

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

MINUTES OF MEETING:

February 17, 2023

Cal. No. 31-22-S

The Applicant Awaken Church Chicago presented a written request for an extension of time in which to establish a religious assembly in an existing building at the subject property 1829 S. State Street. The special use was approved on January 21, 2022 in Cal. No. 31-22-S.

The Applicant's representative, Kate Duncan stated that the Applicant experienced delays in the renovations as well as increases in construction costs and this request for an extension is necessary to ensure that the permit submittal and review process remain timely.

Acting Chairman Sanchez moved the request be granted and the time for obtaining the necessary permits be extended to March 21, 2024.

ZBA

MAR 20 2022

CITY OF CHICAGO
ZONING BOARD
OF APPEALS



BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

Ind mailing 5/15/23

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

APPLICANT: BCL-JV Vincennes, LLC **Cal. No.:** 35-23-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
February 17, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4601 S. Vincennes Avenue

NATURE OF REQUEST: Application for a variation to increase the height from the maximum 47' to 51' for a proposed four-story, rear addition and conversion of an existing four-story, single-family residence to a seven dwelling unit building with five parking stalls.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAR 20 2023 *[Signature]*
 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 permitted variation to increase the height to 51' for a proposed four-story, rear addition and conversion of an existing four-story, single-family residence to a seven dwelling unit building with five parking stalls; two additional variations were granted to the subject property in Cal. Nos. 36-23-Z and 37-23-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 3/20, 2023.

APPROVED AS TO SUBSTANCE

2nd mailing 5/15/23

[Signature]
CHAIRMAN

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

APPLICANT: BCL-JV Vincennes, LLC

Cal. No.: 36-23-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
February 17, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4601 S. Vincennes Avenue

NATURE OF REQUEST: Application for a variation to relocate the required 317 square feet of rear yard open space to a garage roof deck for a proposed four-story, rear addition and the conversion of a four-story, single-family residence to a seven dwelling unit building with five parking stalls.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 permitted variation to relocate the required 317 square feet of rear yard open space to a garage roof deck for a proposed four-story, rear addition and the conversion of a four-story, single-family residence to a seven dwelling unit building with five parking stalls; two additional variations were granted to the subject property in Cal. Nos. 35-23-Z and 37-23-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.

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2023. 2nd mailing 5/15/23

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: BCL-JV Vincennes, LLC

Cal. No.: 37-23-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
February 17, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4601 S. Vincennes Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 36.43' to 27' for a proposed four-story, rear addition and the conversion of an existing four-story, single-family residence to a seven dwelling unit building with five parking stalls.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 permitted variation to reduce the rear setback to 27' for a proposed four-story, rear addition and the conversion of an existing four-story, single-family residence to a seven dwelling unit building with five parking stalls; two additional variations were granted to the subject property in Cal. Nos. 35-23-Z and 36-23-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 3/20 2023.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Sha'Nequa Hall dba Neko'z Place, LLC Cal. No.38-23-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
APPEARANCE AGAINST: None April 21, 2023
PREMISES AFFECTED: 617 W. 43rd Street

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

ACTION OF BOARD – APPLICATION APPROVED

ZBA

JUN 20 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:

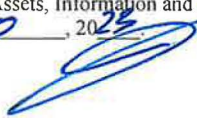
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on May 19, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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; Mr. William Bill Ensworth of 610 W. 43rd St., 60609 entered his appearance at the remote public hearing requesting his question regarding the Hours of Operation be answered and after having his question answered testified that he declined to withdraw his objection to the application; 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: Hours of Operation shall be Monday through Friday, 9:00AM to 7:00PM; Saturdays, 9:00AM to 6:00PM; and appointments shall be available upon request for Sundays before 4:00/5:00PM closing.

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 6/20, 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



Sha'Nequa Hall dba Neko'z Place, LLC
APPLICANT

38-23-S
CALENDAR NUMBER

617 W. 43rd Street
PREMISES AFFECTED

April 21, 2023
HEARING DATE

ACTION OF BOARD

THE VOTE

The special use 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

I. SUMMARY

Sha'Nequa Hall dba Neko'z Place, LLC (the "Applicant") submitted a special use application for 617 W. 43rd Street (the "subject property") in order to establish a hair salon. The Zoning Board of Appeals ("ZBA") held a public hearing on the Applicant's application. At the public hearing, the Applicant and her witness offered testimony in support of the application. A member of the public was also in attendance. After the conclusion of the public hearing, the ZBA approved the application.

II. APPLICATION BACKGROUND

The subject property is located in the Canaryville neighborhood of the City of Chicago (the "City"). The subject property is zoned B3-1. The subject property is currently improved with a two-story mixed-use building (the "building"). The Applicant proposed to establish a hair salon on the first floor of the building. There are two nail salons located within 1000 feet of the subject property. Consequently, and pursuant to Sections 17-3-0207-MM(1) and 17-9-0112 of the Chicago Zoning Ordinance, the hair salon required a special use. The ZBA is authorized to hear and decide special use applications.¹ Therefore, the Applicant submitted a special use application to the ZBA.

¹ Pursuant to Section 17-14-0302-B of the Chicago Zoning Ordinance.

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.

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 special use application at its regular meeting held on Friday, 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

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

V. FINDINGS OF FACT

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

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

The subject property is located in a B3-1 zoning district and is located within 1000 feet of two nail salons. Due to the location of these other two nail salons, the Applicant's proposed hair salon requires a special use². In other words, the subject property and the building are currently in compliance with the Chicago Zoning Ordinance. As set forth in Kareem Musawwir's report, the Applicant's proposed hair

² See Sections 17-3-0207-MM(1) and 17-9-0112 of the Chicago Zoning Ordinance.

salon is compliance with all other applicable standards – such as parking requirements – of the Chicago Zoning Ordinance. It is solely because the subject property is within 1000 feet of two nail salons that the Applicant requires a special use. Therefore, the proposed special use complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience. As Sha'Nequa Hall credibly testified, she will not only have six stations to cut and style hair but also sell her personal brand of hair and personal care products. Further, as Sha'Nequa Hall has experience managing a hair salon in the past, she will ensure the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood.

A (3). It 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 in the first floor of the building. As can be seen from the photographs of the surrounding area submitted into the record, the area is comprised of one to three story buildings. Most buildings have retail space on the first floor. 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.

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

The surrounding area is a mixed-use area. As Kareem Mussawir testified and as can be seen from the photographs, there are businesses in the area, including restaurants. There is also residential use. The hours the Applicant proposed are compatible with both other businesses and with residential use. Outdoor lighting will be muted. As the proposed special use will be entirely contained within the building, there will be no noise. With respect to traffic generation, the Applicant intends to have most clients on an appointment-only system to ensure that street parking is not overwhelmed. Based on all this, the ZBA finds that 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.

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

Again, the proposed special use will be entirely contained within the building. As can be seen in the photographs and as referenced in Kareem Mussawir's testimony, ingress to and egress from the building is set back from the sidewalk. The door to the retail space is all glass. There is also a wrought-iron fence separating the subject

property from the sidewalk. All three of these conditions will ensure that the proposed special use promotes pedestrian safety and comfort as those entering and leaving the hair salon will not in any way conflict with the pedestrians traversing the sidewalk.

CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS

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

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

APPROVED AS TO SUBSTANCE

By: 
Brian Sanchez, Chairman

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


Janine Klich-Jensen

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

APPLICANT: UPSCALE 606, LLC Cal. No.39-23-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
February 17, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1041 N. Ashland Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

ZBA

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 permitted to establish a hair salon / 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 3/20/23, 2023

End mailing 3/15/23

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Chicago Trust Company, N.A. (Trust #BEV-4182) **Cal. No.:** 40-23-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
July 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 65-77 E. 50th Street

NATURE OF REQUEST: Application for a variation to reduce the front wall setback facing a public street from the required 10' to 3' for a proposed four and five story townhouse development with seven dwelling units, attached thirteen car garage and roof top decks with operable pergolas.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

AUG 21 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 February 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 wall setback facing a public street to 3' for a proposed four and five story ownhouse development with seven dwelling units, attached thirteen car garage and roof top decks with operable pergolas; two additional variations were granted to the subject property in Cal. Nos. 41-23-Z and 42-23-Z; 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 8/21, 2023.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Chicago Trust Company, N.A. (Trust #BEV-4182) **Cal. No.:** 41-23-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
July 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 65-77 E. 50th Street

NATURE OF REQUEST: Application for a variation to increase the building height from the maximum 47' to 49' for a proposed four and five story townhouse development with seven dwelling units, attached thirteen car garage and roof top decks with operable pergolas.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

AUG 21 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 February 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 49' for a proposed four and five story townhouse development with seven dwelling units, attached thirteen car garage and roof top decks with operable pergolas; two additional variations were granted to the subject property in Cal. Nos. 40-23-Z and 42-23-Z; 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 8/21, 2023.



APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Chicago Trust Company, N.A. (Trust #BEV-4182) **Cal. No.:** 42-23-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
July 21, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 65-77 E. 50th Street

NATURE OF REQUEST: Application for a variation to eliminate the 7' landscape seatback (with one tree and a few shrubs) along south Michigan Avenue and to eliminate interior landscape (around 176 square feet with one tree) for the proposed seven dwelling unit townhouse development.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

AUG 21 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

BRIAN SANCHEZ
ZURICH ESPOSITO
ANN MACDONALD
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

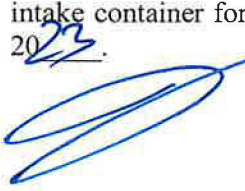
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 2, 2023; and

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 eliminate the 7' landscape seatback (with one tree and a few shrubs) along south Michigan Avenue and to eliminate interior landscape (around 176 square feet with one tree) for the proposed seven dwelling unit townhouse development; two additional variations were granted to the subject property in Cal. Nos. 40-23-Z and 41-23-Z; 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 8/21, 2023.



APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Adenike Adetowubo dba Triple B African Hair Braiding Studio Cal. No.43-23-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
February 17, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 8702 S. Commercial Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

ZBA

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 3/20/23, 2023

Handwritten signature and date: 3/20/23

APPROVED AS TO SUBSTANCE
Handwritten signature
CHAIRMAN

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

APPLICANT: 2925 W. Montrose, LLC Cal. No.44-23-S

APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:**
August 18, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4343 N. Richmond Street

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed three-story, six dwelling unit building and rear five* car garage.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

SEP 18 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 18, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 residential use below the second floor for a proposed three-story, six dwelling unit building and rear five* car garage; a variation was also granted to the subject property in Cal. No. 45-23-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 development is consistent with the design and layout of the plans and drawings dated June 9, 2023, prepared by Compass Architecture.

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 9/18/23.

*Amended at hearing

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 2925 W. Montrose, LLC

Cal. No.: 45-23-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
August 18, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4343 N. Richmond Street

NATURE OF REQUEST: Application for a variation to reduce the north and south side setback from the required 3.94' to zero, combined side yard setback from 9.84' to zero for a proposed three-story, six dwelling unit building and rear five* car garage.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

SEP 18 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 public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 18, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 and south side setback to zero, combined side yard setback to zero for a proposed three-story, six dwelling unit building and rear five* car garage; a special use was also approved for the subject property in Cal. No. 44-23-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):

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 9/18, 2023.

*Amended at hearing

APPROVED AS TO SUBSTANCE
Janine Klich-Jensen
CHAIRMAN

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

APPLICANT: 2925 W. Montrose, LLC

Cal. No.46-23-S

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
August 18, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4347 N. Richmond Street

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed three-story, six dwelling unit building with a rear five* car garage.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

SEP 18 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 public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 18, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 residential use below the second floor for a proposed three-story, six dwelling unit building with a rear five* car garage; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony has offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the development is consistent with the design and layout of the plans and drawings dated June 9, 2023, prepared by Compass Architecture.

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 9/15, 2023.

*Amended at hearing

APPROVED AS TO SUBSTANCE
Brian Sanchez
CHAIRMAN

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

APPLICANT: 2925 W. Montrose, LLC

Cal. No.47-23-S

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
August 18, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4353 N. Richmond Street

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed three-story, six dwelling unit building with rear five* car garage.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

SEP 18 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 18, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 2, 2023; and

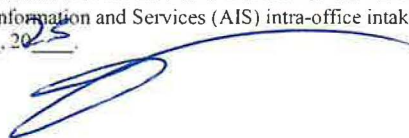
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the development is consistent with the design and layout of the plans and drawings dated June 9, 2023, prepared by Compass Architecture.

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 9/18, 2023.

*Amended at Hearing



APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 2925 W. Montrose, LLC
APPEARANCE FOR: Rolando Acosta
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4357 N. Richmond Street

Cal. No.: 48-23-S

MINUTES OF MEETING:
April 21, 2023

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

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

JUN 20 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

4351-59 MLK LP
APPLICANT(S)

49-23-Z & 50-23-Z
CALENDAR NUMBER(S)

4351-59 S. MLK DR.
PREMISES AFFECTED

February 17, 2023
HEARING DATE

ACTION OF BOARD	THE VOTE	AFFIRMATIVE	NEGATIVE	ABSENT
The applications for variations 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"/>
	Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

FINDINGS OF THE ZONING BOARD OF APPEALS

I. SUMMARY

4351-59 MLK LP (the "Applicant") submitted applications for variations for 4351-59 S. Martin Luther King Drive (the "subject property"), in order to reduce the required off-street parking for residential use from four (4) stalls to two (2) stalls, and reduce the minimum required rear yard open space from 945 square feet to zero (0) square feet to allow the addition of four (4) dwelling units to an existing 18-dwelling unit multi-family residence with basement. The ZONING BOARD OF APPEALS held a public hearing on the Applicant's application. At the public hearing, the Applicant and his architect, by and through his attorney, presented the applications to the ZONING BOARD OF APPEALS. The Applicant's general contractor testified in support of the applications. A neighbor testified in objection to the applications. A member of the 3rd Ward aldermanic office testified neutrally. At the conclusion of the public hearing, the ZONING BOARD OF APPEALS approved the applications for variation.

II. APPLICATION BACKGROUND

The subject property is located in the Chicago Park Boulevard System Historic District. It is zoned RM-5 and is improved with a 3-story, 18-unit multi-family apartment building with a basement and no parking spaces. Applicant proposed to reduce the required off-street parking for residential use from four (4) stalls to two (2) stalls, and reduce the minimum required rear yard open space from 945 square feet to zero (0) square feet to allow the addition of four (4) dwelling units to an existing 18-dwelling unit multi-family residence with basement. The Applicant seeks a variation from Sections 17-10-207-C

and 17-2-0307 of the Chicago Zoning Ordinance to reduce the required off-street parking for residential use from four (4) stalls to two (2) stalls, and reduce the minimum required rear yard open space from 945 square feet to zero (0) square feet. The ZONING BOARD OF APPEALS is authorized to hear and decide variations.¹ Therefore, the Applicant submitted a variation application to the ZONING BOARD OF APPEALS.

III. PUBLIC HEARING

In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted their proposed Findings of Fact. The ZONING BOARD OF APPEALS held a remote public hearing² on the Applicant's variation applications at its regular meeting held on Friday, February 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*. The list of participants is attached as the **Hearing Participant Exhibit**.

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

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

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

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

¹ Pursuant to Section 17-13-1101 of the Chicago Zoning Ordinance.

² 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.

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 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 ZONING BOARD OF APPEALS finds that strict compliance with the standards of the Chicago Zoning Ordinance **would** create practical difficulties or particular hardships because the Chicago Zoning Ordinance allows 22 dwelling units in the existing building but the existing historical building's configuration prevents the Applicant from providing four parking spaces and the required rear yard space. As such, the Applicant faces practical difficulty and hardship from its inability to activate the unused areas of the existing basement floor area, given the Applicant acquired a legally nonconforming Property.

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

The ZONING BOARD OF APPEALS finds that the requested variations are consistent with the stated purpose and intent of the Chicago Zoning Ordinance because the Variations comply with the applicable zoning requirements governing 4351-4359 S. Dr. Martin Luther King Jr. Drive. The proposed Variations promote public health, safety and general welfare by adding to the neighborhood housing stock pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance. The proposed variations preserve the overall quality of life for residents by providing added residential options in the neighborhood through interior-only renovations pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance. The proposed Variations protect the character of the surrounding residential neighborhood by preserving and allowing the existing residential building to remain structurally unchanged while allowing for

consistent residential usage of the Property pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance. The proposed variations are compatible with the emerging land use and development pattern of the neighborhood, as it proposes interior-only renovations to a building contributing to the Chicago Park Boulevard System Historic District pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance. The requested variations encourage environmentally responsible development practices by allowing for the activation of unused floor area already in existence for added housing stock pursuant to Section 17-1-0510 of the Chicago Zoning Ordinance. The requested variations seek to rehabilitate for the continued use of an existing historic building that is approximately 100 years old pursuant to Section 17-1-0511 of the Chicago Zoning Ordinance. Finally, the requested Variations promote the above goals and therefore demonstrates that the requested Variations accommodate the growth and development promoted by Section 17-1-0514 of the Chicago Zoning Ordinance.

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:

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 testified that a reasonable return cannot be obtained if the strict standards of the Chicago Zoning Ordinance are upheld. Currently, the rate of return is only 1.9%. If the requested variations were granted, the proposed rate of return would increase to 5.0%.

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

The Applicant's architect testified that the Property has unique circumstances due to the age, the legal nonconforming nature of the building, and the historical courtyard-shaped orientation of the residential building. The variations being sought are to allow for the use of existing and unused floor area of the principal building, which was built approximately 100 years ago. Due to the legal nonconformities of the Property, the Applicant is prohibited from establishing additional by-right dwelling units with the existing and unused floor area of the Property. Due to the building's courtyard-shaped orientation, there is no additional access space off of the alley at the rear of the Property for more off-street parking spaces, nor does the open space already being provided qualify as rear yard open space as defined by the Chicago Zoning Ordinance. These make the Applicant's particular hardship the result of unique circumstances that are not generally applicable to other similarly situated properties.

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

The Applicant is seeking to add four dwelling units in an existing multi-family building in a multi-family zoning district surrounded by other multi-family uses. The Applicant does not seek to change the existing building's size, massing, design, scale, or exterior, but only to reuse the existing building's floor area to establish four additional dwelling units consistent with the nature of the Chicago Park Boulevard System Historic District. The Applicant cites the Chicago Metropolitan Agency for Planning's ("CMAP") July 2022 Community Data Snapshot for the Grand Boulevard neighborhood which found the area to have a 100% rating for both "high transit availability" and "high walkability" assessments, with many residents using public transportation as their primary method of travel, making additional parking at the Property unnecessary for the area.

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

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

The 100 year old property was built with a configuration that renders the building legally nonconforming today. The courtyard-shaped configuration of the building only allows the Applicant to provide two of the four parking spaces needed to establish the four additional dwelling units that the Applicant can add as-of-right. The building's configuration also prevents the Applicant from being able to provide any qualifying rear yard open space at the Property. Strict compliance with the Chicago Zoning Ordinance would cause underutilization of the building's floor area, and thus, create a particular hardship for the Applicant when contrasted with the ability to create additional dwelling units and housing options for the community.

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 Property is unique from other properties in the RM-5 zoning classification in that this Property's principal building was developed nearly 100 years ago with a configuration that renders the Property legally nonconforming. The Property is legally nonconforming in relation to the minimum off-street parking and rear yard open space requirements, which make the Property unique in comparison to other RM-5 properties.

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

The Applicant testified that the purpose of the requested Variations is not based solely on the desire to make more money out of the property but rather, to obtain a reasonable return and to activate the Property to reflect its highest and best use. Without the requested variations, the Applicant would need to perpetuate and maintain the unused floor area that has been in existence for nearly 100 years and would be precluded from obtaining the necessary income to preserve the historic building and obtain a reasonable rate of return. As such, the purpose of the proposed Variations is not to make more money but only to overcome the Applicant's hardship and receive a reasonable rate of return.

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 was not involved in creating the existing principal building, built nearly 100 years ago with zero off-street parking spaces and no qualifying rear yard open space. The Applicant testified that it did not know of the extent of legal nonconformities when the Property was purchased.

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 Applicant's architect testified that the requested variations would not negatively impact the public welfare in any way, nor be injurious to other properties. The Applicant only seeks to adaptively reuse the existing building for its highest and best residential use. The proposed increased dwelling unit density with no parking would be attained through entirely interior renovations, and the bulk of the principal building would remain unchanged. Additionally, the Property is a transit served location, where parking is unnecessary for the use and enjoyment of the area. As such, the public welfare and other neighborhood properties would be unaffected by the granting of these proposed variations.

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 Applicant's architect testified that the proposed Variations would not impair an adequate supply of light and air to adjacent property, as the relief being sought is for existing, below grade floor area. Accordingly, there would no change to the supply of light and air that currently exists for neighboring properties. The proposed variations won't substantially increase the congestion in the public streets, as the proposed variations would allow for four new units in a public transit-rich area. According to CMAP's study, the area has the highest rating in terms of walkability and public transit availability. The Applicant is not aware of any historical issues with parking or traffic at the Property. As such, the marginal increase in density with no additional parking being sought here is in keeping with the character of the neighborhood. Additionally, the proposed variations will

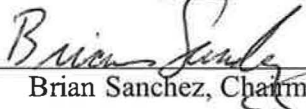
not increase the danger of fire or endanger public safety, as this relief would allow for interior-only renovations that would satisfy strict compliance with both the Chicago Zoning Ordinance and the Chicago Building Code. Finally, the proposed variations would not substantially diminish or impair property values within the neighborhood, as the requested variations, reflect only a minor increase in density and is in keeping with the character and development patterns of the multi-family zoning district surrounded by other multi-family uses.

CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS

1. For all the above reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved their case by evidence, testimony and the entire record, including the Applicant’s proposed Findings of Fact, covering the specific criteria for a variation pursuant to Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance.
2. The 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 6/20, 2023.


Janine Klich-Jensen

HEARING PARTICIPANT EXHIBIT

Name	Title (if applicable)	Address	Support	Oppose	Neutral
James Nahon	Applicant	2340 Milton Avenue, Cleveland, OH 44118	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gary Wands	Architect	1130 North Dearborn Street, Apartment 2401, Chicago, IL 60610	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

APPLICANT: Universal Asset Management, Inc. Cal. No.51-23-S

APPEARANCE FOR: Matthew Allee **MINUTES OF MEETING:** February 17, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6165 N. Northwest Highway

NATURE OF REQUEST: Application for a special use to establish a 6,500 square foot beauty salon on the ground floor of an existing strip mall.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

MAR 20 2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

[Handwritten Signature]
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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 6,500 square foot beauty salon on the ground floor of an existing strip mall; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony has offered that the use complies with all the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the development is consistent with the design and layout of the plans and documents, dated February 15, 2023, prepared by Huron Design Group.

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 3/20/23.

[Handwritten Signature]
APPROVED AS TO SUBSTANCE
[Handwritten Signature]
CHAIRMAN

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

APPLICANT: Drill Muzik Muzium, LLC

Cal. No.: 52-23-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
February 17, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6743 S. Western Avenue

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license to provide a museum, art gallery with entrance fee at door which is located within 125' of a residential district.

ACTION OF BOARD - VARIATION GRANTED

ZBA

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 establish a public place of amusement license to provide a museum, art gallery with entrance fee at or which is located within 125' of a residential district; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 3/20/23.

2nd mailing 5/15/23

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: McDonald's Corp. Cal. No.53-23-S
APPEARANCE FOR: Timothy Barton **MINUTES OF MEETING:**
February 17, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3241 W. Peterson Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

ZBA

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 dual lane drive-through lane to serve a proposed one-story, fast-food restaurant; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony 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, McDonald's Corp., and the development is consistent with the design and layout of the Site Plan and Landscape Plan, dated February 15, 2023, prepared by Watermark Engineering; and Floor Plan & Details and Exterior Elevations (consisting of two sheets), dated July 12, 2022, prepared by Lingle Design Group.

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 3/20/23.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Salomon Properties, LLC-Designated Series D **Cal. No.:** 54-23-Z
APPEARANCE FOR: Talar Berberian **MINUTES OF MEETING:**
 February 17, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2231 N. Wayne Avenue

NATURE OF REQUEST: Application for a variation to reduce the front set back from the required 14.9' to 10.67', north side setback from 2' to 0.67' (south to be 3'), combined side yard setback from 4.8' to 3.67' for a proposed third story dormer addition, rear one story open deck and basement addition under the existing three-story, two dwelling unit building.

ACTION OF BOARD - VARIATION GRANTED

ZBA

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 permitted variation to reduce the front set back to 10.67', north side setback to 0.67' (south to be 3'), combined side yard setback to 3.67' for a proposed third story dormer addition, rear one story open deck and basement addition under the existing three-story, two dwelling unit building; an additional variation was granted to the subject property in Cal. No. 55-23-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 3/20,

20 *2nd mailing 5/15/23*

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Salomon Properties, LLC-Designated Series D **Cal. No.:** 55-23-Z
APPEARANCE FOR: Talar Berberian **MINUTES OF MEETING:**
 February 17, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2231 N. Wayne Avenue

NATURE OF REQUEST: Application for a variation to expand the existing floor area ratio by 284.6 square feet for a proposed third story dormer addition, rear one story open deck and basement addition under the existing three-story, two dwelling unit building.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 existing floor area ratio by 284.6 square feet for a proposed third story dormer addition, rear one story open deck and basement addition under the existing three-story, two dwelling unit building; an additional variation was granted to the subject property in Cal. No. 54-23-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 3/20, 2023.

2nd mailing 5/15/23

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



ZBA

APR 27 2023

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

**North Side Housing and
Supportive Services, Inc.**

APPLICANT(S)

56-23-S

57-23-Z

CALENDAR NUMBER(S)

7464 N. Clark Street

PREMISES AFFECTED

February 17, 2023

HEARING DATE

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

FINDINGS OF THE ZONING BOARD OF APPEALS

I. SUMMARY

North Side Housing and Supportive Services, Inc. (the "Applicant") submitted applications for special use and variation for 7464 N. Clark Street (the "subject property"), in order to establish a transitional shelter and reduce the required parking to serve the proposed use. The ZONING BOARD OF APPEALS held a public hearing on the Applicant's application. At the public hearing, the ZONING BOARD OF APPEALS heard testimony from the Applicant, many supporters, and one objector. 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 Rogers Park neighborhood. It is zoned B3-3 and is improved with a one-story building. The Applicant proposed to establish a men's transitional shelter in an existing one-story building. The shelter would operate as a homeless shelter for up to 72 men and would provide sleeping accommodations, meals, and basic health and social services. Pursuant to Section 17-3-0207-B-10 of the Chicago Zoning Ordinance, a transitional shelter is a special use in a "B" zoning district. The ZONING BOARD OF APPEALS is authorized to hear and decide special use

applications.¹ 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, subject to the following conditions: (1) the special use is issued solely to the Applicant; (2) the development is consistent with the design and layout of the Site Plan and Floor Plan, dated February 10, 2023, and Elevations (consisting of two sheets), dated November 30, 2022, prepared by Gensler; and (3) prior to issuance of any building permits, the applicant files (i) an updated site plan that includes the removal of the existing curb cut and driveway on Birchwood A venue and restoration of that area with curb, gutter and parkway in accordance with COOT standards and (ii) a code compliant landscape plan, which includes all required street trees, for review and approval.

The Applicant also seeks a variation from Section 17-10-0207-Q of the Chicago Zoning Ordinance to reduce the required number of off-street parking spaces for a transit served location from six to zero. The ZONING BOARD OF APPEALS is authorized to hear and decide variations.² Therefore, the Applicant submitted a variation application to the ZONING BOARD OF APPEALS.

III. PUBLIC HEARING

In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted their proposed Findings of Fact. The ZONING BOARD OF APPEALS held a remote public hearing³ on the Applicant's special use and variation applications at its regular meeting held on Friday, February 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*. The following people participated in the hearing:

- Braeden Lord, the Applicant's attorney provided an overview of the application, including the following: The Applicant has 40 years of experience operating successful transitional housing programs across Chicago. The Applicant provides wraparound services to all of its clients when they are at a shelter and oftentimes when transitioning into permanent housing to ensure that they remain housed. The Applicant is temporarily operating a Men's shelter out of a Super 8 Motel which is financially and logistically unsustainable. The Applicant intends to close that shelter and transfer its operations to the proposed shelter. The application seeks to renovate the existing building on the Subject Property. The proposed shelter will

¹ Pursuant to Section 17-14-0302-B of the Chicago Zoning Ordinance.

² Pursuant to Section 17-13-1101 and 17-13-1003-EE of the Chicago Zoning Ordinance.

³ In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.* The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021). Such Emergency Rules were issued by the Chairman of the ZONING BOARD OF APPEALS in accordance with his emergency rule-making powers set forth in the Rules of Procedure.

consist of 18 shared sleeping units, five restrooms, a shower facility, two community areas, private consultation rooms, a kitchen, and various administrative areas. The Applicant does not propose to expand or alter the envelope of the building. The Applicant does propose exterior alterations including additional windows and skylights. The shelter will have the capacity to serve a maximum of 72 clients at any one time. There is no maximum length of stay and the Applicant does not require clients to leave the shelter until they have found permanent stable housing. The proposed shelter will operate as a closed shelter, meaning clients won't be allowed to host social visitors, and the shelter will be open to its clients 24 hours a day, both which would reduce the amount of inward and outward traffic.

Oral Testimony in Support of the Application

- Laura Michalski, the executive director of the Applicant, with offices at 4410 N Ravenswood, Unit 101, provided sworn testimony, including the following: the shelter has engaged in community outreach to discuss the proposals and respond to community comments, concerns, and suggestions. The plan for the building on the Subject Property includes 18 shared sleeping units, bathrooms, shower facilities, a commercial kitchen, onsite medical services, and training and educational services. The Applicant will also be adding additional windows and skylights. The applicant will be operating a closed shelter, meaning that it will only accept referrals through Chicago's coordinated entry system. The shelter will not have a drop-in center. The shelter will be open 24 hours, 7 days a week, 365 days a year and will be staffed at all times. There will be 16 full time The Applicant has an extensive security plan involving cameras, lighting, controlled access, panic buttons, and onsite security staff. The applicant also has an 8:00pm curfew for its clients. There is currently no onsite parking on the subject property, but the subject property is located along the Clark Street CTA bus line corridor and is approximately 835 feet from the Howard "L" CTA station, making it eligible for a 100% reduction of required parking as a transit-served location. It would not be possible to provide the required parking spaces without engaging in costly demolition which would result in the loss of 6-7 sleeping units and 1150 square feet of interior space. The reduction in space would result in the loss of conditional funding for the project, which would make it untenable to continue.
- Peter Marchese, the president of the board of directors of the Applicant, with offices at 4410 N. Ravenswood, Unit 101, provided sworn testimony, including the following: there is an incredible shortage of men's shelter beds in the city, especially on the north side. The current arrangement with the super 8 motel is financially untenable, and if the Applicant is unable to find a permanent facility, they will have to cease operations.
- Sean McGuire, the Project Architect for the Applicant, with offices at 11 E. Madison St. Suite 300, provided sworn testimony, including the following: The site area is improved with approximately 10,099 square foot commercial building

which occupies substantially all of the site. The Applicant plans to renovate the existing building to serve as a men's shelter. The applicant proposes to renovate the existing building in order to provide a shelter with 18 shared sleeping units, five restrooms, a shower room, two community areas, two private consultation rooms, a kitchen, and various administrative areas. Plans also include modestly altering the exterior of the building by adding skylights to the roof and eleven windows along the south and west elevations. There is no space for off-street automobile parking, and to provide for it, the Applicant would need to partially demolish and reconstruct the existing building. Aside from the diminished shelter capacity, should the Applicant be required to provide for off-street parking, the reconstruction would be uniquely expensive due to the lot shape/dimensions and the lots surroundings - the lot is bounded by public streets to the north and east and a railway to the west. Strict compliance with the parking requirement would prohibit reasonable and efficient use of the subject property and eliminate the zoning incentive available to the subject property's proximity to public transit.

- George Kisiel, the Applicant's land planner and expert, with offices at 141 W. Jackson, provided sworn testimony, including the following: With respect to the special use, the proposed development complies with all the zoning standards except for the variation for parking. There is an immediate public need to address homelessness, and the proposed use will be heavily regulated. The operating characteristics will be consistent with the character of the surrounding area which includes a mix of single-family residential, multi-unit residential, mixed-use buildings, and commercial and retail use. The additional outdoor lighting will not be invasive but is designed to meet the necessary standards and improve pedestrian safety and comfort. As it relates to the variation, the Subject Property is bound by rights-of-way on three of its four sides and substantially all of the lot is occupied by the existing building. Thus, the requirement to provide six onsite parking spaces would be uniquely difficult and costly, and in a manner not generally applicable to other properties in the B3-3 district. The Subject Property is located near ample public transportation facilities, with extensive on-street parking. Due to the nature of the specific conditions on the Subject Property, a practical difficulty exists in the application of the parking requirement. The proposed variation is consistent with the stated purpose and intent of the zoning ordinance particularly with respect to promoting public health, safety and general welfare, preserving the overall quality of life for residents and visitors, maintaining a range of housing choices and options, and maintaining an economically vibrant, as well as attractive business and commercial area.
- Sister Patricia Crowley of 7430 North Ridge Boulevard, provided sworn testimony, including the following: she is the former director of Chicago's Continuum of Care and testified to the reputation of the Applicant, the increase of homelessness in the City, and the need for a shelter in the neighborhood. She supports the applications.

- Matthew Stern, the Senior Recovery Team Project Manager with the Chicago Department of Housing (“DOH”), at 121 N. LaSalle, provided sworn testimony, including the following: The Chicago Department of Housing supports both the special use and variation applications submitted by the Applicant. More than 2,500 people are living in homeless shelters every night in Chicago, with another 1,200 people living on the street and an estimated 58,000 staying temporarily with friends and family. It is the Chicago Department of Housing’s mission to expand housing access to every Chicago resident, including providing shelter to those without homes. More specifically, it includes making sure the shelter the City provides enables privacy, safety, and autonomy. The Department of Housing believes the Applicant’s proposal represents an excellent use for the site and is strongly supportive of the application.
- Kimberly Howard, the Director of Homeless Services Division for the City of Chicago’s Department of Family and Support Services (“DFSS”), at 1515 W Chicago, provided sworn testimony, including the following: The Department of Family and Support Services strongly supports the Applicant’s special use and variation applications. The shelter beds operated by the Applicant are a critical part of the City’s shelter system that seeks to provide a safe and accessible space for houseless people. Shelter beds for single men are particularly needed. The Applicant is an experienced shelter provider and has partnered closely with the Department of Housing and the Department of Family and Support Services on the site design and programming to meet the overall system need. Ms. Howard noted that the City does not currently mandate staffing minimums but had previously mandated a minimum of one staff person per 30 residents. The proposed project would have a minimum of three staff for 72 residents. The Applicant plans to partner with other community organizations and volunteers so there will be additional assistance on site during the day.
- Ann-Louise Haak of 1815 West Farwell Avenue, provided sworn testimony, including the following: she is a longtime resident of the 49th ward and supports the applications.
- Elizabeth Marino of 6400 N. Sheridan Road, Unit 2510, provided sworn testimony, including the following: she agreed with what has been said so far. She had experience has an unhoused senior and disabled person who had lived in transitional housing. The programming offered by the Applicant is a good program and will contribute to essential services the ward can offer. This proposal would fit the character of the neighborhood.
- Scott Phillips of 1141 W. Monroe, provided sworn testimony, including the following: he agreed with everything that has been said so far. He is a longtime resident and believes the 49th ward needs the services that the Applicant would offer.

- Gerardo Calvillo of 7254 North Ridge, provided sworn testimony, including the following: he is a community organizer and activist and supports the Application.
- Ursula Gruber of 7532 N. Damen, provided sworn testimony, including the following: She lives three blocks from the proposed site and was a leader in the Rogers Park Community Response Team during the pandemic shutdowns. The building on the subject property was a medical clinic, which is not easy to reuse. The corridor is currently dark and dingy and she would welcome the addition of lighting and foot traffic.
- Carol Brobeck of 1329 W. Estes Avenue, Apartment 6, provided sworn testimony, including the following: she supports everything that has been said so far and supports the applications.
- Kevin Carroll of 1827 W. Estes Avenue, provided sworn testimony, including the following: he supports the project.
- Laura Alagna of 6641 North Greenview, provided sworn testimony, including the following: she supports the application and believes the subject property is located in a very bike and transit friendly area.
- Mimi Sandeen of 1335 W. Estes Ave, Apartment 20, provided sworn testimony, including the following: she agrees with the previous testimony and believes the proposed special use is a good solution for addressing homelessness. She also noted that there is already ample parking in the area and believes the variation should be approved.
- Stephanie Terrell of 1263 West Pratt Boulevard, Apartment 505, provided sworn testimony, including the following: she supports everything that has been said and believes the proposed use would be a good addition to the neighborhood.
- JJ Padovani of 7012 North Greenview Avenue, Apartment 3, provided sworn testimony, including the following: he agrees with prior testimony and supports the applications.
- Ryland Rich of 6956 North Ashland Boulevard, Apartment 301, provided sworn testimony, including the following: she supports everything that has been said, especially the variation for parking reduction as there is plenty of parking around the neighborhood.
- Molly Kraus-Steinmetz of 1745 West Touhy, provided sworn testimony, including the following: she supports previous testimony. She noted the Subject Property has good access to public transit.
- Hannah Marcus of 1228 West Jarvis, unit 2 North, provided sworn testimony, including the following: supports the applications.

- Marie Zajac of 1827 West Estes Avenue, provided sworn testimony, including the following: she is a longtime resident of the 49th ward and lives a few blocks from the Subject Property and supports the applications.
- Alderperson Maria Hadden, alderperson of the 49th Ward, provided sworn testimony, including the following: she hosted three informal community meetings not strictly required by the zoning ordinance with hundreds in attendance because she believed the application would be a controversial issue. She believed the Objector's objections were a mischaracterization and stated that she was open and transparent. She included updates in her weekly newsletter and on social media. Her office also posted physical flyers and had interpreters present for all meetings. She stated that all her meetings are recorded and online for viewing. Alderperson Hadden believes that the proposed use is in character with the neighborhood and noted the building has been a space for public use and public services for the last two decades.

Oral Testimony in Opposition to the Application

- Steven Weinberg of 1432 W. Touhy, provided sworn testimony, including the following: he is a 26 year resident of the 49th ward. He stated that "none of the criteria have been met or testified to". He noted that he was the sole objector and alleged it was because nobody had notice of the meeting. He spoke of a community survey done by Alderperson Hadden and stated that the questions were misleading and leading in order to gather support for the shelter. He alleged that most people living around the proposed facility are against the applications. He does not believe that the proposed use, the increased lighting, security, and panic buttons are in the interest of the public good, public convenience, or are designed to promote pedestrian safety and comfort. Mr. Weinberg stated that Alderperson Hadden purposely kept objectors in the dark regarding the project. He also believes that the shelter will be understaffed and asked that drop-in services not be offered.

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

IV. OVERVIEW OF CRITERIA

- 1. Criteria for a Variation.** Pursuant to Section 17-13-1107-A of the Chicago Zoning Ordinance, no variation application may be approved unless the ZONING BOARD OF APPEALS finds, based upon the evidence presented to it in each specific case, that: (1) strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships 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.

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

V. FINDINGS OF FACT

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

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

The Applicant seeks to reduce the required number of on-site parking spaces from six to zero. The Subject Property is already surrounded by ample parking and is also a transit-served location as it is located along the Clark Street CTA bus line corridor and is 835 feet from the Howard "L" CTA station. Strict compliance with the parking requirement would prohibit reasonable and efficient use of the subject property and eliminate the zoning incentive available to the subject property's proximity to public transit. The ZONING BOARD OF APPEALS finds that strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property 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.

As evidenced by the Okrent Kisiel Land Use Evaluation Report and the affidavits and testimony provided by Laura Michalski and Sean McGuire, the subject property cannot yield a reasonable return if the Applicant is required to provide off-street automobile spaces as specified in the parking determination letter. The Applicant is a not-for-profit charity that provides shelter housing and supportive services—free of charge—to individuals experiencing homeless. The Applicant will not derive any rent, income, revenue, or "return" from the proposed shelter.

For a charitable endeavor like the proposed shelter, a "reasonable return" is measured by the ability of the charity to cover its set-up and operating costs through available donations and grants. In order to provide six on-site parking spaces, the Applicant would need to partially demolish and reconstruct the existing building because the structure occupies substantially all of the developable space on the lot. The proposed shelter was made possible through public funding mechanisms through DFSS/DOH that are contingent upon the proposed shelter using the existing building without engaging in substantial redevelopment.

Such redevelopment would be uniquely expensive due to the unusual shape of the Subject Property and its boundaries along three rights-of-way (Clark Street, Birchwood Avenue, and the Metra/Union Pacific-North railway). Even if the redevelopment were financially feasible, it would result in the loss of approximately 1,150 square feet of floor area, which would result in a loss of

sleeping units and/or shared and administrative space required to operate the proposed shelter and satisfy requirements of the project's funding programs.

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

As evidenced by the Okrent Kiesel Land Use Evaluation Report and the affidavits and testimony provided by Laura Michalski and Sean McGuire, practical difficulties in complying with the parking determination for the Proposed Shelter arise from conditions specific to the Subject Property including existing improvements and the subject property's location. Such conditions are not generally applicable to similarly-situated properties. The 60-year-old existing building is built nearly lot-line-to-lot-line, without any on-site automobile parking. Adding parking spaces, which as was established through witness testimony, would be unnecessary for a transit served location with ample street parking, would require partially demolishing and reconstructing the existing building. Furthermore, the Subject Property is directly bound by rights-of-way on three sides (public streets to the north and east and a railway to the west), each of which would complicate substantial construction activities.

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

As evidenced by the Okrent Kiesel Land Use Evaluation Report and the affidavits and testimony provided by Laura Michalski and Sean McGuire as well as testimony by Mimi Sandeen, Laura Alagna, Elizabeth Marino, Molly Kraus-Steinmetz and Ryland Rich, the ZONING BOARD OF APPEALS finds that the variation will not alter the essential character of the neighborhood because the proposed shelter will utilize an existing structure, function in a manner similar to residential uses in the area, and have little-to-no impact on automobile parking or traffic.

The proposed shelter will operate within the existing building without altering its bulk, footprint, or envelope. The existing building was constructed in the 1960s in compliance with all zoning and building codes in effect at the time. The existing building is separated from residential uses to the west by the Metra/Union Pacific railway tracks, and abuts parking and commercial uses to the north and east. Its reuse as a transitional shelter will not disrupt the surrounding neighborhood.

The reduction in on-site parking will not alter the essential character of the neighborhood because the neighborhood already has ample parking and is well served by public transit. Additionally, the clients of the proposed shelter will not own cars, and the Applicant expects most employees, visiting professionals, and volunteers to arrive at the Subject Property via alternative modes of

transportation. Therefore, the variation will not unduly burden the neighborhood in terms of traffic or parking.

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

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

The Subject Property is an irregular shape and bounded on three sides by rights-of-way. Furthermore, the Subject Property is improved with a 60-year-old building constructed nearly lot-line-to-lot-line. In order to provide six on-site automobile parking spaces, the Applicant would need to partially redevelop the existing building to reallocate space from sleeping units and shared/administrative area to parking. The redevelopment would compromise the financial and operational viability of the proposed shelter and result in underutilized parking spaces. Such a requirement would affect a particular hardship upon the Applicant, not 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.

As explained in the Okrent Kisiel Land Use Evaluation Report and the affidavits provided by Laura Michalski and Sean McGuire, the parking variation is only available to the Applicant because of the Subject Property's transit-served location, and is only necessary because of the physical limitations of the site and operational/financial imperatives of the proposed shelter. Partial redevelopment of the existing building in order to provide additional parking would be uniquely difficult because existing building is built nearly lot line to lot line, the Subject Property is an irregular shape, and the lot is bounded on three sides by rights-of-way. Such redevelopment would compromise the financial and operational viability of the proposed shelter. These limitations and the requested variation are not generally applicable to other property in the B3-3 District.

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

As evidenced by the Okrent Kisiel Land Use Evaluation Report and the affidavit and testimony provided by Laura Michalski, the purpose of the variation is not based upon a desire to make more money, but rather, a desire to provide a safe and supportive shelter to individuals experiencing homelessness. The Applicant is a not-for-profit charity with over 40 years of experience in operating successful

transitional housing programs in Chicago. The variation, if granted, would allow the Applicant to transfer the operations of its existing shelter from its unsustainable current facility (the Super 8 motel at 7300 N. Sheridan Road) to a built-to-suit facility specifically designed meet its clients' needs. Without the parking variation, the proposed shelter would not be financially feasible.

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

As evidenced by the Okrent Kisiel Land Use Evaluation Report and the affidavit and testimony provided by Laura Michalski, the practical difficulties are primarily related to the Subject Property's unique shape, right-of-way boundaries, and expansive building envelope—none of which were created by a person presently having an interest in the Subject Property.

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.

As explained in the Okrent Kisiel Land Use Evaluation Report and the affidavits provided by Laura Michalski and Sean McGuire, as well as the testimony by Mimi Sandeen, Stephanie Terrell, Ursula Gruber, Scott Phillips, Laura Alagna, and Elizabeth Marino, the requested variation will enable the establishment of a facility that will be compatible with surrounding land uses, enhance the pedestrian environment, and address increasing housing insecurity in the neighborhood.

The proposed shelter's mix of residential and supportive services is consistent with uses and improvements in the neighborhood. The Subject Property is located along the Clark Street commercial corridor and near moderate-density residential areas with a mix of single- and multi-family housing, most of which is separated from the Subject Property by the Metra/Union Pacific railway tracks. The facility's staff and visitors will likely support commercial establishments nearby. Furthermore, the proposed shelter will likely benefit property and improvements in the neighborhood by renovating and reactivating the vacant existing building. The Applicant will make investments in the existing building that will enhance public safety and improve the pedestrian environment—including exterior lighting, security cameras, additional windows, and landscape maintenance.

Finally, the proposed shelter will address a demonstrated need in the neighborhood for a safe and supportive transitional shelter. The population of individuals experiencing homelessness in the immediate area has increased in recent years, most visibly at the Touhy Park encampment. The proposed shelter will provide more safe, healthy, and supportive living conditions for those individuals, as well as wraparound services designed to transition them to permanent housing. In this manner the proposed shelter will not be detrimental to,

but rather, will likely benefit the public welfare and public and private property/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.

As explained in the Okrent Kisiel Land Use Evaluation Report and the affidavits provided by Laura Michalski and Sean McGuire, the requested variation will have no adverse impact on adequate supply of light and air, nor will it increase the danger of fire or otherwise endanger the public safety or impair property values in the neighborhood. The variation will allow the Proposed Shelter to operate in the Existing Building without altering its bulk, footprint, or envelope. The variation therefore will not impair, but rather, will preserve access to light and air for adjacent property.

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

The requested variation will allow for a reduction of on-site parking on the subject property which is located in a transit-served area. Without the reduction of the on-site parking requirement, the proposed shelter would not be able to be built on the subject property. The ZONING BOARD OF APPEALS 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 providing secure and supportive housing to individuals experiencing homelessness and often inhabiting informal dwellings that present health and safety risks. For example, the homeless encampment in Touhy Park, located approximately 850 feet from the Subject Property, occupies a public park not intended or designed for residential use. Residents of the encampment often endure unsafe and unhealthy living conditions. The proposed shelter will provide safer, healthier housing to a portion of that population, as well as wraparound supportive services designed to keep those individuals in permanent homes.
- Preserving the overall quality of life for residents and visitors, pursuant to Section 17-1-0502, because the proposed shelter will provide formal housing, meals, and healthcare and social services specifically intended to improve the lives of its clients. In doing so, the facility will reactivate and renovate a vacant building along Clark Street with a use that will draw staff, volunteers, and visiting professionals to the area—supporting pedestrian and commercial activity.

- Protecting the character of established residential neighborhoods, pursuant to Section 17-1-0503, by providing a facility that will absorb some of the homeless population otherwise inhabiting nearby Touhy Park, and by operating in a manner consistent with nearby uses. The Subject Property is located adjacent to moderate-density residential areas which are consistent in density/character with the proposed shelter, directly along an active commercial thoroughfare, and separated from residential uses by railway tracks to the west and parking lot/retail uses to the north and east.
 - Maintaining economically vibrant as well as attractive business and commercial areas, pursuant to Section 17-1-0504, because the Applicant will renovate and reactivate a vacant building in along the Clark Street commercial corridor, in-part by adding windows to and providing ample lighting, landscape maintenance, and property maintenance at the site. The proposed shelter will draw visitors likely to support nearby businesses.
 - Promoting pedestrian, bicycle and transit use, pursuant to Section 17-1-0507, by reducing onsite parking from six spaces to zero which will encourage employees, volunteers, and clients to access the Subject Property via non-vehicular means.
 - Promoting rehabilitation and reuse of older buildings, pursuant to Section 17-1-0511, by allowing the Applicant to rehabilitate and reuse the existing building without engaging in costly redevelopment that would be to satisfy the proposed shelter's automobile parking requirement on site.
 - Maintaining a range of housing choices and options, pursuant to Section 17-1-0512, because the proposed shelter will provide a form of free, safe, and supportive housing to individuals experiencing homelessness—a category of housing in too short of supply in the immediate vicinity and across the city.
2. **Special Use.** After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

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

As evidenced by the Okrent Kisiel Land Use Evaluation Report and the affidavit and testimony provided by Sean McGuire, except with respect to the matter for which the Applicant is seeking a variation to address off-street parking requirements, the ZONING BOARD OF APPEALS finds that the proposed shelter will comply with all applicable provisions of the Chicago Zoning Ordinance. The Proposed Shelter will repurpose the existing building, which was constructed around 1960 in compliance with all zoning codes at the time. No expansions to the existing building are proposed

as a part of the project. As such, any existing non-conformities are allowed to remain per Section 17-15-0400 of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS does not find Mr. Weinberg's (the "Objector") assertion that "none of the criteria have been met or testified to" to be credible. In fact, as is discussed above and below, the Applicant provided ample information in its testimony, affidavits, and reports submitted. Furthermore, the ZONING BOARD OF APPEALS does not find credible the Objector's assertion that he was the sole objector either because other nearby residents were not provided with notice or because he was the only person in objection with a flexible schedule. Procedurally, it appears that the Objector mainly took issue with the communications and community meetings held by Alderperson Hadden which were done outside the formal Zoning Board of Appeals legal processes and are not relevant or connected to the hearing at hand.

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

As evidenced by the Okrent Kisiel Land Use Evaluation Report and the affidavits and testimony provided by Laura Michalski, Sean McGuire, as well as testimony by Peter Marchese, Scott Phillips, Elizabeth Marino, and Ursula Gruber, the ZONING BOARD OF APPEALS finds that granting the special use is in the interest of the public convenience, and will not have an adverse impact on general welfare, because the Proposed Shelter will reactivate a vacant building in a key commercial node and provide a healthy and rehabilitative facility for men in the community experiencing homelessness and often living in unsafe and unhealthy conditions nearby.

The ZONING BOARD OF APPEALS, heard credible testimony that there is a wide shortage of men's shelter beds in the city, especially on the north side. The proposed use will address a present need in the neighborhood for housing and supportive services for residents experiencing homelessness. Many such residents currently reside in informal living areas near the Subject Property that can pose health risks for both inhabitants and neighbors, such as the encampment in nearby Touhy Park. The Objector testified that the proposed use is not in the interest of the public good due to the optics – that it might signal that the neighborhood is unsafe. The ZONING BOARD OF APPEALS disagrees. The proposed use would be an alternative to the unsafe and unsanitary conditions of the nearby encampments, and would provide safer, healthier housing and effective transitional services and, in doing so, would improve the general welfare of the neighborhood.

Furthermore, the ZONING BOARD OF APPEALS finds that the proposed use will renovate and reactivate a vacant building along the Clark Street commercial node, which node includes active, moderate-density retail, restaurant, and residential uses. The Applicant's operations will be similar to those of nearby residential uses nearby in terms of operations, traffic generation, and noise (although it will be subject to more strict regulations and security measures than typical residences). Land use

impacts are further mitigated by the Subject Property's surroundings—an elevated railway to the west, Birchwood Avenue and a parking lot to the north, Clark Street and parking lots to the east, and a concrete pad separating the multi-unit residential building to the south. There will be no adverse impact on the general welfare of the neighborhood or community. Rather, the increased activity and security-related improvements at the Subject Property should have a positive impact.

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

As evidenced by the Okrent Kisiel Land Use Evaluation Report and the affidavit and testimony provided by Sean McGuire, as well as the testimony by Alderperson Hadden, and Elizabeth Marino, the ZONING BOARD OF APPEALS finds that the proposed use will allow the reactivation of a building that has stood on the Subject Property for approximately sixty years. The existing building on the Subject Property is part of the existing urban fabric, and consistent with surrounding buildings, which include single and multistory retail, residential, and mixed-use structures. The Applicant does not propose any changes to the exterior or envelope of the existing building, aside from the addition of windows. For these reasons, the proposed use is highly compatible with the character of the surrounding area in terms of site planning, building scale, and project design.

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

As evidenced by the Okrent Kisiel Land Use Evaluation Report and the affidavits and testimony provided by Laura Michalski and Sean McGuire, as well as testimony by Ursula Gruber, the ZONING BOARD OF APPEALS finds that the proposed use will be compatible with the character of the surrounding area in light of its typical hours of activity, proposed lighting/security improvements, and limited automobile traffic impact. The proposed shelter will have operating characteristics consistent with the surrounding residential uses. Clients will stay at the facility for approximately 80 days on average, will not be required to leave the facility periodically, and will not be allowed to host social visitors—resulting in a limited frequency of entrances/exits. The Applicant's service providers will predominantly operate during regular business and meal hours—causing the facility's nighttime activity levels to be similar to other residential uses. The Applicant's facility and security operations are thoughtfully designed to prevent disruptions in the area, including an indoor trash enclosure, exterior security infrastructure (e.g., cameras, motion-activated lighting), and security-trained personnel on site at all times. The shelter's traffic generation will be further limited due to the fact that its clients will not own automobiles. The Applicant anticipates that most clients, employees, and visitors will use modes of transportation other than automobile. For these reasons, the proposed use is compatible with the character of the surrounding area.

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

As evidenced by the Okrent Kisiel Land Use Evaluation Report and the affidavits and testimony provided by Laura Michalski and Sean McGuire, the ZONING BOARD OF APPEALS finds that the proposed use will promote pedestrian safety and comfort by returning an active use to the vacant existing building and adding pedestrian-friendly lighting and safety infrastructure. The return of an active use with staff, volunteers, and visiting professionals on site will support pedestrian safety and comfort outside of the building. Security-related measures for the Proposed Shelter will include security cameras monitoring each entrance to the facility, exterior and motion-detected lighting along the Subject Property's street frontages, secure doors and windows, and security-trained personnel on site 24/7. Furthermore, the Applicant will actively maintain the existing landscaping at the Subject Property. No changes are proposed to the Subject Property that would otherwise adversely impact pedestrian safety or comfort. Finally, the Applicant's variation for a parking reduction serves to demonstrate the Applicant's commitment to the promotion of nearby transit and pedestrian comfort.

CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS

1. **Variation.** For all the above reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved their case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance.
2. The ZONING BOARD OF APPEALS hereby APPROVES the Applicant's application for a variation, and the Zoning Administrator is authorized to permit said variation.
3. **Special Use.** For all the above reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved their case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance.
4. The ZONING BOARD OF APPEALS hereby APPROVES the Applicant's application for a special use, and pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use SUBJECT TO THE FOLLOWING CONDITIONS:
 - (1) the special use is issued solely to the Applicant; (2) the development is consistent with the design and layout of the Site Plan and Floor Plan, dated February 10, 2023, and Elevations (consisting of two sheets), dated November 30, 2022, prepared by Gensler; and (3) prior to issuance of any building permits, the applicant files (i) an updated site plan that includes the removal of the existing curb cut and driveway on

Birchwood A venue and restoration of that area with curb, gutter and parkway in accordance with COOT standards and (ii) a code compliant landscape plan, which includes all required street trees, for review and approval.

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: Elite Labor Services Ltd. Cal. No.58-23-S

APPEARANCE FOR: Talar Berberian **MINUTES OF MEETING:**
June 16, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3138 W. Cermak Road, 1st Floor Unit D

NATURE OF REQUEST: Application for a special use to establish a day labor employment agency.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

SEP 25 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 public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 16, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 day labor employment agency; a variation was also granted to the subject property in Cal. No. 198-23-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: (1) the special use is issued solely to the applicant, Elite Labor Services Ltd.; (2) the development is consistent with the design and layout of the site plan/survey, dated April 23, 2021, prepared by Exacta Land Surveyors, LLC and Title Sheet, May 9, 2022, CTA Line Drawing, dated April 29, 2022, and Floor Plans, dated August 23, 2022, prepared by JP Architects; (3) prior to issuance of a business license and/or certificate of occupancy, a 48 ft loading zoning will be established along the front of the property, on Cermak Road, to accommodate the loading and unloading of the day labor employees each work day; (4) the applicant will only load/unload one of their transport vehicles at a time, within the designated loading zone; and (5) the applicant's three transport vehicles will be parked/stored at their corporate offices at 1315 N North Branch, when not in use.

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 9/25/23.



APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Chicago Board of Education for the City of Chicago

Cal. No.: 59-23-Z

APPEARANCE FOR: Scott Borstein

MINUTES OF MEETING:
February 17, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3436 W. Wilson Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 50' to 0.5' for a proposed athletic field with 20' high sports netting fences and 70' high light poles.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 0.5' for a proposed athletic field with 20' high sports netting fences and 70' high light poles; 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 3/20/23.

2nd mailing 5/15/23

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

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

APPLICANT: McDonald's Corporation Cal. No.60-23-S
APPEARANCE FOR: Elvin Charity **MINUTES OF MEETING:**
February 17, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1657 W. 95th Street

NATURE OF REQUEST: Application for a special use to establish a drive-through with dual menu / order board lanes and a single pick-up lane to serve an existing fast-food restaurant.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

MAR 20 2023
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

[Signature]
 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 permitted to establish a drive-through with dual menu / order board lanes and a single pick-up lane to serve an existing fast-food restaurant; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony 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, McDonald's Corporation, and the development is consistent with the design and layout of the Site Plan, Landscape Plan and Truck Turning Plan, dated February 15, 2023, prepared by Watermark Engineering; and Building Information Floor Plan, Exterior Elevations (consisting of two sheets), and Trash Enclosure Plan and Details, dated October 10, 2022, prepared by Lingle Design Group.

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 3/20/23.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: 1507 Sedgwick, LLC Cal. No.61-23-S
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
February 17, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1505-07 N. Sedgwick Street

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed four-story, building with rear decks for office use and four dwelling units.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

MAR 20 2023
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

[Signature]
 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 residential use below the second floor for a proposed four-story, building with rear decks for office use and four dwelling units; two variations were also granted to the subject property in Cal. Nos. 62-23-Z and 63-23-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 development is consistent with the design and layout of the plans and documents, dated February 15, 2023, prepared by Hanna Architect, 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 3/20, 2023.

[Signature]
 APPROVED AS TO SUBSTANCE
[Signature]
 CHAIRMAN

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

APPLICANT: 1505-07 N. Sedgwick Street

Cal. No.: 62-23-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
February 17, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1505-07 N. Sedgwick Street*

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 6' for a proposed four-story building with rear decks for office use and four dwelling units.

ACTION OF BOARD - VARIATION GRANTED

RECEIVED

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 6' for a proposed four-story building with rear decks for office use and four dwelling units; a special use was approved and an additional variation was granted to the subject property in Cal. Nos. 61-23-S and 63-23-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): the development is consistent with the design and layout of the plans and documents, dated February 15, 2023, prepared by Hanna Architect, 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 3/24, 2023.

*Scrivener's error *2nd mailing 5/15/23*

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

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

APPLICANT: 1505-07 N. Sedgwick Street

Cal. No.: 63-23-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
February 17, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1505-07 N. Sedgwick Street*

NATURE OF REQUEST: Application for a variation to reduce the required off-street residential parking spaces for a transit served location from four to zero for a proposed four-story building with rear decks for office use and four dwelling units which is within 2,640 feet of a CTA Rail station entrance.

ACTION OF BOARD - VARIATION GRANTED

RECEIVED

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 permitted variation to reduce the required off-street residential parking spaces for a transit served location to zero for a proposed four-story building with rear decks for office use and four dwelling units which is within 2,640 feet of a CTA Rail station entrance; a special use was approved and an additional variation was granted to the subject property in Cal. Nos. 61-23-S and 62-23-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): the development is consistent with the design and layout of the plans and documents, dated February 15, 2023, prepared by Hanna Architect, 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 3/24

2023
*Scrivener's error *2nd mailing 5/15/23*

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

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

APPLICANT: Veranda, LLC

Cal. No.: 64-23-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
February 17, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5700-02 W. Irving Park Road

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license to provide live entertainment which is within 125' of a residential zoning district.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 establish a public place of amusement license to provide live entertainment which is within 125' of a residential zoning district; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential 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 3/20

2nd mailing 5/15/23

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Kedzie Property Group, LLC **Cal. No.:** 65-23-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
February 17, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2839 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a variation to reduce the required number of residential parking spaces from six to zero to convert an existing two-story commercial building to a mixed-use building with six dwelling units and ground floor commercial use.

ACTION OF BOARD - VARIATION GRANTED

ZBA

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 number of residential parking spaces to zero to convert an existing two-story commercial building to a mixed-use building with six dwelling units and ground floor commercial use; a special use was approved at the subject property in Cal. No. 66-23-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): provided the development is consistent with the design and layout of the plans and documents, dated March 9, 2022, prepared by Ridgeland Associates, 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 3/20 2023.

2nd mailing 5/15/23

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Runway Studios II, LLC Cal. No.66-23-S
APPEARANCE FOR: Mark Kupiec MINUTES OF MEETING: February 17, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2839 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a special use to establish a 3,995 square foot beauty salon on the ground floor of an existing two-story commercial building being converted to a mixed-use building with six dwelling units and ground floor commercial use.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

MAR 20 2023
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

BRIAN SANCHEZ
ANGELA BROOKS
ZURICH ESPOSITO
SAM TOLA

THE VOTE

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows show 'X' marks in the AFFIRMATIVE column for all four members.

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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 3,995 square foot beauty salon on the ground floor of an existing two-story commercial building being converted to a mixed-use building with six dwelling units and ground floor commercial use; a variation was also granted to the subject property in Cal. No. 65-23-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 development is consistent with the design and layout of the plans and documents, dated March 9, 2022, prepared by Ridgeland Associates, 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 3/20/23

Handwritten signature and date 5/15/23. Stamp: APPROVED AS TO SUBSTANCE. Signature of Chairman.

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

APPLICANT: AG Bells II, LLC Cal. No.67-23-S
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
APPEARANCE AGAINST: None February 17, 2023
PREMISES AFFECTED: 4656-58 S. Cicero Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

ZBA

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 dual drive through to serve a proposed fast-food restaurant; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony 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, AG Bells II, LLC, and the development is consistent with the design and layout of the Site Plan, dated December 12, 2022, prepared by Kimley Horn; Landscape Plan (consisting of two sheets), dated December 19, 2022, prepared by Dowden Design Group; and Equipment/Seating (Floor) Plan, dated December 2022, and Exterior Elevations, dated February 9, 2023, prepared by MRV 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 3/20/23.

2nd mailing 5/15/23

Page 34 of 43

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Jacob Counne and Yehudeet Heir **Cal. No.:** 68-23-Z
APPEARANCE FOR: Katriina McGuire **MINUTES OF MEETING:**
 February 17, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2823-27 W. Chase Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 23.64' to 20', rear setback from 31.54' to 30.08' east setback from 9' to 4.25' (west to be 17.67' and combined side yard setback to be 21.92') for a proposed three-story, single-family residence and attached two car garage.

ACTION OF BOARD - VARIATION GRANTED

ZBA

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 2, 2023; and

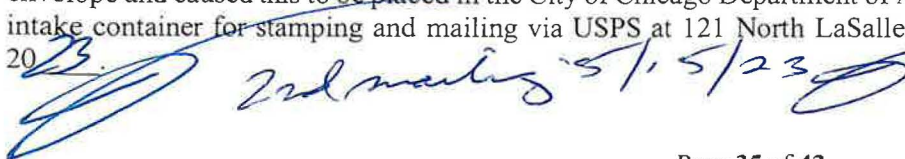
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 20', rear setback to 30.08' east setback to 4.25' (west to be 17.67' and combined side yard setback to be 21.92') for a proposed three-story, single-family residence and attached two car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 3/20/23.

2nd mailing 5/15/23



APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Astor Club Cal. No.69-23-S

APPEARANCE FOR: Graham Grady **MINUTES OF MEETING:**
February 17, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1300 N. Astor Street Unit MR / 24 E. Goethe Street

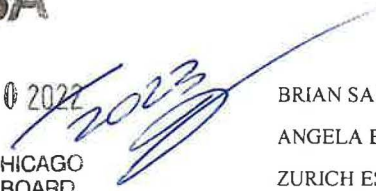
NATURE OF REQUEST: Application for a special use to establish a private club within an existing commercial condominium unit, located in the lower level of the existing twenty-eight story building.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 private club within an existing commercial condominium unit, located in the lower level of the existing twenty-eight story building; a variation was also granted to the subject property in Cal. No. 70-23-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, Astor Club, and the development is consistent with the design and layout of the plans and documents, dated November 8, 2022, prepared by The HOH Group, 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 3/20/23, 2023.

Page 36 of 43

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Astor Club **Cal. No.:** 70-23-Z
APPEARANCE FOR: Graham Grady **MINUTES OF MEETING:**
February 17, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1300 N. Astor Street Unit MR / 24 E. Goethe Street

NATURE OF REQUEST: Application for a variation to reduce the number of off-street parking spaces in a transit served location from nineteen to zero for a proposed private club that is located with 2,640 feet of a CTA rail station entrance.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAR 20 2023
 CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

[Signature]
 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 number of off-street parking spaces in a transit served location to zero for a proposed private club that is located with 2,640 feet of a CTA rail station entrance; a special use was also approved for the subject property in Cal. No. 69-23-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, Astor Club, and the development is consistent with the design and layout of the plans and documents, dated November 8, 2022, prepared by The HOH Group, 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 3/20, 2023

[Signature]
2nd mailing 5/15/23

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

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

APPLICANT: Lash Design / Microblading, LLC Cal. No.71-23-S
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:** February 17, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 770 N. LaSalle Dr. Suite 200 S

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

ACTION OF BOARD – APPLICATION APPROVED

ZBA

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 2, 2023; and

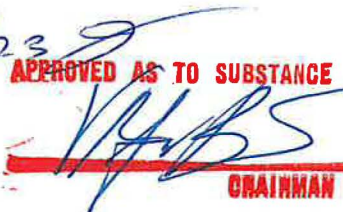
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: the applicant shall be permitted to establish a body art service (microblading); expert 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 been 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 3/10/23.

2nd meeting 5/15/23

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

JUL 24 2023

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

Burnside Lounge, Inc.
APPLICANT

72-23-S & 73-23-S
CALENDAR NUMBERS

1823-27 W. 87th Street
PREMISES AFFECTED

April 21, 2023
HEARING DATE

ACTION OF BOARD

THE VOTE

The special use applications are 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

I. SUMMARY

Burnside Lounge, Inc. (the "Applicant") submitted two special use applications for 1823-27 W. 87th Street (the "subject property") in order to expand and modernize a tavern. The Zoning Board of Appeals ("ZBA") held a public hearing on the Applicant's applications. At the public hearing, the Applicant's representative and its witness offered testimony in support of the application. Aldermanic staff also offered testimony with respect to the applications. After the conclusion of the public hearing, the ZBA approved the applications.

II. APPLICATION BACKGROUND

The subject property is located on 87th Street in the City of Chicago ("City"). At the time of the public hearing, the subject property was located in the 21st Ward. However, due to the City's ward redistricting, the subject property would soon be located in the 18th Ward. The subject property is zoned B3-1. The subject property is currently improved with a two-story building (1825-27 W. 87th Street) and a one-story building (1823 W. 87th Street). Since the 1960s, a tavern has been located on the ground floor of the two-story building. The tavern itself has an existing special use. The Applicant proposed to modernize and revitalize the tavern. Such modernization and revitalization included: (1) an expansion of the tavern into the one-story building and the second story of the two-story building; and (2) an addition of an outdoor rooftop patio. Pursuant to Section 17-13-0910 of the Chicago Zoning Ordinance, any increase in the area, bulk or

function of an existing special use, or from those conditions specified by the ZBA at the time of approval, will constitute and be deemed a new special use. Pursuant to Section 17-13-0207-AA(4) of the Chicago Zoning Ordinance, an outdoor rooftop patio requires a special use. The ZBA is authorized to hear and decide special use applications.¹ Therefore, the Applicant submitted two special use applications to the ZBA.

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; and (2) the development was consistent with the design and layout of the design notes, site plan notes, proposed ground floor and proposed second floor plans and proposed elevations dated April 14, 2023 and occupancy plans dated September 26, 2021, all prepared by Grand Designs, LLC.

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 special use applications at its regular meeting held on Friday, 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*. 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

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

V. FINDINGS OF FACT

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

¹ Pursuant to Section 17-14-0302-B of the Chicago Zoning Ordinance.

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

The subject property is located in a B3-1 zoning district. A tavern is a special use in a B3-1 pursuant to Section 17-3-0207-AA(3) of the Chicago Zoning Ordinance. Due to its existing special use, the tavern is currently in compliance with all standards of the Chicago Zoning Ordinance. However, as the Applicant proposes to expand the tavern, the Applicant requires a new special use for the tavern. Moreover, the Applicant proposes to add an outdoor rooftop patio to the subject property which also requires a special use. For the reasons set forth below, the ZBA has decided to grant the special uses. Because the ZBA has decided to grant the special uses to the Applicant, the Applicant's proposed special uses therefore comply with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special uses are in the interest of the public convenience. As both Mr. Brooks and Mr. Ryan credibly testified, the proposed special uses will allow the Applicant to revitalize and modernize the tavern. Further, the proposed special uses will not have a significant adverse impact on the general welfare of the neighborhood. The ZBA finds Mr. Brooks to be a very credible witness with respect to the operation and management of taverns as well as patios servicing taverns. From his testimony, the ZBA finds that the proposed special uses will be operated in such a manner that they will enhance the general welfare of the neighborhood.

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

The proposed special use to expand the tavern will be entirely contained within the two buildings and therefore is compatible with the character of the surrounding area in terms of site planning and building scale. From the plans and drawings, it is clear that the outdoor rooftop patio has been carefully designed to ensure that it will also be compatible with the character of the surrounding area in terms of site planning and building scale. Mr. Brooks credibly testified as to how the proposed special uses would work in conjunction to enhance the existing tavern. Based on his testimony, the ZBA finds that the proposed special uses are compatible with the surrounding area in terms of project design.

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

Again, the ZBA finds Mr. Brooks to be a credible witness with respect to the operation and management of taverns as well as patios servicing taverns. His testimony regarding how the expanded tavern and outdoor rooftop patio will operate leaves no doubt that the proposed 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. For instance, Mr. Brooks has made arrangements with the owner of the strip mall adjacent to the subject property so that the Applicant's patrons may utilize the strip mall's parking lot. The parking lot has parking for up to 100 cars. The hours of operation are limited as the Applicant will close both the tavern and patio at 11:00 PM. At 11:00 PM, the lights on the outdoor rooftop patio will dim during the patio's closure. Further, the outdoor rooftop patio itself will be fully enclosed by a 6' high fence, ensuring that noise and light do not spill into adjoining properties.

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

Again, the proposed special use to expand the tavern will revitalize the tavern, ensuring that there are more patrons and enhancing the commercial vitality of this portion of 87th Street. The proposed special use for the outdoor rooftop patio will – as Mr. Ryan credibly testified – ensure that patrons of the tavern that smoke will smoke off of the sidewalk in front of the subject property. Given the forgoing, the proposed special uses are designed to promote pedestrian safety and comfort.

CONCLUSION AND FINAL DECISION OF THE ZONING BOARD OF APPEALS

1. **Special Use.** For all the above reasons, the ZBA finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance.
2. The ZBA hereby APPROVES the Applicant's applications for special use, and pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special uses SUBJECT TO THE FOLLOWING CONDITIONS: (1) The special use is issued solely to the Applicant; and (2) the development is consistent with the design and layout of the design notes, site plan notes, proposed ground floor and proposed second floor plans and proposed elevations dated April 14, 2023 and occupancy plans dated September 26, 2021, all prepared by Grand Designs, LLC.

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

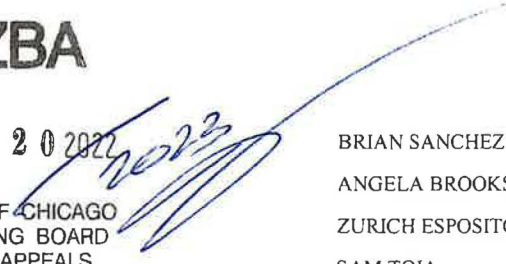
APPLICANT: GPS Kostner, LLC Cal. No.74-23-S
APPEARANCE FOR: Richard Toth **MINUTES OF MEETING:**
February 17, 2023
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1628-30 N. Kostner Avenue

NATURE OF REQUEST: Application for a special use to establish a single lane drive-through with a by-pass lane to serve a proposed one-story retail building (Garrett's Popcorn Shop).

ACTION OF BOARD – APPLICATION APPROVED

ZBA

MAR 20 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:

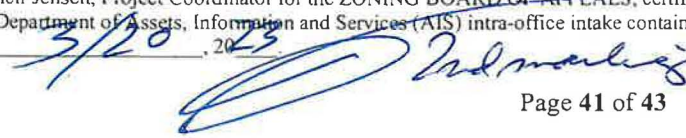
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: the special use is issued solely to the applicant, GPS Kostner, LLC, and the development is consistent with the design and layout of the Site Plan, Site Plan-Overall, Site Plan - Autoturn and Elevations, dated July 22, 2022, and Floor Plan, dated May 23, 2022, all prepared by Design Studio 24, LLC; and Landscape Plan and Details & Specifications, dated July 25, 2022, prepared by Planned Environment Associates.

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 3/20/23.



APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: LeAnthony Brown / Fathers, Brothers, Sons, Inc.

Cal. No.: 310-22-Z

APPEARANCE FOR: David Kadzai

MINUTES OF MEETING:
February 17, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 8215 S. LaSalle Street

NATURE OF REQUEST: Application for a variation to reduce the north side setback from 4' to 1.82' (south to be 3.71') combined side yard setback from 9' to 5.53' for a proposed second floor addition and a rear two-story addition with open deck and balcony for the existing single-family residence.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

MAR 20 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 February 17, 2023 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 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 permitted variation to reduce the north side setback to 1.82' (south to be 3.71') combined side yard setback to 5.53' for a proposed second floor addition and a rear two-story addition with open deck and balcony for the existing single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

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 3/20/23.

20
2nd reading 5/15/23

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Jann Dragovich

Cal. No.329-22-S

PEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
February 17, 2023

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2350 N. Clybourn Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor by converting an existing commercial unit in an existing three-story, two dwelling unit building to a three-story, three dwelling unit building.

ACTION OF BOARD – Continued to August 18, 2023

ZBA

MAR 20 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