

DECEMBER 18, 2020

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

APPLICANT: Jonathan L. Guzman

Cal. No. 406-20-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:

December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3051 W. Cermak road

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Reuven Stein

CAL NO.: 407-20-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2939 W. Jarlath Street

NATURE OF REQUEST: Application for a variation to reduce the west side setback from the minimum required 4.2' to 4.07', east side setback to 4.18', combined side setback from 12.6' to 8.25' for a proposed two-story rear addition and a rear deck for the existing two-story, single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

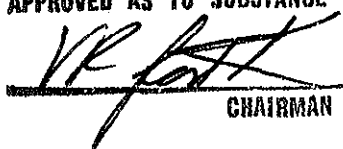
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the west side setback to 4.07', east side setback to 4.18', combined side setback to 8.25' for a proposed two-story rear addition and a rear deck for the existing two-story, single family residence; an additional variation was granted to the subject property in Cal. No. 408-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

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



FEB 23 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Evan and Caroline Lieberman

APPLICANTS

409-20-Z
CALENDAR NUMBER

2114 W. Belmont Ave

PREMISES AFFECTED

December 18, 2020

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is denied.

AFFIRMATIVE NEGATIVE ABSENT

Timothy Knudsen,
Chairman
Zurich Esposito
Brian Sanchez
Jolene Saul
Sam Toia

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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 2114 W.
BELMONT STREET BY EVAN & CAROLINE LIEBERMAN.**

I. BACKGROUND

Evan and Caroline Lieberman (the "Applicants") submitted a variation application for 2114 W. Belmont Avenue (the "subject property"). The subject property is currently zoned C1-2 and is improved with a three-story, three dwelling unit condominium building (the "building"). The Applicants own and reside in the duplex unit on the first floor and basement of the building. The Applicants proposed to erect a garage roof deck on the top of the detached garage at the rear of the building. They further proposed to erect an access bridge that would connect the rear stair system of the building to said garage roof deck (the "access bridge"). In order to allow the construction of the access bridge, the Applicants sought a variation to reduce the rear setback from the required 30' to 2'.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing¹ on the Applicants' variation application at its regular meeting held on December 18, 2020, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the

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

Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicants had submitted their proposed Findings of Facts. In accordance with the ZONING BOARD OF APPEALS' Emergency Rules (eff. September 9, 2020)² the Applicants had submitted all documentary evidence by 5:00 PM on Monday, December 14, 2020. One of the Applicants Mr. Evan Lieberman was present. 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.

One of the Applicants Mr. Evan Lieberman offered testimony in support of the application.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Lieberman provided further testimony.

B. Criteria for a Variation

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

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

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

² 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.

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

III. FINDINGS OF FACT.

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

1. *The Applicants failed to prove that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property.*

It is up the Applicants to prove their case. The burden is not on the ZONING BOARD OF APPEALS. The Applicants proved no credible evidence for this criterion. The ZONING BOARD OF APPEALS fails to see how strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. The sole purpose of the variation is to erect an access bridge between the existing rear stair system of the building and the proposed garage roof deck. However, the subject property is rectangular in shape and its dimensions are standard for a Chicago lot (125' in depth by 25' in width). Thus, the subject property can provide access to a garage roof deck via a stair from grade to the garage roof deck pursuant to Section 17-17-309 of the Chicago Zoning Ordinance. Indeed, Mr. Lieberman began his case to the ZONING BOARD OF APPEALS with the concession that a stair from grade to the proposed garage roof deck pursuant to Section 17-17-0309 of the Chicago Zoning Ordinance was "Option 1" for the Applicants to access the proposed garage roof deck while the proposed variation was "Option 2." No doubt – as Mr. Liebermann argued at the hearing – that the proposed variation would be more convenient to the Applicants in that it would cost far less ("a quarter of the price") and would allow the Applicants to keep more at-grade open space ("And if you create a staircase in that gravel area, we'll lose [outdoor] common space"). However, the standard for a variation is not whether the variation would be more convenient for the Applicants (or the other condominium unit owners) but rather that the lack of variation is a practical difficulty or particular hardship for the *subject property*. In this case, there is no practical difficulty or particular hardship for the subject property as the subject property can fully support access to the proposed garage roof deck in strict compliance with the Chicago Zoning Ordinance.

In addition, the ZONING BOARD OF APPEALS does not find at all credible the Applicants' argument that because children reside in the building, preserving the at-grade outdoor space is necessary. First, even if true, this is a problem personal to the Applicants and the other condominium owners rather than a problem with respect to the subject property. Second, any argument regarding the busyness of Belmont Avenue must be rejected. The Applicants provided no evidence that Belmont Avenue is any busier than any other arterial street in the City, and it is not at all unusual in this City for people (even with children) to reside in buildings that front arterial streets. Third, it is purely speculative to conclude that a reduction in at-grade rear outdoor space would force children to play alongside Belmont Avenue. It is equally likely (as pointed out by the Chairman at the hearing) to conclude that children would be taken to a nearby park. Fourth, and as can clearly be seen from the photographs submitted by the Applicants, the at-grade outdoor space is covered in landscaping rocks (or, in the words of Mr. Lieberman, "gravel") and contains the building's mechanicals. While it may be a common element for the building, it is very clearly not any sort of common recreational space -- let alone a play area for children.

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

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

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

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

It is up to the Applicants to prove their case. The burden is not on the ZONING BOARD OF APPEALS. The ZONING BOARD OF APPEALS does not find credible the Applicants' argument that an installation of a stair to the proposed garage roof deck in compliance with Section 17-17-0309 of the Chicago Zoning Ordinance would "substantially reduce the usable common space which was previously included in the valuation of each [condominium] unit."³ At the hearing, Mr. Lieberman conceded that one of the conditions of the Applicants' purchase of their condominium unit was that the building's developer amend the condominium association's documents⁴ to ensure that the Applicants had the ability to access any future garage roof deck via either a stair in compliance with Section 17-17-0309 or the access bridge. He further conceded that at the time of this amendment, the developer still controlled the condominium association because none of the units had been sold. Therefore, at the time of sale, any future condominium unit owner (including the Applicants) was on notice that the at-grade open space could be reduced by a stair to a garage roof deck. From Mr. Lieberman's testimony, it is clear that all condominium units in the building have been sold. Thus, the subject property is able to realize a reasonable return without the variation. Elsewise, the developer would not have been able to sell any of the condominium units.

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

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or a particular hardship. Even assuming that an inability to have an access bridge from one's rear stair system to one's garage roof deck is a practical difficulty or particular hardship (which the ZONING BOARD OF APPEALS rejects), such an inability is not due to unique circumstances. The Chicago Zoning Ordinance does not allow for an access bridge from one's rear stair structure to one's garage roof deck as such an access bridge is an unpermitted obstruction in the rear and side yard setbacks. Therefore, the inability to have an access bridge from one's rear stair system to one's garage roof deck is a condition generally applicable to all property improved with residential buildings in the City.

³ The ZONING BOARD OF APPEALS also does not find credible the conclusory averments set forth in paragraph five of Mr. Lieberman's affidavit. Mr. Lieberman provided no grounds for such a conclusion, such as a background in real estate appraisal.

⁴ Mr. Lieberman referred to these documents as "HOA documents."

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

It is up to the Applicants to prove their case. The burden is not on the ZONING BOARD OF APPEALS. The Applicants provided no credible evidence as to this criterion. The Applicants' argument in their proposed Findings of Fact was that the proposed roof deck would be constructed similarly to other garage roof decks in the area. However, the Applicants failed to address how other garage roof decks in the area were accessed. Nor does Exhibit D-4 provide any clarity. Exhibit D-4 is a very blurry printout from Google satellite view with handwriting indicating that there are three buildings to the east of the subject property that have "same setback as requested for garage roof deck." However, the Applicants do not state that the setbacks on these three properties were reduced so that these properties could have access bridges similar to what the Applicants propose. Nor is the picture quality sufficient enough for the ZONING BOARD OF APPEALS to see if these properties have access bridges similar to what the Applicants propose. Nor can three properties, in and of themselves, be said to prove the essential character of any neighborhood.

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

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

There is nothing about the particular physical surroundings, shape or topographical condition of the subject property that results in particular hardship upon the Applicants. The subject property is of standard dimensions and shape. The improvements on the subject property are also standard, consisting as they do of a principal building (i.e., the building) and a detached, accessory building (i.e., the garage). The improvements are new construction and are located within their required setbacks. As stated above, the Applicants can provide access to the proposed garage roof deck in strict compliance with the Chicago Zoning Ordinance. The ZONING BOARD OF APPEALS finds that the inability to have an access bridge connecting the garage roof deck to the rear stair system to be – at most – a mere inconvenience.

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

This only purpose for this variation is to erect the proposed access bridge. But, as noted above, all property in the City would require a variation to erect an access bridge that connects a garage roof deck to a rear stair system. This is because (as also noted above) such access bridge is not permitted under the Chicago Zoning Ordinance because it is an unpermitted obstruction in the rear and side setbacks. Thus, the conditions upon which the petition for the variation is based (i.e., the desire to have an access bridge) are applicable, generally, to other property within the C1-2 zoning classification.

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

The ZONING BOARD OF APPEALS finds that the purpose of the variation is not exclusively to make more money out of the property but to provide the Applicants with access to a proposed garage roof deck in a manner that will not diminish the at-grade outdoor space.

