors did not establish that Guidepost provides state-mandated basic education. Therefore, the ZBA finds that Guidepost does not meet the definition of a school under the CZO, and as such, the prohibition against locating a cannabis dispensary within 500 feet of a school does not apply for this application.

Finding that Guidepost Montessori is not a school for the purposes of the CZO, the proposed use complies with all other standards set forth in the Chicago Zoning Ordinance because it is only the requirement to request a special use from the Zoning Board of Appeals that prevents full compliance with all applicable standards of the CZO.²

(2). The proposed use is in the interest of the public convenience and will not have a significant impact on the general welfare of the neighborhood or community because an adult use dispensary is a legal use in Illinois, it is highly regulated by the State, there is a demand for the product, and the Applicant will be occupying a street-level retail location that has been vacant for years. The ZBA believes that when a business is spending money to open its business, it chooses a location where there is a demand for its products or services. Finally, the state required security protocols for adult use dispensaries will add to the safety measures in the neighborhood including security guards and cameras.

¹ The parent also stated that her son takes the CPS yearly exams, however these are the same exams that CPS requests that homeschooled students take, so the fact that her child takes these exams does not definitively determine that Guidepost is a school.

² The Board notes that following the Board’s vote in September but prior to the issuance of this written decision, a small group of members of the public have taken it upon themselves to continuously contact the Chairman (in violation of Rule 1.9 prohibiting *ex parte* communication) as well as ZBA staff attempting to make further arguments on this issue, at a level that some might view as bordering on harassment. The Board makes very clear here that such communications have had zero impact on the Board’s decision and were not taken into account. The only information considered by the Board is the information in the public record which was provided to the Board through the public hearing process.

(3). The proposed use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because it will occur entirely within an existing commercial space and no expanded footprint or exterior modifications to the building are proposed. The proposed use will be in a single-unit of a three-story multi-tenant building. The subject building is surrounded on all sides by high-rise mixed-se buildings, the footprints of which occupy the entirety of the parcels on which they were constructed.

(4). The proposed use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because surrounding businesses have similar opening hours, but the dispensary will close 2 to 6 hours before some of the other businesses in the immediate area. So, for example, there is no concern about patrons leaving a tavern between 10pm and 4am and then going to this dispensary as it will already be closed. Furthermore, the plans submitted do not demonstrate that there will be any added lights or amplified sound.

The subject property is located in the River North/Streeterville neighborhoods and the immediate area is characterized by the Magnificent Mile shopping area and hotel zone. The area is not by any means a quiet neighborhood or low trafficked area but serves as one of Chicago's most recognizable tourist and hospitality districts. For many of the area businesses, most patrons arrive by foot or by public transit. This is evidenced by the visible foot traffic, where at any time of the year, one can observe the sidewalks full of shoppers, tourists, and hotel guests. Moreover, the area is served by the CTA Red Line as well as numerous CTA local and express bus routes, including those serving Navy Pier. Even though there are ample alternative modes of transportation such as walking, biking, buses, and taxis, there is still ample paid parking in the immediate area, which is why taken together, the objectors' concerns regarding traffic and parking appeared to be unfounded.

Some objectors also raised concerns regarding traffic congestion and potential impacts to Northwestern Memorial Hospital campus, which is located just north of the subject property. Noticeably absent from the hearing was anybody representing the hospital or emergency medical services. If the Hospital or EMS believed that one single business in an area dense with other businesses and tourist attractions, would have such a devastating impact on hospital or emergency operations as objectors would like the Board to believe, they would have been at the hearing.

The Board finds that as it relates to traffic and parking, the proposed dispensary would not lead to more traffic in terms of volume or intensity than any other potential commercial use for the subject property. In fact, the previous tenant of the subject property was a café which had a higher occupancy than the proposed use and operated a sidewalk café, without complaint. While the ZBA believes that some of these objector concerns were sincerely held beliefs, the Board can't help but wonder whether some of these concerns were thinly veiled attempts to prevent the establishment of a cannabis dispensary in the area, due to dislike/disapproval of or stigma surrounding cannabis use.

At least one objector noted they had tried but failed to establish the precinct as a restricted cannabis zone, before going on to express concerns about traffic.

(5). The proposed use is designed to promote pedestrian safety and comfort because Applicant's security plan includes security guards and cameras (some of which are focused on the exterior of the building, directly accessible by the Chicago Police Department and the Office of Emergency Management and Communications). All dispensary business will take place within the premises. Customer check-in and purchases will not take place on the public way, and deliveries will be conducted in a secure, off-street area at the rear of the building. Because credit cards are not allowed for cannabis dispensary purchases, the applicant will accept debit card payments to lessen the carrying of cash by customers. Also, an ATM will be accessible in the sales area. Because of the nature of the established, existing building, no curb cuts are proposed for vehicle traffic, and the intersection closest to the proposed dispensary has 4 marked crosswalks, pedestrian signals, and are lit by streetlights. Finally, pedestrians can access the CTA Redline train and numerous CTA bus routes.

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

Based on the Applicant's submissions to the ZBA, the ZBA finds that the Applicant has held its required community meeting in accordance with Section 17-13-0905-G of the Chicago Zoning Ordinance.

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

CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS

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

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, 2025.



Janine Klich-Jensen

HEARING PARTICIPANT EXHIBIT

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

Name	Title (if applicable)	Address	Support	Oppose	Neutral
Bran Pelrine	Aldermanic Staff Assistant to Alderman Hopkins		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Andrew Wyhinny		600 N. Fairbanks Chicago, IL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mark Launer	600 N Fairbanks Association		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bryan Halpin		680 N. Lake Shore Drive Chicago, IL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Kostelansky		161 E. Chicago Ave Chicago, IL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Beth Pudera		230 E. Ontario St. Chicago, IL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Safa Estime		240 E. Illinois St. Chicago, IL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ayman Haswah	Co-Owner of Applicant	363 E. Wacker Dr. Chicago, IL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lincoln Schatz	Owner of the subject property	1239 Wellington Ave Chicago, IL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Daniel Farrell	CEO of Silver Star Protection Group	3601 W. Algonquin, Suite 730 Rolling Meadows, IL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Werthmann	Engineer/Traffic Engineer	9575 W. Higgans Road Rosement, IL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Kisiel	Land Planner Consultant	141 W. Jackson Chicago, IL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Howard Brookins, Jr.	Former 21 st Ward Alderman		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Terrence O'Brien	MAI appraiser	2574 Fairford Lane Northbrook, IL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nancy Radzevich	Assistant Commissioner Department of		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Planning and Development				
Gail Spreen	Board of Director for SOAR		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sharon Butler		680 N Lakeshore Dr. Chicago, IL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kass Plain		230 E. Ontario Chicago, IL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Zorika Zekavica Zivkovic	Property Manager 600 N. Fairbanks		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dean Matariyeh		220 E. Illinois Chicago, IL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roderick Sawyer	Former Alderman		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Romez Fakhoury		420 East Waterside Drive	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

APPLICANT: Starbuck's Corporation

Cal. No.180-24-S

APPEARANCE FOR: Mark Smith / Matthew Payne

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6350 N. Broadway

NATURE OF REQUEST: Application for a special use to replace an existing Starbuck's with a new building and reconfigure a surface parking lot. The new building will also have a one-lane drive-through.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 4, 2024; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: 1) the special use is issued solely to the applicant, Starbuck's Corporation; 2) the development is consistent with the design and layout of the Site Dimensional and Paving Plan, dated September 5, 2024, and the Landscape Plan and Landscape Details, dated July 16, 2024, prepared by Manhard Consulting; and the Architectural Site Plan; Furniture, Fixtures, and Equipment Plan; and Proposed Building Exterior Elevations (A201 and A202), dated September 5, 2024, prepared by National Engineering, except as amended by the following condition(s); and 3) prior to the issuance of any building permits, the applicant submits updated plans showing outdoor seating along the north side of the building, to enhance pedestrian comfort and safety, to the Department of Planning and Development 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 10/21, 2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 4701 N. Clark St., Inc.

Cal. No.: 201-24-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4713 N. Clark Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 21.32' for a proposed five-story, thirty-six dwelling unit building with eighteen parking spaces, thirty-nine bicycle spaces and one loading space located within 2,640' from a Metra rail station.

ACTION OF BOARD - VARIATION WITHDRAWN

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Katalyst Entertainment Inc.

Cal. No.: 262-24-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 13257 S. Baltimore Avenue

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license to an existing retail record store to provide live performances, live music, DJ and charging at the door. This location is with 125' of a residential district.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 6, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to establish a public place of amusement license to an existing retail record store to provide live performances, live music, DJ and charging at the door. This location is with 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 a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24, 20

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: S & S Mini Mart, Inc. Cal. No.277-24-S

APPEARANCE FOR: Frederick Agustin / Nicholas Ftikas

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 12701-07 S. Halsted

NATURE OF REQUEST: Application for a special use to establish a gas station with a single-story convenience store.

ACTION OF BOARD – Continued to November 15, 2024 at 2:00pm.

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: S & S Mini Mart, Inc. Cal. No.278-24-Z

APPEARANCE FOR: Frederick Agustin / Nicholas Ftikas

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 12701-07 S. Halsted

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from 20,000 square feet to 13,284 square feet for a proposed gas station with a one-story convenience store.

ACTION OF BOARD – Continued to November 15, 2024 at 2:00pm.

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Volo Holdings, LLC 1410 Elk Grove Series

Cal. No.: 281-24-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1412 Elk Grove Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 22.80' to 2', north side setback and combined side yard setback from 5' to 3' for a proposed three-story, six dwelling unit building with attached two and four car garages with roof decks.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on July 4, 2024; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24, 2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 5731 N. Washtenaw, LLC

Cal. No.: 282-24-Z

APPEARANCE FOR: Ximena Castro

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5731 N. Washtenaw Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 37.25' to 20.08' for a proposed coach house over an existing four car garage.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on July 4, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 20.08' for a proposed coach house over an existing four 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 a character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24, 2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Thrisona Freeman

APPEARANCE FOR: Same as Applicant

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3402 S. Giles Avenue

Cal. No.: 317-24-Z

MINUTES OF MEETING:
September 20, 2024

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

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

OCT 21 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2024 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on August 1, 2024; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear yard open space to zero for a proposed detached, 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 aforesaid variation request be and it hereby is approved and the Zoning Administrator is authorized to permit said variation subject to the following condition(s) provided:

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 10/21/24, 2024.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Lawndale Christian Health Center

Cal. No.173-24-S-24-S

APPEARANCE FOR: Lewis Powell III

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4000-04 W. Jackson Boulevard

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

ACTION OF BOARD – Continued to November 15, 2024 at 2:00pm.

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT:
APPEARANCE FOR:
APPEARANCE AGAINST:
PREMISES AFFECTED:

Phoenix Recovery Center Services, LLC
Lewis Powell III
None
4000-04 W. Jackson Boulevard

Cal. No.174-24-S-24-S
MINUTES OF MEETING:
September 20, 2024

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

ACTION OF BOARD – Continued to November 15, 2024 at 2:00pm.

THE VOTE

ZBA

OCT 21 2024

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Edna's Circle Cal. No.175-24-Z

APPEARANCE FOR: Lewis Powell III **MINUTES OF MEETING:**

APPEARANCE AGAINST: None September 20, 2024

PREMISES AFFECTED: 4000-04 W. Jackson Boulevard

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

ACTION OF BOARD – Continued to November 15, 2024 at 2:00pm.

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ

ANGELA BROOKS

HELEN SHILLER

ADRIAN SOTO

SWATHY STALEY

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

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

APPEARANCE FOR: Lewis Powell III

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4000-04 W. Jackson Boulevard

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

ACTION OF BOARD – Continued to November 15, 2024 at 2:00pm.

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

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

APPEARANCE FOR: Lewis Powell III

MINUTES OF MEETING:
September 20, 2024

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4000-04 W. Jackson Boulevard

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

ACTION OF BOARD – Continued to November 15, 2024 at 2:00pm.

THE VOTE

ZBA

OCT 21 2024

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ANGELA BROOKS
HELEN SHILLER
ADRIAN SOTO
SWATHY STALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN