

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

**APPLICANT:** BabyLuv Beauty Bar, LLC Cal. No.75-23-S

**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
April 21, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 114 E. 47<sup>th</sup> Street

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

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**THE VOTE**

**MAY 22 2023**

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on April 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 6, 2023; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2023



**APPROVED AS TO SUBSTANCE**  
*Brian H. Sanchez*  
**CHAIRMAN**

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

**APPLICANT:** Howard Jones dba House of Styles Barber Shop Cal. No.76-23-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
March 17, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 8020 S. Halsted Street

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

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Laflaire Dolls Hair Boutique and Spa, LLC Cal. No.77-23-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
March 17, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5125 W. North Avenue

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

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**THE VOTE**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023.

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** It's All About You, LLC Cal. No.78-23-S  
**APPEARANCE FOR:** Same as Applicant  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4313 W. North Avenue

**MINUTES OF MEETING:**  
March 17, 2023

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

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023.

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

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

**APPLICANT:** HPL 3355 Southport, LLC

**Cal. No.:** 79-23-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
March 17, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3355 N. Southport Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 2' for a proposed four-story, six dwelling unit building with retail on the first story.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**THE VOTE**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023.

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Carroll & Justine, LLC Cal. No.80-23-S  
**APPEARANCE FOR:** Timothy Barton **MINUTES OF MEETING:** March 17, 2023  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1516 W. Carroll Avenue

**NATURE OF REQUEST:** Application for a special use to establish a 9,422 square foot restaurant in a converted existing two-story warehouse and roof top urban farm use building with new third floor story addition into a general restaurant with roof top outdoor patio, retail florist, communication service establishment, office, and roof top urban farm with accessory retail sales of goods produced on site.

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
TOIA RECUSED		

**THE RESOLUTION:**

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a 9,422 square foot restaurant in a converted existing two-story warehouse and roof top urban farm use building with new third floor story addition into a general restaurant with roof top outdoor patio, retail florist, communication service establishment, office, and roof top urban farm with accessory retail sales of goods produced on site; an additional special use was approved for the subject property in Cal. Number 81-23-S; 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, Carroll & Justine, LLC, and the development is consistent with the design and layout of the Cover Sheet dated March 8, 2023; Site Plan, dated March 15, 2023; First Floor, Second Floor and Third Floor Plans, dated November 22, 2022; Exterior Elevations – South and West, dated August, 22, 2022; and Exterior Elevations – North and East dated March 15, 2023; all prepared by Bureau Gemmell.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Carroll & Justine, LLC Cal. No.81-23-S  
**APPEARANCE FOR:** Timothy Barton **MINUTES OF MEETING:**  
March 17, 2023  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1516 W. Carroll Avenue

**NATURE OF REQUEST:** Application for a special use to establish a new roof top outdoor patio use to convert an existing two-story warehouse and roof top urban farm use building with new third story addition into general restaurant with rooftop outdoor patio, retail florist, communication service establishment, office, and roof top urban farm with accessory retail sales of goods produced on site.

**ACTION OF BOARD – APPLICATION APPROVED**



**ZBA**

**THE VOTE**

APR 27 2023  
 CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS

BRIAN SANCHEZ  
 ANGELA BROOKS  
 ZURICH ESPOSITO  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
TOIA RECUSED		

**THE RESOLUTION:**

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a new roof top outdoor patio use to convert an existing two-story warehouse and roof top urban farm use building with new third story addition into general restaurant with rooftop outdoor patio, retail florist, communication service establishment, office, and roof top urban farm with accessory retail sales of goods produced on site; an additional special use was approved for the subject property in Cal. Number 80-23-S; 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, Carroll & Justine, LLC, and the development is consistent with the design and layout of the Cover Sheet dated March 8, 2023; Site Plan, dated March 15, 2023; First Floor, Second Floor and Third Floor Plans, dated November 22, 2022; Exterior Elevations – South and West, dated August, 22, 2022; and Exterior Elevations – North and East dated March 15, 2023; all prepared by Bureau Gemmell.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023.

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

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

**APPLICANT:** South United Gas, Inc. Cal. No.82-23-S  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
 March 17, 2023  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 8 E. 76<sup>th</sup> Street

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

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**THE VOTE**

APR 27 2023  
 CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS

BRIAN SANCHEZ  
 ANGELA BROOKS  
 ZURICH ESPOSITO  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

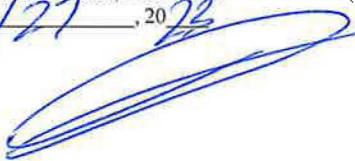
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a gas station; a variation was also granted to the subject property in Cal. Number 83-23-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, South United Gas, Inc., and the development is consistent with the design and layout of the Cover Sheet and Site Plan and Landscape Plan, dated March 7, 2023; and Landscape Details, First Floor and Roof Plan, and Building Elevations, dated June 10, 2022; all prepared by Axios Architects and Consultants.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023



**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



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

**APPLICANT:** South United Gas, Inc. **Cal. No.:** 83-23-Z  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
 March 17, 2023  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 8 E. 76<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a variation to reduce the lot area from the required 20,000 square feet to 13,723 square feet for a proposed gas station.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

APR 27 2023

CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS

BRIAN SANCHEZ  
 ANGELA BROOKS  
 ZURICH ESPOSITO  
 SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the lot area to 13,723 square feet for a proposed gas station; a special use was also approved for the subject property in Cal. No. 82-23-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): the special use is issued solely to the applicant, South United Gas, Inc., and the development is consistent with the design and layout of the Cover Sheet and Site Plan and Landscape Plan, dated March 7, 2023; and Landscape Details, First Floor and Roof Plan, and Building Elevations, dated June 10, 2022; all prepared by Axios Architects and Consultants.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023.



**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** GJK Properties, LLC Cal. No.84-23-S

**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
March 17, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4936 N. Lincoln Avenue 1N

**NATURE OF REQUEST:** Application for a special use to establish a business live / work space (office) on the ground floor of an existing mixed-use building.

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

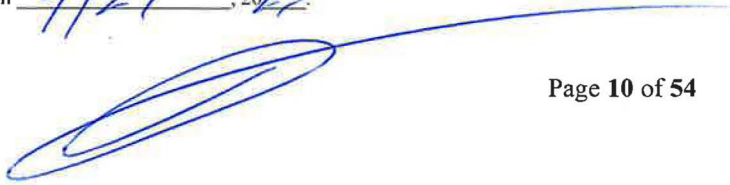
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the development is consistent with the design and layout of the Site Plan, Existing Unit, Floor Plan, (Partial) Elevation, all dated March 15, 2023; all prepared by Hanna Architects Inc.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023.



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

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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

**JUL 24 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**Rogers Park Holdings, LLC**  
APPLICANT(S)

**85-23-Z, 86-23-Z & 87-23-Z**  
CALENDAR NUMBER(S)

**135 N. Des Plaines Street**  
PREMISES AFFECTED

**March 17, 2023 & April 21, 2023**  
HEARING DATE

ACTION OF BOARD	THE VOTE	AFFIRMATIVE	NEGATIVE	ABSENT
The variation applications were APPROVED.	Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The application type application was select outcome.	Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(vacant position)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS**

**I. SUMMARY**

Rogers Park Holdings, LLC (the “Applicant(s)”) submitted applications for variations for 135 N. Des Plaines Street (the “subject property”), in order to construct a nine-story, mixed-use building. The Zoning Board of Appeals (“ZBA”) held a first held a public hearing on the Applicant’s applications on March 17, 2023. At the meeting, a member of the public testified that he had been incorrectly denied a Freedom of Information Act, 5 ILCS 140/1 et seq., (“FOIA”) request with respect to the applications. The ZBA continued the public hearing until April 21, 2023 so that the member of the public could be provided with the information he sought. At the April 21, 2023 public hearing, the Applicant’s representative and its witnesses offered testimony in support of the applications. One member of the public testified in favor of the applications and one member of the public testified in opposition to the applications. At the conclusion of the April 21, 2023 public hearing, the ZBA approved the applications for variation.

**II. APPLICATION BACKGROUND**

The subject property is located in the West Loop neighborhood. It is zoned DX-7, is within 2,640 feet of a Chicago Transit Authority (“CTA”) rail station, and is improved with a surface parking lot. The Applicant proposed to construct a nine-story, mixed-use building with ground floor retail space, thirty-six (36) dwelling units and fourteen (14) efficiency units (the “proposed building”) on the subject property. The Applicant seeks variations from the Chicago Zoning Ordinance to (1) reduce the rear setback from the required 30’ to 0.5’; (2) establish a driveway and vehicle access along North Des Plaines

Street; and (3) reduce the required off-street parking spaces for a transit served location from eighteen (18) to three (3). The ZBA is authorized to hear and decide variations.<sup>1</sup> Therefore, the Applicant submitted a variation application to the ZBA.

### III. PUBLIC HEARING

In accordance with the ZBA's Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The ZBA held a public hearing on the Applicant's variation applications at its regular meetings held on March 17, 2023 and April 21, 2023. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune* and as continued without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. The 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.

### IV. OVERVIEW OF CRITERIA

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

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

Pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance, in making its determination of whether practical difficulties or particular hardships exist, the ZBA 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

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<sup>1</sup> Pursuant to Section 17-13-1101 of the Chicago Zoning Ordinance.

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

#### V. FINDINGS OF FACT

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:

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

The subject property is a corner lot with atypical lot dimensions. As can be seen by the plat of survey, it is square rather than rectangular. Further it lacks any alley access. This creates several design challenges and may explain why the subject property is improved only with a surface parking lot. The Chicago Zoning Code is premised on rectangular lots. Mr. Kokalias testified that the subject property's lack of lot depth (no matter which street frontage is designated the front setback) requires a rear setback reduction in order to accommodate any residential development on the subject property. Further, the subject property's lack of lot depth also impacts the ability to provide all required on-site parking. Moreover, the lack of alley access necessitates a driveway directly off the street. As neither North Des Plaines Street nor West Randolph Street are designated pedestrian streets or pedestrian retail streets, typically this would not be an issue. However, since the subject property is located within 2640' of a CTA rail station, any new construction must comply with all pedestrian street and pedestrian retail requirements. Section 17-4-504-G expressly prohibits curbcuts and driveways on pedestrian streets. Furthermore, the ZBA finds that strict compliance with the standards of the Chicago Zoning Ordinance **would** create practical difficulties or particular hardships because the following criteria under B(1)-(3) are **met**:

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

The subject property is currently improved with a surface parking lot. The ZBA completely agrees with Mr. Kerwin that this is not the highest and best use of the subject property, particularly in an area such as the West Loop and with a zoning classification that promotes density in the form of vertical mixed-use projects with retail use at grade and residential use above. Moreover, and as Mr. Kokalias testified, no matter which street frontage the Applicant chose, rear setback relief would still be needed for residential use of the subject property. This is due to the atypical lot dimensions of the subject property. The same atypical lot dimensions of the subject property make it impossible to provide required on-site parking for

residential use of the subject property. Similarly, any new construction would require a variation for a driveway as the subject property is located within 2640' of the Clinton CTA rail station. As such, without the requested variations, the subject property cannot yield a reasonable return and would instead continue to remain improved with a surface parking lot.

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

The ZBA finds that the practical difficulties or particular hardships are due to the unique circumstances of the subject property being a corner lot with very atypical and substandard dimensions and the unique circumstances of the subject property being located within 2640' of a CTA rail station and yet lacking alley access. The ZBA finds that these circumstances are not generally applicable to other mixed-use properties in the West Loop.

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

The variations, if granted, will allow for the proposed building. The ZBA finds that – after comparing the plans and drawings of the proposed building with photographs of the neighborhood – the variations will not alter the essential character of the neighborhood. On the contrary, Mr. Kokalias has designed the proposed building so that it is very consistent with the other new development in the West Loop

The ZBA also finds that strict compliance with the standards of the Chicago Zoning Ordinance would/would not create practical difficulties or particular hardships after taking into consideration the extent to which evidence has been submitted under C(1)-(6):

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

The particular physical surroundings of the subject property (that is, its proximity to a CTA rail station and its lack of alley access) and its shape (that is, its square shape and substandard lot depth no matter which street frontage is chosen for its front setback) results in particular hardship upon the Applicant. Again, the ZBA agrees with Mr. Kerwin that a surface parking lot is not the highest and best use of the subject property, especially since the subject property is in the West Loop and is zoned DX-7. Any new construction involving residential use at this location would trigger a need for variations. This is far more than a mere inconvenience.

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

The ZBA finds the conditions of the subject property being a corner lot with very atypical and substandard dimensions and the subject property being located within 2640' of a CTA rail station and yet lacking alley access to be conditions not applicable, generally, to other property within the DX-7 zoning district.

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

The Applicant purchased the subject property for redevelopment. However, the variations are not based exclusively upon a desire to make more money out of the subject property but instead are requested to overcome the atypical lot size and lack of alley access to create an attractive, livable building in the City's vibrant West Loop neighborhood. Moreover, and as can be seen from the Applicant's reasonable return economic analysis form, the Applicant will only be realizing a 4.5% return on its investment.

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

The Applicant did not create the subject property's status as a corner lot. Nor did the Applicant create the subject property's atypical lot shape and dimensions. The Applicant also did not create the subject property's proximity to a CTA rail station or its lack of alley access.

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

The variations will allow the Applicant to construct the proposed building. The proposed building has been thoughtfully designed to ensure that it is contextual to the neighborhood. While Mr. Qadir argued that the proposed building would be injurious to his building at 621 W. Randolph in that it would block the window and the door, the ZBA agrees with Mr. Kokalias that both the door and window were illegally installed. Moreover, the ZBA further agrees with Mr. Kokalias that the building at 621 W. Randolph was designed so that all its light would come from the windows facing Randolph Street. Further, the building at 621 W. Randolph was designed so that all ingress and egress would occur either at the front (Randolph) or rear of the building. It was not designed so that ingress and egress to the building would occur by traversing over someone else's property. Based on all this, ZBA finds that the granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

*C (6). The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets,*

*or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

The variations will allow the Applicant to construct the proposed building. As Mr. Kokalias very credibly testified and as can be seen from the photographs, the building at 621 W. Randolph receives ample light from the windows facing Randolph. The window located on the shared lot line between the subject property at 621 W. Randolph is illegal and needs to be removed. The building at 621 W. Randolph also receives ample air from the Randolph Street frontage. As such, the variations will not impair an adequate supply of light and air to adjacent property. The subject property is located with 2640' of the Clinton CTA rail station and has thirty-four (34) bike parking spaces; therefore, the variations will not substantially increase congestion in the public streets. As the proposed building will not be built unless and until a valid building permit is issued, the variations will not increase the danger of fire or endanger the public safety. Further and Mr. Kokalias very credibly testified and as can be seen from the photographs, the building at 621 W. Randolph was designed so that all ingress and egress occurred from the front and the rear – not the side. Indeed, there is a fire escape on the front of the building. As the variations will allow for all new construction on what is currently a surface parking lot, the variations will not substantially diminish or impair property values within the neighborhood.

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

The requested variation(s) will allow for Proposed building on the subject property. The ZBA finds that variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by:

- Promoting the public health, safety and general welfare, pursuant to Section 17-1-0501, by allowing a brand new building to replace a surface parking lot;
- Preserving the overall quality of life for residents and visitors, pursuant to Section 17-1-0502, by allowing for the proposed building which – as can be seen from comparing the plans and drawings with photographs of the surrounding area – will be very much in character with the West Loop;
- Maintaining economically vibrant as well as attractive business and commercial areas, pursuant to Section 17-1-0504, by allowing for the proposed building that will have a ground floor retail which will activate a West Loop corner lot far more than the surface parking lot;
- Promoting pedestrian, bicycle and transit use, pursuant to Section 17-1-0507, by providing for new construction within 2640' of a CTA rail station, especially since the proposed building will have thirty-four (34) bike spaces and only three (3) off-street vehicular parking spaces;
- Maintaining orderly and compatible land use and development patterns, pursuant to Section 17-1-0508, by allowing the subject property to be developed with the density necessary for the West Loop neighborhood despite the atypical lot dimensions of the subject property;



- Ensuring adequate light, air, privacy, and access to property, pursuant to Section 17-1-0509 because the building at the rear of the subject property has more than adequate light, air, privacy and access pursuant to its legally established windows and means of ingress and egress; and
- Maintaining a range of housing choices and options, pursuant to Section 17-1-0512, by allowing for the thirty-six (36) new dwelling units and fourteen (14) efficiency units in the West Loop neighborhood.

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

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

1. The ZBA hereby APPROVES the Applicant's applications for a variation, and the Zoning Administrator is authorized to permit said variations.

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

APPROVED AS TO SUBSTANCE

By: 

Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 7/24, 2023.

  
Janine Klich-Jensen



**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

City Hall Room 905  
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**ZBA**

**APR 27 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**Anwar Consulting Group SC, LLC**

APPLICANT

**88-23-S**

CALENDAR NUMBER

**1309 N. Wicker Park Avenue**

PREMISES AFFECTED

**March 17, 2023**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

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

Brian Sanchez,  
Chairman  
Angela Brooks  
Zurich Esposito  
Sam Toia

AFFIRMATIVE    NEGATIVE    ABSENT

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 1309 N.  
WICKER PARK AVENUE BY ANWAR CONSULTING GROUP SC, LLC.**

**I. SUMMARY**

Anwar Consulting Group SC, LLC (the "Applicant") submitted a special use application for 1309 N. Wicker Park Avenue (the "subject property") in order to establish residential use below the second floor. The ZONING BOARD OF APPEALS held a public hearing on the Applicant's application. At the public hearing, the Applicant's representative and its witnesses offered testimony in support of the application. A neighborhood resident offered testimony. After the conclusion of the public hearing, the ZONING BOARD OF APPEALS approved the application.

**II. APPLICATION BACKGROUND**

The subject property is located in the Old Wicker Park neighborhood of the City of Chicago ("City"). The subject property is zoned C1-2 and is improved with a four-story, mixed-use building (the "building"). The building contains four (4) units: one (1) at-grade commercial unit and three (3) residential units on floors two through four. The Applicant is the owner of the at-grade commercial unit. The Applicant proposed to convert the at-grade commercial unit to a residential unit. Such conversion would involve solely interior renovation of the building; in other words, the exterior of the

building and the remainder of the subject property would remain unchanged. However, pursuant to Section 17-3-0207-A(4)(c) of the Chicago Zoning Ordinance, a special use is required for residential use below the second floor in multi-unit buildings in a C1-2 zoning district. The ZONING BOARD OF APPEALS is authorized to hear and decide special use applications.<sup>1</sup> Therefore, the Applicant submitted a special use application to the ZONING BOARD OF APPEALS.

In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator" and the "Department") recommended approval of the proposed special use provided that: the development was consistent with the design and layout of the title sheet, code, matrix and scope of work dated March 14, 2023, basement and first-floor plans and mezzanine and second-floor plans dated September 9, 2022, and exterior elevations dated March 3, 2023, all prepared by NA: Norsman Architects, Ltd.

### III. PUBLIC HEARING

The ZONING BOARD OF APPEALS held a remote public hearing<sup>2</sup> on the Applicant's special use application at its regular meeting on March 17, 2023, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The Applicant's managing member Mr. Asif Anwar and its attorney Mr. Nikolas Ftikas were present. The Applicant's project architect Mr. Brent Norsman and its MAI certified real estate appraiser Mr. Sylvester ("Bud") J. Kerwin, Jr., were present. Also present was Ms. Alex Musgrove. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).<sup>3</sup>

The Applicant's attorney Mr. Nickolas Ftikas, of 221 N. LaSalle, Suite 3800, Chicago, IL 60601, offered a brief overview of the application.

The Applicant's representative and managing member Mr. Asif Anwar, of 4832 Old Orchard Road, Unit 1, Skokie, IL 60077, offered sworn testimony in support of the application.

The Applicant's project architect Mr. Brent Norsman, of 2400 N. Lakeview Avenue, Unit 3001, Chicago, IL 60614, offered sworn testimony in support of the application.

The Applicant's MAI certified appraiser Mr. Sylvester ("Bud") J. Kerwin, Jr., of 7765 W. North Avenue, River Forest, IL 60305, offered sworn testimony in support of the application.

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<sup>1</sup> Pursuant to Section 17-14-0302-B of the Chicago Zoning Ordinance.

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

<sup>3</sup> Such Emergency Rules were issued by the Chairman in accordance with his emergency rule-making powers set forth in the Rules of Procedure.

Ms. Alex Musgrove, of 1311 N. Wicker Park Avenue, Apt. 2, Chicago, IL 60622, offered sworn testimony. She testified that she was not in objection to the Applicant's request to establish residential use below the second floor. However, she testified that Mr. Norsman had been the project architect for 1311 N. Wicker Park Avenue, and that since purchasing her home, she had nothing but problems. She testified that Mr. Norsman had already cost her \$10,000 and that she could not afford to pay more. She testified that if Mr. Norsman and his architecture firm were allowed to do the conversion from commercial to residential use at the subject property, she believed it would be a great danger to both 1311 N. Wicker Park Avenue and the general public.

In response to Ms. Mulgrave's testimony, the Chairman of the ZONING BOARD OF APPEALS ("Chairman") stated that while he was sensitive to Ms. Mulgrave's issues with her home, this was not the right forum to lodge her complaints regarding Mr. Norsman. The Chairman advised that she go the City's Building Department as the ZONING BOARD OF APPEALS could not provide her any relief for her problems with Mr. Norsman. The Chairman then stated that the only issue before the ZONING BOARD OF APPEALS was a zoning issue; that is, whether or not residential use below the second floor was appropriate for the subject property.

Mr. Ftikas then made a brief closing statement.

#### IV. OVERVIEW OF CRITERIA

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

#### V. FINDINGS OF FACT

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

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

The subject property is located in a C1-2 zoning district. As residential use below the second floor in multi-unit buildings is a special use in C1-2 zoning districts, the

Applicant requires a special use<sup>4</sup>. In other words, the subject property and the building located on it currently are in compliance with the Chicago Zoning Ordinance. As set forth in Mr. Norsman's affidavit, the building complies with all bulk requirements of the C1-2 zoning district. It is solely because the Applicant is seeking to change the use of the ground floor and basement of the building that the special use is required. Indeed, no exterior modifications to the subject property will be undertaken. For the reasons set forth below, the ZONING BOARD OF APPEALS has decided to grant the special use. Because the ZONING BOARD OF APPEALS has decided to grant the proposed special use, the proposed special use now complies with all applicable standards of the Chicago Zoning Ordinance.

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

As Mr. Kerwin credibly testified and as set forth in greater detail in his report, with the exception of the subject property the entire 1300 block of North Wicker Park Avenue has residential use below the second floor. Between North Wicker Park Avenue and nearby Wood Street, there are twenty-six (26) all-residential properties. Some of these properties have been all-residential for more than 100 years. Therefore, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood because residential use below the second floor is already a well-established character of land uses in the immediate proximity. Further, as Wicker Park Avenue is not a commercial street, the proposed special use is in the interest of public convenience as it allows the repurposing of a vacant commercial unit to a residential unit, ensuring that the neighborhood remains vibrant.

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

The proposed special use will be located within the building. The building and the subject property will have no exterior modifications. As can be seen from the photographs in Mr. Kerwin's report, the 1300 block of Wicker Park Avenue is made up of multi-story buildings, some of them are old but some of them – like the building – are new. As such, the proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

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<sup>4</sup> See Section 17-3-027-A(4)(c) of the Chicago Zoning Ordinance.

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

Again, with the exception of the subject property, the entire 1300 block of N. Wicker Park Avenue is all-residential. Because the proposed special use will allow the subject property to become all-residential, the proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.

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

The proposed special use will be located within the building. Again, no exterior modifications are proposed to the building. The doors accessing the building from the sidewalk are all glass and permit clear sightlines. Further, and as set forth in Mr. Kerwin's report, the at-grade commercial unit has been vacant for more than a year. The proposed special use will allow for this vacancy to be eliminated as Mr. Asaf will be residing in the converted unit. Based on all this, the the proposed special use is designed to promote pedestrian safety and comfort.

## VI. CONCLUSION

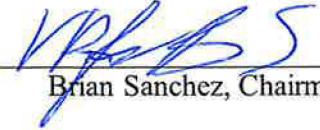
For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Section 17-13-0905-A of Chicago Zoning Ordinance.

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

1. The development shall be consistent with the design and layout of the title sheet, code, matrix and scope of work dated March 14, 2023, basement and first-floor plans and mezzanine and second-floor plans dated September 9, 2022, and exterior elevations dated March 3, 2023, all prepared by NA: Norsman Architects, Ltd.

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

APPROVED AS TO SUBSTANCE

By:   
Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 4/27, 2023.

  
Janine Klich-Jensen



**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



**ZBA**

**APR 27 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**520 California Gas, LLC**  
APPLICANT

**89-23-S**  
CALENDAR NUMBER

**520 S. California Avenue**  
PREMISES AFFECTED

**March 17, 2023**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

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

Brian Sanchez,  
Chairman  
Angela Brooks  
Zurich Esposito  
Sam Toia

AFFIRMATIVE    NEGATIVE    ABSENT

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 520 S.  
CALIFORNIA AVENUE BY 520 CALIFORNIA GAS, LLC.**

**I. SUMMARY**

520 California Gas, LLC (the "Applicant") submitted a special use application for 520 S. California Avenue (the "subject property") in order to establish a gas station. The ZONING BOARD OF APPEALS held a public hearing on the Applicant's application. At the public hearing, the Applicant's representative and its witnesses offered testimony in support of the application. Members of the public offered testimony in opposition to the application. After the conclusion of the public hearing, the ZONING BOARD OF APPEALS approved the application.

**II. APPLICATION BACKGROUND**

The subject property is just south of the Eisenhower Expressway at the intersection of South California Avenue and Harrison Street. The subject property is zoned C1-1 and is currently vacant and unimproved. The Applicant proposed to develop the subject property with an eight-pump gas station, a one-story convenience store and an automatic car wash tunnel (the "proposed gas station development"). Pursuant to Section 17-3-0207-HH of the Chicago Zoning Ordinance, a special use is required for a gas station in a C1-1 zoning district. The ZONING BOARD OF APPEALS is authorized to hear and

decide special use applications.<sup>1</sup> Therefore, the Applicant submitted a special use application to the ZONING BOARD OF APPEALS.

In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City of Chicago's Department of Planning and Development (the "Zoning Administrator," the "City" and the "Department") recommended approval of the proposed special use provided that: (1) the special use was issued solely to the Applicant; and (2) the development was consistent with the design and layout of the cover sheet and site plan, landscape plan, landscape details, first floor plan, east and west elevations and north and south elevations, all dated March 14, 2023, prepared by Axios Architects & Consultants,

### ·III. PUBLIC HEARING

The ZONING BOARD OF APPEALS held a remote public hearing<sup>2</sup> on the Applicant's special use application at its regular meeting on March 17, 2023, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The Applicant's manager and architect Mr. Bill Kokalias<sup>3</sup> and its attorney Mr. Nick Ftikas were present. Present and in opposition to the application were Ms. Sher Eli and Mr. Aquil Jaddi (collectively, the "Objectors"). The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).<sup>4</sup>

The Applicant's attorney Mr. Nick Ftikas, of 221 N. LaSalle, Suite 3800, Chicago, IL 60601, offered a brief overview of the application.

The Applicant's representative, manager and architect Mr. Bill Kokalias, of 188 N. Wells Street, Suite 300, Chicago, IL 60606, offered sworn testimony in support of the application.

The Applicant's MAI certified real estate appraiser Mr. Terrance O'Brien, of 145 Revere Drive, Northbrook IL 60062, offered sworn testimony in support of the application.

Mr. Aqil Jaddi, of 7913 N. Nordica Ave., Niles, IL 60714 and project manager for the proposed gas station at 511 S. California Avenue, offered sworn testimony in opposition to the application.

Mr. Ftikas objected to this testimony on the grounds of relevance and competition.

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<sup>1</sup> Pursuant to Section 17-14-0302-B of the Chicago Zoning Ordinance.

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

<sup>3</sup> Mr. Kokalias is also the manager of the limited liability company that owns the subject property.

<sup>4</sup> Such Emergency Rules were issued by the Chairman in accordance with his emergency rule-making powers set forth in the Rules of Procedure.

The chairman of the ZONING BOARD OF APPEALS stated that the ZONING BOARD OF APPEALS could not consider competition.<sup>5</sup>

Ms. Sher Eli, of 3139 Preakness Drive, Aurora, IL 60502 and owner of the property at 511 S. California Avenue, offered sworn testimony in opposition to the application.

Mr. Ftikas then offered a brief closing statement.

#### IV. OVERVIEW OF CRITERIA

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

#### V. FINDINGS OF FACT

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

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

The subject property is located in a C1-1 zoning district. As a gas station is a special use in C1-1 zoning districts, the Applicant requires a special use<sup>6</sup>. The subject property is over 20,000 square feet and thus meets the required minimum lot area for gas stations pursuant to Section 17-9-0109-B of the Chicago Zoning Ordinance. As testified by Mr. Kokolias, the proposed gas station meets all other requirements for gas stations under the Chicago Zoning Ordinance (i.e., landscaping, outdoor lighting and perimeter fencing). The proposed gas station development meets all Chicago Department of Transportation regulations for the uses proposed. The proposed convenience store and proposed automatic car wash tunnel are permitted uses in a C1-1 zoning district. In other words, it is only the gas station use itself that prevents

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<sup>5</sup> "[T]he control or restriction of competition is not a proper or lawful zoning objective." *Cosmopolitan Nat. Bank v. Village of Niles*, 118 Ill.App.3d 87, 91 (1st Dist. 1983).

<sup>6</sup> See Section 17-3-0207-HH of the Chicago Zoning Ordinance.

the proposed special use from complying with all applicable standards of the Chicago Zoning Ordinance. For the reasons set forth below, the ZONING BOARD OF APPEALS has decided to grant the special use. Because the ZONING BOARD OF APPEALS has decided to grant the proposed special use, the proposed special use now complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use will activate vacant land with the proposed gas station development. The gas station development will be located just south of the Eisenhower Expressway and is in a neighborhood that has a substantial amount of vacant property. As Mr. O'Brien testified, the nearest automobile service station is over half a mile away, on Sacramento and on the other side of the Eisenhower Expressway. The nearest car wash is at least one mile away. The Applicant proposes to hire six (6) to eight (8) employees, and the proposed convenience store will offer fresh groceries. Based on all this, the proposed special use is in the interest of the public convenience. Further, Mr. Kokalias's testimony with respect to the safety plan for the proposed gas station leaves no doubt that the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community. On the contrary, a brand-new, well-run development such as the Applicant's proposed gas station development will have a positive impact on the general welfare of the neighborhood or community.

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

As Mr. O'Brien testified and as set forth in his report, most of the land in the surrounding area is vacant. There have been very few new developments in the surrounding area. The exception to this is a residential development located on the north side of Harrison Street approximately one half block west of the subject property. However, the subject property is located on the corner of California Avenue and Harrison and is located just south of the Eisenhower Expressway. As can be seen from the Applicant's plans and drawings as well as the testimony of Mr. Kokalias, the Applicant is proposing a "nice-looking" development that will complement the neighborhood. As such, the ZONING BOARD OF APPEALS finds that the proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

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

The proposed special use will be part of the gas station development. While the gas station itself will be open twenty-four hours, the convenience store will be open twenty-four hours but will have limited access overnight for security purposes and the car wash will only operate between 9:00 AM and 8:00 PM. All outdoor lighting has been designed so not to allow excessive spillage onto the adjoining properties. The Applicant will be incorporating new landscaping which will help muffle noise. The ZONING BOARD OF APPEALS does not at all agree with the Objectors' speculative testimony that the car wash will be noisy and overwhelm the neighborhood. The car wash will be entirely enclosed and will only operate between 9:00 AM and 8:00 PM. The twenty-four hour portions of the proposed gas station development – that is the fuel pumps -- are located to the east of the subject property, along the California Avenue frontage and thus away from the residential use to the west of the subject property. As such, the proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, lighting and noise. With respect to traffic generation, as Mr. O'Brien testified, the proposed gas station development would accommodate primarily the people within the surrounding area. Therefore, the proposed special use will not be generating a lot of traffic from outside the area. As such, the proposed special use is compatible with the character of the surrounding area in terms of traffic generation.

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

The subject property is currently vacant and unimproved. The Applicant will be improving the subject property with the proposed gas station development. The proposed gas station development will incorporate security cameras, security guards and lighting. The Applicant worked closely with the Department to ensure that there is adequate on-site circulation on the site – including the dual lane car wash line – which will ensure there will be no vehicular back-up onto the public streets, specifically South California Avenue. There will be only two curbcuts. The Applicant will be installing new landscaping as well as new sidewalks onto the subject property. Based on all this, the proposed special use is designed to promote pedestrian safety and comfort.

## VI. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the

Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Section 17-13-0905-A of Chicago Zoning Ordinance.


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

1. The special use shall be issued solely to the Applicant; and
2. The development shall be consistent with the design and layout of the cover sheet and site plan, landscape plan, landscape details, first floor plan, east and west elevations and north and south elevations, all dated March 14, 2023, prepared by Axios Architects & Consultants.

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

APPROVED AS TO SUBSTANCE

By:   
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   
2023.

  
Janine Klich-Jensen

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

APPLICANT: Christopher and Mary Cantagallo Cal. No.: 90-23-Z

APPEARANCE FOR: Nicholas Ftikas MINUTES OF MEETING: March 17, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2030 W. Homer Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 28.03' to 22', west side setback from 2' to 0.33' (east to be 2.83'), combined side yard setback from 4.82' to 3.16' for a proposed second floor addition, rear raised metal deck over 4', two-car detached garage with roof deck and access stair to an existing two-story, two dwelling unit building to be deconverted to a single-family residence.

ACTION OF BOARD - VARIATION GRANTED

ZBA

APR 27 2023

CITY OF CHICAGO ZONING BOARD OF APPEALS

THE VOTE

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows for Brian Sanchez, Angela Brooks, Zurich Esposito, Sam Toia.

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 22', west side setback to 0.33' (east to be 2.83'), combined side yard setback to 3.16' for a proposed second floor addition, rear raised metal deck over 4', two-car detached garage with roof deck and access stair to an existing two-story, two dwelling unit building to be deconverted to a single-family residence;\* an additional variation was granted to the subject property in Cal. No. 91-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27/23.

\*Scrivener's error

APPROVED AS TO SUBSTANCE [Signature] CHAIRMAN

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

**APPLICANT:** Christopher and Mary Cantagallo **Cal. No.:** 91-23-Z  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:** March 17, 2023  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2030 W. Homer Street

**NATURE OF REQUEST:** Application for a variation to relocate the required 225 square feet of rear yard open space to a garage roof deck for a proposed second floor addition, rear raised metal deck over 4', two-car garage with roof deck and access stair to an existing two-story, two dwelling unit building to be deconverted to a single-family residence.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**APR 27 2023**

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to relocate the required 225 square feet of rear yard open space to a garage roof deck for a proposed second floor addition, rear raised metal deck over 4', two-car garage with roof deck and access stair to an existing two-story, two dwelling unit building to be deconverted to a single-family residence; an additional variation was granted to the subject property in Cal. No. 90-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27 2023.

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



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

**APPLICANT:** The Catcade, Inc. Cal. No.92-23-S

**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**

March 17, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 624 W. Belmont Avenue

**NATURE OF REQUEST:** Application for a special use to establish an animal shelter.

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**THE VOTE**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an animal shelter; 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, The Catcade, Inc.; (2) the shelter is exclusively for cats; (3) the cats are housed exclusively inside the building and there is no outdoor kennel or play space; (4) the development is consistent with the design and layout of the Site and Floor Plan, dated March 15, 2023 prepared by Alison Lindholm/The Catcade; and (5) prior issuance of any building or occupancy permits and/or business license, a final code compliant, fully dimensioned architectural site plan is provided for review and approval by the Department of Planning and Development.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27/23, 2023.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Austin and Isabel Carpenter

**Cal. No.:** 93-23-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
March 17, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 309 W. Eugenie Street

**NATURE OF REQUEST:** Application for a variation to reduce the west side setback from the required 2.08' to zero (east to be zero), combined side yard setback from 5.2' to zero, rear setback from 29.98' to 2' for a proposed detached two car garage with roof top deck with bridge connection from new garage roof top deck to the landing of the new rear two story open spiral stair for the existing three-story single-family residence.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**APR 27 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the west side setback to zero (east to be zero), combined side yard setback to zero, rear setback to 2' for a proposed detached two car garage with roof top deck with bridge connection from new garage roof top deck to the landing of the new rear two story open spiral stair for the existing three-story single-family residence; an additional variation was granted to the subject property in Cal. No.94-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023.

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

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

**APPLICANT:** Austin and Isabel Carpenter

**Cal. No.:** 94-23-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
March 17, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 309 W. Eugenie Street

**NATURE OF REQUEST:** Application for a variation to permit a portion of the 141.28 square feet of rear yard open space to be located on a deck or patio that is greater than 4' from grade for a proposed detached two-car garage with roof top deck with bridge connection from new garage roof top deck to the landing of the new rear two story open spiral stair for the existing three-story single-family residence.

**ACTION OF BOARD - VARIATION GRANTED**



APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to permit a portion of the 141.28 square feet of rear yard open space to be located on a deck or patio that is greater than 4' from grade for a proposed detached two-car garage with roof top deck with bridge connection from new garage roof top deck to the landing of the new rear two story open spiral stair for the existing three-story single-family residence; an additional variation was granted to the subject property in Cal. No.93-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27/23.

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Halo Cosmetics, LLC dba UR Nails Cal. No.95-23-S  
**APPEARANCE FOR:** Paul Kolpak **MINUTES OF MEETING:** March 17, 2023  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2807-09 S. Kedzie Avenue

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

**ACTION OF BOARD – APPLICATION APPROVED**



**ZBA**

**APR 27 2023**

**CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS**

BRIAN SANCHEZ  
 ANGELA BROOKS  
 ZURICH ESPOSITO  
 SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023.

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

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

**APPLICANT:** Ami Kotecha

**Cal. No.:** 96-23-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
April 21, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1223 N. Marion Court

**NATURE OF REQUEST:** Application for a variation to reduce the east front setback from the required 6.62' to 2', north and south side setbacks from 2' to zero, combined side yard setback from 5, to zero for a proposed two-story, single-family residence with an attached two car garage on a through lot.

**ACTION OF BOARD – WITHDRAWN**

**ZBA**


**MAY 22 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



**ZBA**

**APR 27 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**Family Roots LLC**  
APPLICANT

**97-23-S**  
CALENDAR NUMBER

**58 E. Roosevelt Rd.**  
PREMISES AFFECTED

**March 17, 2023**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

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

	AFFIRMATIVE	NEGATIVE	ABSENT
Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Angela Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 58 E.  
ROOSEVELT ROAD BY FAMILY ROOTS, LLC.**

**I. SUMMARY**

Family Roots, LLC (the “Applicant”) submitted a special use application for 58 E. Roosevelt Road (the “subject property”) in order to establish an adult use cannabis dispensary. The ZONING BOARD OF APPEALS held a public hearing on the Applicant’s application. At the public hearing, the Applicant’s representative and its witnesses offered testimony in support of the application. Members of the public offered testimony in support of and in opposition to the application. After the conclusion of the public hearing, the ZONING BOARD OF APPEALS approved the application.

**II. APPLICATION BACKGROUND**

The subject property is located in the South Loop neighborhood of the City of Chicago (“City”). The subject property is zoned PMD-815 as amended (Subarea B). The subject property is part of a one-and-two-story building (the “building”) that currently houses a Trader Joe’s grocery store on the ground floor and office tenants on the second floor. The building is on the corner of Roosevelt Road and Wabash Avenue and therefore is comprised of multiple addresses. This led to the Applicant originally filing its application under the address 1147 W. Wabash Avenue / 48-58 E. Roosevelt Road. However, the tenant space in which the Applicant proposed to establish its adult use

cannabis dispensary was given the address of 58 E. Wabash Avenue, and so the Applicant proceeded with its application solely under that address.<sup>1</sup> The Applicant proposed to establish an adult use cannabis dispensary on the ground floor of the building with an employee-only break area on the second floor of the building. Pursuant to Section 17-9-0129(5) of the Chicago Zoning Ordinance, a special use is required for an adult use cannabis dispensary located within a planned development. The ZONING BOARD OF APPEALS is authorized to hear and decide special use applications.<sup>2</sup> Therefore, the Applicant submitted a special use application to the ZONING BOARD OF APPEALS.

In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator" and the "Department") recommended approval of the proposed adult use cannabis dispensary within the 58 E. Roosevelt Road tenant space (ground floor) with a second floor employee-only break room provided that: (1) the special use was issued solely to the Applicant; (2) all on-site customer queuing occurred within the building; and (3) the development was consistent with the design and layout of the site plan dated March 15, 2023 and exterior elevations key plans, level one floor plan, level one access plan, level two floor plan and level two access plan dated March 13, 2023, all prepared by Eastlake Studio.

### III. PUBLIC HEARING

The ZONING BOARD OF APPEALS held a remote public hearing<sup>3</sup> on the Applicant's special use application at its regular meeting on March 17, 2023, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The Applicant was represented by Ms. Katriina McGuire. The following people offered testimony in the hearing<sup>4</sup>:

#### Testimony in Support of the Application

- The Applicant's project architect Ms. Jaimie Magaliff, of 333 N. Michigan Avenue, Suite 2600, Chicago, IL, 60601, offered sworn testimony in support of the application.

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<sup>1</sup> As stated by the Applicant's counsel at the hearing, the Trader Joe's bears the address of 1147 W. Wabash Avenue. The Potbelly Sandwich Shop that formerly occupied the tenant space in which the Applicant proposed to establish its adult use cannabis dispensary bore the address of 48 E. Roosevelt Road. However, the City's Department of Transportation assigned the Applicant the address of 58 E. Roosevelt Road. Therefore, the Applicant abandoned the other addresses and proceeded solely with the 58 E. Roosevelt Road address.

<sup>2</sup> Pursuant to Section 17-14-0302-B of the Chicago Zoning Ordinance.

<sup>3</sup> In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.*

<sup>4</sup> The Applicant's dispensary operations consultant Mr. Michael Chodil was present at the hearing but did not testify.

- The Applicant's representative and chief executive officer Mr. Matthew Brewer, of 119 N. Peoria Street, Apt. 3B, Chicago, IL 60607, offered sworn testimony in support of the application.
- The Applicant's security consultant Mr. Edward Ferrell, of 3601 W. Algonquin Road, Rolling Meadows, IL, 60008, offered sworn testimony in support of the application.
- The Applicant's traffic engineer Mr. Luay Aboona, of 9575 W. Higgins Road, Rosemont, IL, 60018, offered sworn testimony in support of the application.
- The Applicant's MAI certified appraiser Mr. Peter Poulos, of 230 W. Monroe Street, Suite 2125, Chicago, IL, 60606, offered sworn testimony in support of the application.
- The Applicant's land planner Mr. George Kisiel, of 141 W. Jackson Boulevard, Chicago, IL 60604, offered sworn testimony in support of the application.
- The Applicant's dispensary operations consultant Ms. Jessica Lee, of 545 N. Dearborn Street, Apt. 3505, Chicago, IL 60654, offered sworn testimony in support of the application.<sup>5</sup>
- Ms. Jenné Myers, of 899 S. Plymouth Court, Chicago, IL 60605, offered sworn testimony in support of the application.
- Mr. Alex Ford-Carther, of 1320 S. Plymouth Court, Chicago, IL 60605, offered sworn testimony in support of the application.
- Ms. Liz Butler, of 1210 S. Indiana Avenue, Chicago, IL 60605, offered sworn testimony in support of the application.

#### **Testimony of Non-Opposition to the Application**

- The executive director of the Near South Planning Board Ms. Bonnie Sanchez-Carlson, of 2600 S. Michigan Avenue, 60616, offered sworn testimony in non-objection to the application.

#### **Testimony in Opposition to the Application**

- Mr. Louis Mongillo, of 1160 S. Michigan Avenue, Unit 3605, Chicago, IL 60605, offered sworn testimony that he was in opposition to the application.<sup>6</sup>

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<sup>5</sup> Her testimony consisted solely of answering questions posed to her by those in opposition to the application.

<sup>6</sup> Mr. Mongillo did not offer testimony as to the reason for his opposition.



- Mr. Jeff Witkin, of 1160 S. Michigan Avenue, Unit 1903, Chicago, IL 60605, offered sworn testimony that he was in opposition to the application.<sup>7</sup>
- Ms. Susan Mongillo, of 1160 S. Michigan Avenue, Unit 3605, Chicago, IL 60605, offered sworn testimony in opposition to the application.
- The board president of the 1133 S. Wabash condominium association Mr. James Karagianes, of 1133 S. Wabash Avenue, Apt. 803, Chicago, IL 60605 offered sworn testimony in opposition to the application.
- Ms. Tahmineh Abbasian, of 1160 S. Michigan Avenue, Apt. 3601, Chicago, IL 60605, offered sworn testimony in opposition to the application.
- Mr. Javad Abbasian, of 1160 S. Michigan Avenue, Apt. 3601, Chicago, IL 60605, offered sworn testimony in opposition to the application.
- Ms. Leah Schraudenbach, of 1160 S. Michigan Avenue, Apt. 1007, Chicago, IL 60605 offered sworn testimony in opposition to the application.
- Ms. Winnie Dollear, of 1160 S. Michigan Avenue, Unit 2103, Chicago, IL 60605, offered sworn testimony in opposition to the application.
- Ms. Mary Picot, of 1133 S. Wabash Avenue, Apt. 505, Chicago, IL 60605, offered sworn testimony in opposition to the application.
- Mr. Tom Triantafillou, of 1160 S. Michigan Avenue, Unit 3605, Chicago, IL 60605, offered sworn testimony in opposition to the application.
- Mr. Austin Scharudenbach, of 1160 S. Michigan Avenue, Apt. 1007, Chicago, IL 60605 offered sworn testimony in opposition to the application.
- Ms. Annette Dixon, of 1160 S. Michigan Avenue, Apt. 1306, Chicago, IL 60605, offered sworn testimony in opposition to the application.
- Ms. Kathryn Moery, of 1160 S. Michigan Avenue, Apt. 1407, Chicago, IL 60605, offered sworn testimony in opposition to the application.
- Ms. Beverly Venit, of 1133 S. Wabash Avenue, Apt. 708, Chicago, IL 60605, offered sworn testimony in opposition to the application.

#### IV. OVERVIEW OF CRITERIA

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

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<sup>7</sup> Mr. Witkin did not offer testimony as to the reason for his opposition.

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

Pursuant to Section 17-13-0905-G of the Chicago Zoning Ordinance, no special use for a cannabis business establishment may be approved unless the ZONING BOARD OF APPEALS 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 ZONING BOARD OF APPEALS. The applicant must notify the Chairman of the ZONING BOARD OF APPEALS 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 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 ZONING BOARD OF APPEALS on or before the public hearing is held by the ZONING BOARD OF APPEALS, in a form prescribed by the Commissioner of the Department of Planning and Development.

## V. FINDINGS OF FACT

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

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

The subject property is not located within the adult use cannabis dispensary exclusion zone.<sup>8</sup> The proposed special use is 500' or more from a school as required by Section 17-9-0129(3) of the Chicago Zoning Ordinance. The subject property is located in Subarea B of Planned Development 815 and the Applicant's

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<sup>8</sup> Section 17-7-0560 *et seq.* of the Chicago Zoning Ordinance.

proposed build out of the subject property complies with all zoning requirements of Planned Development 815. The ZONING BOARD OF APPEALS finds Mr. Kisiel to be a very credible witness with respect to this. However, a special use is required to operate an adult use cannabis dispensary in any planned development.<sup>9</sup> In other words, it is only the use of the subject property as an adult use cannabis dispensary that makes the proposed special use not meet all applicable standards of the Chicago Zoning Ordinance. The Applicant in all other respects complies with the Chicago Zoning Ordinance. For the reasons set forth below, the ZONING BOARD OF APPEALS has decided to grant the special use. Because the ZONING BOARD OF APPEALS has decided to grant the special use to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience. The ZONING BOARD OF APPEALS finds Mr. Kisiel a very credible witness agrees with him that due to the considerable demand for adult use cannabis, more adult use cannabis dispensaries are needed in the City, especially in the South Loop, as such dispensaries would service both City residents and tourists.

Further, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood. The ZONING BOARD OF APPEALS finds Mr. Brewer and Mr. Farrell to be very credible witnesses as to the operations of the proposed special use. The ZONING BOARD OF APPEALS finds that whether or not an adult use cannabis dispensary – as with all special uses that involve a controlled substance and cash – has a significant adverse impact on the general welfare of the neighborhood depends on the operation of the adult use cannabis dispensary. From their testimony, the ZONING BOARD OF APPEALS finds that the proposed special use will be operated in such a manner that it will not have a significant adverse impact on the general welfare of the neighborhood. Their testimony is also bolstered by the testimony of Ms. Meyers and Mr. Ford-Carther with respect to the Applicant's other adult use cannabis dispensary in Logan Square. Consequently, the ZONING BOARD OF APPEALS agrees with Mr. Poulos' testimony that the proposed special use will not negatively impact property values and with Mr. Kisiel's assessment that the Applicant's enhanced security protocols will be a benefit to the neighborhood.

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<sup>9</sup> Pursuant to Section 17-9-0129(5) of the Chicago Zoning Ordinance.

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

The proposed special use will be located within the building. The building was constructed in 1928 and was renovated in 2007. It is a one-and-two story structure. As can be seen from Mr. Kisiel's testimony and as set forth further in his report, the building is compatible with the character of the surrounding area in terms of site planning and building scale. No exterior modifications to the building (other than signage and lighting, and as Ms. Magaliff testified both will remain very consistent with what is there now) will occur. Thus, the proposed special use will also be compatible with the character of the surrounding area in terms of building scale and project design. Further, and also in terms of project design, the primary entrance will remain on Roosevelt Road, actively engaging the street frontage. Finally, and as testified by Ms. Magaliff and Mr. Brewer, all deliveries will occur off the alley, and there are three designated parking spots off the alley for delivery vehicles. As such, the proposed special use is compatible with the character of the surrounding area in terms of project design.

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

As set forth above, the subject property is located in the portion of the City known as the South Loop. As Mr. Kisiel very credibly testified and as further set forth in his report, the South Loop is a vibrant, mixed-use neighborhood. The Applicant's proposed hours of operation are therefore compatible with nearby retail uses (such as Trader Joe's, Jewel-Osco, BP, etc.) and are not in conflict with other uses (i.e., residential, hotel, entertainment, office and service uses). On premises consumption of cannabis is not allowed in the City, and the Applicant's plan of operations requires that all queuing will take place inside the building. This shall ensure there is no excess noise. Any modifications to outdoor lighting will also be consistent with the surrounding area. With respect to traffic generation, the ZONING BOARD OF APPEALS finds Mr. Aboona to be a very credible witness and agrees with his assessment that the majority of customers to the proposed special use would not – due to the robust public transportation in the area, the extreme walkability of the area and the dedicated bike lines and nearby Divvy bike station – be driving to the Applicant's dispensary. Of the customers that do choose to drive, the Applicant has ensured that there will be an opportunity to park in a designated parking garage where parking will be validated. Due to the Applicant's on-line ordering system, scheduled pick-up times will reduce the overlap of customers needing to be at the Applicant's dispensary at the same time. As noted above, all deliveries of product will occur from the alley and not the

street, and the Applicant will have three dedicated parking spaces for delivery vehicles. Such delivery vehicles will be small, and deliveries themselves will occur at off-peak hours. As shown by the very credible testimony of Mr. Brewer and Mr. Farrell, the Applicant is committed to ensuring that the Applicant's use of the alley will not make the traffic congestion in the alley worse and will – in fact – make it better. Based on all this, the ZONING BOARD OF APPEALS, finds the proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation.

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

The proposed special use will greatly enhance security of the subject property in the form of security cameras and trained on-site security personnel. This enhanced security will promote pedestrian safety and comfort. As the Applicant is committed to ensuring that there are no outdoor customer queuing lines, the Applicant's customers will not block sidewalks or otherwise obstruct the public way for pedestrians. All product deliveries will occur off the existing alley. This will ensure the building's primary entrance is not overwhelmed by both customers and service deliveries. Further, and as shown by the testimony of Mr. Brewer and Mr. Farrell, the Applicant is committed to ensuring that the proposed special use does not increase any traffic congestion or create any additional safety issues in the alley. As the sidewalk does traverse the alley, this too promotes pedestrian safety and comfort. Given the foregoing, the ZONING BOARD OF APPEALS finds that the proposed special use is designed to promote pedestrian safety and comfort.

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

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

## VI. CONCLUSION

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


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

1. The special shall be issued solely to the Applicant;
2. All on-site customer queuing shall occur within the building; and
3. The development shall be consistent with the design and layout of the site plan dated March 15, 2023 and exterior elevations key plans, level one floor plan, level one access plan, level two floor plan and level two access plan dated March 13, 2023, all prepared by Eastlake Studio.

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 , 2022.

  
Janine Klich-Jensen

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

APPLICANT: 1909 W. Schiller Condominium Association

Cal. No.: 98-23-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:

July 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1909-11 W. Schiller Street\*

NATURE OF REQUEST: Application for a variation to reduce the front setback on Evergreen Avenue from the required 11.4' to zero, the rear parking setback on from the front property line on W. Evergreen Avenue to prevent obstruction of the sidewalk by parked cars from 20' to zero and to reduce the west side setback from 3.68' to 1.9' (east to be 2.99') combined side yard setback from 9.2' to 4.89' for the as-built three-story, four dwelling unit building with roof top deck and roof top stairway enclosure and as built four car private garage on a through lot.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

AUG 25 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ZURICH ESPOSITO  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback on Evergreen Avenue to zero, the rear parking setback on from the front property line on W. Evergreen Avenue to prevent obstruction of the sidewalk by parked cars to zero and to reduce the west side setback to 1.9' (east to be 2.99') combined side yard setback to 4.89' for the as-built three-story, four dwelling unit building with roof top deck and roof top stairway enclosure and as built four car private garage on a through lot; the Board finds strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 8/25, 2023.

\*Scrivener's error

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** 1750 W. Henderson, LLC

**Cal. No.:** 99-23-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
March 17, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3144 N. Leavitt Street

**NATURE OF REQUEST:** Application for a variation to reduce the north side setback from the required 2' to zero (south to be 3.40') combined side yard setback from 5' to 3.40' for proposed third floor dormers and a rear two car garage with roof deck for the existing three-story, two dwelling unit building.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**THE VOTE**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the north side setback to zero (south to be 3.40') combined side yard setback to 3.40' for proposed third floor dormers and a rear two car garage with roof deck for the existing three-story, two dwelling unit building; two additional variations were granted to the subject property in Cal. Nos. 100-23-Z and 101-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023.

APPROVED AS TO SUBSTANCE  
*[Signature]*  
CHAIRMAN



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

**APPLICANT:** 1750 W. Henderson, LLC

**Cal. No.:** 100-23-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
March 17, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3144 N. Leavitt Street

**NATURE OF REQUEST:** Application for a variation to increase the maximum floor area ratio that has existed for more than fifty years from 1.05 to 1.06 for proposed third floor dormers and rear two car garage with roof deck for the existing three-story, two dwelling unit building.

**ACTION OF BOARD - VARIATION GRANTED**



**THE VOTE**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the maximum floor area ratio that has existed for more than fifty years to 1.06 for proposed third floor dormers and rear two car garage with roof deck for the existing three-story, two dwelling unit building; two additional variations were granted to the subject property in Cal. Nos. 99-23-Z and 101-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27/23.

APPROVED BY THE BOARD

  
CHAIRMAN

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

**APPLICANT:** 1750 W. Henderson, LLC **Cal. No.:** 101-23-Z  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None March 17, 2023  
**PREMISES AFFECTED:** 3144 N. Leavitt Street

**NATURE OF REQUEST:** Application for a variation to increase the building height from the maximum 30' to 32.93' for proposed third floor dormers and rear two car garage with roof deck for the existing three-story, two dwelling unit building.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**THE VOTE**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

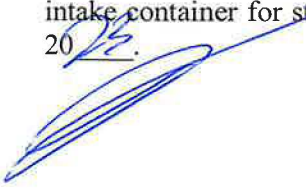
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the building height to 32.93' for proposed third floor dormers and rear two car garage with roof deck for the existing three-story, two dwelling unit building; two additional variations were granted to the subject property in Cal. Nos. 99-23-Z and 100-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023.



**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Andrew and Megan Ciabattari

**Cal. No.:** 102-23-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
March 17, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3254 N. Drake Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the north side setback from the required 2' to zero (south to be 2.9'), combined side yard setback from 5' to 3.2' for the enclosure of a rear, two-story open porch, and conversion from porch to living space, a rear one-story addition, new rear one-story open deck and conversion of existing attic to habitable third story with new third story dormer additions at the existing two-story with basement and attic mixed use building that is being converted to two dwelling units.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**THE VOTE**

APR 27 2023  
CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the north side setback to zero (south to be 2.9'), combined side yard setback to 3.2' for the enclosure of a rear, two-story open porch, and conversion from porch to living space, a rear one-story addition, new rear one-story open deck and conversion of existing attic to habitable third story with new third story dormer additions at the existing two-story with basement and attic mixed use building that is being converted to two dwelling units; an additional variation was granted to the subject property in Cal. No. 103-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27/23.

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Andrew and Megan Ciabattari **Cal. No.:** 103-23-Z  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
 March 17, 2023  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3254 N. Drake Avenue

**NATURE OF REQUEST:** Application for a variation to expand the floor area which has been in existence for more than 50 years from 2,812.5 square feet to 3,096.3 to enclose a rear two-story open porch and to convert the porch to living space, new rear one-story addition, new rear one-story open deck, and conversion of existing attic to habitable third story with new third story dormer additions at the existing two-story with basement and attic mixed use building that is being converted to two dwelling units.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**THE VOTE**

APR 27 2023  
 CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS

BRIAN SANCHEZ  
 ANGELA BROOKS  
 ZURICH ESPOSITO  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to expand the floor area which has been in existence for more than 50 years to 3,096.3 to enclose a rear two-story open porch and to convert the porch to living space, new rear one-story addition, new rear one-story open deck, and conversion of existing attic to habitable third story with new third story dormer additions at the existing two-story with basement and attic mixed use building that is being converted to two dwelling units; an additional variation was granted to the subject property in Cal. No. 102-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27/23.

APPROVED AS TO SUBSTANCE  
  
 CHAIRMAN

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

**APPLICANT:** Patricia Marie Salon, Inc. Cal. No.104-23-S

**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**

March 17, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1820 N. Wells Street

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

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**THE VOTE**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27/23, 2023.

\*Amended at Hearing

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** West Care Illinois, Inc. Cal. No.105-23-S  
**APPEARANCE FOR:** Bridget O'Keefe **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None May 19, 2023  
**PREMISES AFFECTED:** 1850 W. Garfield Boulevard

**NATURE OF REQUEST:** Application for a special use to convert an existing two-story building to a transitional residence for a licensed recovery home for up to twenty-eight residents.

**ACTION OF BOARD – WITHDRAWN**

**THE VOTE**

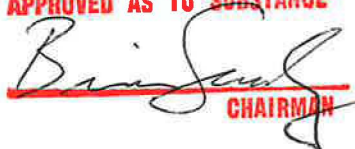
**ZBA**

**JUN 20 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

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

**APPLICANT:** Vargas Properties, LLC

**APPEARANCE FOR:** Agnes Plecka

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3452 W. Walnut Street

**Cal. No.:** 106-23-Z

**MINUTES OF MEETING:**  
March 17, 2023

**NATURE OF REQUEST:** Application for a variation to reduce the north side setback from the required 2' to 1.54" (south to be 3.01'), combined side yard setback from 5.0' to 4.55' for a rear two-story open deck at the existing two-story, two dwelling unit building with basement that is being converted to a three dwelling unit building.

**ACTION OF BOARD - VARIATION GRANTED**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and


WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the north side setback to 1.54" (south to be 3.01'), combined side yard setback to 4.55' for a rear two-story open deck at the existing two-story, two dwelling unit building with basement that is being converted to a three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 107-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27/23.



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

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

**APPLICANT:** Vargas Properties, LLC

**APPEARANCE FOR:** Agnes Plecka

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3452 W. Walnut Street

**Cal. No.:** 107-23-Z

**MINUTES OF MEETING:**  
March 17, 2023

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area per unit from the required 1,000 square feet to 907.41 square feet for the existing two-story, two dwelling unit building with basement to be converted to a three dwelling unit building.

**ACTION OF BOARD - VARIATION GRANTED**



APR 27 2023  
CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum lot area per unit to 907.41 square feet for the existing two-story, two dwelling unit building with basement to be converted to a three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 106-23-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023.

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



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

**APPLICANT:** Jane Wegner **Cal. No.:** 108-23-Z  
**APPEARANCE FOR:** John Pikarski **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None March 17, 2023  
**PREMISES AFFECTED:** 2159 W. Evergreen

**NATURE OF REQUEST:** Application for a variation to reduce the required non-street abutting east side setback from the required 2.5' to zero (non-required west setback will be zero), the rear setback from 45' to 0.06' for a proposed second floor addition for a coach house with one dwelling unit and a covered rear access stair on an existing four-car detached garage.

**ACTION OF BOARD - VARIATION GRANTED**



**APR 27 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the required non-street abutting east side setback to zero (non-required west setback will be zero), the rear setback to 0.06' for a proposed second floor addition for a coach house with one dwelling unit and a covered rear access stair on an existing four-car detached garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Nicholle Dombrowski

**Cal. No.:** 109-23-Z

**APPEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
March 17, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5856 N. Elston Avenue

**NATURE OF REQUEST:** Application for a variation to convert the existing two-story, two dwelling unit building to a three dwelling unit building by adding one unit above its original construction.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**THE VOTE**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023.



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

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

**APPLICANT:** Progressive Baptist Church Cal. No.110-23-S  
**APPEARANCE FOR:** Lewis Powell III **MINUTES OF MEETING:**  
March 17, 2023  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3924 S. Wells Street

**NATURE OF REQUEST:** Application for a special use to expand an existing community center with a proposed rear three-story addition and a new third story addition to the existing two-story building.

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**THE VOTE**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to expand an existing community center with a proposed rear three-story addition and a new third story addition to the existing two-story building; a variation was also granted to the subject property in Cal. No. 111-23-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, Progressive Baptist Church, and the development is consistent with the design and layout of the Site Plan, Building Elevations, and Floor Plans, dated October 20, 2021, prepared by Triad Consortium, 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 4/27 23, 2023

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

**APPLICANT:** Progressive Baptist Church

**Cal. No.:** 111-23-Z

**APPEARANCE FOR:** Lewis Powell III

**MINUTES OF MEETING:**  
March 17, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3924 S. Wells Street

**NATURE OF REQUEST:** Application for a variation to reduce the north side setback from the required 2' to zero (south to be 4'), combined side yard setback from 5' to 4' for a proposed rear three-story addition and a third-story addition to the existing two-story building.

**ACTION OF BOARD - VARIATION GRANTED**



APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments to reduce the north side setback to zero (south to be 4'), combined side yard setback to 4' for a proposed rear three-story addition and a third-story addition to the existing two-story building; a special use was also approved for the subject property in Cal. No. 110-23-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): the special use is issued solely to the applicant, Progressive Baptist Church, and the development is consistent with the design and layout of the Site Plan, Building Elevations, and Floor Plans, dated October 20, 2021, prepared by Triad Consortium, 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 4/27/23.

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

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



**ZBA**

**APR 27 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**St. James Interest, LLC**  
APPLICANT

**112-23-Z**  
CALENDAR NUMBER

**438 W. St. James Place**  
PREMISES AFFECTED

**March 17, 2023**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The variation application is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Angela Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 438 W. ST.  
JAMES PLACE BY ST. JAMES INTEREST, LLC.**

**I. SUMMARY**

St. James Interest, LLC (the "Applicant") submitted a variation application for 438 W. St. James Place (the "subject property") in order to construct a six (6) story, four (4) dwelling unit building.<sup>1</sup> The ZONING BOARD OF APPEALS held a public hearing on the Applicant's application. At the public hearing, the Applicant's representative and its architect offered testimony in support of the application. Members of the public offered testimony in opposition to the hearing. After the conclusion of the public hearing, the ZONING BOARD OF APPEALS approved the application.

**II. APPLICATION BACKGROUND**

The subject property is located in the Lincoln Park neighborhood of the City of Chicago ("City"). The subject property is zoned RM-6 and is currently vacant. The subject property lacks alley access and St. James Place at this location is an entirely residential, one-way eastbound street. The subject property itself is 146' deep by 33.33' wide. The Applicant proposed to construct a six (6) story, four (4) dwelling unit building (the "proposed building"). In order to construct the proposed building, the Applicant sought to reduce: (1) the rear setback from the required 43.8' to 0'; (2) the east side

<sup>1</sup> At the hearing, the Applicant's attorney, representative and architect referred to the building as a five (5) story building. However, as can be seen from the plans, the roof has a penthouse for the elevator and stairs which from a zoning standpoint makes it a six (6) story building.

setback from the required 7.63' to 0'; and (3) west side setback from the required 7.63' to 0'. Pursuant to Section 17-13-1101-B of the Chicago Zoning Ordinance, the ZONING BOARD OF APPEALS is authorized to grant a variation to permit a reduction to any setback. Therefore, the Applicant submitted a variation application to the ZONING BOARD OF APPEALS.

### III. PUBLIC HEARING

The ZONING BOARD OF APPEALS held a remote public hearing<sup>2</sup> on the Applicant's variation application at its regular meeting on March 17, 2023, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The Applicant's president and sole member Mr. Robert Kroupa and its attorney Mr. Andrew Scott were present. The Applicant's project architect Mr. Howard Hirsch was also present. Present and in opposition to the application were Mr. Mike Wychocki and Ms. Joann Barry. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).<sup>3</sup>

The Applicant's attorney Mr. Andrew Scott, of 10 S. Wacker Drive, Suite 2300, Chicago, IL 60606, offered a brief overview of the application.

The Applicant's representative, president and sole member Mr. Robert Krupa, of 4170 N. Marine Drive, Chicago, IL 60613, offered sworn testimony in support of the application.

The Applicant's project architect Mr. Howard Hirsch, of 225 W. Hubbard Street, Chicago, IL 60654, offered sworn testimony in support of the application.

Mr. Mike Wychocki, of 457 W. Deming Place, Chicago, IL 60614, offered sworn testimony in opposition to the application.

In response to questions by Mr. Wychocki, Mr. Kroupa offered further testimony.

Ms. Joann Berry, of 2550 N. Lakeview Avenue, Unit N 603, Chicago, IL 60614, offered sworn testimony in opposition to the application.

In response to questions by Ms. Berry, Mr. Scott offered explanations.

In response to question by the ZONING BOARD OF APPEALS, Mr. Scott offered further explanations.

In response to Mr. Wychocki's testimony, Mr. Scott made a brief rebuttal argument.

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

<sup>3</sup> Such Emergency Rules were issued by the Chairman in accordance with his emergency rule-making powers set forth in the Rules of Procedure.

#### IV. OVERVIEW OF CRITERIA

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

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

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

#### V. FINDINGS OF FACT

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

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

While the subject property is wider than an average City lot, in the context of the immediate neighborhood, it is a narrow lot. The subject property lacks alley access, and the surrounding area is densely developed and populated. St. James is a one-way eastbound street at this location and is quite narrow. Due to the lack of the alley, St. James Place will bear the brunt of the delivery of construction materials. A taller building that complied with all setback requirements of the subject property would require not only a crane that would take up most of St. James at this location but also the delivery of much greater amounts of large construction materials, such as steel. This would be incredibly disruptive to all the residents of St. James Place. Moreover, as credibly testified by Mr. Hirsch if the Applicant constructed a taller building that complied with the side setback requirements, the building would be only eighteen (18) feet wide. Such a building width – coupled with the required elevator and stairs – would make the building undevelopable. In addition, the ZONING BOARD OF APPEALS agrees with Mr. Hirsch that any building built on the subject property should architecturally maintain the character of the neighborhood. Taken together, all of these factors constitute practical difficulties or particular hardships for the subject property if the Applicant were forced to strictly comply with the regulations and standards of the Chicago Zoning Ordinance.

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

The requested variation will allow for the proposed building. As can be seen from the testimony of Mr. Kroupa and Mr. Hirsch and by comparing the photographs of the neighborhood with the proposed building's renderings, the proposed building has been carefully and thoughtfully designed to fit within the context of the neighborhood, especially the other improvements on this particular block. The proposed building preserves view corridors, minimizes canyonization of St. James Place and provides for a mid-rise, low-density building. As such, the requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant Section 17-1-0501 by providing a building that is much less tall and dense than would otherwise be permitted by the RM-6 zoning district, which, in turn, allows for the minimization of the canyon effect on St. James Place; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 by ensuring that construction of the proposed building will be as least disruptive to the residents and visitors of St James Place as possible; (3) protecting the character of established residential neighborhoods pursuant to Section 17-1-0503 by providing for a mid-rise, low-density, all-residential building in an all residential block that is characterized mostly by mid-rise buildings; (4) maintaining orderly and compatible land use and development



patterns pursuant to Section 17-1-0508 by ensuring the proposed building is consistent with the rest of the interior of this block in terms of bulk (i.e., lot line to lot line) and height; (5) ensuring adequate light, air, privacy and access to property pursuant to Section 17-1-0509 because of the Applicant's thoughtful design with respect to the adjacent improvements, including the improvements at 444 W. St. James Place, 436 W. St. James Place and the townhomes on Deming Place; and (6) maintaining a range of housing choices and options pursuant to Section 17-1-0512 by allowing for four brand new dwelling units.

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

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

If permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance, the Applicant would only receive a 2.4% return on its investment. If the Applicant receives the variation, the Applicant will receive a 9.1% return on its investment. As Mr. Kroupa very credibly testified, due to market conditions and the ability to finance the project by attracting investment, the Applicant requires at least a 9% return on its investment to develop the subject property. As such, without the requested variation, the subject property cannot yield a reasonable return.

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

The ZONING BOARD OF APPEALS finds that the practical difficulties or particular hardships are due to the unique circumstances of the block on which the subject property is located. In particular, the subject property lacks a rear alley, is immediately adjacent to not only a thirteen (13) story building but also a single-family home. The subject property itself is only 33' wide which is a very narrow lot compared to its surrounding properties. St. James Place at this location is also very narrow, and the neighborhood itself is densely congested. Most of the improvements in the interior of the block are mid-rise, and there is the single-family townhome development of Deming Place ("Deming Place Townhomes") at the rear of the subject property. As Mr. Hirsch very credibly testified, these are very unique circumstances that are not generally applicable to other residential property in the City.

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

The variation will allow for the proposed building. The ZONING BOARD OF APPEALS finds that the proposed building has been carefully and thoughtfully designed with the context of the block in mind, especially the mid-rise all-residential buildings in the interior of the block. As such, the ZONING BOARD OF APPEALS further finds that the variation, if granted, will not alter the essential character of the neighborhood. The ZONING BOARD OF APPEALS disagrees entirely with Mr. Wychocki's conclusions that the proposed building will drastically alter the essential character of the neighborhood by infringing on the Deming Place Townhomes' private open space (i.e., the private playground and the private park known as The Oval) by allowing for windows and terraces that can view both the playground and The Oval. As can be seen from Mr. Wychocki's own photographs, the thirteen (13) story building at 444 W. St. James Place already has windows that look down on the Deming Place Townhomes' playground and The Oval.

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

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

The ZONING BOARD OF APPEALS finds that the particular physical surrounding of the subject property – that is its lack of alley access, its location between the outlier thirteen (13) story building on the block and a single-family home, its location in a very densely populated part of the City and the fact that St. James Place is very narrow at this location – as well as the narrow lot width of the subject property results in particular hardship upon the Applicant. As both Mr. Kroupa and Mr. Hirsch very credibly testified, should the Applicant be forced to strictly comply with the setback requirements of the Chicago Zoning Ordinance, all of these factors will combine to create design and building challenges for the subject property that are far more than a mere inconvenience.

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

As set forth above, the ZONING BOARD OF APPEALS finds that the practical difficulties or particular hardships are due to the unique circumstances of the block on which the subject property is located. In particular, the subject property lacks a rear alley, is immediately adjacent to not only a thirteen (13) story building but also a single-family home. The subject property itself is only 33' wide which is a very narrow lot compared to its surrounding properties. St. James Place at this location is also very narrow, and the neighborhood itself is densely congested. Most of the improvements in the interior of the block are mid-rise,

and there is the single-family townhome development of Deming Place (“Deming Place Townhomes”) at the rear of the subject property. As Mr. Hirsch very credibly testified, these conditions are not applicable, generally, to other property within the RM-6 zoning classification.

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

As both Mr. Kroupa and Mr. Hirsch testified, one of the purposes of the variation is to minimize construction disruption and congestion. The ZONING BOARD OF APPEALS agrees entirely that the proposed building will cause far less congestion and disruption to St. James Place than a taller building that did not need the variation. Further, another purpose of the variation is to ensure that the views of the building at 444 W. St. James Place are preserved. Based on all this, the ZONING BOARD OF APPEALS finds that the purpose of the variation is not based exclusively upon a desire to make more money out of the subject property.

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

The Applicant did not create the subject property’s lack of alley access. The Applicant also did not create the rest of the improvements on the block or the narrow width of St. James Place at this location. The Applicant did not create the densely populated neighborhood and it did not create the subject property’s narrow lot width.

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

The variation will allow the Applicant to build the proposed building. As Mr. Hirsch very credibly testified, he designed the proposed building to be compliant with all City codes. The codes themselves were designed to ensure the protection of the public welfare. Further, and as noted above, one of the purposes for the variation is minimize construction congestion and disruption on St. James Place, which promotes the public welfare. As such, granting the variation will not be detrimental to the public welfare. Mr. Hirsch also designed the proposed building with the other improvements in the neighborhood very much on his mind. For instance, even with the proposed building’s 0’ rear setback, Mr. Wychocki’s own measurements show 50’ between the proposed building and Deming Place Townhomes’ terraces. Due to this careful and thoughtful design, the ZONING BOARD OF APPEALS finds granting the variation will not be injurious to other property or improvements in the neighborhood.

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

The variation will allow for the proposed building. As can be seen from the renderings, the proposed building will not impair and adequate supply of light and air to adjacent property. On the contrary, the proposed building has been carefully designed to not conflict with the light and air to either the adjacent property next west (444 W. St. James Place) or the adjacent property next east (424 W. St. James Place). Moreover, the proposed building does not at all interfere with the light and air of the townhomes of Deming Place. The proposed building will contain five (5) on-site parking spaces and so will not substantially increase congestion in the public streets. Further, the proposed building has been designed so that it can be constructed with minimum traffic disruption to St. James Place which further will not substantially increase congestion in the public streets. The proposed building will be designed in compliance with all City codes and is all masonry. Therefore, it will not increase the danger of fire or endanger the public safety. Moreover, as the proposed building has been thoughtfully and carefully designed to fit within the context of the neighborhood, it will not substantially diminish or impair property values. Indeed, it will likely increase property values as there will be four new dwelling units in the neighborhood.

## VI. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

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

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

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 4/27, 2023.



\_\_\_\_\_

Janine Klich-Jensen

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

**APPLICANT:** The Lucky Strike Corporation Cal. No.113-23-S  
**APPEARANCE FOR:** Richard Toth **MINUTES OF MEETING:**  
 March 17, 2023  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 415 N. Ashland Avenue

**NATURE OF REQUEST:** Application for a special use to establish an accessory outdoor patio for an adjacent tavern use.

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**THE VOTE**

APR 27 2023

CITY OF CHICAGO  
 ZONING BOARD  
 OF APPEALS

BRIAN SANCHEZ  
 ANGELA BROOKS  
 ZURICH ESPOSITO  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**


WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an accessory outdoor patio for an adjacent tavern use; 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, The Lucky Strike Corporation, and the development is consistent with the design and layout of the Patio Floor Plan and Existing Landscape Plan with detail sheets and overall context plan (4 sheets), dated March 15, 2023 prepared by Lucky Strike Corporation, and Site Plan, dated March 15, 2023, prepared by Altus Works/Lucky Strike Corporation.

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

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

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

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

**APPLICANT:** 2310 E. 79<sup>th</sup> Inc. Cal. No.114-23-S  
**APPEARANCE FOR:** John Pikarski **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None July 21, 2023  
**PREMISES AFFECTED:** 2310 E. 79<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a special use to establish a gas station with the replacement of the accessory convenience store with a proposed one-story, 2,095.54 square foot building to serve a four-pump gas station.

**ACTION OF BOARD – WITHDRAWN**

**ZBA**

**AUG 21 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ZURICH ESPOSITO  
ANN MACDONALD  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

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

**APPLICANT:** 2310 E. 79<sup>th</sup> Inc. Cal. No.115-23-Z  
**APPEARANCE FOR:** John Pikarski **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None July 21, 2023  
**PREMISES AFFECTED:** 2310 E. 79<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a variation to reduce the lot area from the required 20,000 square feet to 17,855 square feet for a proposed four-pump gas station with new one-story accessory convenience store.

**ACTION OF BOARD – WITHDRAWN**

**ZBA**

**AUG 21 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ZURICH ESPOSITO  
ANN MACDONALD  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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



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

**APPLICANT:** Ali Musa and Rajesh Sahay Cal. No.116-23-S  
**APPEARANCE FOR:** John Pikarski  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 452 E. 103<sup>rd</sup> Street

**MINUTES OF MEETING:**  
March 17, 2023

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

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**THE VOTE**

APR 27 2023  
CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a gas station with a convenience store; a variation was also granted to the subject property in Cal. No. 117-23-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, Ali Musa and Rajesh Sahay, and the development is consistent with the design and layout of the Site (& Landscape) Plan, dated November 18, 2022, Parking and Truck Turning Plans, dated November 17, 2022, Floor Plan, South and East Elevations, and North and West Elevations, dated October 12, 2022, all prepared by Proyeckt Studio, Inc.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023.

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

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

**APPLICANT:** Ali Musa and Rejesh Sahay

**Cal. No.:** 117-23-Z

**APPEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
March 17, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 452 E. 103<sup>rd</sup> Street

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area from the required 20,000 square feet to 15,748 square feet for a proposed gas station with a convenience store.

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**THE VOTE**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

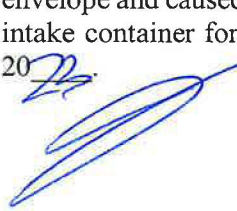
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 2, 2023; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments to reduce the minimum lot area to 15,748 square feet for a proposed gas station with a convenience store; a special use was also approved for the subject property in Cal. No. 116-23-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): the special use is issued solely to the applicant, Ali Musa and Rajesh Sahay, and the development is consistent with the design and layout of the Site (& Landscape) Plan, dated November 18, 2022, Parking and Truck Turning Plans, dated November 17, 2022, Floor Plan, South and East Elevations, and North and West Elevations, dated October 12, 2022, all prepared by Proyejekt Studio, Inc.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27, 2023.



**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



**ZBA**

**APR 27 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**103rd St Property, LLC**  
APPLICANT

**11-23-S**  
CALENDAR NUMBER

**511 W. 103rd Street**  
PREMISES AFFECTED

**March 17, 2023**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

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

Brian Sanchez,  
Chairman  
Angela Brooks  
Zurich Esposito  
Sam Toia

AFFIRMATIVE    NEGATIVE    ABSENT

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 511 E. 103RD  
STREET BY 103RD ST PROPERTY, LLC.**

**I. SUMMARY**

103rd St Property, LLC (the "Applicant") submitted a special use application for 511 E. 103rd Street (the "subject property") in order to establish a gas station. The ZONING BOARD OF APPEALS held a public hearing on the Applicant's application. At the public hearing, the Applicant's representative and its witnesses offered testimony in support of the application. Members of the public also offered testimony in support of the application. Another member of the public offered testimony in opposition to the application. After the conclusion of the public hearing, the ZONING BOARD OF APPEALS approved the application.

**II. APPLICATION BACKGROUND**

The subject property is located in the Pullman neighborhood of the City of Chicago (the "City"). The subject property is located on the corner of 103rd Street and South Eberhart Avenue, is zoned B3-1 and is currently vacant. The Applicant proposed to construct a four-island, eight-pump gas station with accessory convenience mart (the "proposed gas station"). Pursuant to Section 17-3-0207-HH of the Chicago Zoning Ordinance, a special use is required for a gas station in a B3-1 zoning district. The ZONING BOARD OF APPEALS is authorized to hear and decide special use

applications.<sup>1</sup> Therefore, the Applicant submitted a special use application to the ZONING BOARD OF APPEALS.

In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator" and the "Department") recommended approval of the proposed special use provided that: (1) the special use was issued solely to the Applicant; and (2) the development was consistent with the design and layout of the site plan, proposed floor plan, north and west elevations, south and east elevations, landscape plan, sheet L102 landscaping and trash enclosure details and truck path plan dated December 14, 2022, prepared by BAU Design & Development.

### III. PUBLIC HEARING

The ZONING BOARD OF APPEALS held a remote public hearing<sup>2</sup> on the Applicant's special use application at its regular meeting on March 17, 2023, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune* and as continued without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The Applicant's manager Mr. Ahmed Moshin and its attorneys Mr. Timothy Barton and Mr. Tom Raines were present. The Applicant's lead designer and project manager Mr. Amrou Said, its land planner Mr. Kareem Musawwir, its MAI certified real estate appraiser Mr. Toby Sorenson and its community safety consultant Mr. Sam Binion were present. Also present and in support of the application (though not part of the Applicant's witnesses) were: Mr. David Peterson, Mr. Christopher Franklin, Mr. Korey Bilbro, Mr. Aki Gauthreaux, Ms. Wenonia Caddle, Deon Fields, Mr. Clarence Sanfrod, Mr. Jermain Akins and Ms. Denise Ali. Present and in opposition to the application was Mr. Joseph Jones. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).<sup>3</sup>

The Applicant's attorney Mr. Tom Raines, of 20 N. Upper Wacker Dr., Suite 556, Chicago, IL 60606, offered a brief overview of the application.

The Applicant's representative and manager Mr. Ahmed Moshin, of 9220 S. Octavia, Bridgeview, IL 60455, offered sworn testimony in support of the application.

The Applicant's land planner Mr. Kareem Musawwir, of 221 N. LaSalle Street, Chicago, IL 60601, offered sworn testimony in support of the application.

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<sup>1</sup> Pursuant to Section 17-14-0302-B of the Chicago Zoning Ordinance.

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

<sup>3</sup> Such Emergency Rules were issued by the Chairman in accordance with his emergency rule-making powers set forth in the Rules of Procedure.

The Applicant's MAI certified appraiser Mr. Toby Sorenson, of 1822 Ridge Avenue, Suite 120, Evanston, IL 60201, offered sworn testimony in support of the application.

The executive vice president of Operation Neighborhood Safety Mr. Sam Binion, of 7209 S. Ellis Avenue, Chicago, IL 60619, offered sworn testimony in support of the application.

The executive director of the National A. Philip Randolph Porter Museum and chairman of the Far South Chicago Coalition Transportation and Tourism Committee Mr. David Peterson, of 10406 S. Maryland Avenue, Chicago, IL 60628, offered sworn testimony in support of the application.

Ms. Wenonia Caddle, of 10210 S. Rhodes Avenue, Chicago, IL 60628, offered sworn testimony in support of the application.

Mr. Christopher Franklin, of 10237 S. Rhodes Avenue, Chicago, IL 60628, offered sworn testimony in support of the application.

Mr. Korey Bilbro, of 9200 S. Dauphin Avenue, Unit 3C, Chicago, IL 60619, offered sworn testimony in support of the application.

Mr. Aki Gauthreaux, of 10226 S. Eberhart Ave., Chicago, IL 60628, offered sworn testimony in support of the application.

Mr. Deon Fields, of 10216 S. Rhodes Avenue, Chicago, IL 60628, offered sworn testimony in support of the application.

Mr. Clarence Sanford, of 10313 S. Rhodes Avenue, Chicago, IL 60628, offered sworn testimony in support of the application.

Mr. Jermain Akins, of 10216 S. Rhodes Avenue, Chicago, IL 60628, offered sworn testimony in support of the application.

Ms. Denise Ali, of 10210 S. Rhodes Avenue, Chicago, IL 60628, offered sworn testimony in support of the application.

Mr. Joseph Jones, of 512 E. 103rd Street, Chicago, IL 60628, offered sworn testimony in opposition to the application and asked questions of Mr. Moshin.

Mr. Moshin offered further testimony.

In response to Mr. Jones' testimony, Mr. Raines made a brief rebuttal.

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

#### IV. OVERVIEW OF CRITERIA

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

#### V. FINDINGS OF FACT

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

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

The subject property is located in a B3-1 zoning district. As a gas station is a special use in B3-1 zoning districts, the Applicant requires a special use<sup>4</sup>. However, as testified by Mr. Mussawir and as set forth in greater detail in his report, the proposed gas station complies with all other standards set forth in the Chicago Zoning Ordinance, including but not limited to size of the subject property, landscaping, and required parking. In other words, it is only the use itself that prevents the proposed special use from complying with all applicable standards of the Chicago Zoning Ordinance. For the reasons set forth below, the ZONING BOARD OF APPEALS has decided to grant the special use. Because the ZONING BOARD OF APPEALS has decided to grant the proposed special use, the proposed special use now complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed gas station will provide eight additional gas pumps in an area where – due to recent gas station closures, including two gas stations closures due to the 95th/State Street Chicago Transit Authority project – there is a lack of fueling

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<sup>4</sup> See Section 17-3-0207-H of the Chicago Zoning Ordinance.

positions. Even with the proposed special use and the proposed gas station at 452 E. 103rd Street<sup>5</sup> there will still be only fourteen (14) fueling positions on this corner. The ZONING BOARD OF APPEALS agrees with Mr. Soresnsen that this is far less than most modern urban gas station developments. Moreover, the Applicant will be providing an EV charging station, a cheaper and a more environmentally friendly blend of unleaded gas that no other gas station within a five-mile radius will be providing and a convenience store that will carry an extensive grocery selection, such as milk, eggs, bread, produce and frozen food. As Mr. Peterson, Ms. Caddle and Ms. Ali all very credibly testified, while the subject property is not located in a food desert, for a variety of reasons, many people cannot travel to the nearby Walmart. Based on all this, the ZONING BOARD OF APPEALS finds that the proposed special use is in the interest of the public convenience. Further, Mr. Ahmed's safety plan for the proposed gas station will ensure that the proposed gas station will not have a significant adverse impact on the general welfare of the neighborhood or community.

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

103rd Street at this location is comprised primarily of one and two story brick and masonry buildings which are used to provide services (i.e., the bar at 512 E. 103rd, the house of worship to the east of the subject property, the proposed gas station at 452 E. 103rd Street) to the residential uses to the south. The Applicant's proposed special use will therefore fit into this pattern of development, with a one-story masonry building and fueling station that provides services to the residential uses to the north and south. As can be seen from the Applicant's plans and drawings, ingress and egress to the proposed gas station shall be from 103rd Street (the commercial street) and not from Eberhart Avenue (the residential street). The fueling pumps are to the north of the subject property. The convenience store provides a buffer between the fueling pumps and the residential use to the south. There will be extensive landscaping, especially on the Eberhart Avenue frontage. Based on all this, the ZONING BOARD OF APPEALS finds that the proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

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

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<sup>5</sup> Board Cal. Nos. 116-23-S & 117-23-Z.

Again, 103rd Street at this location is comprised primarily of one and two story brick and masonry buildings which are used to provide services to the residential uses to the north and south. In other words, 103rd Street at this location is a commercial street. As Mr. Musawwir testified, there are two other gas stations located along this portion of 103rd Street: one at Wentworth and one at Cottage Grove. There are also twenty-four (24) hour grocery stores in the area. With respect to outdoor lighting and noise, again, the fueling station will be to the north of the subject property with the convenience store acting as a buffer between the fueling station and the residential uses to the south. The Applicant is also introducing extensive landscaping to the site. This will ensure that any noise or light generated by the proposed special use will be either confined to the subject property or directed towards the commercial street of 103rd Street. With respect to traffic generation, again 103rd Street is a commercial street, and the Applicant's plans and drawings shows that the proposed gas station has efficient ingress and egress, adequate off-street parking and sufficient internal circulation. Based on all this, the proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.

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

The subject property is currently vacant and unimproved. The Applicant will be providing over 3,100 square feet of landscaping – more than triple the amount required by the Chicago Landscape Ordinance. Again, ingress and egress to the site will be from commercial 103rd Street and not residential Eberhart Avenue. From the Applicant's plans and drawings, it is clear that ingress and egress to the site has clear sight-lines for both vehicles entering and exiting the site and pedestrians traversing the site. As such, the ZONING BOARD OF APPEALS finds that the proposed special use is designed to promote pedestrian safety and comfort.

## VI. CONCLUSION

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

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



1. The special use shall be issued solely to the Applicant; and
2. The development shall be consistent with the design and layout of the site plan, proposed floor plan, north and west elevations, south and east elevations, landscape plan, sheet L102 landscaping and trash enclosure details and truck path plan dated December 14, 2022, prepared by BAU Design & Development.

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 4/27, 2023.

  
Janine Klich-Jensen

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



**ZBA**

**APR 27 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**Connolly Brothers, LLC**  
APPLICANT

**12-23-Z**  
CALENDAR NUMBER

**3135 N. Oakley Avenue**  
PREMISES AFFECTED

**March 17, 2023**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The variation application is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Angela Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 3135 N.  
OAKLEY AVENUE BY CONNOLLY BROTHERS, LLC.**

**I. SUMMARY**

Connolly Brothers, LLC (the "Applicant") submitted a variation application for 3135 N. Oakley Avenue (the "subject property") in order to convert a two (2) dwelling unit building to a three (3) dwelling unit building. The ZONING BOARD OF APPEALS held a public hearing on the Applicant's application. At the public hearing, the Applicant's representative and its witnesses offered testimony in support of the application. The chief of staff for the 32nd ward alderman offered testimony in opposition to the application. After the conclusion of the public hearing, the ZONING BOARD OF APPEALS approved the application.

**II. APPLICATION BACKGROUND**

The subject property is located in the 32nd Ward of the City of Chicago (the "City"). The subject property is zoned RS-3 and is improved with a two-story principal building (the "building") and a two-story coach house (the "coach house"). The Applicant purchased the subject property in 2020. At that time, the building contained three (3) dwelling units and the coach house contained two (2) dwelling units for a total of five (5) dwelling units on the subject property. When the Applicant applied for a permit to renovate the building, the City challenged the number of legal dwelling units in the

building. At issue was the building's basement unit. The prior owner of the building had applied for a building permit in 2007 that authorized removal of the building's basement unit. This work had never been done, and in consequence, the City's Office of the Zoning Administrator (the "Zoning Administrator") refused to issue the Applicant an official certificate of zoning denial for the subject property. This refusal to issue an official certificate of zoning denial culminated in the Applicant appealing the decision of the Zoning Administrator to this ZONING BOARD OF APPEALS in April 2022.<sup>1</sup> The ZONING BOARD OF APPEALS found that the Zoning Administrator erred in refusing to issue an official certificate of zoning denial. The Applicant subsequently obtained an official certificate of zoning denial for the subject property.

Pursuant to Section 17-13-1101-A of the Chicago Zoning Ordinance, the ZONING BOARD OF APPEALS is authorized to grant a variation for any matter that is expressly authorized as an administrative adjustment. Section 17-13-1003-BB of the Chicago Zoning Ordinance expressly authorizes an administrative adjustment as follows:

**17-13-1003-BB Existing Density.** In the case of building permit applications for the repair, remodeling, or alteration of a residential building that has been in lawful existence for 20 or more years and in which there is sufficient documentary evidence provided to the Zoning Administrator that the residential building has been converted, altered or used for at least the previous 20 years from the date of application pursuant to this Section for a greater number of dwelling units than existed at the time of construction of the residential building, the Zoning Administrator is authorized to approve an administrative adjustment to make zoning certification for the total density not to exceed more than 1 unit above its original construction.

Therefore, the Applicant submitted a variation application to the ZONING BOARD OF APPEALS.

### III. PUBLIC HEARING

The ZONING BOARD OF APPEALS held a remote public hearing<sup>2</sup> on the Applicant's variation application at its regular meeting on March 17, 2023, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune* and as continued without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The Applicant's managing member Mr. Bert Connolly and its attorney Mr. Nick Fitkas were present. The Applicant's project architect Mr. Thomas Montgomery was also present. Present and in opposition to the application was Mr. Paul Sajovec the chief of staff for the 32nd ward alderman (the "Alderman"). The statements and testimony

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<sup>1</sup> Board Cal. No. 124-22-A.

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

given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).<sup>3</sup>

The Applicant's attorney Mr. Nick Ftikas, of 221 N. LaSalle, Suite 3800, Chicago, IL 60601, offered a brief overview of the application.

The Applicant's managing member Mr. Bert Connolly, of 9147 S. 83rd Court, Hickory Hills, IL 60457, offered sworn testimony in support of the application.

The Applicant's project architect Mr. Thomas Montgomery, of 1701 W. 18th Place, Chicago, IL 60608, offered sworn testimony in support of the application.

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

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

In response to Mr. Sajovec's testimony, Mr. Connolly offered further testimony.

Mr. Ftikas then offered a brief closing statement.

#### IV. OVERVIEW OF CRITERIA

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

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

Pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance, in making its determination of whether practical difficulties or particular hardships exist, the ZONING BOARD OF APPEALS must take into consideration the extent to which evidence has been submitted substantiating the following facts: (1) the particular physical

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<sup>3</sup> Such Emergency Rules were issued by the Chairman in accordance with his emergency rule-making powers set forth in the Rules of Procedure.

surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; (2) the conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification; (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property; (4) the alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property; (5) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

#### V. FINDINGS OF FACT

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

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

The building has remained vacant for the last three (3) years as the Applicant has attempted to obtain a building permit. As such, the legalization of the basement dwelling unit is now a critical to the viability of the Applicant's renovation of the building. As such, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property in that without the variation, the building would be limited to two dwelling units. As Mr. Connolly testified, the third dwelling unit is necessary to make renovation viable. Therefore, without the variation, the building would remain unrenovated, which the ZONING BOARD OF APPEALS finds a particular hardship for the subject property.

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

The requested variation will allow for not only the building's basement dwelling unit to be legalized but also for the entire building to be renovated. As such, the requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant Section 17-1-0501 by allowing a currently vacant

building to be renovated; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 by allowing three newly renovated dwelling units to enter the market; (3) protecting the character of established residential neighborhoods pursuant to Section 17-1-0503 as the plans and drawings show that the renovations will keep the present exterior of the building while allowing three currently vacant dwelling units to be considerably improved, especially the basement dwelling unit; (4) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 by legalizing the existing basement dwelling unit; (5) ensuring adequate light, air, privacy and access to property pursuant to Section 17-1-0509 because the building's setbacks and height will not change; (6) promoting rehabilitation and reuse of older buildings pursuant to Section 17-1-0511 by allowing for the renovation to the building; and (7) maintaining a range of housing choices and options pursuant to Section 17-1-0512 by allowing for the renovation of three currently vacant dwelling units.

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

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

The building is currently vacant and – from the pictures – is in disrepair. As Mr. Connolly testified, due to the three years it has taken for the Applicant to resolve the zoning issues with respect to the basement dwelling unit, the ability to rent the basement dwelling unit has become critical for financial viability of the renovation. As such, without the requested variation, the ZONING BOARD OF APPEALS finds that the subject property cannot yield a reasonable return.

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

The ZONING BOARD OF APPEALS finds that the practical difficulties or particular hardships are due to the unique circumstances of the Applicant purchasing a property with five (5) dwelling units and then learning that the City only considered four (4) of those dwelling units legal due to the 2007 deconversion permit that was never acted upon. Such circumstances are not generally applicable to other residential property.

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

The ZONING BOARD OF APPEALS agrees with the Applicant that the building itself has been in existence for over fifty years. This can clearly be seen from the pictures of the building. Moreover, the ZONING BOARD OF APPEALS agrees with the Applicant that the basement dwelling unit has existed in the building for at least twenty years since the time the Applicant applied for the variation. This can clearly be seen from the pictures of the gas meters. Indeed, the ZONING BOARD OF APPEALS agrees with Mr. Ftikas' assessment that the building was most likely built with all three units. As such, the variation will not alter the essential character of the neighborhood but will instead allow the building to continue to consist of three residential dwelling units. Again, the variation is solely to allow the legalization of the basement dwelling unit. It will not alter the height or setbacks of the building. The ZONING BOARD OF APPEALS does not at all agree with Mr. Sajovec's contention that the five (5) dwelling units on the subject property would alter the essential character of the neighborhood, especially when there is an eight (8) dwelling unit building on the same block.

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

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

The topographical condition of the subject property – that is, the fact that the building is improved with three (3) dwelling units but the City will only recognize two (2) of these dwelling units – results in particular hardship upon the Applicant. As Mr. Connolly testified, the basement dwelling unit is critical to the financial viability of the building's renovation. This is much more than a mere inconvenience.

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

The ZONING BOARD OF APPEALS finds that the Applicant purchasing a property with five (5) dwelling units and then learning that that the City only considered four (4) of those dwelling units legal due to the 2007 deconversion permit that was never acted upon is a condition that would not be applicable, generally, to other property within the RS-3 zoning classification.

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

The variation is intended to resolve a permitting issue created by the prior owner of the building in 2007 and – ultimately – bring the building into full compliance with both the Chicago Zoning Ordinance and the Chicago Building Codes. As such, the purpose of the variation is not based exclusively upon a desire to make more money out of the subject property.

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

The illegality of the basement dwelling unit was created by the prior owner of the subject property when it applied for a permit to deconvert the unit in 2007. The Applicant did not purchase the subject property until 2020; therefore the practical difficulty or particular hardship in this matter has not been created by any person presently having an interest in the subject 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.*

The variation will allow the Applicant to renovate the building and return the three (3) dwelling units to the rental market. The variation will not allow for any changes to the building's height or setbacks. As such, the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located. Indeed, the renovation of the building will improve public welfare.

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

The variation will allow the Applicant to legalize the basement dwelling unit and renovate the building. Since the variation will not alter the building's height or setbacks, the variation will not impair an adequate supply of light and air to adjacent properties. As the building has always contained three (3) dwelling units with no on-site parking, the proposed variation will not substantially increase congestion in the public streets. As Mr. Montgomery testified, renovations to the building will be fully permitted, so the variation will not increase the danger of fire or danger the public safety. As the variation will allow a vacant building to be renovated, the variation will not substantially diminish or impair property values within the neighborhood.



VI. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

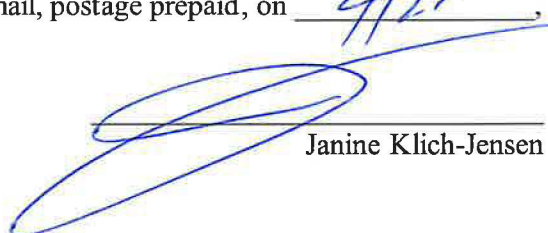
The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a variation, and the Zoning Administrator is authorized to permit said variation.

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

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 4/27, 2023.

  
Janine Klich-Jensen

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

**APPLICANT:** Maria Black Gold 721, Inc. Cal. No.13-23-S  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None March 17, 2023  
**PREMISES AFFECTED:** 72 E. 51<sup>st</sup> Street

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

**ACTION OF BOARD – Continued to June 16, 2023**

**ZBA**

**APR 27 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

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

**APPLICANT:** Maria Black Gold 721, Inc. Cal. No.14-23-Z  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None March 17, 2023  
**PREMISES AFFECTED:** 72 E. 51<sup>st</sup> Street

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

**ACTION OF BOARD – Continued to June 16, 2023**

**ZBA**

**APR 27 2023**

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

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

**APPEARANCE FOR:** Betsy Gates-Alford **MINUTES OF MEETING:** March 17, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1515 W. 43<sup>rd</sup> Street

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

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

**THE VOTE**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an off-site parking lot at 1515 W. 43rd Street to serve an existing cold storage warehouse and distribution facility located at 1556 W. 43rd Street; an additional special use and a variation were also granted to the subject property in Cal. Nos. 16-23-S and 17-23-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, Artico Cold Storage Chicago, LLC, and the development is consistent with the design and layout of the Conceptual Site Plan, March 13, 2023, prepared by Ware Malcomb, and Landscape Plan and Landscape Specifications, dated March 13, 2023, prepared by Metz & Company.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27/23.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Artico Cold Storage Chicago, LLC Cal. No.16-23-S  
**APPEARANCE FOR:** Betsy Gates-Alford **MINUTES OF MEETING:**  
March 17, 2023  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1515 W. 43<sup>rd</sup> Street

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

**ACTION OF BOARD – APPLICATION APPROVED**

**ZBA**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a fleet storage yard (vehicle storage and towing); an additional special use and a variation were also granted to the subject property in Cal. Nos. 15-23-S and 17-23-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, Artico Cold Storage Chicago, LLC, and the development is consistent with the design and layout of the Conceptual Site Plan, March 13, 2023, prepared by Ware Malcomb, and Landscape Plan and Landscape Specifications, dated March 13, 2023, prepared by Metz & Company.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27/23.

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

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

**APPLICANT:** Artico Cold Storage Chicago, LLC **Cal. No.:** 17-23-Z

**APPEARANCE FOR:** Betsy Gates-Alford **MINUTES OF MEETING:**  
March 17, 2023

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1515 W. 43<sup>rd</sup> Street

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

**ACTION OF BOARD - VARIATION GRANTED**

**ZBA**

**THE VOTE**

APR 27 2023

CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS

BRIAN SANCHEZ  
ANGELA BROOKS  
ZURICH ESPOSITO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments to reduce the interior trees to twenty-four\* and to allow the existing ornamental fence to remain at the property line instead of the required 5' setback from the property line and to eliminate hose bib requirements every 100' throughout perimeter landscape area for the required off-site parking lot to serve an existing cold storage warehouse and distribution facility at 1556 W. 43rd Street; two special uses were also approved for the subject property in Cal. Nos. 15-23-S and 16-23-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): the special use is issued solely to the applicant, Artico Cold Storage Chicago, LLC, and the development is consistent with the design and layout of the Conceptual Site Plan, March 13, 2023, prepared by Ware Malcomb, and Landscape Plan and Landscape Specifications, dated March 13, 2023, prepared by Metz & Company.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 4/27/23.

\*Amended at Hearing

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



**ZBA**

**APR 27 2023**

**CITY OF CHICAGO  
ZONING BOARD  
OF APPEALS**

**Connections for Abused Women  
and their Children**  
APPLICANT

**24-23-S, 25-23-S, 26-23-Z  
& 27-23-Z**  
CALENDAR NUMBERS

**3311 W. Carroll Avenue**  
PREMISES AFFECTED

**March 17, 2023**  
HEARING DATE

<b>ACTION OF BOARD</b>	<b>THE VOTE</b>	<b>AFFIRMATIVE</b>	<b>NEGATIVE</b>	<b>ABSENT</b>
The applications for the special uses are approved subject to the conditions set forth in this decision.	Brian Sanchez, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Angela Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The applications for the variations are approved.				

**FINDINGS OF THE ZONING BOARD OF APPEALS IN THE MATER OF THE  
SPECIAL USE AND VARIATION APPLICATIONS FOR 3111 W. CARROLL  
AVENUE BY CONNECTIONS FOR ABUSED WOMEN AND THEIR  
CHILDREN.**

**I. SUMMARY**

Connections for Abused Women and their Children (the “Applicant”) submitted two special use applications and two variation applications for 3311 W. Carroll Avenue (the “subject property”) in order to establish a domestic violence shelter and community center. The ZONING BOARD OF APPEALS held a public hearing on the Applicant’s applications. At the public hearing, the Applicant’s representative and witnesses offered testimony in support of the applications. Members of the public also offered testimony in support the applications, and a neighborhood resident offered testimony in opposition to the applications. At the conclusion of the public hearing, the ZONING BOARD OF APPEALS approved the applications.

**II. APPLICATION BACKGROUND**

The subject property is located in the East Garfield Park neighborhood of the City of Chicago (the “City”). The subject property is zoned RT-4 and is improved with a one-and-two-story industrial building (the “existing building”). The Applicant proposed to add

a three-story addition to the existing building so that it could operate a domestic violence shelter and community center on the subject property. Pursuant to Section 17-2-0207-B(7) of the Chicago Zoning Ordinance, a domestic violence shelter is a special use in a RT-4 zoning district. Pursuant to Section 17-2-0207-H(1) of the Chicago Zoning Ordinance, a community center is a special use in a RT-4 zoning district. The ZONING BOARD OF APPEALS is authorized to hear and decide special use applications.<sup>1</sup> Therefore, the Applicant submitted two special use applications to the ZONING BOARD OF APPEALS. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator" and the "Department") recommended approval of the proposed special uses provided that: (1) the special uses were issued solely to the Applicant; (2) the development was consistent with the design and layout of the site plan, zoning use plans (2 sheets), basement floor plan, first floor plan, second floor plan, third floor plan, exterior elevations north/south, exterior elevations east/west, landscape plan dated March 17, 2023, prepared by Canopy Architecture/Design; and (3) prior to issuance of permits, plans and elevations with proposed commercial grade, fixed insulated window on west wall of pet kennel area, are submitted to the Department for review and approval.

The Applicant also sought two variations in order to construct the proposed three-story addition to the existing building. The variations were to: (1) reduce the rear setback from the required 45' to 0'; and (2) reduce the rear yard open space from the required 1248 square feet to 0 square feet. Pursuant to Section 17-13-1101-B of the Chicago Zoning Ordinance, the ZONING BOARD OF APPEALS is authorized to grant a variation to permit a reduction to any setback. Pursuant to Section 13-1101-A of the Chicago Zoning Ordinance, the ZONING BOARD OF APPEALS is authorized to grant a variation for any matter that is expressly authorized as an administrative adjustment. Section 17-13-1003-L of the Chicago Zoning Ordinance expressly authorizes a reduction to minimum open space requirements as an administrative adjustment. Therefore, the Applicant submitted two variation applications to the ZONING BOARD OF APPEALS.

### III. PUBLIC HEARING

In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The ZONING BOARD OF APPEALS held a remote public hearing<sup>2</sup> on the Applicant's special use and variation applications at its regular meeting held on March 17, 2023. Due notice of the hearing was provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune* and as continued

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<sup>1</sup> Pursuant to Section 17-14-0302-B of the Chicago Zoning Ordinance.

<sup>2</sup> In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.* The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021). Such Emergency Rules were issued by the Chairman of the ZONING BOARD OF APPEALS in accordance with his emergency rule-making powers set forth in the Rules of Procedure.



without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. The following people participated in the hearing<sup>3</sup>:

- The Applicant's counsel Mr. Michael Noonan provided an overview of the applications.

### **Testimony in Support of the Applications**

- The Applicant's representative and executive director Ms. Stephanie Love-Patterson, of 1116 N. Kedzie, Chicago, IL 60651, offered sworn testimony in support of the applications.
- The Applicant's project architect Ms. Jackie Davis, of 180 W. Washington, Suite 200, Chicago, IL 60602, offered sworn testimony in support of the applications.
- The Applicant's urban planner Mr. George Kisiel, 141 W. Jackson, Chicago, IL 60604, offered sworn testimony in support of the applications.
- The president and CEO of Mujares Latinas en Acción<sup>4</sup> and member of the City's Gender Based Violence Implementation Task Force Ms. Linda Tortolero, of 808 S. Oakley, Unit 1E, Chicago, IL 60612, offered sworn testimony in support of the applications.
- The CEO of Chicago Children's Advocacy Center Ms. Char Rivette, of 3140 N. Kenneth, Chicago, IL 60641, offered sworn testimony in support of the applications.
- The executive director of The Network: Advocating Against Domestic Violence<sup>5</sup> Ms. Amanda Pyron, of 33 N. Dearborn, Chicago, IL 60602, offered sworn testimony in support of the applications.
- Mr. Steven Vance, of 3217 W. Walnut, Chicago, IL 60624, offered sworn testimony in support of the applications.

### **Testimony in Opposition to the Applications**

- Mr. Gary Marks, of 3335 W. Carroll Avenue<sup>6</sup>, Chicago, IL 60624. offered sworn testimony in opposition to the applications.

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<sup>3</sup> The Applicant's co-counsel Ms. Donna Pugh and the principal of its architecture firm Mr. Jaime Torres Carmona were remotely present at the hearing but did not participate.

<sup>4</sup> The City's only cultural Latina domestic violence and sexual assault organization.

<sup>5</sup> The Applicant, Mujares Latinas en Acción and Chicago Children's Advocacy Center are all members of The Network: Advocating Against Domestic Violence.

<sup>6</sup> Mr. Marks testified that he is also the owner of 3337 W. Carroll and 3316 W. Carroll.

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

#### IV. OVERVIEW OF CRITERIA

- 1. Criteria for a Special Use.** Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use application may be approved unless the ZONING BOARD OF APPEALS finds that the proposed use in its proposed location meets **all** of the following criteria: (1) it complies with all applicable standards of the Chicago Zoning Ordinance; (2) it is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community; (3) it is compatible with the character of the surrounding area in terms of site planning and building scale and project design; (4) it is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation; and (5) it is designed to promote pedestrian safety and comfort.
- 2. Criteria for a Variation.** Pursuant to Section 17-13-1107-A of the Chicago Zoning Ordinance, no variation application may be approved unless the ZONING BOARD OF APPEALS finds, based upon the evidence presented to it in each specific case, that: (1) strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property; **and** (2) the requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance.

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

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

by any person presently having an interest in the property; (5) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

#### V. FINDINGS OF FACT

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

*A (1). The special uses comply with all applicable standards of the Chicago Zoning Ordinance.*

The subject property is located in a RT-4 zoning district. A domestic violence shelter and a community center are both special uses in a RT-4 zoning district. As credibly testified by Mr. Kisiel and as set forth in greater detail in his report, with the exception of the Applicant's requested variations, the proposed special uses meet all bulk and density standards of the RT-4 zoning district. In other words, but for the proposed special uses and the requested variations, the Applicant's proposed development meets all standards of the Chicago Zoning Ordinance. For the reasons set forth below, the ZONING BOARD OF APPEALS hereby grants both the special uses and the variations. As such, the proposed special uses comply with all applicable standards of the Chicago Zoning Ordinance.

*A (2). The special uses are in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community.*

As very credibly testified by Ms. Love-Patterson, Mr. Kisiel, Ms. Tortolero, Ms. Rivette and Ms. Pyron, the Applicant's proposed domestic violence shelter and proposed community center are very much needed for not only the East Garfield Park community but also for the entirety of the City. As such, the proposed special uses are in the interest of the public convenience. Due to the Applicant's long experience in providing social services to victims of domestic violence, including running both a domestic violence shelter and a community center, the ZONING BOARD OF APPEALS finds that the proposed special uses will not have a significant impact on the general welfare of the neighborhood or community. Further, the ZONING BOARD OF APPEALS agrees with Mr. Kisiel that the presence of social service uses such as the proposed special uses act as stabilizing influences in a neighborhood against blight

and disinvestment. Consequently, the proposed special uses will create positive impact on the neighborhood.

*A (3). The special uses are compatible with the character of the surrounding area in terms of site planning and building scale and project design.*

As set forth in Mr. Kisiel's report, the subject property is part of a transitional neighborhood between existing and former industrial areas to the north and east and residential areas to the south. The block in which the subject property is located, specifically, contains a mixture of single and multi-family residential uses interspersed with former industrial buildings. These former industrial buildings have been largely repurposed as uses providing community services. The existing building is one of these former industrial buildings and has stood on the subject property for almost a century. As can be seen from comparing the photographs of the surrounding area with the Applicant's proposed renderings, the Applicant's proposed exterior modifications and addition to the existing building will make the existing building much more welcoming and residential in nature. Since the proposed special uses will be housed within the existing building, the proposed special uses will therefore be compatible with the character of the surrounding area in terms of site planning and building scale and project design.

*A (4). The special uses are compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.*

As Mr. Kisiel very credibly testified, domestic violence shelters function in much the same manner as other residential uses (i.e., with active hours during daylight and less activities after sunset). The Applicant's community center will operate between 9:00 AM – 5:00 PM on weekdays with no more than three (3) clients and two (2) staff on site for the community center use. The Applicant's offices will operate between 4:00 PM – 6:00 PM on weekdays. This intensity of use is similar to other uses in the surrounding area, which as noted above consists of both residential and nonresidential uses. The proposed special uses are therefore compatible with the character of the surrounding area in terms of operating characteristics, such as traffic generation, hours of operation, noise and outdoor lighting.

*A (5). The special uses are designed to promote pedestrian safety and comfort.*

The Applicant will not be creating any new curbcuts. All parking will be accessed from the public alley to the south of the subject property. As can be seen from the Applicant's plans and drawings and in the very credible testimony of Mr. Kisiel, the Applicant's proposed exterior modifications and addition to the existing building call for new windows and door systems along the primary façade of the existing building. This creates a more visual connection to the pedestrian space which in turn promotes pedestrian safety. Further, as can be seen from the Applicant's plans and drawings,

the Applicant will be installing new landscaping on the subject property which promotes pedestrian comfort.

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

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

The subject property is improved with an industrial building that is built to the rear lot line. This existing building was built around 1930 and – as Mr. Kisiel very credibly testified – was built in compliance with all ordinances in place at the time of construction. In fact, and as very credibly testified by Ms. Davis, the subject property was zoned for manufacturing use until 2018. Mr. Kisiel also very credibly testified that the placement and configuration of the existing building on the subject property limits options for expansion. Compliance with the rear yard setback and open space requirements of the Chicago Zoning Ordinance would force a portion of the Applicant's proposed addition to be constructed over the existing single story industrial structure. As the roof joists of the existing building are only designed to bear roof loads, this configuration would require demolition and rebuilding of the structural system of the existing building to bear the floor loads which would render the project financially unfeasible. Therefore, the ZONING BOARD OF APPEALS finds that the strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardship for the subject property in that without the proposed variations, the existing building could not be put to adaptive reuse.

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

The requested variations will allow for the Applicant's proposed addition as well as two additional on-site parking spaces for the Applicant's staff. The ZONING BOARD OF APPEALS finds that the requested variations are consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to Section 17-1-0501 by allowing the Applicant's bed count in its domestic violence shelter to go from 28 to 45 beds as well as allowing the Applicant to provide its critical family counseling office; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance by allowing the Applicant to provide a laundry room, two restrooms, an additional outdoor patio, a multipurpose technology room and two additional on-site parking spaces; (3) maintaining orderly and compatible land use and development patterns, pursuant to Section 17-1-0508 by allowing for an addition that will allow the existing building to look and feel more like the multi-unit residential buildings in the neighborhood as well as provide two more on-site parking spaces; (4)

ensuring adequate light, air, privacy, and access to property pursuant to Section 17-1-0509 as can be seen from the Applicant's proposed plans and drawings for the proposed addition; (5) promoting rehabilitation and reuse of older buildings pursuant to Section 17-1-0511 by allowing the existing building to be adaptively repurposed into a domestic violence shelter and community center; and (6) maintaining a range of housing choices and options, pursuant to Section 17-1-0512 by providing 17 additional beds for victims of domestic violence.

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

The Applicant is a not-for-profit entity that provides services to domestic violence victims. As such, reasonable return therefore is – as Mr. Kisiel credibly testified – properly measured in terms by the ability of the not-for-profit entity to efficiently organize its space in order to provide the maximum amount and quality of services to its clients. As Ms. Davis very credibly testified, without the proposed variations, the Applicant would lose seventeen (17) of its shelter beds, two (2) restrooms, a laundry facility, four (4) supportive desks for the shelter, two (2) on-site staff parking spaces, the Applicant's critical family counseling office, one (1) of the Applicant's three (3) outdoor patios for shelter residents and the Applicant's multipurpose technology room that is meant to serve the young residents of the shelter. As Ms. Love-Patterson credibly testified, there is already a shortage of domestic violence shelter beds within the City and the loss of seventeen (17) additional beds would make the project no longer feasible for the Applicant. Further, and as Mr. Kisiel also credibly testified, without the proposed variations, the Applicant's proposed domestic violence shelter and community center would be financially unfeasible. Thus, without the proposed variations, the subject property cannot yield a reasonable return.

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

The practical difficulties or particular hardships in this instance are due to the unique circumstances of the existing building. The existing building is an industrial building from 1930 and is built to the rear lot line; however, the subject property in 2018 – along with the rest of the block – was downzoned from M1-2 to RT-4. Therefore, under the current Chicago Zoning Ordinance, the subject property has both rear setback and rear yard open space requirements. As the existing building does not comply with these rear setback and rear yard open space requirement and as the existing building cannot feasibly support an addition that does comply with these rear setback and rear yard open space requirements, the ZONING BOARD OF APPEALS finds the practical difficulties or particular hardships are not generally applicable to other residential property.

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

As can be seen from comparing the photographs of the neighborhood with the proposed addition and additional parking spaces, the ZONING BOARD OF APPEALS finds that the variations, if granted, will not alter the essential character of the neighborhood. Instead, and as set forth by Mr. Kisiel in his report, the proposed variations will allow for the conversion of the subject property to a use more in keeping with the transitional nature of the of the neighborhood in which it is located.

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

The topographical condition of the subject property – that is, the existing building – results in a particular hardship upon the property owner. The subject property is currently zoned RT-4 and thus subject to residential rear yard setback and rear yard open space requirements. However, the existing building is an industrial building that is built to the rear lot line. Thus, any attempt to repurpose the existing building for its current zoning district results in particular hardship upon the property owner in that any addition to the existing building in full compliance with the Chicago Zoning Ordinance would be – as Mr. Kisiel testified – very costly (as it would require the existing building to be demolished and then rebuilt). This is far more than a mere inconvenience. Indeed, as Ms. Love-Patterson testified, the Applicant could not go forward with its proposed domestic violence shelter and community center if the requested variations were not granted.

*C (2). The conditions upon which the petitions for the variations are based would not be applicable, generally, to other property within the same zoning classification.*

Again, and as set forth above in greater detail above, the existing building is what necessitates the Applicant's petitions for variations. The existing building is not a condition that is applicable, generally, to other property in the RT-4 zoning district.

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

The Applicant is a not-for-profit, and the variations – as very credibly testified by Ms. Love-Patterson, Ms. Davis and Mr. Kisiel – are for the Applicant to provide more services to victims of domestic violence. The variations are not requested to make any money out of the subject property.

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

As set forth in Mr. Kisiel's report, the existing industrial development on the subject property and its resulting lack of a rear setback and rear yard open space are the result of the subject property's original M1-2 zoning and the development trends of the

1930s. The current RT-4 zoning of the subject property was done in 2018 and was not done at the request of the current property owner. As such, the practical difficulty or particular hardship has not been created by any person presently having an interest in the subject property.

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

The variations will allow for the Applicant's proposed addition and two additional on-site parking spaces. As can be seen from comparing the Applicant's plans and drawings with photographs of the neighborhood, the variations will not be injurious to other property or improvements in the neighborhood. Instead, the proposed addition will be aesthetically pleasing and will ensure there is adequate space from existing improvements. The additional on-site parking spaces will also not be injurious to other property or improvements in the neighborhood as they will be accessed off the alley to the rear of the property, like many other on-site parking spaces in the neighborhood. Further, the proposed addition and the two additional on-site parking spaces will allow the Applicant to proceed with its proposed domestic violence shelter and community center. Such domestic violence shelter and community center will not be detrimental to the public welfare. Instead, both social services are necessary to preserve and improve the public welfare, especially when there is such – as Ms. Love-Patterson, Ms. Tortolero, Ms. Rivette and Ms. Pyron testified – a need in the City for the Applicant's services.

*C (6). The proposed variations 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.*

Again, the proposed variations will allow for the proposed addition and two additional on-site parking spaces. As can be seen from comparing the Applicant's plans and drawings with photographs of the neighborhood, the proposed variations will not impair an adequate supply of light and air to adjacent property. The proposed variations will allow for two additional on-site parking spaces and thus will not substantially increase congestion in the public streets. The proposed addition will not be built unless and until the Applicant obtains a valid building permit and thus the proposed variations will not increase the danger of fire or endanger the public safety. Further, and as can be seen from comparing the Applicant's proposed plans and drawings with photographs of the neighborhood, the proposed addition and the two additional on-site parking spaces have been designed to fit into the context of the neighborhood and thus will not diminish or impair property values within the neighborhood.

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



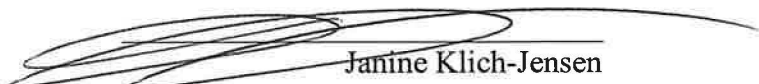
1. **Special Use.** For all the above reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance.
2. The ZONING BOARD OF APPEALS hereby APPROVES the Applicant's applications for special uses and, pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special uses subject to the following conditions:
  - a. The special uses shall be issued solely to the Applicant;
  - b. The development shall be consistent with the design and layout of the site plan, zoning use plans (2 sheets), basement floor plan, first floor plan, second floor plan, third floor plan, exterior elevations north/south, exterior elevations east/west, landscape plan dated March 17, 2023, prepared by Canopy Architecture/Design; and
  - c. Prior to issuance of permits, plans and elevations with proposed commercial grade, fixed insulated window on west wall of pet kennel area, are submitted to the Department for review and approval.
3. **Variation.** For all the above reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance.
4. The ZONING BOARD OF APPEALS hereby APPROVES the Applicant's applications for variations, and the Zoning Administrator is authorized to permit said variations.

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

APPROVED AS TO SUBSTANCE

By:   
Brian Sanchez, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 4/27, 2023.

  
Janine Klich-Jensen