

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

APPLICANT: Cheryl Hope Millunchick
APPEARANCE FOR: Thomas Moore
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3012 W. Chase Avenue

CAL. NO.: 141-22-Z
MINUTES OF MEETING:
 May 20, 2022

NATURE OF REQUEST: Application for a variation to increase the maximum floor area from 0.65 to 0.68 for a proposed two-story rear addition to the existing two-story single-family residence.

ACTION OF BOARD - VARIATION GRANTED

ZBA

JUN 22 2022

**CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS**

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN SANCHEZ
 SAM TOIA

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the maximum floor area to 0.68 for a proposed two-story rear addition to the existing two-story single-family residence; an additional variation was granted to the subject property in Cal. No. 142-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Cheryl Hope Millunchick

CAL. NO.: 142-22-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
May 20, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3012 W. Chase Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard setback from the required 34.84' to 30.01', east side setback from 4' to 3.08' (west to be 2.93'). combined side yard setback from 9' to 6.01 for a proposed two-story, rear addition to an existing two-story single-family residence.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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


WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear yard setback to 30.01', east side setback to 3.08' (west to be 2.93'). combined side yard setback to 6.01 for a proposed two-story, rear addition to an existing two-story single-family residence; an additional variation was granted to the subject property in Cal. No. 141-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22, 2022.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Enrique Prado Cal. No.143-22-S
APPEARANCE FOR: Roberto Martinez **MINUTES OF MEETING:**
APPEARANCE AGAINST: None May 20, 2022
PREMISES AFFECTED: 5325 W. Belmont Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

JUN 22 2022

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

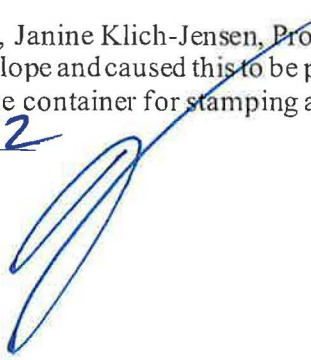
WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on May 20, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in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

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22, 2022



APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1220 W. Draper TIC, LLC

CAL. NO.: 144-22-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
May 20, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1220 W. Draper Street

NATURE OF REQUEST: Application for a variation to reduce the east side setback from the required 4' to zero (west side setback to be zero), combined side yard setback from 10' to zero, rear setback from 18.04' to 6.16' for a proposed rear open stair and raised deck with parking stall under a new carport.

ACTION OF BOARD - VARIATION GRANTED

ZBA

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

THE VOTE

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the east side setback to zero (west side setback to be zero), combined side yard setback to zero, rear setback to 6.16' for a proposed rear open stair and raised deck with parking stall under a new carport; an additional variation was granted to the subject property in Cal. No. 145-22-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):

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APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 1220 W. Draper TIC, LLC

CAL. NO.: 145-22-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
May 20, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1220 W. Draper Street

NATURE OF REQUEST: Application for a variation to increase the floor area by no more than 15% of the existing floor area by 424 square feet to the existing four-story, four dwelling unit building with a proposed raised roof deck and stairs and one parking stall under the proposed carport.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the floor area by no more than 15% of the existing floor area by 424 square feet to the existing four-story, four dwelling unit building with a proposed raised roof deck and stairs and one parking stall under the proposed car port; an additional variation was granted to the subject property in Cal. No. 144-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22, 2022.

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



ZBA

SEP 21 2022

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

146-22-S
CALENDAR NUMBER

Kendrick Brooks d/b/a KMB Grooming Lounge
APPLICANT

8128 S. Western Avenue
PREMISES AFFECTED

July 15, 2022
HEARING DATE

ACTION OF BOARD

THE VOTE

The special use application is approved.

Timothy Knudsen,
Chairman
Zurich Esposito
Brian Sanchez
Sam Toia

AFFIRMATIVE NEGATIVE ABSENT

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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 SPECIAL USE APPLICATION FOR 8128 S.
WESTERN AVE. BY KENDRICK BROOKS D/B/A KMB GROOMING**

I. BACKGROUND

Kendrick Brooks d/b/a KMB Grooming (the “Applicant”) submitted a special use application for 8128 S. Western Ave. (the “subject property”). The subject property is currently zoned B1-1 and is improved with a vacant two-story mixed-use building (the “building”). The Applicant sought a special use to establish a barbershop on the first floor of the building. 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 proposed special use.

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 on July 15, 2022, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*, and as continued without further notice pursuant to Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS’ Rules of Procedure (eff. August 20, 2021), the

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

Applicant had submitted his proposed Findings of Facts. The Applicant Mr. Kendrick Brooks was present along with his attorney Mr. Rolando Acosta. Also present on behalf of the Applicant was his MAI certified real estate appraiser Mr. Peter Poulos. Present and in opposition to the application was Ms. Nicole McDonald. The statements and testimony given during the hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).

The Applicant's attorney Mr. Rolando Acosta provided a brief overview of the Applicant's application.

The Applicant Mr. Kendrick Brooks offered testimony in support of his application.

The Applicant's MAI certified real estate appraiser Mr. Peter Poulos offered testimony in support of the application.

Ms. Nicole McDonald, of 2347 W. 81st Place, offered testimony in opposition to the application.

In response to Ms. McDonald's testimony, the Applicant and Mr. Poulos offered further testimony.

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.*

Section 17-9-0112 of the Chicago Zoning Ordinance states, in pertinent part, that "[s]pecial use approval is required for hair salons, barber shops, beauty shops, and nail salons in "B" [zoning] districts when such use is located within 1,000 feet of any

other hair salon, barber shop, beauty shop or nail salon.” The subject property is located in a B1-1 zoning district. Since there is a hair salon with 1000’ of the subject property, the Applicant requires a special use to establish a barbershop.² The Applicant seeks no other relief from the ZONING BOARD OF APPEALS. That is, the Applicant is not seeking any relief from the bulk and density standards of the B1-1 zoning district. Nor is the Applicant seeking any relief from the parking standards of the B1-1 zoning district. It is only the special use that brings the Applicant before the ZONING BOARD OF APPEALS. For the reasons set forth below, the ZONING BOARD OF APPEALS has decided to grant the special use. As such, the Applicant’s proposed special use 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 provide a significant nearby population with essential personal services. As testified to by the Applicant, he already has an established clientele, and there is no hair salon nearby that caters specifically to men. Further, the proposed special use will not have significant adverse impact on the general welfare of the neighborhood or community. The subject property is located in a largely populated, mixed-use residential and commercial neighborhood. The subject property is easily accessible by public transportation, the building has parking spaces at the rear, and there is street parking available. The Applicant will operate by appointment only and will only have five stations. The Applicant will operate the proposed special use in accordance with all COVID restrictions. Moreover, and as shown by Mr. Poulos’ testimony and report, the proposed special use will not diminish property values. In fact, as the Applicant’s proposed special use will return a vacant store front to active use, it will likely increase property values.

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 in a vacant commercial space within the building. Besides a minor modification to the building’s façade to indicate a barbershop, there will be no other changes to the exterior of the building. The building is similar in scale to other buildings on this stretch of Western Avenue. The ZONING BOARD OF APPEALS, therefore, finds that the proposed special use is compatible with the character of the surrounding area in terms of site planning, building scale, and project design.

² Section 17-3-0207-MM(1) of the Chicago Zoning Ordinance.

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

The subject property is located in a mixed-use residential and commercial area. The Applicant's hours of operation will be Tuesday – Saturday, 7 AM – 6 PM. These hours are consistent with the operating hours of other commercial businesses and will not conflict with the Sunday services of the church across the street. There will be minimal exterior lighting which will not have any off-site impact. There will also be minimal noise generation as all barbershop services will take place inside the building. Appointments will be by appointment only, and the Applicant will have only five stations. Thus, traffic generation will be minimal. Further, the subject property is located near the 79th and Western bus terminal, there is off-street parking at the rear of the building, and there is public street parking available on Western Avenue. Thus, any vehicle traffic that the barbershop does generate will be accommodated by onsite parking, available metered parking, and the barbershop's proximity to public transit. Based on all this, the ZONING BOARD OF APPEALS finds the proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation.

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

Other than a minor modification to the building's façade to indicate a barbershop, there will be no modification to the exterior of the building or the subject property. For instance, there will be no new curb cuts or other obstructions that could potentially hinder pedestrian safety and comfort. Moreover, the storefront is currently vacant, and the proposed special use will reactive the space. Given the foregoing, the ZONING BOARD OF APPEALS finds that the proposed 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 Section 17-13-0905-A of Chicago Zoning Ordinance.

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

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

APPROVED AS TO SUBSTANCE

By: 
Brian Sanchez, Acting Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 9/21, 2022.


Janine Klich-Jensen

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

APPLICANT: Nozar Amiran

CAL. NO.: 147-22-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:

May 20, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2214 W. Dickens

NATURE OF REQUEST: Application for a variation to reduce the west side yard setback from the required 2' to 0.76' (east to be 2.42'), combined side yard setback from 4.8' to 3.18' for a proposed second story addition, new rear two story addition, new front porch and new detached two car garage with rooftop deck for the existing two-story, two dwelling unit building to be deconverted to a single-family residence.

ACTION OF BOARD – Continued to July 15, 2022

THE VOTE



ZBA

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

APPLICANT: Nozar Amiran

CAL. NO.: 148-22-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
May 20, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2214 W. Dickens

NATURE OF REQUEST: Application for a variation to increase the maximum floor area that has been in existence for fifty years by 16.92 square feet for a total of 2,176.92 square feet for a proposed second story addition, new rear two story addition, new front porch and new detached two car garage with rooftop deck for the existing two-story, two dwelling unit building to be deconverted to a single-family residence.

ACTION OF BOARD – Continued to July 15, 2022



THE VOTE

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

APPLICANT: Nozar Amiran

CAL. NO.: 149-22-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
May 20, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2214 W. Dickens

NATURE OF REQUEST: Application for a variation to relocate the required 225 square feet of rear yard open space to a proposed roof deck of the two-car detached garage for a proposed second story addition, new rear two story addition, new front porch and new detached two car garage with rooftop deck for the existing two-story, two dwelling unit building to be deconverted to a single-family residence.

ACTION OF BOARD – Continued to July 15, 2022



THE VOTE

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

APPLICANT: MFM Development Inc.
APPEARANCE FOR: Thomas Moore
APPEARANCE AGAINST: None
PREMISES AFFECTED: 10556 S. Lawndale Avenue

CAL. NO.: 150-22-Z

MINUTES OF MEETING:
 May 20, 2022

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 36.54' to 24', combined side yard setback from 11.25' to 9.5' (north to be 4', south to be 5.5') for a proposed two-story single-family residence with an attached garage with new driveway accessed from the street.

ACTION OF BOARD - VARIATION GRANTED

ZBA

JUN 22 2022

CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS

THE VOTE

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: the applicant shall be permitted variation to reduce the front setback to 24', combined side yard setback to 9.5' (north to be 4', south to be 5.5') for a proposed two-story single-family residence with an attached garage with new driveway accessed from the street; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential 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):

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APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: MFM Development Inc.

CAL. NO.: 151-22-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
May 20, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 10560 S. Lawndale Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 42.34' to 24', combined side yard setback from 11.25' to 9.5 (north to be 4', south to be 5.5') for a proposed two-story, single-family residence with an attached two-car garage with new driveway accessed from the street.

ACTION OF BOARD ~~OF BOARD~~ **VARIATION GRANTED**

ZBA

THE VOTE

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 24', combined side yard setback to 9.5 (north to be 4', south to be 5.5') for a proposed two-story, single-family residence with an attached two-car garage with new driveway accessed from the street; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22, 2022.

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



ZBA

AUG 22 2022

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

152-22-Z
CALENDAR NUMBER

FBF, LLC

APPLICANT

1531 N North Park Ave.

PREMISES AFFECTED

May 20, 2022

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is denied.

Timothy Knudsen,
Chairman
Zurich Esposito
Brian Sanchez
Sam Toia

AFFIRMATIVE NEGATIVE ABSENT

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 1531 N. NORTH
PARK AVENUE BY FBF, LLC.**

I. BACKGROUND

FBF, LLC (the "Applicant") submitted a variation application for 1531 N. North Park Avenue (the "subject property"). The subject property is currently zoned RM-5. The subject property had previously been improved with a three-story, three-dwelling unit building ("prior building"). The Applicant razed the prior building, and the subject property is currently vacant. The Applicant proposed to construct a single-family home (the "proposed home"). In order to construct the proposed home, the Applicant sought a variation to reduce: (1) the north side setback from the required 2' to 1' (south to be 3'); (2) the combined side yard setback from 5' to 4' and (3) the rear setback from 28.63' to 19.67'.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing¹ on the Applicant's variation application at its regular meeting held on May 20, 2022, 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. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The Applicant's member Mr. Frank Bomher and its attorney Mr. Tom Moore were present. The Applicant's architect Mr. Christopher Dasse was also present. Present and in opposition to the applications were Mr. Matthew Blauvelt, Ms. Inna Elterman, Mr. Andy Carter, and Ms. Colleen Murphy (collectively, the "Objectors"). The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).²

The Applicant's attorney Mr. Tom Moore provided an overview of the application.

The Applicant offered the testimony of its member Mr. Frank Bomher in support of the application.

The Applicant offered the testimony of its architect Mr. Christopher Dasse in support of the application.

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

Mr. Matthew Blauvelt, of 1530 N Wieland, offered testimony in opposition to the application.

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

Ms. Inna Elterman, of 1532 N Wieland, offered testimony in opposition to the application.

Mr. Andy Carter of 1536 North Wieland, offered testimony in opposition to the application.

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

Mr. Blauvelt and Ms. Elterman offered further testimony.

Ms. Colleen Murphy, of 1530 N Wieland, offered testimony in opposition to the application.

In response to the Objectors' testimony, Mr. Bohmer and Mr. Dasse offered further testimony.

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.

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

Mr. Moore 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 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 will not create practical difficulties or particular hardships for the subject property.*

The ZONING BOARD OF APPEALS does not find that strict compliance with the Chicago Zoning Ordinance would create practical difficulties or hardships for the subject property. The Applicant purchased the subject property for \$1.2 million. At the time it was improved with the prior building. The Applicant razed the prior building and – as can be seen from the plans and drawings – designed the proposed home so that it maximizes every inch of the lot. It is these actions – rather than the short lot depth and the lack of alley access – that necessitate the variation. While it is true that without the variation, the Applicant will likely make less of a profit off the subject property, that is not a practical difficulty or a particular hardship *for* the subject property. It is clear that the subject property could be developed without the variation in question. It is simply that the subject property would need to be developed with a smaller home (i.e., a home that is not 5800 square feet and does not include an elevator).

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, and 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 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 can yield a reasonable return if permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance.*

The Applicant argued that it needed the requested variation so that the proposed home would be comparable to the other homes on the block and thus yield a reasonable return. However, such an argument is belied by the very credible testimony of Mr. Carter and Ms. Elterman that three story buildings (i.e., buildings without a fourth story doghouse) are common on the block. Indeed, the plat of survey even shows a two-story home. While 1527 N. North Park Avenue does appear to have a fourth floor doghouse, none of the other homes the Applicant provided pictures of show a fourth floor doghouse. And while the ZONING BOARD OF APPEALS acknowledges that an attached front-facing garage will necessitate that any home built on the subject property will need to be set back (due to the ramp to the garage) further back into the lot, the ZONING BOARD OF APPEALS does not find the arguments that the Applicant needs to encroach upon the rear yard setback to make up for FAR loss and therefore make a reasonable return credible. As designed, the proposed home is (excluding the basement) 4175 square feet, which is far larger than an average home.

In fact, as the Applicant purchased the subject property for \$1.2 million and then razed the prior building, the ZONING BOARD OF APPEALS finds that the Applicant paid too much for the subject property and – as stated by Mr. Carter – is attempting to make up for this financial miscalculation with the requested variation. However, the Applicant’s inability to make as large a profit as it would like off of its investment is not the same thing as the subject property itself being unable to realize a reasonable return. In this case, it is clear that the subject property could be improved with a smaller home without the variation and, therefore, yield a reasonable return in accordance with the standards of the Chicago Zoning Ordinance.

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

As stated above, the ZONING BOARD OF APPEALS has declined to find that practical difficulties or particular hardships exist. To the extent that a practical difficulty or particular hardship exists, it is not due to unique circumstances. Simply put: the Applicant requires the variation so that it can maximize its profit off the subject property. This is circumstance generally applicable to other property purchased for real estate development.