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

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or particular hardship. Even if the Applicants' inability to build an access bridge constituted a practical difficulty or particular hardship, such practical difficulty or particular hardship is attributable to the Applicants. This is not a scenario where the Applicants are unable to construct access to a proposed garage roof deck without a variation. As previously mentioned, the Chicago Zoning Ordinance allows for the construction of stairs to access a garage roof deck. When the Applicants purchased the subject property, the developer did not provide a garage roof deck. As Mr. Lieberman testified, the developer specified that constructing the garage roof deck and providing corresponding access to it would be the responsibility of the Applicants. Mr. Lieberman conceded that the Applicants had purchased their unit despite receiving no assurances from the developer that they would be able to build an access bridge. If an inability to build the access bridge is a difficulty or hardship, it is due, in part, to the Applicants' preference for an access bridge over a stair in compliance with Section 17-17-0309, as well as their decision to purchase their unit despite the developer's caveat that construction of the garage deck was their sole responsibility and that there was no assurance that an access bridge would be permitted.

5. *There is insufficient evidence to show that granting 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.*

It is up to the Applicants to prove their case. The burden is not on the ZONING BOARD OF APPEALS. The only reference to this criterion – either at the hearing or in the Applicants' proposed Findings of Fact – is the Applicants' argument that the changes from the variation are confined "to the four corners of the property line." The ZONING BOARD OF APPEALS declines to give credence to the argument that a variation that occurs wholly within property lines will have no effect on neighboring property. After all, all variations occur wholly within the property lines of the property at issue.

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

Again, it is up to the Applicants to prove their case. The burden is not on the ZONING BOARD OF APPEALS. The only reference to adequate light and air – either at the hearing or in the Applicants' proposed Findings of Fact – is a brief conclusory averment. Such conclusory averment does not meet the Applicants' burden. As the variation will not affect the required on-site parking, the variation will not substantially increase the congestion in the public streets. As the access bridge would only be built pursuant to a valid building permit, it would not increase the danger of fire or endanger the public safety. However, there is insufficient evidence for the ZONING BOARD OF APPEALS to find that the variation will not substantially diminish or impair property values in the neighborhood. For instance, the Applicants provided no market studies or other evidence (such as testimony from a realtor) to show that the proposed access bridge will not impair property values of other residential properties in the neighborhood, particularly residential properties that are on the same side of the block.

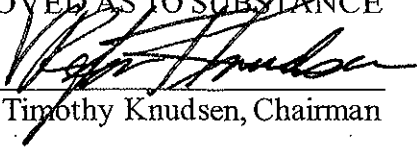
IV. CONCLUSION

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

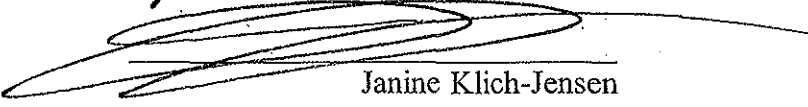
The ZONING BOARD OF APPEALS hereby denies the Applicants' application for a variation.

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify
that I caused this to be placed in the mail on 2/22, 2021.


Janine Klich-Jensen

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

APPLICANT: A Plus Cutz / Damon Cole

Cal. No. 410-20-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6278 W. North Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

THE RESOLUTION:

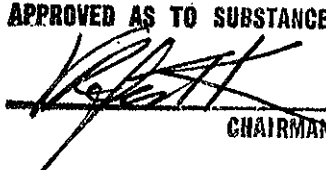
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on December 3, 2020; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Alverna Development

CAL NO.: 411-20-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:

December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2518 W. Diversey Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 10' to 3.42', west side setback from 2' to zero for a proposed four-story, eight dwelling unit building with eight parking spaces.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 3.42', west side setback to zero for a proposed four-story, eight dwelling unit building with eight parking spaces; 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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Steppenwolf Theatre Company

CAL NO.: 412-20-Z

APPEARANCE FOR: Liz Butler

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1650 N. Halsted Street

NATURE OF REQUEST: Application for a variation to eliminate the required interior landscape (approximately 563 square feet and five interior trees), eliminate the 7' landscape setback (with one tree and shrubs) along Halsted Street (one side of driveway only), to permit 4' high ornamental metal fence to be installed at the property line instead of 5' from the property line for a four-story theater with existing on-site parking lot.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to eliminate the required interior landscape (approximately 563 square feet and five interior trees), eliminate the 7' landscape setback (with one tree and shrubs) along Halsted Street (one side of driveway only), to permit 4' high ornamental metal fence to be installed at the property line instead of 5' from the property line for a four-story theater with existing on-site parking lot; 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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

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



FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Julia Dryden and Robert Burciaga

APPLICANTS

413-20-Z
CALENDAR NUMBER

4520 N. Virginia Avenue

PREMISES AFFECTED

December 18, 2020

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the
variation is denied.

AFFIRMATIVE NEGATIVE ABSENT

Timothy Knudsen,
Chairman
Zurich Esposito
Sylvia Garcia
Jolene Saul
Sam Toia

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 4520 N.
VIRGINIA AVENUE BY JULIA AND ROBERT BURCIAGA**

I. BACKGROUND

Julia Dryden and Robert Burciaga (the "Applicants") submitted a variation application for 4520 N. Virginia Avenue (the "subject property"). The subject property is currently zoned RS-2 and is currently improved with a single-family home (the "home"). The Applicants proposed to construct an addition to the home. In order to permit the addition, the Applicants sought a variation to reduce: (1) the north side setback from the required 6.5' to 6.46'; (2) the combined side setback from 19.5' to 12.67'; and (3) the rear setback from 35' to 28.33'.¹

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing² on the Applicant's variation application at its regular meeting held on December 18, 2020, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the

¹ When the Applicants originally filed their application, they applied for an additional request to reduce the south side setback from the required 6.5' to 6.21'. However, the Applicants withdraw this request at the hearing.

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

Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Facts. One of the Applicants Ms. Julia Dryden and the Applicants' attorney Ms. Kate Duncan were present at the hearing. The Applicant's architect Mr. Jordan Wankel was also present. Testifying in opposition to the application were Mr. Bill Dietz, Ms. Louise Frank, Mr. Michael Battin and Ms. Felicia Ferrone (collectively, the "Objectors"). The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules.

The Applicants' attorney Ms. Kate Duncan offered background on the application.

One of the Applicants Ms. Julia Dryden offered testimony in support of the application.

The Applicant's architect Mr. Jordan Wankel offered testimony in support of the application.

Ms. Duncan then made further statements with respect to the application.

Mr. Bill Dietz, of 2622 W. Sunnyside, offered testimony in opposition to the application.

In response to questions from Mr. Dietz, Mr. Wankel offered further testimony.

Ms. Louise Frank, of 4519 N. Virginia, offered testimony in opposition to the application.

In response to questions from Ms. Frank, Mr. Wankel offered further testimony.

Mr. Michael Battin, of 4530 N. Virginia, offered testimony in opposition to the application.

Ms. Felicia Ferrone, of 4516 N. Virginia, offered testimony in opposition to the application.

In response to the Objectors' testimony, Ms. Duncan made a rebuttal.

In response to further questions from the ZONING BOARD OF APPEALS, Ms. Duncan made further statements and Mr. Wankel offered further testimony.

In response to Ms. Dryden's and Mr. Wankel's testimony, Mr. Battin and Ms. Ferrone offered further testimony.

In response to questions from the ZONING BOARD OF APPEALS, Ms. Duncan made further statements; Ms. Dryden, Mr. Wankel, Mr. Battin and Ms. Ferrone offered further testimony.

Ms. Duncan then made a brief closing statement.

B. Criteria for a Variation

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

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

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

III. FINDINGS OF FACT.

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

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

While the Chicago Zoning Ordinance may cause inconvenience to the Applicants, the Chicago Zoning Ordinance does not create any practical difficulties or particular hardships for the *subject property*. Indeed, the ZONING BOARD OF APPEALS agrees with Mr. Dietz's assessment that any hardship faced by the Applicants is "a chosen hardship as opposed to a constraint of the lot." For instance, although the subject property lacks a rear alley, the ZONING BOARD OF APPEALS notes that this lack of rear alley does not impede the subject property from having a garage. On the contrary, the subject property – like almost all of the properties in the neighborhood³ – currently has a garage at the rear of the subject property. Nevertheless, the Applicants deliberately chose a program of development for the subject property that would demolish this existing garage and instead construct a garage that is more convenient for them.

Similarly, the home on the subject property (including its existing foundations) is not a hardship for the subject property. The Applicants also argue that under the RS-2 zoning classification, they are entitled to a two-story home but that the foundations and walls of the existing home constrain the Applicants' ability to have a two-story home. However, the ZONING BOARD OF APPEALS does not find this argument credible. First, simply because the RS-2 zoning classification allows for a two-story home does not mean that all RS-2 property is entitled to a two-story home. Second, the ZONING BOARD OF APPEALS agrees with the Objectors that it is completely disingenuous to categorize the existing walls and foundation of the home "hardships." After all, the Applicants will be removing (to use Mr. Wankel's own words) "a fair portion"⁴ of the existing walls and will, in fact, be pouring a new concrete slab.⁵ The ZONING BOARD OF APPEALS fully agrees with Mr. Battin that, "These are not – these are not actual hardships. These are choices." These are also choices that are for the Applicants' convenience as they are cost-saving measures.

³ As stated at the hearing and as can be seen from the photographs in the Applicants' proposed Findings of Fact, the home at 4516 N. Virginia (i.e., Ms. Ferrone's home) has a one-car attached garage. This is because the property at 4516 N. Virginia is a triangular lot and although it has 53' of lot width at the front of the property it is only 27' wide at the rear of the property. The oddness of the lot size may be seen from the City's zoning map.

⁴ There is also Mr. Battin's insightful testimony that "the north wall and the rear wall and the west wall are being so substantially modified with the existing window openings blocked up and the new window openings cut in that you might as well take down the whole wall. So you know, what I would suggest here though is that all this is being done to maintain what are encroachments and not as a result of a hardship."

⁵ Or as Mr. Wankel testified at the hearing "We are – the concrete slab is currently in pretty bad shape, it's not flat, and there has been some water issues over the years. So we are essentially starting fresh from especially like the inside of the floor." The removal of the slab can also be seen on the Applicants' demolition plans.

After all, this is not the case of a landmarked home, where the Applicants would in fact be constrained by the home's existing walls. If the Applicants truly wish to have a two-story home on the subject property, the Applicants are free to demolish the existing home and the existing foundations at any time and build a new two-story home on the subject property. Unlike the property directly south at 4516 N. Virginia, the subject property is regular in shape. It is comprised of a bit more than a double lot⁶ and is 65.08' wide by 125' in depth. There is no doubt that if the Applicants were to demolish the existing home, the subject property's size, regular shape and RS-2 zoning classification would allow for a two-story home to be constructed on the subject property in full compliance with the Chicago Zoning Ordinance. The Applicants argue that they cannot afford to do this. This may be so⁷, but this is not a practical difficulty or particular hardship for the *subject property*. That is a problem solely personal to the Applicants and does not affect the lot in question.

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

Pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance, the purpose and intent of the Chicago Zoning Ordinance is to "protec[t] the character of established residential neighborhoods." The requested variation will allow the Applicants' to build the proposed addition, and the proposed addition will not protect the character of the established residential neighborhood because it will irrevocably alter the character of the residential neighborhood. The ZONING BOARD OF APPEALS finds the Objectors to be very credible witnesses and agrees with their testimony that street-facing garages with garage rooftop decks are not in keeping with the character of this neighborhood. Indeed, even the Applicant's architect Mr. Wankel conceded that he was not aware of any garage rooftop decks in the neighborhood. The ZONING BOARD OF APPEALS declines to find the 4600 block of N. Virginia part of the neighborhood in question, as the north end of the 4500 block of N. Virginia ends in a cul-de-sac and does not connect with the 4600 block of N. Virginia. Thus, the prevalence of front-facing garages on the 4600 block of N. Virginia are not at all relevant.

Pursuant to Section 17-1-0513 of the Chicago Zoning Ordinance, the purpose and intent of the Chicago Zoning Ordinance is to "establis[h] clear and efficient development review and approval procedures." One such procedure is the

⁶ It is, in fact, the widest lot on the block and is more than twice the width of a standard City lot (i.e., a lot that is 25' wide x 125' deep).

⁷ As noted above, the ZONING BOARD OF APPEALS did not find the Applicants' arguments credible. In contrast, the ZONING BOARD OF APPEALS found the Objectors to be very credible.

requirement that the ZONING BOARD OF APPEALS may not approve a variation unless it makes findings, based on the evidence submitted to it in each case, that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. Since the ZONING BOARD OF APPEALS declines to find that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property, the requested variations are not consistent with the Chicago Zoning Ordinance's clear and efficient development review and approval procedures.

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

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

The Applicants argue that a two-story home is "standard" in the RS-2 zoning district, and that without a two-story home the subject property will not be able to yield a reasonable return. There is no support for this. The RS-2 bulk and density standards do not provide for how many floors are "standard" in the district. Instead, the bulk and density standards are concerned with minimum lot area, maximum floor area ratio and maximum building height (along, of course with setbacks). Thus, at best, it may be said that the maximum building height in a RS-2 district is 30' (which would allow, in certain situations, for a two-story home). But it does not follow that every building in a RS-2 district *must* be 30' in height or that a 30' high building is somehow a "standard" of the RS-2 district.

It is clear from the Applicants' proposed Findings of Fact and the testimony and statements elicited at the hearing that the Applicants desire a two-story home and attached two-car garage and that they desire this two-story home and attached two-car garage to be located in this particular neighborhood. But simply because the Applicants desire a particular style of house and garage does not, in and of itself, make the *subject property* unable to yield a reasonable return.

After all, the subject property is currently improved with the home and a rear detached garage. The home is an older home in the bungalow style. As testified by the Objectors, this particular Ravenswood Gardens' neighborhood (and as can be seen from the photographs) is typified by older housing stock, primarily

bungalow style. With the exception of 4516 N. Virginia, all homes on the block have rear detached garages. With respect to the wider neighborhood (comprised, as credibly testified by Mr. Battin and as can be seen from the City's zoning map, of Virginia Avenue south of Wilson Avenue, Windsor Avenue west of Rockwell Street and Sunnyside Avenue west of Rockwell Street), the vast majority of homes have detached garages, and none have attached street-facing, two-car garages. This includes the homes (again with the exception of 4516 N. Virginia) that, like the subject property, border the Chicago River. Nor are all the homes in the neighborhood two stories. As can be seen from the plat of survey, the home at 4516 N. Virginia is a one-story home, and it was nevertheless purchased by Ms. Ferrone within the past two years. Indeed, from Ms. Ferrone's testimony it is clear that people move to and remain in the neighborhood due to the "uniqueness" of this older, bungalow style housing stock.

Thus, despite Applicants' arguments, it is clear that the subject property can yield a reasonable return without the requested variation in that it is a residentially zoned and is improved with a residential home and detached garage that are outwardly similar to other residential homes and detached garages in the immediate neighborhood. The floor plans of the existing home show a typical floor-plan for a bungalow, in that it is a three-bedroom, two-bathroom home with a separate living room, dining room and kitchen. There is also a full basement. There was no testimony that the home was in such poor condition that it was unlivable. In fact, Ms. Dryden's testimony was that the proposed addition was needed to accommodate her "growing family" not due to any structural problems with the home itself.

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

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or particular hardship. The lack of a rear alley is not a practical difficulty or particular hardship in this instance. The Objectors' testimony was very credible on this point. The subject property is regular in depth and is, in fact, overlarge in width. It can therefore handle a rear garage and side driveway with ease. Nor is it necessary to have a front-faced attached garage to deal with stormwater or erosion. In fact, the ZONING BOARD OF APPEALS agrees with Mr. Dietz that the removal of the side driveway will not create a significant reduction to the hardscape when compared to the proposed addition.

Indeed, the testimony at the hearing revealed that the only circumstance necessitating the attached garage was the alleged⁸ medical condition of Ms. Dryden's mother. Such a medical condition is personal to the Applicants and does not constitute a practical difficulty or particular hardship *for the subject property*. Even if the medical condition could be considered a practical difficulty or particular hardship for the subject property, the ZONING BOARD OF APPEALS finds that there is insufficient evidence to show that such a medical condition is a unique circumstance that is not generally applicable to other residential property. It is reasonable to infer that many people residing in residential property in the City may have medical conditions.

Similarly, the ZONING BOARD OF APPEALS declines to find the existing home and its existing foundations a practical difficulty or particular hardship. The ZONING BOARD OF APPEALS agrees with the Objectors (particularly Mr. Dietz and Mr. Battin) that keeping the existing home and its existing foundations is a design choice. The ZONING BOARD OF APPEALS further agrees with Mr. Battin that this design choice is "being done to maintain what are encroachments and not as a result of a hardship." Ms. Dryden's testimony was that the design choice of keeping the existing home and its existing foundations were all the Applicants could afford; however, is a not a unique circumstance, as many people in the City are financially constrained with respect to their ability to improve residential property.

3. *The variation, if granted, will alter the essential character of the neighborhood.*

The variation would allow the proposed addition. As the Objectors very credibly testified, the proposed addition would alter the essential character of the neighborhood. Of the forty-six (46) homes that comprise the immediate neighborhood, none have a street-facing, two-car garage. Further, there are no homes with a rooftop deck over a street-facing garage. If the variation were allowed, the unique historical look of the immediate neighborhood would be lost. The ZONING BOARD OF APPEALS agrees with Mr. Dietz and Ms. Ferrone that the proposed addition—particularly the proposed rooftop deck—is far more appropriate to the Wrigleyville area than Ravenswood Manor. In addition, the ZONING BOARD OF APPEALS does not, as noted above, find the 4600 block of N. Virginia is part of the neighborhood, as such 4600 block is separated from the 4500 block by a cul-de-sac; therefore, front-facing attached garages located on the 4600 block of N. Virginia are not relevant.

⁸ Alleged because Ms. Ferrone's point regarding the lack of an ADA-compliant bathroom in the in-law suite is well taken.

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

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

The subject property is regular in shape. At over twice the width of a standard City lot, the dimensions of the subject property cannot result in particular hardship upon the property owner.⁹ While the particular physical surroundings of the subject property are that it lacks a rear alley, the lack of a rear alley would not result in particular hardship for either the property owner (or the Applicants) if the strict letter of the Chicago Zoning Ordinance were carried out. In fact, and as noted above, the lack of the rear alley does not in any way prohibit the subject property from having a garage. Thus, the lack of a rear alley is, at most, a mere inconvenience. With respect to the topographical condition of the subject property, there was no testimony that the subject property had a severe change in grade from either front to rear or with respect to neighboring properties. The improvements on the subject property are not landmarked, and thus the Applicants are not compelled to keep the existing home and existing foundations on the subject property. Indeed, Ms. Dryden's testimony is that the Applicants originally did consider tearing down the existing home in order to have a two-story home on the subject property but were prohibited due to lack of funds. However, this lack of funds does not result in particular hardship upon the property owner Mr. Eloy Burciaga. It also does not result in particular hardship upon the Applicants. The Applicants argue that they need a two-story addition for their second child. However, the existing home has three bedrooms as well as a basement that could be converted into additional bedrooms (as it has a bathroom with a shower). At best, the inability to have a 4000 square foot home is a mere inconvenience.

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

Despite the arguments advanced by the Applicants, the actual conditions upon which the Applicants base their petition for variation are: (1) Ms. Dryden's mother's alleged medical condition (the combined setback reduction for the attached garage); (2) the Applicants' "growing family" (the rear setback reduction and the north side setback for the second floor addition); and (3) the Applicants'

⁹ The subject property's owner is Mr. Robert Burciaga's father Mr. Eloy Burciaga.

budgetary constraints (again, the rear setback reduction and the north side setback reduction for the second floor addition). It is up to the Applicant to prove their case. The Applicants failed to show that these three relatively universal conditions – health, children and money – are conditions that are not applicable, generally, to those residing on other property within the RS-2 zoning classification.

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

The Applicants desire to have a bigger home and attached garage for their personal convenience. Thus, the purpose of the variation is not based exclusively upon a desire to make more money out of the subject property.

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

The Applicants clearly created the alleged practical difficulty or particular hardship in this instance due to their design choices for the proposed addition. However, it does not appear that the Applicants *presently* have an interest in the subject property. Ms. Dryden averred that Mr. Robert Burciaga's father Mr. Eloy Burciaga owned the property and would be "giving" or "providing" the subject property to the Applicants. As such, the ZONING BOARD OF APPEALS finds that, to the extent a practical difficulty or particular hardship exists, it was not created by Mr. Eloy Burciaga.

5. *The granting the variation will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

Granting the variation will allow for the proposed addition. The proposed addition will be injurious to other property or improvements in the neighborhood as it will irrevocably alter the character of the neighborhood. The ZONING BOARD OF APPEALS agrees with the Objectors that the proposed addition – particularly the attached garage and garage rooftop deck – is not at all appropriate for the Ravenswood Manor neighborhood. Further, the elevations of the proposed addition show that the proposed addition would remove all bungalow style details from the home. Both of these conditions will be injurious to the historical housing stock of the Ravenswood Manor neighborhood in general. Further, the proposed addition will be (as discussed in more detail below) injurious to the properties at 4516 N. Virginia and 4520 N. Virginia in particular.

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

Granting the variation will impair an adequate supply of light to the adjacent property next south at 4516 N. Virginia. The ZONING BOARD OF APPEALS finds Ms. Ferrone to be a very credible witness with respect to this fact, especially given her background in architecture and design. If the variation were granted, the proposed two-car garage would block all natural light into Ms. Ferrone's bedroom. The ZONING BOARD OF APPEALS also finds that granting the variation will impair an adequate supply of light to the adjacent property next north at 4530 N. Virginia. The ZONING BOARD OF APPEALS finds Mr. Battin to be a very credible witness and agrees with him that by allowing the Applicants to add a second floor that extended into the rear setback would have a large (and decidedly negative) impact on his property. Granting the variation would not substantially increase congestion in the public street as the variation would allow the Applicants to build a two-car garage. As the proposed addition would not be built unless and until a valid building permit were issued, the variation would not increase the danger of fire or endanger the public safety. However, the variation would substantially diminish or impair property values within the neighborhood, especially the properties at 4516 N. Virginia and 4530 N. Virginia.

IV. CONCLUSION

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

The ZONING BOARD OF APPEALS hereby denies the Applicants' application for a variation.

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the mail on 2/22, 2021.



Janine Klich-Jensen

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

APPLICANT: Jorge Sanchez

CAL NO.: 414-20-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2647 W. 23rd Place

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 3,000 square feet to 2,978.4 square feet for a proposed two-story, three dwelling unit building and two unenclosed parking spaces.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum lot area to 2,978.4 square feet for a proposed two-story, three dwelling unit building and two unenclosed parking spaces; an additional variation was granted to the subject property in Cal. No. 415-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Jorge Sanchez

CAL NO.: 415-20-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
December 18, 2020

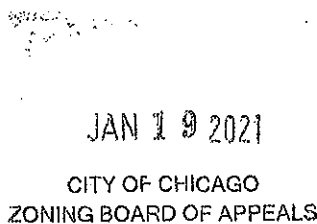
APPEARANCE AGAINST: None

PREMISES AFFECTED: 2647 W. 23rd Place

NATURE OF REQUEST: Application for a variation to reduce the required off-street parking from three spaces to two spaces for a proposed two-story, three dwelling unit building with two unenclosed parking spaces.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE


 JAN 19 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the required off-street parking to two spaces for a proposed two-story, three dwelling unit building with two unenclosed parking spaces; an additional variation was granted to the subject property in Cal. No. 414-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 2604 North Campbell Avenue, LLC Cal. No. 416-20-S

APPEARANCE FOR: Nicholas Ftikas MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3604 N. Campbell Avenue / 2502-10 W. Addison Street

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

ACTION OF BOARD-
Continued to January 15, 2021

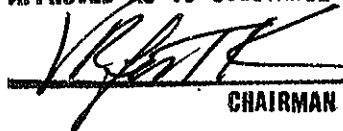
THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Raina 87th Ryan, LLC Cal. No. 417-20-S

PEARANCE FOR: Nicholas Ftikas MINUTES OF MEETING:

December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 133 W. 87th Street

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 20; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Raina 87th Ryan, LLC, and the development is consistent with the design and layout of the Site Details, Floor Plan, Elevations, and Landscape Details dated August 7, 2020, and the Site Demo Plan, Site Plan, and Landscape Plan dated December 15, 2020, prepared by Nick Scarlatis & Associates, Ltd.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

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



FEB 22 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

MKAWBP, LLC dba Chicago Super Pawn
APPLICANT

418-20-S
CALENDAR NUMBER

3129 W. Armitage Avenue
PREMISES AFFECTED

December 18, 2020
HEARING DATE

ACTION OF BOARD

THE VOTE

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

Timothy Knudsen,
Chairman
Zurich Esposito
Brian Sanchez
Jolene Saul
Sam Toia

AFFIRMATIVE NEGATIVE ABSENT

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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 3129 W.
ARMITAGE AVENUE BY MKAWBP, LLC DBA CHICAGO SUPER PAWN.**

I. BACKGROUND

MKAWBP, LLC dba Chicago Super Pawn (the "Applicant") submitted a special use application for 3129 W. Armitage Avenue (the "subject property"). The subject property is currently zoned B3-1 and is improved with a one-story commercial building (the "strip mall") with accessory onsite parking. The Applicant proposed to establish a pawn shop in an existing tenant space in the strip mall. To permit this, the Applicant sought a special use. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Zoning Administrator") recommended approval of the pawn shop, provided the special use was issued solely to the Applicant and the development was consistent with the design and layout of the floor plan dated as of September 23, 2020, prepared by Funke Architects.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing¹ on the Applicant's special use application at its regular meeting held on December 18, 2020, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Fact. The Applicant's manager Mr. Wally Posner and its attorney Mr. Nicholas Ftikas were present. The Applicant's MAI certified real estate appraiser Mr. Terrence O'Brien was present. Testifying in opposition to the application were Alderman Daniel La Spata (the "Alderman") and the Alderman's policy director Mr. Nicholas Zettel. 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. September 9, 2020).²

The Applicant's attorney Mr. Nicholas Ftikas gave an overview of the Applicant's application. Mr. Ftikas then clarified an error in the affidavit of Mr. Posner.

The Applicant offered the testimony of its manager Mr. Wally Posner in support of the application.

The Applicant offered the testimony of its MAI certified real estate appraiser Mr. Terrence O'Brien in support of the application.

In response to questions from the Zoning Board of Appeals, Mr. Posner offered further testimony.

The Alderman offered testimony in opposition to the application.

The Alderman's policy director Mr. Nicholas Zettel offered testimony in opposition to the application.

In response to question from Mr. Zettel, the ZONING BOARD OF APPEALS provided clarification.

In response to a question from Mr. Zettel, Mr. Ftikas provided further clarification.

In response to Mr. Ftikas' statement, Mr. Zettel offered further testimony.

In response to a question from the ZONING BOARD OF APPEALS, the Alderman offered further testimony.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Posner offered further testimony.

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

² Such Emergency Rules were issued by the Chairman of the Zoning Board of Appeals in accordance with his emergency.

In response to a question from the ZONING BOARD OF APPEALS, the Alderman offered further testimony.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Posner offered further testimony.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Ftikas made further statements.

Mr. Zettel made a closing statement.

Mr. Ftikas provided a clarifying statement and then made a closing statement.

B. 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.

III. FINDINGS OF FACT

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

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

The subject property is zoned B3-1. As a pawn shop is a special use in B3 zoning districts, the Applicant requires a special use. The Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special use that brings it before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the special use to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience as it will offer an alternative, secondary financial market for the surrounding community. It will also provide retail options for the surrounding community. Additionally, the pawn shop will offer watch and jewelry repair and customization services to the community. The proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community. Mr. Posner currently operates a pawn shop less than a mile away from the subject property (the "existing pawn shop"). Mr. Posner has operated the existing pawn shop for the last five and a half years.³ The ZONING BOARD OF APPEALS finds Mr. Posner to be a very credible witness, and it is apparent from his testimony that the existing pawn shop is run responsibly. Mr. Posner has established a variety of methods by which the existing pawn shop safeguards against the acceptance of stolen merchandise. Such safeguards will continue to be utilized in the proposed special use when the Applicant closes the existing pawn shop and relocates to the subject property.

Based on Mr. Posner's testimony regarding how the Applicant currently operates the existing pawn shop, the ZONING BOARD OF APPEALS agrees with Mr. O'Brien's assessment that the proposed special use will be harmonious and compatible with other land uses in the area.

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

The proposed special use will be located entirely within an existing retail space in the strip mall. The Applicant does not intend to expand or modify the exterior of the building in order to accommodate the proposed special use. As testified by Mr. O'Brien, the subject property is located at the southeast corner of Kedzie and Armitage. Both Kedzie and Armitage are primary thoroughfares at this location, and the majority of property (with the exception of just south of the subject property⁴) within a block is business or commercial in nature. The proposed special use – as a business or commercial use – is therefore compatible with the character of the surrounding area in terms of site planning and building scale and project design.

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

³ Prior to this, Mr. Posner was employed by the Chicago Mercantile Exchange.

⁴ The residential property to the immediate south of the subject property is separated from the commercial use to the north by an alley. This is common in the City, where commercial properties facing arterial streets such as Kedzie are separated from residential use at the rear by an alley running parallel to the arterial street.

As noted above, the proposed special use will be located within an existing retail space in the strip mall. Other uses in the strip mall include a smoke shop, a deli and Subway restaurant. Immediately to the east of the subject property is a laundromat. Mr. Posner credibly testified that the proposed special use would maintain the same operating hours as the existing pawn shop (10:00 AM – 5:00 PM, Monday through Friday; 10:00 AM – 6:00 PM, Saturdays). As Mr. O'Brien noted in his report, the proposed special use's hours of operation will be less intense than many of the nearby existing retail and commercial uses. Such hours will also not conflict with the residential use to the south of the subject property, especially as such residential use is separated from the subject property by an alley. The subject property is located at the corner of two major streets: Kedzie Avenue and Armitage Avenue. Thus, the area will be able to easily accommodate any traffic generated by the proposed special use. As is evident from the Applicant's photos and as discussed by Mr. O'Brien at the hearing, there is ample parking available on-site. Further, a pawn shop is not a use that would create abnormal or excessive noise or lighting.

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

The proposed special use will be located within an existing retail space in the strip mall. From the photos, it is apparent that pedestrian and vehicular traffic within the parking lot that serves the subject property is well-planned and separate. As set forth in Mr. O'Brien's report, no changes are being proposed to the subject property that would adversely affect pedestrian safety and comfort. No additional curb cuts or vehicular access points are contemplated. Thus, the proposed special use is designed to promote pedestrian safety and comfort.

IV. CONCLUSION

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

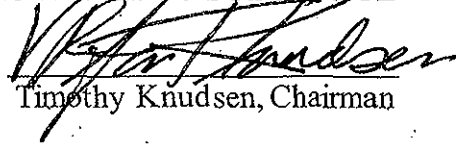
The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a special use, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use subject to the following condition:

1. The special use shall be issued solely to the Applicant; and
2. The development is consistent with the design and layout of the floor plan dated September 23, 2020, prepared by Funke Architects.

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:


Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify
that I caused this to be placed in the mail on 2/22, 2021.


Janine Klich-Jensen

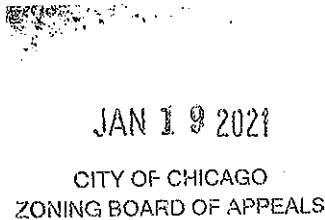
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: American Tower Corporation **CAL NO.:** 419-20-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
December 18, 2020
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1214 W. Grand Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 30' to 3.75' for proposed one-story equipment shelter and installation of new 10' tall chain link fence at an existing freestanding wireless facility with existing equipment shelter and monopole.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE


 JAN 19 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

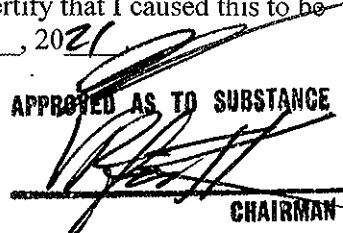
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 3.75' for proposed one-story equipment shelter and installation of new 10' tall chain link fence at an existing freestanding wireless facility with existing equipment shelter and monopole; 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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Fuzzy Urban Tails, LLC

Cal. No. 420-20-S

PEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
December 18, 2020

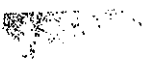
APPEARANCE AGAINST: None

PREMISES AFFECTED: 2608 W. Fullerton Avenue

NATURE OF REQUEST: Application for a special use to establish a dog boarding kennel and daycare.

ACTION OF BOARD-
Continued to January 15, 2021

THE VOTE



JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Rebecca and Keith Hales
APPLICANTS

421-20-Z
CALENDAR NUMBER

1116-18 N. Hoyne Avenue
PREMISES AFFECTED

December 18, 2020
HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is approved.

AFFIRMATIVE NEGATIVE ABSENT

Timothy Knudsen,
Chairman
Zurich Esposito
Brian Sanchez
Jolene Saul
Sam Toia

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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 1116-18 N.
HOYNE AVENUE BY REBECCA AND KEITH HALES.**

I. BACKGROUND

Ms. Rebecca and Mr. Keith Hales (the "Applicants") submitted a variation application for 1116-18 N. Hoyne Avenue (the "subject property"). The subject property is currently zoned RT-4 and is located in the Ukrainian Village Landmark District (the "District"). The subject property is improved with a single-family home (the "home") that is considered a contributing building in the District. The Applicants proposed to rehabilitate the home. As part of this rehabilitation, the Applicants proposed to construct a two-story addition to the home. Such addition included an attached garage. In order to permit the addition, the Applicant sought a variation to reduce: (1) the rear setback from 28.99' to 1'; (2) the minimum setback from the rear property line for garage access from the alley from 2' to 1'; and (3) the north side setback from 4' to 0.13' (south to be 26.02' and combined side setback to be 26.15').

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public remote hearing¹ on the Applicant's variation application at its regular meeting held on December 18, 2020, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the

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

Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicants submitted their proposed Findings of Fact. The Applicants and the Applicants' attorney Mr. Mark Kupiec were present. Also present on behalf of the Applicants were their architect Mr. Victor Drapzo and their MAI certified real estate appraiser Mr. Joseph M. Ryan. 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. September 9, 2020).²

The Applicant's attorney Mr. Mark Kupiec provided an overview of the Applicant's application.

One of the Applicants Mr. Keith Hales offered testimony in support of the Applicants' application.

The Applicants' architect Mr. Victor Drapzo offered testimony in support of the Applicants' application.

The Applicants' MAI certified real estate appraiser Mr. Joseph Ryan offered testimony in support of the Applicants' application.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Drapzo offered further testimony and Mr. Kupiec made further statements.

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

In response to questions by the ZONING BOARD OF APPEALS, Mr. Drapzo offered further testimony and Mr. Kupiec made further statements.

In response to question by the ZONING BOARD OF APPEALS, Mr. Hales offered further testimony and Mr. Kupiec made further statements.

B. Criteria for a Variation

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

Pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance, in order to determine that practical difficulties or particular hardships exist, the ZONING BOARD OF APPEALS must find evidence of each of the following: (1) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the

² Such Emergency Rules were issued by the Chairman of the ZONING BOARD OF APPEALS in accordance with his emergency rule-making powers set forth in the Rules of Procedure.

standards of the Chicago Zoning Ordinance; (2) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and (3) the variation, if granted, will not alter the essential character of the neighborhood.

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

III. FINDINGS OF FACT.

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

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

The subject property measures 49.66'³ wide by 103.54' deep. As a standard City lot is 125' deep, the subject property is therefore much shorter than an average City lot. Because the subject property is located in the District and the home is a contributing building in the District, the Chicago Commission on Landmarks ("Landmarks") has strict standards regarding any addition to the home; namely, that any addition cannot be visible from the street. Therefore, although the subject property consists of a double lot, the Applicants can only construct an addition to the home in the rear of the subject property. Moreover, the home itself (due to its age) is constructed in the north side setback and is thus nonconforming. As a result, strict compliance with the regulations and standards of the Chicago

³ Understandably, the Applicants round this up to 50' wide; however, the plat of survey does show 49.66'.

Zoning Ordinance would create practical difficulties or particular hardships for the subject property as, without the requested variation, an addition to the home could not be constructed.

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

The requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance in that it maintains the aesthetics of the District by ensuring that the home continues to contribute to the District; (2) protecting the character of established residential neighborhoods pursuant to Section 17-1-0503 by allowing the Applicants to construct an addition that will ensure that the streetscape is unaffected; (3) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance in that the addition will ensure that the standards of the District are maintained; and (4) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance in allowing the historic home to be adapted for modern living.

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 Applicants' application for a variation pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance:

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

The home on the subject property is currently in need of rehabilitation. As part of this rehabilitation, the Applicants propose an addition so that the home can have a modern floor plan and thus provide modern amenities for those residing in the home. As the Applicants intend to live in the home, the ZONING BOARD OF APPEALS finds reasonable return in this instance to be more in terms of livability of the home than monetary value. To that end, the Applicants require the proposed variation in order for the home to be livable.

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

The ZONING BOARD OF APPEALS finds that the particular hardships facing the subject property, namely the substandard lot depth, the subject property's location in the District, the nonconforming home on the subject property and the

home's status as a contributing building in the District are unique circumstances not generally applicable to other residential property in the City.

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

The ZONING BOARD OF APPEALS finds that the variation requested will preserve the essential character of the neighborhood in that it will allow the home to be rehabilitated in a manner that is harmonious with the District. Further, due to the short lot depths in the immediate area, many other properties in the neighborhood have reduced rear setbacks. Thus, the requested variation will not alter the essential character of the neighborhood.

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

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

The particular physical surroundings (i.e., the subject property's location within the District), the shape (i.e., the subject property's short lot depth) and the topographical condition (i.e., the nonconforming home and the home's status as a contributing building in the District) result in particular hardship upon the Applicants. Without all of these conditions, the Applicants would be able to construct an addition without the requested variation. Instead, due to these conditions, the Applicants cannot construct an addition without the requested variation. If the strict letter of the Chicago Zoning Ordinance were carried out, the Applicants would not be able to provide an addition to the home. The ZONING BOARD OF APPEALS finds this inability to provide an addition to be a particular hardship.

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

The ZONING BOARD OF APPEALS finds that substandard depth, the subject property's location in the District, the nonconforming home and the home's status as a contributing building in the District are conditions that are not applicable to other properties within the RT-4 zoning classification.

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

The variation is not based exclusively upon a desire to make more money out of the subject property. Instead, the variation is requested so that the home may be rehabilitated in line not only with current building and fire codes but also for the needs of a modern family.

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

The Applicants did not create the substandard lot depth of the subject property. The Applicants did not create the District. The Applicants did not create the nonconforming home, and the Applicants did not make the home a contributing building in the District.

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

The variation will allow the addition to better match the characteristics of the District. As such, it will not be detrimental to the public welfare. Further, and as shown by the Applicants' plans, renderings and shadow study, the variation will not be injurious to other property in the neighborhood. Indeed, the photographs of the neighborhood and the other shadows shown in the shadow study make clear that there are several other two-story buildings in the neighborhood that cause shade in the rear yards of neighborhood properties. Therefore, this is not the case of an over-large addition causing shade to rear yards in the neighborhood where none existed in the past. Instead, the variation will allow for a modest addition that is respectful to the surrounding properties.

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

As can be seen from the plans and elevations, as well as the shadow study done by the Applicants, the variation will not impair an adequate supply of light and air to adjacent properties. The actual two-story portion of the addition is modest; most of the addition is the one-story garage and roofdeck. As the variation will allow for a new garage, the variation will not substantially increase congestion in the public streets. While the variation will allow for the addition, the addition will not be built unless and until the Applicants have received valid building permits and therefore the variation will not increase the danger of fire or endanger the public safety. Finally, the variation will not substantially diminish or impair property values within the neighborhood; indeed, as the variation is for the

addition and as the addition is part of the rehabilitation of the home, the variation will increase property values in the neighborhood.

IV. CONCLUSION

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

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

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the mail on 2/22, 2021.


Janine Klich-Jensen

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



FEB 22 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

2024 W Irving Park LLC
APPLICANTS

422-20-Z
CALENDAR NUMBER

2024 W. Irving Park Road
PREMISES AFFECTED

December 18, 2020
HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is approved.

AFFIRMATIVE NEGATIVE ABSENT

Timothy Knudsen,
Chairman
Zurich Esposito
Brian Sanchez
Jolene Saul
Sam Toia

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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 2024 W. IRVING
PARK ROAD BY 2024 W IRVING PARK LLC.**

I. BACKGROUND

2024 W Irving Park LLC (the "Applicant") submitted a variation application for 2024 W. Irving Park Road (the "subject property"). The subject property is currently zoned B1-3 and is vacant. The Applicant proposed to construct a four-story, mixed-use building (the "proposed building"). The proposed building would have ground floor retail space, twelve dwelling units above the ground floor and twelve parking spaces. In order to permit the proposed building, the Applicant sought a variation to reduce the rear setback from the required 30' to 18' on floors containing dwelling units.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public remote hearing¹ on the Applicant's variation application at its regular meeting held on December 18, 2020, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Fact. The Applicant's manager (and member) Ms. Laura Llamedo and the Applicant's attorney Mr. Mark Kupiec were

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

present. Also present on behalf of the Applicant was its architect Mr. John Hanna and its real estate agent Mr. Roman Popovych. A Mr. David Schwartz signed up to testify on the application. However, Mr. Schwartz did not attend the hearing; as such, he neither entered his appearance nor objected at the hearing. 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. September 9, 2020).²

The Applicant's attorney Mr. Mark Kupiec provided an overview of the Applicant's application.

The Applicant's manager (and member) Ms. Laura Llamedo offered testimony in support of the Applicant's application.

The Applicant's architect Mr. John Hanna offered testimony in support of the Applicant's application.

The Applicant's real estate agent Mr. Roman Popovych offered testimony in support of the Applicant's application.

B. Criteria for a Variation

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

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

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

² 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.

not based exclusively upon a desire to make more money out of the property; (4) the alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property; (5) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

III. FINDINGS OF FACT.

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

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

Due to the subject property's irregular shape, in particular the angled east side of the subject property, siting a building on the subject property is particularly difficult. This is because although the subject property is comprised of three lots of record, the easternmost lot prohibits any regularly shaped (i.e., rectangular) building from extending beyond 78.3' in length. For instance, if the Applicant had a regularly shaped lot, the Applicant could build a rectangular building that was 95' in depth on floors containing dwelling units.³ Further, because of the subject property's irregular shape, the Applicant cannot fully utilize the 75' lot width (or even have a consistent building width of 73'). Instead, the angled lot makes the rear frontage of the subject property only 51.7' wide. This creates practical difficulties or particular hardships for developing the subject property, and no doubt is why the subject property has remained a vacant parking lot.

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

The requested variation will allow for the proposed building. As such, it is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance by allowing a vacant property to be revitalized; (2) protecting the character of the established residential neighborhood to the west of the subject property by allowing 12 new dwelling units to be established pursuant to Section 17-1-0503 of the Chicago

³ Thus complying with the 30' rear setback for floors containing dwelling units.

Zoning Ordinance; (3) maintaining economically vibrant as well as attractive business and commercial areas pursuant to Section 17-1-0504 of the Chicago Zoning Ordinance by providing for a new, active ground floor commercial use near the commercial corner of West Irving Park Road and Lincoln and North Lincoln Avenue; (4) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance in that the variation will allow the subject property to be improved with sufficient density for its size and zoning classification (as well as a mix of commercial and residential use, as befits the subject property's transitional location); (5) ensuring adequate light, air, privacy and access to property pursuant to Section 17-1-0509 of the Chicago Zoning Ordinance in allowing for the proposed building, which (as can be seen from the plans and elevations) is sensitive to the light, air and privacy of adjacent properties; and (6) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance in allowing 12 new large dwelling units in an area that is in need of larger dwelling units.

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

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

As set forth above, the subject property is irregularly shaped and therefore siting a building on the subject property is difficult. Because of this, despite its size and zoning classification⁴, it has remained a vacant parking lot. If permitted to be used only in accordance with the Chicago Zoning Ordinance, the floors containing dwelling units would have to be less deep.⁵ This would cause the dwelling units to lose floor area (almost 200 square feet per unit). Such units would take longer to sell and would lose approximately \$100,000 in sales value. In fact, and as Ms. Llamedo testified, this would cause the Applicant to be unable to realize a reasonable return on the subject property.

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

The ZONING BOARD OF APPEALS finds that the practical difficulties or particular hardships in this case are due to the unique circumstances of the

⁴ The subject property has been zoned B since before 2018. In 2018, there was a Type-1 zoning classification from B1-1 to B1-3.

⁵ This would also require a zoning change since the subject property is subject to a Type-1 zoning change and no changes to the design of the building may be done without a re-zoning.

irregularly shaped lot. This irregular shape is due to the angled nature of North Lincoln Avenue. The City is set up on a grid system, and so angled streets are relatively rare. As such, the subject property's irregular shape is not generally applicable to other properties of similar size and zoning classification.

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

The ZONING BOARD OF APPEALS finds that the variation, if granted, will not alter the essential character of the neighborhood. There are other properties in the neighborhood with reduced rear setbacks for floors containing dwelling units (i.e., 4020-24 N. Lincoln Ave, 1903 W. Irving Park Road, 1820 W. Irving Park Road and 1839 W. Irving Park Road). Moreover, as Mr. Hanna testified, the Applicant will be providing sixty percent of the required setback (i.e., there will still be a 18' rear setback). This, combined with the 16' wide public alley at the rear of the subject property ensures that there is 34' between the four-story portion of the proposed building and property next north. The proposed building is well within the floor area ratio ("FAR"), density and building height allowed on the subject property. Moreover, as designed, the proposed building serves as a good transition between the more residential character to the west of the subject property and the more commercial character to the east. In short, the proposed building is very much in character with other new development in the neighborhood, particularly the four-story building at 4020-24 N. Lincoln.

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

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

The particular shape (i.e., the subject property's irregular shape) results in particular hardship upon the property owner. If the strict letter of the Chicago Zoning Ordinance were carried out, due to the inability to yield a reasonable return on developing the subject property, the subject property would remain a vacant parking lot.

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

The ZONING BOARD OF APPEALS finds that irregular shape of the subject property is not applicable, generally, to other property within the B1-3 zoning classification. As set forth above, the City's streets are set out on a grid system, resulting in rectangular lots. Due to the angled nature of North Lincoln Avenue,

the eastern portion of the subject property is also angled. This is a very rare condition of property in the City in general and within the B1-3 zoning classification in particular.

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

The variation is not based exclusively upon a desire to make more money out of the subject property. Despite the variation, the proposed building has been developed below the maximum FAR, density and building height for the subject property and the B1-3 zoning district. Thus, the Applicant is not seeking the variation simply to maximize profits. Instead, the variation is requested so that the Applicant may overcome the hardship the irregular shape of the subject property causes and put a vacant property to productive use.

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

Neither the Applicant nor the property owner created the irregular lot shape. The irregular lot shape is caused by the angled nature of North Lincoln Avenue, which predates any person presently having an interest in the subject property.

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

The granting of the variation will allow the proposed building. When comparing the plans and elevations of the proposed building with the photographs of the neighborhood, it is clear that the variation will not be detrimental to other property or improvements to the neighborhood. The proposed building is a modest four-story structure, and despite the request to reduce the rear setback, the Applicant will still be providing 18' of setback for floors containing dwelling units. Such 18' setback (combined with the 16' wide public alley at the rear of the property) ensures that property to the north of the subject property will not be in any way harmed. Moreover, despite the fact that side setbacks are not required in B districts, the Applicant is providing a 3' west side setback to ensure a more harmonious integration between the proposed building and the more residential buildings to its west. Further, the proposed building is designed to match other new development in the neighborhood.

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

Again, the variation will allow for the proposed building. The proposed building is a modest four-story structure, and despite the request to reduce the rear setback, the Applicant will still be providing 18' of setback for floors containing dwelling units. Such 18' setback (combined with the 16' wide public alley at the rear of the property) ensures that property to the north of the subject property will have an adequate supply of light and air. Moreover, despite the fact that side setbacks are not required in B districts, the Applicant is providing a 3' west side setback (comparable to a residential setback) to ensure that the property next west has an adequate supply of light and air. The subject property is bounded to the east by a 16' wide public alley, ensuring that the property next east will not have its light and air impaired. As the proposed building will have 12 on-site parking spaces, the variation will also not increase congestion in the public streets. As the proposed building will not be constructed unless and until the Applicant has received valid building permits, the variation will not increase the danger of fire or endanger the public safety. Finally, the variation will not substantially diminish or impair property values within the neighborhood; indeed, as the variation will allow for a brand new building where there is currently a vacant parking lot, the variation will increase property values in the neighborhood.

IV. CONCLUSION

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

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

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the mail on 2/22, 2021.


Janine Klich-Jensen

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

APPLICANT: ME Wentworth, LLC

Cal. No. 423-20-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
December 18, 2020

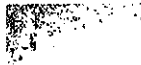
APPEARANCE AGAINST: None

PREMISES AFFECTED: 2353 S. Wentworth Avenue

NATURE OF REQUEST: Application for a special use to establish a one hundred forty-nine room hotel with penthouse dwelling unit in a proposed five-story addition and ground floor of an existing two-story mixed-use building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE



JAN 19 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a one hundred forty-nine room hotel with penthouse dwelling unit in a proposed five-story addition and ground floor of an existing two-story mixed-use building; a variation was also granted to the subject property in Cal. No. 424-20-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 was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, ME Wentworth, LLC, and the development is consistent with the design and layout of the plans and drawings dated July 15, 2020, prepared by Vari Architects, Ltd.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: ME Wentworth, LLC **CAL NO.:** 424-20-Z

APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**

December 18, 2020

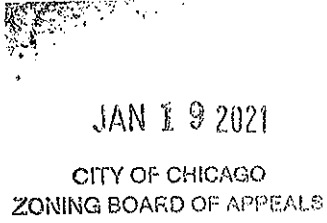
APPEARANCE AGAINST: None

PREMISES AFFECTED: 2353 S. Wentworth Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 0.67' on floors containing dwelling units for a proposed one hundred forty-nine room hotel with penthouse dwelling unit with a five-story addition and ground floor of an existing two-story mixed use building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE



TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 0.67' on floors containing dwelling units for a proposed one hundred forty-nine room hotel with penthouse dwelling unit with a five-story addition and ground floor of an existing two-story mixed use building; a special use was also approved for the subject property in Cal. No. 423-20-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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Vermex Holdings, LTD

CAL NO.: 425-20-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1913 S. Ridgeway Avenue

NATURE OF REQUEST: Application for a variation to reduce the north side setback from the required 2' to 0.2', south side setback 2' to 1.7', combined side setback from 4.8' to 1.9' for a proposed two-story, single family residence, rear deck and a detached two-car garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the north side setback 2' to 0.2', south side setback to 1.7', combined side setback to 1.9' for a proposed two-story, single family residence, rear deck and a detached two-car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the 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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Albany Bank & Trust Company ATUT #11-6526

Cal. No. 426-20-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3624 W. George Street

NATURE OF REQUEST: Application for a special use to establish a dwelling unit in the basement of an existing three-story, two dwelling unit building in order to allow a proposed third story addition and convert the building to four dwelling units with rear decks and four unenclosed parking spaces.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated October 1, 2020, prepared by G. D. Gazis, LLC.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021. Page 21 of 45

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Divkee, LLC **CAL NO.:** 427-20-Z
APPEARANCE FOR: Lawrence Lusk **MINUTES OF MEETING:**
December 18, 2020
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4201-09 W. Division Street

NATURE OF REQUEST: Application for a variation to reduce the on-site parking from four spaces to zero to allow the conversion from the existing eight dwelling units and five ground floor retail tenant spaces to twelve dwelling units an existing three-story residential building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JAN 19 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and


WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the on-site parking to zero to allow the conversion from the existing eight dwelling units and five ground floor retail tenant spaces to twelve dwelling units an existing three-story residential building; an additional variation was granted to the subject property in Cal. No. 428-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE


 CHAIRMAN

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

APPLICANT: Divkee, LLC

CAL NO.: 428-20-Z

APPEARANCE FOR: Lawrence Lusk

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4201-09 W. Division Street

NATURE OF REQUEST: Application for a variation to reduce the required on-site open space from 144 square feet to zero by providing alternative compliance with section 17-2-0308 for the existing eight dwelling units and five ground floor retail tenant spaces to twelve dwelling units an existing three-story residential building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

77

JAN 19 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and


WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the required on-site open space to zero by providing alternative compliance with section 17-2-0308 for the existing eight dwelling units and five ground floor retail tenant spaces to twelve dwelling units an existing three-story residential building; an additional variation was granted to the subject property in Cal. No. 427-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Kisha Inc. DBA Southport Wine and Spirits Bar-Beer Cal. No. 429-20-S

APPEARANCE FOR: Tyler Manic

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3201 N. Southport Avenue/1362 W. Belmont Avenue

NATURE OF REQUEST: Application for a special use to establish a packaged goods (liquor store) on the first floor of an existing two-story building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Kisha Inc. DBA Southport Wine and Spirits Bar-Beer, and the development is consistent with the design and layout of the plans and drawings dated August 20, 2020, prepared by Purohit Architects.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Lincoln Park Hair and Salon Spa Cal. No.430-20-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING: December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 507 W. Dickens Avenue

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

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE

JAN 19 2021 CITY OF CHICAGO ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN ZURICH ESPOSITO BRIAN H. SANCHEZ JOLENE SAUL SAM TOIA

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows show 'X' marks for affirmative votes for each member.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE

Handwritten signature and the word CHAIRMAN below it.

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

APPLICANT: Scott Kinsole & Betsy Shepherd

CAL NO.: 431-20-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
December 18, 2020

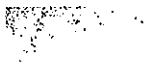
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1416 W. Glenlake Avenue

NATURE OF REQUEST: Application for a variation to reduce the west setback from the required 4' to 3.28' (east setback to be 8.81') for a proposed third floor addition with rear balcony and new exterior rear stairs on an existing three-story, single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE



JAN 19 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: the applicant shall be permitted variation to reduce the west setback to 3.28' (east setback to be 8.81') for a proposed third floor addition with rear balcony and new exterior rear stairs on an existing three-story, single family residence; an additional variation was granted to the subject property in Cal. No. 432-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Scott Kinsole & Betsy Shepherd **CAL NO.:** 432-20-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
December 18, 2020
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1416 W. Glenlake Avenue

NATURE OF REQUEST: Application for a variation to increase the building height from the maximum 30' to 33' for a proposed third floor addition to the existing three-story, single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

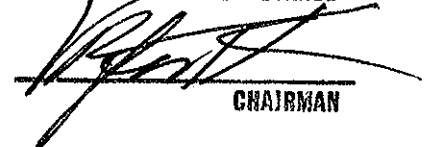
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the building height to 33' for a proposed third floor addition to the existing three-story, single family residence; an additional variation was granted to the subject property in Cal. No. 431-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Damion Perry

CAL NO.: 433-20-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7151 N. Sioux Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 23.33' to 22.45', south side yard setback from 5.1' to 4.3' (north to be 8'), combined side yard setback from 15.3' to 12.3' for a proposed second story addition to the existing single-family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 22.45', south side yard setback to 4.3' (north to be 8'), combined side yard setback to 12.3' for a proposed second story addition to 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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/19, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Hollis of Palos, LLC - Midway Cal. No.434-20-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
December 18, 2020

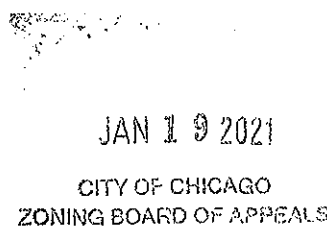
APPEARANCE AGAINST: None

PREMISES AFFECTED: 6541 S. Cicero Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE


JAN 19 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

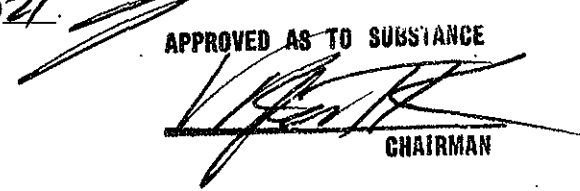
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Hollis of Palos, LLC - Midway, and the development is consistent with the design and layout of the plans and drawings dated September 1, 2020, Site Geometrics/Paving Plan and Proposed Layout (Queuing) Plan dated December 14, 2020, and Landscape Plan dated December 16, 2020 all prepared by Mackie Consultants, LLC.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Lillit Yepremyan & Vito Ciparis **CAL NO.:** 435-20-Z

APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7124 N. Iona Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from 26.01' to 20' for a proposed two-story single-family residence, detached garage and rear second story deck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

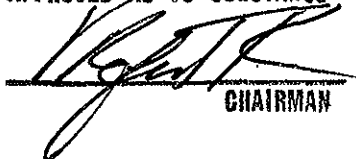
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 20' for a proposed two-story single-family residence, detached garage and rear second story deck; 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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Jokes and Notes, Inc. dba Renaissance Bronzeville

Cal. No.436-20-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4641 S. Dr. Martin Luther King Jr. Dr.

NATURE OF REQUEST: Application for a special use to establish a proposed 375 square foot one-story addition and to add a 1,190 square foot at grade patio in the rear of the existing tavern in an existing one-story commercial building.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

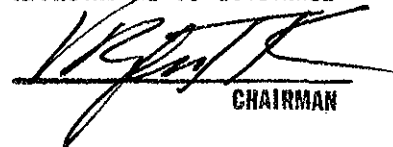
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a proposed 375 square foot one-story addition and to add a 1,190 square foot at grade patio in the rear of the existing tavern in an existing one-story commercial building; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Jokes and Notes, Inc. dba Renaissance Bronzeville, and the development is consistent with the design and layout of the plans and drawings dated May 6, 2020, prepared by Soma Design Consultants.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Nimi Abraham

Cal. No.437-20-S

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6411 N. Northwest Highway

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

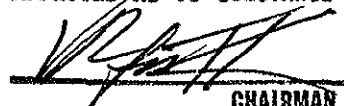
ACTION OF BOARD-
Continued to February 19, 2021

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Nimi Abraham

Cal. No.438-20-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6411 N. Northwest Highway

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 20,000 square feet to 17,120 square feet for a proposed gas station with a one-story accessory convenience store.

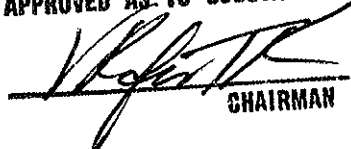
ACTION OF BOARD-
Continued to February 19, 2021

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Huron Consulting Services, LLC Cal. No.439-20-S

APPEARANCE FOR: Michael Noonan

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 550 W. Van Buren Street

NATURE OF REQUEST: Application for a special use to establish a high rise on-premise sign for a commercial office building. The on-premise (logo) will be 233 square feet and will be located on the west elevation of the building at 222 feet above grade. The top of the sign will not extend beyond the roof line and will be placed flush mount on the wall.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a high rise on-premise sign for a commercial office building. The on-premise (logo) will be 233 square feet and will be located on the west elevation of the building at 222 feet above grade. The top of the sign will not extend beyond the roof line and will be placed flush mount on the wall; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Huron Consulting Services, LLC, and the development is consistent with the design and layout of the plans and drawings dated October 6, 2020, prepared by Poblocki Sign Company, LLC. The on-premise (logo) will be 233 square feet and will be located on the west elevation of the building at 222 feet above grade. The top of the sign will not extend beyond the roof line and will be placed flush mount on the wall.

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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 3034 W. Belden Ave, LLC

CAL NO.: 440-20-Z

APPEARANCE FOR: Patrick Turner

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3034-36 W. Belden Avenue

NATURE OF REQUEST: Application for a variation to reduce the required parking setback from the front property line on Medill Avenue to prevent obstruction on the side walk by parked cars from 20' to 3', reduce the unobstructed open space width along west property lines from 8.1' to zero, and from 8.1' to zero, reduce the unobstructed open space width along the east property line from 8.1' to 3' for a proposed two-story, single family residence with a detached two car garage with roof deck and open stairs and 6' solid fence on a through lot.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

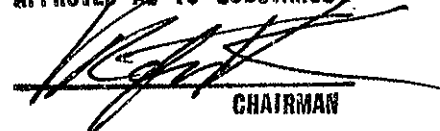
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the required parking setback from the front property line on Medill Avenue to prevent obstruction on the side walk by parked cars to 3', reduce the unobstructed open space width along west property lines to zero, and to zero, reduce the unobstructed open space width along the east property line to 3' for a proposed two-story, single family residence with a detached two car garage with roof deck and open stairs and 6' solid fence on a through lot; 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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Buckley Electric, Inc. c/o Padraic Buckley

CAL NO.: 441-20-Z

APPEARANCE FOR: Patrick Turner

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1848 W. Cullerton Ave.

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

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum lot area to 2,952 square feet for a proposed three-story dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Michigan Avenue Dispensary In.c Cal. No.442-20-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
December 18, 2020

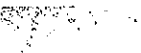
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1420 S. Michigan Avenue

NATURE OF REQUEST: Application for a special use to establish an adult use cannabis dispensary.

**ACTION OF BOARD-
APPLICATION WITHDRAWN**

THE VOTE



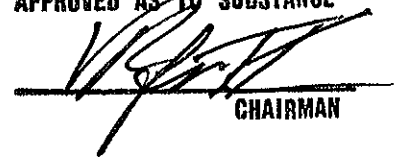
JAN 19 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Lawndale Christian Legal Center Cal. No.335-20-S

APPEARANCE FOR: Steve Friedland **MINUTES OF MEETING:**
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1449 S. Keeler Avenue

NATURE OF REQUEST: Application for a special use to establish a transitional residence.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 1, 2020; and

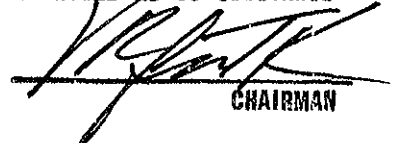
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a transitional residence; three variations were also granted to the subject property in Cal. Nos. 336-20-Z, 337-20-Z, and 338-20-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 was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant Lawndale Christian Legal Center, and the development is consistent with the design and layout of the plans and drawings dated October 20, 2020, with Site Plan and Landscape Plans dated December 18, 2020, prepared by Hirsch MPG Architecture and Planning.

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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Lawndale Christian Legal Center **CAL NO.:** 336-20-Z
APPEARANCE FOR: Steve Friedland **MINUTES OF MEETING:**
 December 18, 2020
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1449 S. Keeler

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 15' to zero, the opposite street side north side setback from 5' to zero, rear setback from 37.67' to 10' the front property line to open parking from 20' to 7' for a proposed three-story addition to an existing two-story school building to be converted to a transitional residence and eleemosynary office with twenty-three on site accessory parking spaces.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

JAN 19 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 1, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to zero, the opposite street side north side setback to zero, rear setback to 10' the front property line to open parking to 7' for a proposed three-story addition to an existing two-story school building to be converted to a transitional residence and eleemosynary office with twenty-three on site accessory parking spaces; a special use and two additional variations were granted to the subject property in Cal. Nos. 335-20-S, 337-20-Z, and 338-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Lawndale Christian Legal Center

CAL NO.: 337-20-Z

APPEARANCE FOR: Steve Friedland

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1449 S. Keeler

NATURE OF REQUEST: Application for a variation to increase the allowable height from the maximum 38' to 39.45' for a proposed three-story addition to 6 the existing two-story building to be converted to a transitional residence and eleemosynary office with twenty-three on site accessory parking spaces.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 1, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the allowable height to 39.45' for a proposed three-story addition to 6 the existing two-story building to be converted to a transitional residence and eleemosynary office with twenty-three on site accessory parking spaces; a special use and two additional variations were granted to the subject property in Cal. Nos. 335-20-S, 336-20-Z, and 338-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Lawndale Christian Legal Center

CAL NO.: 338-20-Z

APPEARANCE FOR: Steve Friedland

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1449 S. Keeler

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 1,836.46 square feet to 807 square feet for a proposed three-story addition to the existing two-story school building to be converted to a transitional residence and eleemosynary office with twenty-three on site accessory parking spaces.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on October 1, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear yard open space to 807 square feet for a proposed three-story addition to the existing two-story school building to be converted to a transitional residence and eleemosynary office with twenty-three on site accessory parking spaces; a special use and two additional variations were granted to the subject property in Cal. Nos. 335-20-S, 336-20-Z, and 337-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Mi Canchita Indoor Field, LLC Cal. No.343-20-S
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
December 18, 2020
APPEARANCE AGAINST: None
PREMISES AFFECTED: 7625 S. Kedzie Avenue

NATURE OF REQUEST: Application for a special use to establish a sports and recreation, participation use within an existing one-story building with new on-site parking areas.

ACTION OF BOARD-
Continued to February 19, 2021

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Mi Canchita Indoor Field, LLC Cal. No.344-20-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
APPEARANCE AGAINST: None December 18, 2020.
PREMISES AFFECTED: 7625 S. Kedzie Avenue

NATURE OF REQUEST: Application for a variation to eliminate the one required loading berth for a proposed Sports and Recreation participant use in an existing one-story building.

ACTION OF BOARD-
Continued to February 19, 2021

THE VOTE

JAN 19 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Cook-DuPage Transportation Company Cal. No.401-20-S

APPEARANCE FOR: Richard Toth **MINUTES OF MEETING:**
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4301 S. Packers Avenue

NATURE OF REQUEST: Application for a special use to establish a major utilities and service which will allow for an existing one-story building to be used for transit maintenance with outdoor vehicle storage.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a major utilities and service which will allow for an existing one-story building to be used for transit maintenance with outdoor vehicle storage; an additional special use was approved for the subject property in Cal. No. 402-20-S; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Cook-DuPage Transportation Company, and the development is consistent with the design and layout of the building plans and elevations dated August 25, 2020, prepared by Berneche 2 Architecture, and the Concept Site Plan and Landscape Plans/Details dated December 16, 2020, prepared by Manhard Consulting, Ltd.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 1/19, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Cook-DuPage Transportation Company Cal. No.402-20-S

APPEARANCE FOR: Richard Toth

MINUTES OF MEETING:
December 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4301 S. Packers Avenue

NATURE OF REQUEST: Application for a special use to establish outdoor vehicle storage to serve a proposed major utilities and service in an existing one-story building.

ACTION OF BOARD-

APPLICATION APPROVED

THE VOTE

JAN 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
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AFFIRMATIVE	NEGATIVE	ABSENT
X		
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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish outdoor vehicle storage to serve a proposed major utilities and service in an existing one-story building; an additional special use was approved for the subject property in Cal. No. 401-20-S; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Cook-DuPage Transportation Company, and the development is consistent with the building plans and elevations dated August 25, 2020, prepared by Berneche 2 Architecture, and the Concept Site Plan and Landscape Plans/Details dated December 16, 2020, prepared by Manhard Consulting, Ltd.

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APPROVED AS TO SUBSTANCE


CHAIRMAN