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

The variation will allow for the proposed home. The ZONING BOARD OF APPEALS agrees with Mr. Blauvelt, Ms. Elterman and Mr. Carter that the proposed home will – to again echo Mr. Carter – box in the homes to the rear of the subject property (i.e. those homes on N. Wieland). Thus, the variation, if granted will 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 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.*

At the hearing, the Applicant argued that the particular physical surroundings (that is, the lack of alley access) and the particular shape (that is the short lot depth) of the subject property were particular hardships upon the Applicant. However, the ZONING BOARD OF APPEALS finds such lack of alley access and short lot depth to be no more than a mere inconvenience. This is not the case where the Applicant is prevented from building anything on the subject property. On the contrary, the Applicant could simply construct a smaller home on the property. As discussed above, the ZONING BOARD OF APPEALS does not find credible the Applicant's contention that the proposed home is necessary for the Applicant to yield a reasonable return. Instead – and as will be discussed below – the proposed home is based exclusively upon a desire to make more money out of the subject property.

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

The Applicant is requesting the variation so that it can maximize its profit out of the subject property. Such a condition is applicable, generally, to other property within the RM-5 zoning district.

3. *The purpose of the variation is based exclusively upon a desire to make more money out of the property.*

The variation will allow for the proposed home. As can be seen from the plans and drawings, the proposed home has been designed to maximize every inch of

the lot. While the Applicant argued without the variation the subject property would be virtually unsellable, the Applicant provided no records of any recently sold homes for any comparison to be made. And, in fact, this argument is belied by the fact the Applicant itself purchased the subject property – without the variation – for \$1.2 million.

4. *The alleged practical difficulty or particular hardship has been created by the Applicant.*

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or particular hardship. To the extent that one exists, it has been self-created by the Applicant. Again, the Applicant purchased the subject property for \$1.2 million, razed the prior building and chose a plan of development that – as can be seen from the plans and drawings – maximizes every inch of the lot.

5. *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.*

The ZONING BOARD OF APPEALS finds that the variation will be injurious to both Mr. Blauvelt’s property and Ms. Elterman’s property. As they both very credibly testified, the requested reduction to the rear yard setback will further reduce the already scant light to their homes. The ZONING BOARD OF APPEALS finds Mr. Blauvelt, Ms. Elterman and Mr. Carter to be very credible witnesses.

6. *The variation will 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 find that the variation will not substantially diminish or impair property values within the neighborhood.*

The ZONING BOARD OF APPEALS agrees with the Objectors that the requested variation will impair an adequate supply of light and air to adjacent property – particularly the properties on N. Wieland. As the variation will allow for a one-car garage, the variation will not increase congestion in the public streets. As the variation is to allow for the proposed home and as the proposed home would not be built unless and until a valid building permit issued, the variation will not increase the danger of fire or endanger the public safety. However, as the requested variation will impair an adequate supply of light and air to adjacent properties – particularly the properties on N. Wieland – there is insufficient evidence to find that the variation will not substantially diminish or

impair property values in the neighborhood. Indeed, it is highly likely that the variation would impair the properties values within the neighborhood, particularly the N. Wieland properties.

IV. CONCLUSION

For all of the reasons stated above, the ZONING BOARD OF APPEALS finds that the Applicant has not 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 denies the Applicant's application for a variation.

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

APPROVED AS TO SUBSTANCE

By: 
Brian Sanchez, Acting Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 8/22, 2022.


Janine Klich-Jensen

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

APPLICANT: 2042 W. Irving LLC

CAL. NO.: 153-22-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
May 20, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2044 W. Irving Park Road

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 30' to 2' for a proposed transit served four-story, twenty dwelling unit building with seventeen dwelling units and three efficiency units with garage at first floor.

ACTION OF BOARD - VARIATION GRANTED

ZBA

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

THE VOTE

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 2' for a proposed transit served four-story, twenty dwelling unit building with seventeen dwelling units and three efficiency units with garage at first floor; an additional variation was granted to the subject property in Cal. No. 154-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22, 2022.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 2042 W. Irving LLC

CAL. NO.: 154-22-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
May 20, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2044 W. Irving Park Road

NATURE OF REQUEST: Application for a variation to establish a proposed building to be located on a pedestrian street which shall be a transit served location. The building will contain seventeen dwelling units and three efficiency units with a garage at the first floor.

ACTION OF BOARD VARIATION GRANTED



THE VOTE

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to establish a proposed building to be located on a pedestrian street which shall be a transit served location. The building will contain seventeen dwelling units and three efficiency units with a garage at the first floor; an additional variation was granted to the subject property in Cal. No. 153-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

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APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Real Vet West Loop, LLC
APPEARANCE FOR: Nicholas Ftikas
APPEARANCE AGAINST: None
PREMISES AFFECTED: 451-57 N. Elizabeth Street

CAL. NO.: 155-22-Z

MINUTES OF MEETING:
May 20, 2022

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 12' to zero, rear setback from 30' to 12' for a proposed two-story veterinary establishment and fifteen-car unenclosed parking lot.

ACTION OF BOARD – Continued to June 17, 2022

ZBA

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

THE VOTE

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 19th Street Associates, LLC

CAL. NO.: 156-22-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
May 20, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 946 W. 19th Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 20.5', west side setback from 2' to 1.17' (east to be 4.92'), combined side yard setback to be 6.09' for a proposed two-car garage, an open porch with second floor open deck connecting the garage roof deck and the existing two-story residential building. The existing tavern and one dwelling unit will be converted to two dwelling units.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 20.5', west side setback to 1.17' (east to be 4.92'), combined side yard setback to be 6.09' for a proposed two-car garage, an open porch with second floor open deck connecting the garage roof deck and the existing two-story residential building. The existing tavern and one dwelling unit will be converted to two dwelling units; an additional variation was granted to the subject property in Cal. No. 157-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22, 2022.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 19th Street Associates, LLC **CAL. NO.:** 157-22-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
 May 20, 2022
APPEARANCE AGAINST: None
PREMISES AFFECTED: 946 W. 19th Street

NATURE OF REQUEST: Application for a variation to relocate the required 162.5 square feet of rear yard open space to the roof deck of a proposed two-car garage, an open porch with the second-floor open deck connecting the garage roof deck to the existing two-story building. The existing tavern and one dwelling unit will be converted to two dwelling units.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

JUN 22 2022

**CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS**

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN SANCHEZ
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to relocate the required 162.5 square feet of rear yard open space to the roof deck of a proposed two-car garage, an open porch with the second-floor open deck connecting the garage roof deck to the existing two-story building. The existing tavern and one dwelling unit will be converted to two dwelling units; an additional variation was granted to the subject property in Cal. No. 156-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Moca, LLC Cal. No.158-22-S
APPEARANCE FOR: Tyler Manic MINUTES OF MEETING: May 20, 2022
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2847 W. Fullerton Avenue / 2367 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a special use to expand the existing floor plan in an existing Adult Use Recreational Cannabis Dispensary.

ACTION OF BOARD - ZBA ACTION APPROVED

THE VOTE

JUN 22 2022

CITY OF CHICAGO ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows for each board member showing 'X' in the Affirmative column.

THE RESOLUTION:

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to expand the existing floor plan in an existing Adult Use Recreational Cannabis Dispensary; an additional special use was approved at the subject property in Cal. No. 159-22-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 the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: (1) the special use is issued solely to the applicant, Moca, LLC; (2) all on-site customer queuing occurs within the building; (3) the development is consistent with the design and layout of the floor plans dated May 19, 2022, prepared by Interform Architecture + Design; and (4) the security film on the Milwaukee storefront is clear.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22/22

20

APPROVED AS TO SUBSTANCE

Handwritten signature and the word CHAIRMAN printed below it.

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

APPLICANT: Moca, LLC Cal. No.159-22-S
APPEARANCE FOR: Tyler Manic **MINUTES OF MEETING:**
May 20, 2022
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2847 W. Fullerton Avenue / 2367 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a special use to expand the floor plan of an existing Medical Cannabis Dispensary within an existing building.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

THE VOTE

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to expand the floor plan of an existing Medical Cannabis Dispensary within an existing building; an additional special use was approved at the subject property in Cal. No. 158-22-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 the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: (1) the special use is issued solely to the applicant, Moca, LLC; (2) all on-site customer queuing occurs within the building; (3) the development is consistent with the design and layout of the floor plans dated May 19, 2022, prepared by Interform Architecture + Design; and (4) the security film on the Milwaukee storefront is clear.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22, 2022



APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1743 W. LeMoyne, LLC

APPEARANCE FOR: Matthew Allee

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1743 W. LeMoyne Street

CAL. NO.: 160-22-Z

MINUTES OF MEETING:
May 20, 2022

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 28' to 2', east and west side setback from 2' to 0.50', combined side yard setback from 4.80' to 1' for a proposed rear two-car garage with roof deck and enclosure to serve an existing three-story, single-family residence.

ACTION OF BOARD - VARIATION GRANTED

ZBA

JUN 22 2022
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 2', east and west side setback to 0.50', combined side yard setback to 1' for a proposed rear two-car garage with roof deck and enclosure to serve an existing three-story, single-family residence; an additional variation was granted to the subject property in Cal. No. 161-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1743 W. LeMoyné, LLC

APPEARANCE FOR: Matthew Allee

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1743 W. LeMoyné Street

CAL. NO.: 161-22-Z

MINUTES OF MEETING:
May 20, 2022

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 156 square feet to zero for a proposed rear two-car garage with roof deck and enclosure to serve an existing three-story, single-family residence.

ACTION OF BOARD - VARIATION GRANTED

ZBA

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

THE VOTE

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear yard open space to zero for a proposed rear two-car garage with roof deck and enclosure to serve an existing three-story, single-family residence; an additional variation was granted to the subject property in Cal. No. 160-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 5/22, 2022

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



ZBA

AUG 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

2301 Roscoe Hospitality, LLC
APPLICANT

162-22-S
CALENDAR NUMBER

2301 W. Roscoe Street
PREMISES AFFECTED

May 20, 2022
HEARING DATE

ACTION OF BOARD

THE VOTE

The application is denied for failure to receive three concurring votes to approve the application.

Timothy Knudsen,
Chairman
Zurich Esposito
Brian Sanchez
Sam Toia

AFFIRMATIVE NEGATIVE RECUSED

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 2301 W.
ROSCOE STREET BY 2301 ROSCOE HOSPITALITY, LLC.**

I. BACKGROUND

2301 Roscoe Hospitality, LLC (the “Applicant”) submitted a special use application for 2301 W. Roscoe Street (the “subject property”). The subject property is currently zoned B3-2 and is improved with a one and one-and-two story commercial building (the “building”). The Applicant does business as Lu Sud Mediterranean and operates a restaurant out of the building. At some point, the Applicant erected a roof-top patio at the top of the building. The Applicant therefore sought a special use to operate its restaurant on the roof-top patio.¹ In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City’s Department of Planning and Development recommended approval of the proposed special use provided that: (1) the special use was issued solely to the Applicant; and (2) the development was consistent with the design and layout of the site plan and fire-exiting plan dated August 16, 2021 and elevations dated December 13, 2017, all prepared by Jeremy G. Stanulis, licensed architect.

II. PUBLIC HEARING

A. The Hearing

¹ Pursuant to Section 17-3-0207-AA.4 of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS held a remote public hearing² on the Applicant's special use application at its regular meeting held on May 20, 2022, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. August 20, 2021), the Applicant had submitted its proposed Findings of Fact. The Applicant's manager and sole member Ms. Sandy Chen and its attorney Mr. Zubin Kammula were present. The Applicant's certified land planner Mr. George Kisiel was present. Mr. Scott Tang was present and in opposition to the application.

While ZONING BOARD OF APPEALS' Commissioner Toia was present at the May 20, 2022 regular meeting of the ZONING BOARD OF APPEALS, he recused himself from the application. Consequently, the three remaining members of the ZONING BOARD OF APPEALS – Chairman Knudsen, Commissioner Esposito and Commissioner Sanchez – heard the application.³ The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. November 1, 2021).⁴

The Applicant's attorney Mr. Zubin Kammula provided a brief overview of the application.

The Applicant's manager and sole member Ms. Sandy Chen offered testimony in support of the application.

The Applicant's certified land planner Mr. George Kisiel offered testimony in support of the application.

Mr. Scott Tang, of 2303 W. Roscoe Street, Unit 2, offered testimony in opposition to the application.

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

Mr. Tang offered additional testimony.

Mr. Kammula then offered a rebuttal argument.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Kisiel offered further testimony and Mr. Kammula made further statements.

B. Criteria for a Special Use

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

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

³ Three members of the ZONING BOARD OF APPEALS constitutes a quorum. 5 ILCS 120/1.02 (“Accordingly, for a 5-member public body, 3 members of the body constitute a quorum”).

⁴ 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.

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

The City of Chicago is a home rule unit of government by virtue of the provisions of Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970, and, as such, may exercise any power and perform any function pertaining to its government and affairs. *Palm v. 2800 Lake Shore Drive Condominium Ass'n*, 401 Ill.App.3d 868, 873 (1st Dist. 2010). Home rule powers include zoning. *Thompson v. Cook County Zoning Board of Appeals*, 96 Ill.App.3d 561, 569 (1st Dist. 1981). As set forth in Section 17-13-0907 of the Chicago Zoning Ordinance:

The Zoning Board of Appeals is the final decision-making body on special use applications. A concurring vote of 3 members of the Zoning Board of Appeals is necessary to approve a special use application.

In the roll call vote⁵ to approve the Applicant's application, Chairman Knudsen and Commissioner Sanchez voted "yea." Commissioner Esposito voted "nay." Commissioner Toia stated that he was recused from the application. When rendering a final decision on a special use application, the ZONING BOARD OF APPEALS acts in quasi-judicial capacity. *Vasilopoulos v. Zoning Board of Appeals*, 34 Ill.App.3d 480, 483 (1st Dist. 1975); *see also People ex rel. Klaeren v. Village of Lisle*, 202 Ill.2d 164, 183 (2002) (reminding that municipal bodies such as the ZONING BOARD OF APPEALS act in quasi-judicial capacities when conducting hearings on special use applications). Therefore, the recusal of Commissioner Toia does not constitute an acquiescence with the majority of ZONING BOARD OF APPEALS members that did vote. *Jackson v. Cook County Regional Bd. of Trustees*, 282 Ill.App.3d 191, 196-197 (1st Dist. 1996) (holding that the rule enunciated in *Prosser v. Village of Fox Lake*, 91 Ill.2d 389 (1982), does not apply to public bodies acting in quasi-judicial capacities).

As no members of the ZONING BOARD OF APPEALS were absent from the August 21, 2020 hearing, the ZONING BOARD OF APPEALS cannot rely on Section 11-13-3(e) of the Illinois Municipal Code, 65 ILCS 5/11-13-1 *et seq.*, and have the absent member or members of the ZONING BOARD OF APPEALS read the transcript of the hearing and vote. 65 ILCS 5/11-13-3(e); *but see Thompson v. Cook County Zoning Board of Appeals*, 96 Ill.App.3d 561, 569 (1st Dist. 1981) (reminding that home rule unit of governments are not bound by state zoning laws). Nor could the Chairman of the ZONING BOARD OF APPEALS appoint an alternate member to take the place of Commissioner Toia as Section 17-14-0301-A of the Chicago Zoning Ordinance only allows the Chairman to appoint an

⁵ In accordance with Section 7(e)(6) of the Open Meetings Act, 5 ILCS 120/1 *et seq.*

alternate member if a regular member is “unable to attend a meeting.” As a reminder, Commissioner Toia was in attendance at the May 20, 2022 meeting.

Consequently, the only findings of fact that the ZONING BOARD OF APPEALS can make in this particular instance is that the Applicant’s application is denied for failure to receive the concurring three votes necessary to approve the special use. *Sokalis v. Zoning Bd. of Appeals of Springfield*, 21 Ill.App.2d 178 (3d. Dist. 1959) (“The only decision the Zoning Board of Appeals [of Springfield] could make was that the motion or petition was denied because it failed to receive the concurring four votes necessary to authorize the requested use variance.”); *see also Jackson* at 193 (affirming denial of petition before a public body acting in a quasi-judicial capacity for failure to receive the votes required by statute).

IV. CONCLUSION

Pursuant to Section 17-13-0907 of the Chicago Zoning Ordinance, the ZONING BOARD OF APPEALS hereby denies the Applicant’s application for a special use for failure to receive three concurring votes approving such application.

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

APPROVED AS TO SUBSTANCE

By: 
Brian Sanchez, Acting Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail, postage prepaid, on 8/22, 2022.


Janine Klich-Jensen

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

APPLICANT: The Ark Cal. No.163-22-S
APPEARANCE FOR: Amy Degnan **MINUTES OF MEETING:**
May 20, 2022
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6438-50 N. California Avenue / 2801-11 W. Arthur Avenue

NATURE OF REQUEST: Application for a special use to expand an existing community center.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

THE RESOLUTION:

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

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s) provided: provided the special use is issued solely to the applicant, The Ark and the development is consistent with the design and layout of the floor plans and elevations dated December 3, 2021, with Hardscape and Landscape Plans dated May 16, 2022, all prepared by Eckenhoff Saunders.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22, 2022



THE VOTE

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN SANCHEZ
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: 3443 N. Ashland Land Owner, LLC Cal. No.164-22-S
APPEARANCE FOR: Warren Silver **MINUTES OF MEETING:**
 May 20, 2022
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3449 N. Ashland Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed five-story, fifty-three dwelling unit building with roof deck and twenty-seven parking spaces.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

ZBA

JUN 22 2022

**CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS**

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN SANCHEZ
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed five-story, fifty-three dwelling unit building with roof deck and twenty-seven parking spaces; a variation was also granted to the subject property in Cal. No. 165-22-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 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 floor plans dated May 17, 2022, prepared by Dwell Studio Architects.

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3443 N. Ashland Land Owner, LLC **CAL. NO.:** 165-22-Z
APPEARANCE FOR: Warren Silver **MINUTES OF MEETING:**
 May 20, 2022
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3449 N. Ashland Avenue

NATURE OF REQUEST: Application for a variation to increase the building height from the maximum 60' to 61' for a proposed five-story, fifty-three dwelling unit building with roof deck and twenty-seven parking spaces.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

JUN 22 2022

**CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS**

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN SANCHEZ
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to increase the building height to 61' for a proposed five-story, fifty-three dwelling unit building with roof deck and twenty-seven parking spaces; a special use was also approved for the subject property in Cal. No. 164-22-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the floor plans dated May 17, 2022, prepared by Dwell Studio Architects.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22, 2022

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Frederick Layne

CAL. NO.: 166-22-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:

May 20, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3254 W. 86th Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 15.39' to 8.6' for a proposed one-story addition to the existing two-story, single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 8.6' for a proposed one-story addition to the existing two-story, single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3440 Broadway, LLC

APPEARANCE FOR: Katriina McGuire

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3440 N. Broadway

Cal. No.167-22-S

MINUTES OF MEETING:
May 20, 2022

NATURE OF REQUEST: Application for a special use to establish a seven-story hotel with a maximum of one hundred seventy-six rooms, sixty parking spaces and ground floor retail use.

ACTION OF BOARD – APPLICATION APPROVED

ZBA

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

THE RESOLUTION:

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a seven-story hotel with a maximum of one hundred seventy-six rooms, sixty parking spaces and ground floor retail use; three variations were also granted to the subject property in Cal. Nos. 168-22-Z, 169-22-Z, and 170-22-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 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, 3440 Broadway, LLC, and the development is consistent with the design and layout of the Site Plan dated May 13, 2022, Landscape Planting Plan dated March 8, 2022, the Floor Plans (7 sheets), Roof Plan, Elevations/Sections (3 sheets), and Maneuvering Diagram/Partial Section/Site Plan dated March 9, 2022, Enlarged Partial East (Zoning Streetscape) Elevation dated January 7, 2020, Context Massing dated October 27, 2021, and General Information dated January 7, 2022 all prepared by Eckenhoff Saunders.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22, 2022

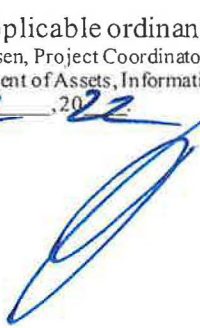
THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

APPROVED AS TO SUBSTANCE

CHAIRMAN



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

APPLICANT: 3440 Broadway, LLC

APPEARANCE FOR: Katriina McGuire

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3440 N. Broadway

CAL. NO.: 168-22-Z

MINUTES OF MEETING:
May 20, 2022

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 16' to 12.67', south side setback from 5' to zero, north setback from 5' to 1' for a proposed seven-story hotel with a maximum of one hundred seventy-six dwelling units and sixty parking spaces and ground floor retail use.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 12.67', south side setback to zero, north setback to 1' for a proposed seven-story hotel with a maximum of one hundred seventy-six dwelling units and sixty parking spaces and ground floor retail use; a special use was approved and two additional variations were granted at the subject property; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): the special use is issued solely to the applicant, 3440 Broadway, LLC, and the development is consistent with the design and layout of the Site Plan dated May 13, 2022, Landscape Planting Plan dated March 8, 2022, the Floor Plans (7 sheets), Roof Plan, Elevations/Sections (3 sheets), and Maneuvering Diagram/Partial Section/Site Plan dated March 9, 2022, Enlarged Partial East (Zoning Streetscape) Elevation dated January 7, 2020, Context Massing dated October 27, 2021, and General Information dated January 7, 2022 all prepared by Eckenhoff Saunders.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3440 Broadway, LLC

CAL. NO.: 169-22-Z

APPEARANCE FOR: Katriina McGuire

MINUTES OF MEETING:
May 20, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3440 N. Broadway

NATURE OF REQUEST: Application for a variation to reduce the size of the one required loading space from 10' x 50' to 10' x 25' for a proposed seven-story hotel with a maximum one-hundred seventy-six hotel rooms, sixty parking spaces and ground floor retail use.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

ZBA

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the size of the one required loading space to 10' x 25' for a proposed seven-story hotel with a maximum one-hundred seventy-six hotel rooms, sixty parking spaces and ground floor retail use; a special use was approved and two additional variations were granted at the subject property in Cal. Nos. 167-22-S, 168-22-Z, and 170-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): the special use is issued solely to the applicant, 3440 Broadway, LLC, and the development is consistent with the design and layout of the Site Plan dated May 13, 022, Landscape Planting Plan dated March 8, 2022, the Floor Plans (7 sheets), Roof Plan, Elevations/Sections (3 sheets), and Maneuvering Diagram/Partial Section/Site Plan dated March 9, 2022, Enlarged Partial East (Zoning Streetscape) Elevation dated January 7, 2020, Context Massing dated October 27, 2021, and General Information dated January 7, 2022 all prepared by Eckenhoff Saunders.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22/22

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3440 Broadway, LLC

CAL. NO.: 170-22-Z

APPEARANCE FOR: Katriina McGuire

MINUTES OF MEETING:
May 20, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3440 N. Broadway

NATURE OF REQUEST: Application for a variation to permit a new driveway from N. Broadway which is a designated pedestrian street where driveway access is normally prohibited for a proposed seven-story hotel with a maximum of one hundred, seventy-six rooms, sixty parking spaces and ground floor retail use.

ACTION OF BOARD - VARIATION GRANTED

ZBA

THE VOTE

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: the applicant shall be permitted variation to permit a new driveway from N. Broadway which is a designated pedestrian street where driveway access is normally prohibited for a proposed seven-story hotel with a maximum of one hundred, seventy-six rooms, sixty parking spaces and ground floor retail use; a special use was approved and additional variations were also granted to the subject property in Cal. Nos. 167-22-S, 168-22-Z, and 169-22-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): the special use is issued solely to the applicant, 3440 Broadway, LLC, and the development is consistent with the design and layout of the Site Plan dated May 13, 022, Landscape Planting Plan dated March 8, 2022, the Floor Plans (7 sheets), Roof Plan, Elevations/Sections (3 sheets), and Maneuvering Diagram/Partial Section/Site Plan dated March 9, 2022, Enlarged Partial East (Zoning Streetscape) Elevation dated January 7, 2020, Context Massing dated October 27, 2021, and General Information dated January 7, 2022 all prepared by Eckenhoff Saunders.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22/22

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Guaranteed Investments, Inc. Cal. No.274-21-S
APPEARANCE FOR: Caryn Shaw **MINUTES OF MEETING:**
APPEARANCE AGAINST: None May 20, 2022
PREMISES AFFECTED: 7401 S. State St.

NATURE OF REQUEST: Application for a special use to establish a cannabis craft grower facility.

ACTION OF BOARD – APPLICATION WITHDRAWN

THE VOTE

ZBA

JUN 22 2022

CITY OF CHICAGO
ZONING BOARD
OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Guaranteed Investments, Inc. Cal. No.521-21-S
APPEARANCE FOR: Caryn Shaw **MINUTES OF MEETING:**
APPEARANCE AGAINST: None May 20, 2022
PREMISES AFFECTED: 7401 S. State St.

NATURE OF REQUEST: Application for a special use to establish a cannabis infuser facility.

ACTION OF BOARD – APPLICATION WITHDRAWN

THE VOTE

ZBA

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Grand Gas Mart, Inc. Cal. No.10-22-S
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
APPEARANCE AGAINST: None May 20, 2022
PREMISES AFFECTED: 4755 W. Grand Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

ZBA

JUN 22 2022

**CITY OF CHICAGO
 ZONING BOARD
 OF APPEALS**

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN SANCHEZ
 SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a gas station and accessory retail convenience store; a variation was also granted to subject property in Cal. No. 76-22-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 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, Grand Gas Mart, Inc., and the development is consistent with the design and layout of the floor plans dated May 5, 2022, prepared by Ghulam M Kamal, Licensed Structural Engineer.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22, 2022

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Grand Gas Mart, Inc.

CAL. NO.: 76-22-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
May 20, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4755 W. Grand Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 20,000 square feet to 17,367 square feet for a proposed four pump gas station with convenience store.

ACTION OF BOARD - VARIATION GRANTED

ZBA

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a remote public hearing was held, in accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 et seq., on this application by the Zoning Board of Appeals at its regular meeting held on May 20, 2022 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on February 3, 2022; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the minimum lot area to 17,367 square feet for a proposed four pump gas station with convenience store; a special use was also approved for the subject property in Cal. No. 10-22-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): the special use is issued solely to the applicant, Grand Gas Mart, Inc., and the development is consistent with the design and layout of the floor plans dated May 5, 2022, prepared by Ghulam M Kamal, Licensed Structural Engineer.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I addressed a business envelope and caused this to be placed in the City of Chicago Department of Assets, Information and Services (AIS) intra-office intake container for stamping and mailing via USPS at 121 North LaSalle Street, Chicago, IL on 6/22, 2022.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: JBP Food Mart Cal. No.13-22-S
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
APPEARANCE AGAINST: None May 20, 2022
PREMISES AFFECTED: 1150 N. Cicero Avenue

NATURE OF REQUEST: Application for a special use to expand an existing one-story gas station with a accessory car wash use building for a new accessory convenience store and limited restaurant use.

ACTION OF BOARD – Continued to July 15, 2022

THE VOTE

ZBA

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: 1010 W. Madison Partners, LLC Cal. No.32-22-S

APPEARANCE FOR: Chris Leach **MINUTES OF MEETING:**

May 20, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1000-14 W. Madison Street / 2-10 N. Morgan Street

NATURE OF REQUEST: Application for a special use to establish residential accessory uses on the ground floor of a proposed ten-story, twenty-five-unit residential building with a two-level parking garage (ground and second level).

ACTION OF BOARD – Continued to August 19, 2022

ZBA

THE VOTE

JUN 22 2022
CITY OF CHICAGO
ZONING BOARD
OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: ABM Industry Groups, LLC Cal. No.97-22-S

APPEARANCE FOR: Talar Berberian **MINUTES OF MEETING:** May 20, 2022

APPEARANCE AGAINST: None

PREMISES AFFECTED: 550 W. Jackson Boulevard / 550 W. Quincy Street

NATURE OF REQUEST: Application for a special use to re-establish a non-accessory, one hundred-forty space parking garage in the basement and sub-basement of an existing office building.

ACTION OF BOARD – Continued to July 15, 2022

ZBA

JUN 22 2022

**CITY OF CHICAGO
ZONING BOARD
OF APPEALS**

THE VOTE

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN SANCHEZ
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN