

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

**MINUTES OF MEETING:**

June 18, 2021

Cal. No. 176-20-S

The Applicant 5828 N. Lincoln, LLC presented a written request for an extension of time in which to establish residential use below the second floor for a proposed three-story, six dwelling unit building at the subject property 5824 N. Lincoln Avenue. The special use was approved on June 5, 2020 in Cal. No. 176-20-S.

The Applicant's representative, Mark Kupiec withdrew the request stating the Applicant did obtain the permits for the work to the subject property.


Request for extension withdrawn.

**THE VOTE**

**JUL 19 2021**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

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

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

**MINUTES OF MEETING:**

June 18, 2021

Cal. No. 177-20-S

The Applicant 5828 N. Lincoln, LLC presented a written request for an extension of time in which to establish residential use below the second floor for a proposed three-story, nine dwelling unit building at the subject property 5830 N. Lincoln Avenue. The special use was approved on June 5, 2020 in Cal. No. 177-20-S.

The Applicant's representative, Mark Kupiec stated that the Applicant was in the process of obtaining the permits for work to the subject property. However, in the last year, this process has been slowed by the pandemic quarantine restrictions for both businesses and government offices.

Chairman Knudsen moved the request be granted and the time for obtaining the necessary permits be extended to June 29, 2022.

**THE VOTE**

**JUL 19 2021**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

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

**APPLICANT:** Juan Rivera dba Legacy Barber College Cal. No. 233-21-S  
**APPEARANCE FOR:** Same as Applicant  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1546 W. Howard Street

**MINUTES OF MEETING:**  
 June 18, 2021

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

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
**ZONING BOARD OF APPEALS**

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

**THE RESOLUTION:**


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021

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

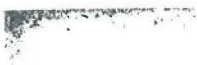
**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Richard Garza Garcia De La Vega **CAL NO.:** 234-21-Z  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:** June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2621 S. Homan Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to zero, west setback from 3' to (east to be zero), combined side yard setback from 7.5' to zero for a proposed carport and fence with rolling gate at 7.59' in height for the existing single- family residence.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
**ZONING BOARD OF APPEALS**

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to zero, west setback to (east to be zero), combined side yard setback to zero for a proposed carport and fence with rolling gate at 7.59' in height for the existing single- family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** Lien Huynh Khanh Hung, LLC dba Ravenswood Nail I Cal. No. 235-21-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1716 W. Lawrence Avenue

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

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**



**JUL 19 2021**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** Bishop Street Holdings, LLC **CAL NO.:** 236-21-Z  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3530 W. 63<sup>rd</sup> Street

**NATURE OF REQUEST:** Application for a variation to establish a public place of amusement license to provide an event space which is located within 125' of a residential zoning district.

**ACTION OF BOARD - VARIATION GRANTED WITH CONDITIONS**  
**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
**ZONING BOARD OF APPEALS**

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to establish a public place of amusement license to provide an event space which is located within 125' of a residential zoning district; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): the Applicant shall provide security whenever alcohol is served on the subject property.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021. 

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

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

**APPLICANT:** Leroy Avenue, LLC dba Leroy Avenue Barbershop

Cal. No. 237-21-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6136 W. Belmont Avenue

**NATURE OF REQUEST:** Application for a special use to expand an existing barber shop with a proposed second floor addition.

**ACTION OF BOARD – Continued to July 16, 2021**

**THE VOTE**



**JUL 19 2021**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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



**Color Club, LLC**  
APPLICANT

**238-21-Z**  
CALENDAR NUMBER

**4108-4116 N. Hamlin Avenue**  
PREMISES AFFECTED

**June 18, 2021**  
HEARING DATES

**ACTION OF BOARD**

**THE VOTE**

The application for the variation is approved subject to the condition set forth in this decision.

Timothy Knudsen,  
Chairman  
Zurich Esposito  
Ann MacDonald  
Brian Sanchez  
Sam Toia

AFFIRMATIVE    NEGATIVE    ABSENT

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**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 4108-4116 N.  
HAMLIN AVENUE BY COLOR CLUB, LLC.**

**I. BACKGROUND**

Color Club, LLC (the "Applicant") submitted an application for a variation for 4108-4116 N. Hamlin Avenue (the "subject property"). The subject property is zoned C1-1 and is improved with a two- and three-story building (the "building"). The building was built by the Swedish International Order of the Vikings in 1922. It contains two ballrooms, a museum, a former tavern and many other community gathering rooms. In 1958, the building was purchased by the Chicago Latvian Association. The Chicago Latvian Association used the building as a banquet hall and rented out both ballrooms and the former tavern as private rental spaces for weddings, quinceañeras and other parties. The Applicant purchased the building in 2020 with the intent of creating a space for community and cultural programming. Currently, the Applicant rents studio space for ten (10) artists within the building. The Applicant proposed to establish a public place of amusement ("PPA") for one of the ballrooms, the former tavern and the museum so that it could rent those spaces<sup>1</sup> for arts and cultural programming and events. To permit this, the Applicant sought a variation to establish a PPA for a proposed banquet hall / event space with sales of tickets for events which is located within 125' of a residential zoning district.

<sup>1</sup> The ballroom and the former tavern were referred to as "banquet halls" in the Applicants' proposed Findings of Fact.



## II. PUBLIC HEARING

### A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing<sup>2</sup> on the Applicant's variation application at its regular meeting held on June 18, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Fact. The Applicant's managing members Ms. Abby Monroe and Mr. Joshua Dihle were present at the hearing. Testifying in opposition to the application was Ms. Trista Gunderman. The alderman for the City's 39th Ward Alderman Samantha Nugent (the "Alderman") was present at the hearing. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. March 22, 2021)<sup>3</sup>.

One of the Applicant's managers Ms. Abby Monroe offered testimony in support of the application.

One of the Applicant's managers Mr. Joshua Dihle offered testimony in support of the application.

In response to questions from the ZONING BOARD OF APPEALS, Ms. Monroe offered further testimony.

Ms. Trista Gunderman, of 4106 North Hamlin Avenue, offered testimony in opposition to the application. Her opposition stemmed from the fact that due to opening the building up to public ticketed events there would be: (1) negative impact on street parking for nearby residents; and (2) increased noise generation.

In response to questions from the ZONING BOARD OF APPEALS, Ms. Gunderman and Ms. Monroe offered further testimony.

The Alderman made a statement in support of the application.

### B. Criteria for a Variation

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

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

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

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 variation pursuant to Section 17-13-1107-A of the Chicago Zoning Ordinance:

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

The building was clearly built as an event venue and has been used as an event venue for over 50 years. While the last owner of the building used the building for private events, the Applicant's business model requires public, ticketed events. This requires a PPA.<sup>4</sup> Because the building is within 125' of a residential district, no PPA may be obtained for the subject property without a variation from the ZONING BOARD OF APPEALS. If no PPA can be obtained for the subject

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<sup>4</sup> Section 4-156-300 of the Municipal Code of Chicago requires an operator to obtain a PPA to collect admission fees if it is offering various types of amusement, as such term is defined in Section 4-156-010.

property, the Applicant would not be able to afford to maintain the building. The ZONING BOARD OF APPEALS finds that such inability to maintain the building would create practical difficulties or particular hardships for the subject property.

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

The requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to Section 17-1-0501 by providing a space for art and cultural programming for the community and the general public; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 by allowing the Applicant to provide comedy shows, theatre events, dance performances and other entertainment options at the building; (3) maintaining economically vibrant as well as attractive businesses and commercial areas pursuant to Section 17-1-0504 by providing a space for events such as comedy shows, theatre events and dance performances; and (4) promoting rehabilitation and reuse of older buildings pursuant to Section 17-1-0511 by enabling the continued use of an almost 100 year old building.

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 variations pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance:

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

As set forth above, the Applicant's business model requires public, ticketed events. As also set forth above, public, ticketed events require a PPA. However, because the subject property is within 125' of a residential zoning district, the Applicant cannot obtain a PPA without the requested variation. Therefore, if the subject property were permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance, the Applicant would not be able to continue to afford to own and maintain the building. Thus, the ZONING BOARD OF APPEALS finds that if the subject property were permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance, the subject property would not be able to yield a reasonable return.

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

The practical difficulties or particular hardships in this case are due to the unique circumstances of the subject property being within 125' of a residential zoning district. Such a circumstance is not generally applicable to other commercial property as most other commercial property can establish a PPA simply by applying to the City's Department of Business Affairs and Consumer Protection. In other words, most businesses operating on commercial property can establish a PPA as of right and without a variation from the ZONING BOARD OF APPEALS.

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

The PPA will allow the subject property to be used in much the same way that it has been used for decades. As Ms. Munroe credibly testified, the Chicago Latvian Association rented out the banquet halls and the tavern for private events such as weddings, quinceañeras and other parties. The PPA will allow the Applicant to offer spaces for public, ticketed events. In fact, as Ms. Monroe testified, the type of events that the Applicant intends to primarily offer via the PPA (*i.e.*, live theater, recitals, dance performances) are less noisy than the previous uses and will thus not alter the essential character of the neighborhood by way of noise disturbances. Indeed, Ms. Monroe testified that the Applicant would be installing soundproofing foam and blackout shades in order to minimize disruption to the surrounding area. Further, the variation, if granted, will have no effect on the essential character of the neighborhood from a parking standpoint because, as Ms. Monroe has credibly testified, the Applicant has entered into agreements with a funeral parlor and a bank to supply parking, with ongoing negotiations with adjacent neighbors as to supplementary parking. Moreover, without the variation, the subject property could, by right, be used to host private events in a vein similar to what the Applicant has proposed, albeit without charging for admission. The ZONING BOARD OF APPEALS finds that the Applicant's intended use for the subject property is consistent with, and in many ways, less intensive than, the manner in which it has been historically used. As such, the ZONING BOARD OF APPEALS finds that granting the variation will not alter the essential character of the neighborhood.

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

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

The subject property's particular physical surrounding – that is, its proximity to a residential zoning district – results in a particular hardship upon the Applicant as

such proximity makes it impossible for the Applicant to obtain a PPA if the strict letter of the Chicago Zoning Ordinance were carried out. The ZONING BOARD OF APPEALS finds this inability of the Applicant to obtain a PPA to be particular hardship to the Applicant as distinguished from a mere inconvenience.

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

The subject property is located in a C1-1 zoning district. Most property within a C1-1 zoning district is not within 125' of a residential zoning district and therefore most property within a C1-1 zoning district would be able to establish a PPA as of right. Therefore, the conditions upon which the petition for the Applicant's variation is based (i.e., the subject property's proximity to a residential zoning district) are not applicable, generally, to other property within a C1-1 zoning district.

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

One of the purposes of variation is to enable the Applicant to afford and maintain the subject property. As stated in the Applicant's proposed Findings of Fact, without the variation the subject property would be unused and could fall into disrepair. The variation allows the Applicant to put the subject property to productive use for the community and for the general public. As Ms. Monroe credibly testified, the Applicant's focus is to provide publicly accessible arts and cultural programming. It is apparent from Ms. Monroe and Mr. Dihle's professional background<sup>5</sup> that providing quality arts programming to benefit the public is a major motivator for this project. Because of this, the ZONING BOARD OF APPEALS finds that the purpose of the variation is not based exclusively on a desire to make more money out of the subject property.

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

The Applicant did not create the subject property's proximity to a residential zoning district. The subject property's proximity to a residential zoning district is solely the creation of the City Council of the City.

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.*

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<sup>5</sup> Ms. Monroe has been a community engagement consultant for over 15 years and Mr. Dihle is a professional artist and a professor at the Art Institute of Chicago.

As previously mentioned, the Applicant sought the PPA in order to provide publicly accessible arts and cultural programming to the surrounding community and to the general public. And as previously mentioned, Ms. Monroe and Mr. Dihle have professional backgrounds that effectively position the Applicant to provide such beneficial programming. Further, the ZONING BOARD OF APPEALS finds the Applicant, by and through its managers Ms. Monroe and Mr. Dihle, to be a responsible and responsive neighbor. As Ms. Monroe credibly testified, in the single instance in which noise disturbed the surrounding area, Ms. Monroe immediately instituted rule changes to prevent such an incident from repeating going forward. Ms. Monroe also testified that the Applicant will install soundproofing foam, which would further minimize any leakage of sound. The Applicant intends on providing arts-focused events such as live theater, art installations and comedy shows. As Ms. Monroe credibly testified, such events are quieter by nature than the weddings and quinceañeras previously hosted by the Chicago Latvian Association. The ZONING BOARD OF APPEALS finds that the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. In fact, the variation will allow the subject property to be a boon to the surrounding neighborhood.

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

The variation will allow the Applicant to establish a PPA so the Applicant can offer public, ticketed events. There will be no change to the exterior of the building and thus it will not impair an adequate supply of light and air to adjacent properties. Though the PPA does not require on-site parking<sup>6</sup>, Ms. Monroe testified that the Applicant has entered into agreements with nearby property owners for the use of their parking lots. Ms. Monroe further testified that she is in the process of negotiating further agreements with adjacent neighbors in order to provide supplementary parking. Moreover, Ms. Monroe testified that she anticipates patrons to utilize the CTA's Blue Line train (as a station is within walking distance of the subject property). As the ZONING BOARD OF APPEALS finds Ms. Monroe to be a very credible witness, the ZONING BOARD OF APPEALS finds that there will not be a substantial increase in congestion in the public streets. Any construction will be pursuant to valid building permits and thus the variation will not increase the danger of fire and will not endanger the public safety. The PPA will enable the Applicant to provide valuable art and cultural programming to the neighborhood and, as such, the variation will not diminish or impair property values within the neighborhood. Indeed, as Ms.

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<sup>6</sup> See April 16, 2021 parking determination from the City's Zoning Administrator to Ms. Monroe.

Monroe and the Alderman testified, the Applicant received and took into consideration input from various community organizations, including the West Walker Civic Association and the Pulaski Elston Business Association. The grant of this PPA will further the establishment of the surrounding community's vision for arts and cultural use in the area which the ZONING BOARD OF APPEALS finds is likely to have a positive effect on property values in the neighborhood.

#### IV. CONCLUSION

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

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

1. The Applicant shall provide security when alcohol is being served on the subject property.

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

APPROVED AS TO SUBSTANCE

By:   
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the mail on 8/23, 2021.

  
Janine Klich-Jensen

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

**APPLICANT:** Clark Apartments, LLC

**APPEARANCE FOR:** Sara Barnes

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3833 N. Clark Street

Cal. No. 239-21-S

**MINUTES OF MEETING:**  
June 18, 2021

**NATURE OF REQUEST:** Application for a special use to establish residential use below the second floor for a proposed four-story rear addition and two new floors to the existing two-story, two dwelling unit building to be converted to a three-dwelling unit building with an attached three-car garage.

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
**ZONING BOARD OF APPEALS**

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed four-story rear addition and two new floors to the existing two-story, two dwelling unit building to be converted to a three-dwelling unit building with an attached three-car garage; a variation was also granted to the subject property in Cal. No. 240-21-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated January 11, 2021, with elevations dated June 3, 2021 prepared by MC & Associates, LLC.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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



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

APPLICANT: Clark Apartments, LLC

CAL NO.: 240-21-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:  
June 18, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3833 N. Clark Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 2' for a proposed four-story rear addition and to add two new floors to the existing two-story, two dwelling unit building to be converted to a three-dwelling unit building with a three-car attached garage.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

JUL 19 2021  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; 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 four-story rear addition and to add two new floors to the existing two-story, two dwelling unit building to be converted to a three-dwelling unit building with a three-car attached garage; a special use was also approved for the subject property in Cal. No. 239-21-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated January 11, 2021, with elevations dated June 3, 2021 prepared by MC & Associates, LLC.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

APPROVED AS TO SUBSTANCE  
*[Signature]*  
CHAIRMAN

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

**APPLICANT:** Paulina Flats, LLC **CAL NO.:** 241-21-Z  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3419 N. Paulina Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to 23' for a proposed four-story, fourteen dwelling unit building with a rooftop deck.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; 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 23' for a proposed four-story, fourteen dwelling unit building with a rooftop deck; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** Marco and Patricia Iannessa **CAL NO.:** 242-21-Z  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2442 W. Thomas Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 36' to 1.1', east side yard setback from 2' to zero, west to 0.1', combined side yard setback from 5' to 0.1' for a proposed stair connecting three-story deck to a proposed garage rooftop deck on the existing garage which serves the existing three-story, three-unit residential building.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

JUL 19 2021  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; 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 1.1', east side yard setback to zero, west to 0.1', combined side yard setback to 0.1' for a proposed stair connecting three-story deck to a proposed garage rooftop deck on the existing garage which serves the existing three-story, three-unit residential building; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Healthcare Alternative Systems Cal. No. 243-21-S  
**APPEARANCE FOR:** Danielle Cassel **MINUTES OF MEETING:**  
June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4734 W. Chicago Avenue

**NATURE OF REQUEST:** Application for a special use to establish a new medical service in an existing two-story building.

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
**ZONING BOARD OF APPEALS**

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a new medical service in an existing two-story building; a variation was also granted to the subject property in Cal. No. 244-21-Z; additionally, a variation to allow an accessory off-site parking twenty-three space parking lot at 4731 W. Rice Street to serve the subject property was also granted; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Healthcare Alternative Systems, and the development is consistent with the design and layout of the plans and drawings dated November 9, 2020, prepared by (R)evolution Architecture, with landscape plan dated June 18, 2021.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** Healthcare Alternative Systems **CAL NO.:** 244-21-Z  
**APPEARANCE FOR:** Danielle Cassel **MINUTES OF MEETING:** June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4734 W. Chicago Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the off-street parking from the required twenty-nine stalls to twenty-three stalls, to serve a proposed medical service facility in an existing two-story building.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

JUL 19 2021  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; 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 off-street parking to twenty-three stalls, to serve a proposed medical service facility in an existing two-story building; a special use was also approved for the subject property in Cal. No. 243-21-S; additionally, a variation to allow an accessory off-site parking twenty-three space parking lot at 4731 W. Rice Street to serve the subject property was also granted in Cal. No. 245-21-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): provided the special use is issued solely to the applicant, Healthcare Alternative Systems, and the development is consistent with the design and layout of the plans and drawings dated November 9, 2020, prepared by (R)evolution Architecture, with landscape plan dated June 18, 2021.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Healthcare Alternative Systems

**CAL NO.:** 245-21-Z

**APPEARANCE FOR:** Danielle Cassel

**MINUTES OF MEETING:**  
June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4731 W. Rice Street

**NATURE OF REQUEST:** Application for a variation to allow an accessory off-site parking twenty-three space parking lot to serve a proposed medical service facility at 4734 W. Chicago Avenue.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

**JUL 19 2021**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; 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 a variation to allow an accessory off-site parking twenty-three space parking lot to serve a proposed medical service facility at 4734 W. Chicago Avenue; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



**NOV 22 2021**

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Raina 31st Halsted LLC**

APPLICANT

**246-21-S**

CALENDAR NUMBER

**3121 S. Halsted Street**

PREMISES AFFECTED

**September 17, 2021**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

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

Timothy Knudsen,  
Chairman  
Ann MacDonald (Alt.)  
Brian Sanchez  
Jolene Saul  
Sam Toia

AFFIRMATIVE    NEGATIVE    RECUSED

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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 3121 S.  
HALSTED BY RAINA 31ST HALSTED LLC.**

**I. BACKGROUND**

Raina 31st Halsted LLC (the "Applicant") submitted a special use application for 3121 S. Halsted (the "subject property"). The Applicant operates twenty-six (26) Dunkin' Donuts franchises within the City of Chicago ("City"). The Applicant proposed to relocate its current Dunkin' Donuts franchise located at 749 W. 31<sup>st</sup> Street ("current Dunkin' Donuts") to the subject property. The current Dunkin' Donuts is solely a walk-in location and does not have a drive-through. As part of the Applicant's relocation of the current Dunkin' Donuts to the subject property, the Applicant proposed to establish a one lane drive-through. The Applicant therefore sought a special use for such one lane drive-through. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator" and "Department") recommended denial of the proposed special use.

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a remote public hearing<sup>1</sup> on the Applicant's special use application at its regular meeting on September 17, 2021, 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 Facts. The Applicant's managing member Mr. Sanjeev Khatau and the Applicant's attorney Mr. Nick Ftikas were present. The Applicant's architect Ms. Nicoletta Scarlatis, its land planner Mr. Kareem Musawwir and its traffic engineer Mr. Michael Werthmann were present. Department Assistant Commissioner Ms. Nancy Radzevich was present. 11th Ward Alderman Patrick Thompson (the "Alderman") was present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. March 22, 2021)<sup>2</sup>.

The Applicant's attorney Mr. Nick Ftikas provided an overview of the application.

The Applicant offered the testimony of its managing member Mr. Sanjeev Khatau in support of the application.

The Applicant offered the testimony of its architect Ms. Nicoletta Scarlatis in support of the application.

The Applicant offered the testimony of its land planner Mr. Kareem Musawwir in support of the application.

The Applicant offered the testimony of its traffic engineer Mr. Michael Werthmann in support of the application.

The Zoning Administrator and the Department offered the testimony of Ms. Nancy Radzevich in opposition to the application.

The Alderman offered testimony in opposition to the application.

Mr. Ftikas was then granted leave to cross-examine Ms. Radzevich, and Ms. Radzevich offered further testimony.

In response to Ms. Radzevich's testimony, Mr. Werthmann then offered further testimony in support of the application.

#### B. Criteria for a Special Use

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

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

<sup>2</sup> 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

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 special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

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

The ZONING BOARD OF APPEALS finds that the proposed special use complies with all applicable standards of the Chicago Zoning Ordinance. The subject property is located in a B1-2 zoning district. The Applicant's proposed drive through facility is a special use in a B1-2 zoning district.<sup>3</sup> The Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special use that brings it before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the special use to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards (i.e., bulk, density, parking, etc.) 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 ZONING BOARD OF APPEALS finds that the proposed special use is in the interest of public convenience because it will allow the Applicant to provide the convenience of a drive-through for both its customers and the general public traveling on Halsted. Further, the ZONING BOARD OF APPEALS finds that the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community. As Mr. Werthmann very credibly testified and as he noted in his report, the majority of the traffic generated by the drive-through will either be from existing customers of the Applicant or pass-by

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<sup>3</sup> Pursuant to Section 17-3-0207(Z) of the Chicago Zoning Ordinance.

traffic. That is, because the drive-through facility will generally pull from existing traffic, the roads will still function at adequate capacity. In addition, the ZONING BOARD OF APPEALS agrees with Mr. Werthmann that there are many midblock commercial developments within the City (and indeed very near this location) that generate similar or higher volumes of traffic. Thus, the ZONING BOARD OF APPEALS does not agree with the Zoning Administrator and the Department<sup>4</sup> that simply because the Applicant proposes a midblock location for its drive-through facility, the proposed special use will have an adverse impact on the general welfare of the neighborhood. Instead, the ZONING BOARD OF APPEALS agrees with Mr. Werthmann in that there are pros and cons to both midblock and intersection locations for drive-throughs. In the instant case, the ZONING BOARD OF APPEALS agrees with Mr. Werthmann that internal site circulation of the drive-through will not cause any conflict either within the site or with the traffic (both vehicular and pedestrian) on Halsted. As such, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood.

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

As can be seen from the site plans and as testified by Mr. Werthmann, the proposed special use has been designed to enhance the operation of the drive-through and minimize its impact on both traffic flow and the pedestrian way. Further, the proposed special use is a commercial use on a commercial street that has other quick-service restaurants and shops, such as the nearby Starbucks, BP gas station and the CVS. The proposed special use will be housed in a one-story building similar to other buildings in the area. Thus, the proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

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

The ZONING BOARD OF APPEALS finds that the proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic

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<sup>4</sup> In addition, the ZONING BOARD OF APPEALS notes that neither the Department nor the Zoning Administrator had any independent knowledge of the objections they raised and instead simply relayed the objections of the City's Department of Transportation ("CDOT"). While the ZONING BOARD OF APPEALS has great respect for CDOT, CDOT needs to make its own objections so that the ZONING BOARD OF APPEALS may properly consider them.

generation. As noted above, Halsted is a commercial street at this location with other quick-service restaurants and shops nearby. Thus, hours of operation, outdoor lighting and noise will all be compatible with the character of the surrounding area. Moreover, and as also noted above, the Applicant is relocating from its present location to the subject property. Thus, this is not a new business to the area. As such, and as very credibly testified by Mr. Werthmann, a large percentage of the traffic that will be generated by the proposed special use is already on the roadway system. Thus, traffic generation will be compatible with the character of the surrounding area.

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

The ZONING BOARD OF APPEALS finds that the proposed special use is designed to promote pedestrian safety and comfort. As very credibly testified by Mr. Werthmann and as can be seen from the site plans, ingress and egress to the proposed special use has excellent site lines for customers entering/exiting the proposed special use and pedestrians traversing the sidewalk. Thus, pedestrian safety is promoted. Further, the proposed special use will greatly improve the streetscape in that currently the subject property is a vacant lot. The proposed special use will ensure that the the subject property is improved with landscaping in accordance with the Chicago Landscape Ordinance. Therefore, the proposed special use is designed to promote pedestrian 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 the Chicago Zoning Ordinance.

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

1. The special use shall be issued solely to the Applicant;
2. The special use shall be developed consistently with the design and layout of the plans and drawings shown to the ZONING BOARD OF APPEALS at the public hearing.

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

APPROVED AS TO SUBSTANCE

By:   
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/22, 2021.

  
Janine Klich-Jensen

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



**Barrett Properties, LLC**

APPLICANT

**247-21-S & 248-21-Z**

CALENDAR NUMBERS

**3113 N. Lincoln Ave / 3118 N. Greenview Ave**

PREMISES AFFECTED

**June 18, 2021**

HEARING DATE

**ACTION OF BOARD**

The application for the special use is denied. The variation is approved.

**THE VOTE (SPECIAL USE – 247-21-S)**

	AFFIRMATIVE	NEGATIVE	ABSENT
Timothy Knudsen, Chairman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brian Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**THE VOTE (VARIATION – 248-21-Z)**

	AFFIRMATIVE	NEGATIVE	ABSENT
Timothy Knudsen, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Sanchez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE AND VARIATION APPLICATIONS  
FOR 3113 N. LINCOLN AVE. / 3118 N. GREENVIEW AVE. BY BARRETT  
PROPERTIES, LLC.**

**I. BACKGROUND**

Barrett Properties, LLC (the “Applicant”) submitted a special use application and a variation application for 3113 N. Lincoln Avenue / 3118 N. Greenview Avenue (the “subject property”). The subject property has street frontages on both N. Lincoln Avenue

and N. Greenview<sup>1</sup> and is currently zoned B1-3. The Applicant previously sought and obtained from the ZONING BOARD OF APPEALS two variations for the subject property on September 18, 2020.<sup>2</sup> After receiving these two variations, the Applicant razed the existing one-story building on the subject property and began constructing a four-story, mixed-use building (the “building”). The Applicant proposed to change the use of the building from mixed-use to all residential use. To permit this proposed change in use, the Applicant sought: (1) a special use to establish residential use below the second floor; and (2) a variation to reduce the rear setback on floor containing dwelling units from the required 30 feet to 0.33 feet.<sup>3</sup> In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City’s Department of Planning and Development (the “Zoning Administrator”) recommended denial of the proposed special use.

## II. PUBLIC HEARING

### A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing<sup>4</sup> on the Applicant’s special use application at its regular meeting held on June 18, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS’ Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Fact. The Applicant’s managing member Mr. Michael Barrett and its attorney Mr. Ftikas were present. The Applicant’s architect Mr. Christopher Boehm and its MAI certified real estate appraiser Mr. Terrance O’Brien were present. The chief of staff for 32nd ward alderman Scott Waguespack (the “Alderman”) Mr. Paul Sajovec was present. Assistant Zoning Administrator Mr. Steven Valenziano was present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS’ Rules of Procedure and its Emergency Rules (eff. March 22, 2021).

The Applicant’s managing member Mr. Michael Barrett offered testimony in support of the applications.

The Applicant’s architect Mr. Christopher Boehme offered testimony in support of the applications.

The Applicant’s MAI certified real estate appraiser Mr. Terrance O’Brien offered testimony in support of the applications.

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<sup>1</sup> The subject property is not strictly a through-lot as N. Lincoln Avenue and N. Greenview Avenue are not parallel at this location. Nevertheless and as can be seen from the plat of survey, it does have two street frontages.

<sup>2</sup> ZONING BOARD OF APPEALS calendar numbers 300-20-Z and 301-20-Z. Board Cal. No. 300-20-Z sought the same relief as Board Cal. No. 248-21-Z. Board Cal. No. 301-20-Z sought a variation to reduce the commercial floor area requirement from 1,048 square feet to 838 square feet.

<sup>3</sup> As mentioned in footnote 2 above, this is the same relief requested in Board Cal. No. 300-20-Z.

<sup>4</sup> In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.*

The Applicant's attorney Mr. Nick Ftikas made a statement disagreeing with the Zoning Administrator's recommendation of denial of the proposed special use.

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

The Alderman's chief of staff Mr. Paul Sajovec offered testimony in opposition to the proposed special use.

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

The Assistant Zoning Administrator Mr. Steven Valenziano offered testimony in opposition to the proposed special use.

In response to Mr. Valenziano's testimony, Mr. O'Brien offered further testimony.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Ftikas made a further statement.

Mr. Ftikas then made a brief closing argument.

#### 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) 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.

#### C. 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 are 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 applications for special uses pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

- 1. The proposed special uses does not comply with all applicable standards of the Chicago Zoning Ordinance.*

The subject property is located in a B1-3 zoning district. The Applicant's proposed residential use below the second floor is a special use in a B1-3 zoning district.<sup>5</sup> Since the ZONING BOARD OF APPEALS declines to grant the proposed special use, the proposed special use does not comply with all applicable standards of the Chicago Zoning Ordinance.

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<sup>5</sup> Section 17-3-0207-A(7) of the Chicago Zoning Ordinance.



2. *The Applicant failed to prove that the proposed special use is in the interest of the public convenience. The proposed special use will have a significant adverse impact on the general welfare of the neighborhood or community.*

It is up to the Applicant to prove its case. While the Applicant provided evidence that the proposed special use would be commercially expedient for the Applicant, the Applicant failed to prove that the proposed special use would be expedient or reasonably convenient for the public welfare. In fact, the ZONING BOARD OF APPEALS agrees with Mr. Valenziano that it is not in the interest of public convenience to introduce a passive, ground floor residential use one block south of the six-corner intersection of N. Lincoln Avenue, W. Belmont Avenue and N. Ashland Avenue. This six-corner intersection is one of the most important retail nodes in the Lakeview neighborhood. Introduction of a passive, ground floor residential use in such close proximity to this important retail area is not in the interest of the public convenience, especially when the Applicant is not providing a higher density building that would lead to higher foot traffic in the area.

Further, the proposed special use will have a significant adverse impact on the general welfare of the neighborhood or community. Again, the subject property is located one block south of the vital retail area located at the six-corner intersection of N. Lincoln Avenue, W. Belmont Avenue and N. Ashland Avenue. Wholly residential use below the second floor (i.e., wholly ground floor residential use)<sup>6</sup> at this location would have a significant adverse impact on the general welfare of the neighborhood. The ZONING BOARD OF APPEALS finds Mr. Sajovec and Mr. Valenziano to be very credible as to this significant adverse impact. In contrast, the ZONING BOARD OF APPEALS did not find any of the Applicant's witnesses to be particularly credible as to significant adverse impact. The ZONING BOARD OF APPEALS particularly agrees with Mr. Valenziano that as the proposed special use would introduce a gap in the retail and commercial uses of the pedestrian retail street of N. Lincoln Avenue, it would create dead pedestrian space. As retail and commercial uses are already struggling due to the COVID-19 pandemic, the ZONING BOARD OF APPEALS finds that allowing such dead space merely one block south of one of the most important retail nodes in the Lakeview neighborhood would not be beneficial to the neighborhood and would – as set forth above – instead have a significant adverse impact on the general welfare of the neighborhood.

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<sup>6</sup> The Applicant's previous application for variation (i.e., Board Cal. No. 301-20-Z) was a request to reduce only a portion of the ground floor commercial space.

3. *The proposed special use is not compatible with the character of the surrounding area in terms of site planning and building scale and project design.*

As set forth above, the proposed special use would create a dead pedestrian space merely one block south of one of the most important retail nodes in the Lakeview neighborhood. This is not compatible with the retail and commercial character of the surrounding area in terms of site planning and building scale and project design as the proposed special use and the building it would be housed in introduces an overly passive use (i.e., wholly ground floor residential) without providing a higher dwelling unit count that might off-set this overly passive use.

4. *The proposed special use is not compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.*

The proposed special use will allow wholly ground floor residential use at the subject property. As Mr. Valenziano very credibly testified, this will introduce a gap in the retail and commercial uses of the pedestrian retail street of N. Lincoln Avenue. As a result, the proposed special use will introduce dead pedestrian space just one block south of one of the most important retail nodes of the Lakeview neighborhood. The proposed special use is therefore not 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 not designed to promote pedestrian safety and comfort.*

The proposed special use introduces a passive element into what is a highly foot trafficked area. This reduces public safety and comfort because it provides a dead space in the continuous use of the sidewalk. Continuous use of the sidewalk is critical to promoting pedestrian safety and comfort as it creates the eyes on the street safety that is so necessary in large cities like Chicago.

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

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

As can be seen from the plat of survey, the subject property is irregularly shaped and significantly shorter than a standard City lot. As a result, strict compliance

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

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

The requested variation will allow for the building. The building is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance by allowing the Applicant to replace an aged building with brand new construction; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance by allowing the Applicant to replace an aged building with new construction; (3) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance by allowing the N. Greenview façade of the building to align with the other buildings on N. Greenview; (5) ensuring adequate light, air, privacy and access to property pursuant to Section 17-1-0509 of the Chicago Zoning Ordinance as can be seen from the building's plans and drawings; and (6) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance by allowing for new residential dwelling units above the second floor in a B1-3 zoning district.

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

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

Without the requested variation, the Applicant would have to impose a 30' rear setback on floors containing dwelling units. As a result, the Applicant would lose otherwise buildable space (i.e., if the Applicant elected to do a wholly commercial building) on an already short and irregular lot. Since the subject property is located in a B1-3 zoning district and residential use is allowed above the second floor at this location, the ZONING BOARD OF APPEALS finds that imposing such a 30' rear setback on such a short and irregular lot would make the subject property unable to yield a reasonable return.

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

The short depth and irregular shape of the subject property are unique circumstances that are not generally applicable to other business district property.

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

The variation will allow the building to maintain a continuous façade along the N. Greenview frontage. Otherwise, the façade of the first floor of the building would be set .33' from the N. Greenview (rear) property line but the remainder of the building's façade (i.e., floors two through four) would be set 30' from the N. Greenview (rear) property line. As can be seen from the photographs submitted of the N. Greenview street frontage, a continuous façade set .33' from the N. Greenview (rear) property line would be in keeping with the surrounding buildings. In fact, having a part of the building's N. Greenview façade set 30' back from the N. Greenview (rear) property line would 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 variation pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance:

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

The particular shape – that is to say the short and irregular lot – of the subject property results upon particular hardship upon the Applicant as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out. Without the variation, it would be impossible for a mixed-use building to be financially viable on the subject property. As the B1-3 zoning district allows for mixed-use buildings, denying the Applicant the ability to build a mixed-use building on the subject property is a particular hardship – as opposed to a mere inconvenience.

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

The short lot depth and irregular lot shape of the subject property are not conditions applicable, generally, to other property within the B1-3 zoning classification.

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

The purpose of the variation is to allow for a financially viable mixed-use building to be erected on a short and irregular lot. As such, it is not solely to make more money out of the subject property but rather to allow the property to overcome its short lot depth and irregular shape and be put to productive use.

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

The Applicant did not create the subject property's irregular shape and short lot depth.

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

The variation will allow for the construction of the building. As can be seen from the plans and drawings, the building will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. On the contrary, as the new construction building will replace an aged building, the granting of the variation will be beneficial to the public welfare and beneficial to other improvements in the area.

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

The variation will allow for the construction of the building. As can be seen from a comparison of plans and drawings of the proposed developments with the photographs of the immediate area, the building height will be shorter than the 50' maximum<sup>7</sup> and the variation will allow the building to have setbacks that match the immediately adjacent neighboring buildings on N. Greenview Avenue. As such, it is clear that the variation will not impair an adequate supply of light and air to adjacent properties. As the building will have five on-site parking spaces, the variation will not substantially increase the congestion in the public streets. Construction on the building will not continue unless and until a valid building permit is issued and thus the building will not increase the danger of fire or endanger the public safety. As the variation will allow the construction of a brand new structure which will replace an aged building and for the building to have a similar continuous façade as its immediately adjacent neighbors on N. Greenview Avenue, the variation will not substantially diminish or impair property values within the neighborhood.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that: (1) 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 special use

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<sup>7</sup> Section 17-3-0408-A of the Chicago Zoning Ordinance.

pursuant to Sections 17-13-0905-A of the Chicago Zoning Ordinance; and (2) the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby denies the Applicant's application for a special use.

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

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

APPROVED AS TO SUBSTANCE

By: 

Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 8/23, 2021.

  
Janine Klich-Jensen

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

**APPLICANT:** Kevin and Rachel Price **CAL NO.:** 249-21-Z  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1839 N. Leavitt Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from 27.95' to 0.33', north side setback from 3.85' to zero, (south to be zero), combined side setback from 9.62' to zero for a proposed one-story addition with roof deck and access stair to the existing single- family residence.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 0.33', north side setback to zero, (south to be zero), combined side setback from 9.62' to zero for a proposed one-story addition with roof deck and access stair to the existing single- family residence; an additional variation was granted to the subject property in Cal. No. 250-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** Kevin and Rachel Price

**CAL NO.:** 250-21-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1839 N. Leavitt Street

**NATURE OF REQUEST:** Application for a variation to relocate the required 312 square feet of rear yard open space to a roof top deck for a proposed one-story addition with roof deck and access stair for the existing single- family residence.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

**JUL 19 2021**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; 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 312 square feet of rear yard open space to a roof top deck for a proposed one-story addition with roof deck and access stair for the existing single- family residence; an additional variation was granted to the subject property in Cal. No. 249-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



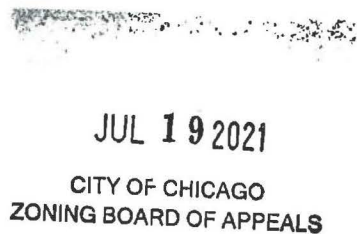
**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Kranti Kambhampati **CAL NO.:** 251-21-Z  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1325-29 N. Artesian Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 8.3' to zero, north side setback from 2' to zero, south from 2' to 0.1', combined side yard setback from 4.8' to 0.1' for the existing three dwelling unit building at 1329 N. Artesian to permit the division of one zoning lot into two zoning lots. The existing three-story, three dwelling unit building shall remain. A four-story, three dwelling unit building with on-site parking is proposed for the newly created lot.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to zero, north side setback to zero, south to 0.1', combined side yard setback to 0.1' for the existing three dwelling unit building at 1329 N. Artesian to permit the division of one zoning lot into two zoning lots. The existing three-story, three dwelling unit building shall remain. A four-story, three dwelling unit building with on-site parking is proposed for the newly created lot; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** 1822 North Kedzie Condominium **CAL NO.:** 252-21-Z  
**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:** June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1822 N. Kedzie Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 50' to zero for a proposed 10' metal fence and gate at the rear of the existing four dwelling unit building.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**



**JUL 19 2021**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to zero for a proposed 10' metal fence and gate at the rear of the existing four dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** 4342 Shakespeare, LLC

**CAL NO.:** 253-21-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2106-08 N. Laramie Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the north side setback from the required 2' to 0.64' (south side to be 3.23'), combined side setback from 5' to 3.87' to permit the subdivision of one zoning lot into two lots. The existing three-story two dwelling unit building shall remain. A three-story, three dwelling unit building with a parking pad is proposed for the newly created lot.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

**JUL 19 2021**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the north side setback to 0.64' (south side to be 3.23'), combined side setback to 3.87' to permit the subdivision of one zoning lot into two lots. The existing three-story two dwelling unit building shall remain. A three-story, three dwelling unit building with a parking pad is proposed for the newly created lot; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** Oleander Tattoo, LLC Cal. No.254-21-S

**APPEARANCE FOR:** Mariana Karempelas **MINUTES OF MEETING:**

**APPEARANCE AGAINST:** None June 18, 2021

**PREMISES AFFECTED:** 5254 N. Damen Avenue

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

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**



**JUL 19 2021**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

**APPROVED AS TO SUBSTANCE**

*[Handwritten Signature]*  
**CHAIRMAN**

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

**APPLICANT:** Andersonville 5310, LLC  
**APPEARANCE FOR:** Christopher Leach  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 5308-12 N. Clark Street

**CAL. NO.:** 255-21-Z

**MINUTES OF MEETING:**  
 June 18, 2021

**NATURE OF REQUEST:** Application for a variation to establish a public place of amusement license to provide entertainment performances within 125' of a residential district.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**



**JUL 19 2021**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to establish a public place of amusement license to provide entertainment performances within 125' of a residential district; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** Elam Industries, LLC **CAL. NO.:** 256-21-Z  
**APPEARANCE FOR:** Tyler Manic **MINUTES OF MEETING:**  
June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3006-12 E. 78<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a variation to reduce the east side setback from the required 5' to 0.5', west side setback to be 29' combined side yard setback to be 29.5' rear setback from 41.1' to 1.6' for a proposed four-story, ten dwelling unit building with east balconies and attached eight car garage.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; 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 0.5', west side setback to be 29' combined side yard setback to be 29.5' rear setback to 1.6' for a proposed four-story, ten dwelling unit building with east balconies and attached eight car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** Jaime Robles **CAL. NO.:** 257-21-Z  
**APPEARANCE FOR:** Tyler Manic **MINUTES OF MEETING:**  
June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 13050 S. Avenue M

**NATURE OF REQUEST:** Application for a variation to reduce the south side setback from the required 6' to 5.22' (north to be 12'), combined side yard setback from 18' to 17.22' for a proposed one-story addition to the existing one-story single-family residence.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

  
**JUL 19 2021**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; 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 south side setback to 5.22' (north to be 12'), combined side yard setback to 17.22' for a proposed one-story addition to the existing one-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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** KA Development, LLC **CAL. NO.:** 258-21-Z  
**APPEARANCE FOR:** Tyler Manic **MINUTES OF MEETING:**  
June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3025 N. Sawyer Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the north side setback from the required 2' to 0.68' (south to be 1.68'), combined side setback from 5.01' to 2.36' to allow the subdivision of one zoning lot into two zoning lots. The lot is currently improved with a two story, single family residence.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the north side setback to 0.68' (south to be 1.68'), combined side setback to 2.36' to allow the subdivision of one zoning lot into two zoning lots. The lot is currently improved with a 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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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



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

**APPLICANT:** Vasiliiki Lukidis Cal. No.259-21-S  
**APPEARANCE FOR:** Dean Maragos **MINUTES OF MEETING:**  
June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2703 N. Clark Street (2<sup>nd</sup> and 3<sup>rd</sup> Floor)

**NATURE OF REQUEST:** Application for a special use to establish a single room occupancy on the second and third floor in an existing building.

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Vasiliiki Lukidis, and the development is consistent with the design and layout of the plans and drawings dated April 1, 2021, prepared by Beron Design Group.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** Reborn Ministries/Reborn Community Church Cal. No.260-21-S

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4000 W. Wilcox Street

**NATURE OF REQUEST:** Application for a special use to expand an existing religious assembly facility with a proposed front, two-story and rear two-story addition to the existing two-story building.

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**



**JUL 19 2021**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; 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 religious assembly facility with a proposed front, two-story and rear two-story addition to the existing two-story building; a variation was also granted to the subject property in Cal. No. 261-21-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Reborn Ministries/ Reborn Community Church, and the development is consistent with the design and layout of the plans and drawings dated June 14, 2021, prepared by Keystone Architects & Design, P.C.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** Reborn Ministries/Reborn Community Church **CAL. NO.:** 261-21-Z

**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4000 W. Wilcox Street

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from 6.92' to zero for a proposed front two-story addition and a rear two-story addition to an existing religious assembly in an existing two-story building.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to zero for a proposed front two-story addition and a rear two-story addition to an existing religious assembly in an existing two-story building; a Special Use was approved for the subject property in Cal. No. 260-21-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 special use is issued solely to the applicant, Reborn Ministries/ Reborn Community Church, and the development is consistent with the design and layout of the plans and drawings dated June 14, 2021, prepared by Keystone Architects & Design, P.C.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** 1326 West George Street, LLC Cal. No.262-21-S

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1326 W. George Street

**NATURE OF REQUEST:** Application for a special use to expand an existing ground floor dwelling unit in an existing three-story, four dwelling unit building.

**ACTION OF BOARD – Continued to September 17, 2021**

**THE VOTE**

  
**JUL 19 2021**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

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

**APPLICANT:** 1326 West George Street, LLC Cal. No.263-21-Z

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

June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1326 W. George Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 28' for a three- story addition for the existing three-story, four dwelling unit building.

**ACTION OF BOARD – Continued to September 17, 2021**

**THE VOTE**



**JUL 19 2021**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**



**CHAIRMAN**

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

**APPLICANT:** Joni Tattoo, Inc. Cal. No.264-21-S  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 805 W. Randolph Street  
**NATURE OF REQUEST:** Application for a special use to establish a body art / tattoo salon.

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** Wassim Kmeid

**CAL. NO.:** 265-21-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1446 W. Huron Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 26.04' to 14.25' for a proposed third floor addition to an existing two-story single-family residence.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**



**JUL 19 2021**  
CITY OF CHICAGO  
**ZONING BOARD OF APPEALS**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; 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 14.25' for a proposed third floor addition to an 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 caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

**APPROVED AS TO SUBSTANCE**



**CHAIRMAN**

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

**APPLICANT:** Jessica and Steven Garten Cal. No.266-21-S  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 22 N. Morgan Street

**NATURE OF REQUEST:** Application for a special use to establish residential use below the second floor by converting an existing two-story, twenty-eight dwelling unit building to a twenty-nine dwelling unit building by converting ground floor office space to a dwelling unit.

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**



TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; 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 by converting an existing two-story, twenty-eight dwelling unit building to a twenty-nine dwelling unit building by converting ground floor office space to a dwelling unit; a variation was also granted to the subject property in Cal. No. 267-21-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated January 19, 2021 prepared by Senga Architects.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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



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

**APPLICANT:** Jessica and Steven Garten

**CAL. NO.:** 267-21-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 22 N. Morgan Street

**NATURE OF REQUEST:** Application for a variation to reduce the required off-street parking for residential use from the required twenty-nine stalls to twenty-eight stalls for the conversion of an existing two-story, twenty-eight dwelling unit building to a twenty-nine dwelling unit building.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**



TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the required off-street parking for residential use to twenty-eight stalls for the conversion of an existing two-story, twenty-eight dwelling unit building to a twenty-nine dwelling unit building; a special use was approved for the subject property in Cal. No. 266-21-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated January 19, 2021 prepared by Senga Architects.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** Just Pawn, Inc. Cal. No.268-21-S  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4445 N. Broadway

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

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; 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 pawn shop; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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



**Diane Foote & Kevin Foote**

APPLICANTS

**846 W. Oakdale Ave**

PREMISES AFFECTED

**269-21-Z**  
CALENDAR NUMBER

**June 18, 2021**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The application for the variation is denied.

Timothy Knudsen,  
Chairman  
Zurich Esposito  
Ann MacDonald  
Brian Sanchez  
Sam Toia

AFFIRMATIVE    NEGATIVE    ABSENT

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**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 846 W.  
OAKDALE AVENUE BY DIANE FOOTE & KEVIN FOOTE.**

**I. BACKGROUND**

Diane Foote and Kevin Foote (the "Applicants") submitted an application for a variation for 846 W. Oakdale Avenue (the "subject property"). The subject property is currently zoned RT-4 and is improved with a two-story, single-family home (the "home") and rear detached garage (the "garage"). The garage is improved with a roof deck (the "garage roof deck"). The Applicants sought to construct an elevated walkway connecting the rear of the home to the garage roof deck (the "connector")<sup>1</sup>. In order to permit the connector, the Applicants sought a variation to reduce the rear setback from the required 35' to 23.25'.

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a remote public hearing<sup>2</sup> on the Applicants' application for a variation at its regular meeting held on June 18, 2021, after

<sup>1</sup> As can be seen from the plans and drawings, the connector would link the home's rear deck to the garage roof deck.

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

due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicants had submitted their proposed Findings of Fact. One of the Applicants Ms. Diane Foote and their attorney Mr. John Pikarski were present. The Applicants' architect Mr. Gary Wands was present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. March 22, 2021).

The Applicants' attorney Mr. John Pikarski gave a brief overview of the application.

One of the Applicants Ms. Diane Foote offered testimony in support of the application.

The Applicants' architect Mr. Gary Wands offered testimony in support of the application.

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

Ms. Foote offered further testimony.

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

#### B. Criteria for a Variation

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

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

Pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance, in making its determination of whether practical difficulties or particular hardships exist, the ZONING BOARD OF APPEALS must take into consideration the extent to which evidence has

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

### III. FINDINGS OF FACT.

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

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

It is up to the Applicants to prove their case. The burden is not on the ZONING BOARD OF APPEALS. The ZONING BOARD OF APPEALS fails to see how strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. The Applicants provided no credible evidence for this criterion. The subject property is rectangular in shape and its dimensions (25' in width and 125' in depth) are standard for a Chicago lot<sup>3</sup>. In the Applicants' proposed Findings of Fact, the Applicants indicate that the home, as it presently exists, does not provide enough entertainment space for the needs of their family. The establishment of the garage roof deck is intended to solve this issue. However, the Applicants can construct a garage roof deck and access to such garage roof deck in strict compliance with the Chicago Zoning Ordinance. As both Ms. Foote and Mr. Wands testified, the Applicants could provide access to the garage roof deck via stairs from grade to the garage roof deck pursuant to Section 17-17-0309 of the

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<sup>3</sup> Section 17-17-02174 of the Chicago Zoning Ordinance.

Chicago Zoning Ordinance (a “Hopkins’ stair”)<sup>4</sup> from grade to the garage roof deck pursuant to Section 17-17-0309 of the Chicago Zoning Ordinance<sup>5</sup>. Though Ms. Foote and Mr. Wands provided vague testimony that the rear yard would be significantly reduced if the Applicants were to construct a Hopkins’ stair, the only consequence of a Hopkins’ stair proffered by the Applicants is a diminished ability to establish plants and a small tree in the rear yard. The ZONING BOARD OF APPEALS finds that such an inability does not constitute a practical difficulty or particular hardship *for the subject property*.<sup>6</sup>

The ZONING BOARD OF APPEALS finds Ms. Foote’s testimony regarding the manner in which the east and west adjacent neighboring buildings extend 12’ further than the rear of the home to be not relevant to this analysis. The connector – as shown on the plans – would no more “maximize the space” than a Hopkins’ stair. And as previously stated, nothing prevents the Applicants from constructing a Hopkins’ stair to access the garage roof deck. Similarly, the ZONING BOARD OF APPEALS finds unpersuasive the Applicants’ argument in their proposed Findings of Fact and in Mr. Wands’ affidavit that the placement of the garage somehow contributes to a practical difficulty or particular hardship for the subject property. The Applicants failed to describe, either in their submitted evidence or at hearing, how the placement of the garage was distinct from other properties, how it was disadvantageous or how specifically it caused a practical difficulty or particular hardship. In addition, as Ms. Foote testified, the Applicants demolished the previously existing garage subsequent to their purchase of the subject property and constructed the existing garage in its place. To the extent there is a hardship or difficulty in regards to the placement of the garage, it was created by and is solely attributable to the Applicants.

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

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<sup>4</sup> Pursuant to an ordinance passed by the City Council of the City of Chicago on March 29, 2017 and published in the *Journal of Proceedings of the City Council* for such date at pages 45477 to 45494, Section 17-17-0309 of the Chicago Zoning Ordinance was amended to permit stairs that provide access to garage roof decks in the rear yard setback. Such ordinance was sponsored by Aldermen Brian Hopkins and is therefore commonly referred to as the “Hopkins’ Amendment”.

<sup>5</sup> Section 17-17-0309 of the Chicago Zoning Ordinance allows unenclosed stairs which provide access to a rooftop deck on an accessory building (here, the garage) with a staircase not to exceed 4’ in width, so long as the entire staircase abuts and is parallel to the wall of the accessory building.

<sup>6</sup> Indeed, the ZONING BOARD OF APPEALS notes that the rear yard is currently covered by a concrete slab.

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

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

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

It is up to the Applicants to prove their case. The burden is not on the ZONING BOARD OF APPEALS. The ZONING BOARD OF APPEALS finds that the variation is not necessary in order to achieve a reasonable return on the subject property. The sole purpose of the variation is to permit the connector, which, in turn, provides access to the garage roof deck. As Mr. Wand conceded at the hearing, it is possible to construct a Hopkins' stair that could provide access to the garage roof deck in strict compliance with the Chicago Zoning Ordinance. The Applicants argued at the hearing that the connector would provide more light and air and green space in the rear yard than a Hopkins' stair. The ZONING BOARD OF APPEALS does not find such argument credible, especially when looking at the plans and drawings of the proposed connector. Further, even assuming *arguendo* that the connector would provide more light and air and green space in the rear yard than a Hopkins' stair, the Applicants did not prove how this would prevent the subject property from realizing a reasonable return. After all, the Applicants themselves purchased the subject property without any garage roof deck, a "substandard" frame garage and a concrete slab that covered the entirety of the rear yard. Indeed, the Applicants paid \$1.3 million for the subject property. Thus, the subject property can yield a reasonable return without the variation.

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

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or a particular hardship. However, even assuming that the diminishment of the rear yard of the subject property due to the installation of a Hopkins' stair is a practical difficulty or particular hardship, such difficulty or hardship is not due to unique circumstances and is generally applicable to all residential zoning district property. Indeed, any residential zoning district property that constructs a Hopkins' stair will experience some diminishment of the rear yard. Similarly, to the extent that the placement of the garage on the subject property is a practical difficulty or particular hardship, it cannot constitute a unique circumstance. The mere presence of the garage on the subject property is not a unique circumstance as most improved residential lots have a garage. If the practical difficulty or particular hardship stems from the manner of the placement of the garage upon the subject property, the Applicants provided no evidence to establish *how* the placement of the garage upon the subject property was unique from other similarly situated property.

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

It is up the Applicants to prove their case. The burden is not on the ZONING BOARD OF APPEALS. The Applicants provided no credible evidence as to this criterion. The ZONING BOARD OF APPEALS does not find credible the Applicants' argument in their proposed Findings of Fact that "[t]here are a significant number of garage rooftop decks with different approaches in the area." This characterization of the approaches lacks any details as to the location of such approaches, the proximity of homes with such approaches to the subject property, the nature of the approaches or the number of the approaches in the area. Ms. Foote's testimony that the adjacent building to the east of the subject property has a similar connector is similarly unpersuasive. The Applicants failed to provide corroborating evidence of such a connector<sup>7</sup>. Even if the Applicants had provided evidence of the connector, there is no evidence to show that such a connector was legally established.

After careful consideration of the evidence, testimony and the entire record, including the Applicants' proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby

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<sup>7</sup> At the hearing Ms. Foote attempted to introduce photographs of the rear property next east to the subject property. The Emergency Rules require that any exhibits applicants intend to use at hearing to be received by the ZONING BOARD OF APPEALS no later than seventy-two hours prior to the meeting at which the application is scheduled to be heard. The Emergency Rules explicitly state that Applicants shall not be allowed to enter any exhibits at the hearing. The Applicants failed to provide the photos referenced at the hearing in accordance with the Emergency Rules.



makes the following findings with reference to the Applicants' variation application pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance:

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

There is nothing about the particular physical surroundings, shape or topographical condition of the subject property that results in particular hardship upon the Applicants. The subject property is of standard rectangular shape and standard dimensions. As previously stated, the Applicants could construct a Hopkins' stair in order to provide access to the garage roof deck without a variation. The Applicants provided no evidence to show that such a stair was not possible. In fact, Mr. Wands testified that a Hopkins' stair *could* be built upon the subject property. Even accepting Ms. Foote's testimony that a Hopkins' stair would reduce the space available for rear yard plantings (which the ZONING BOARD OF APPEALS very much doubts), this would be – at most – a mere inconvenience to the Applicants. Likewise, the ZONING BOARD OF APPEALS does not find credible the Applicants' argument that the placement of the garage results in a particular hardship. The Applicants provided no information to this end other than the vague and bare assertion that the placement of the garage somehow necessitated the variation. The Applicants did not assert *how* the garage's placement impacted the requested variation. Lastly, the fact that the adjacent buildings extend further than the rear of the home does not compel the variation. As mentioned previously, the Applicants can access the garage roof deck via a Hopkins' stair. Thus, the Applicants are not deprived of light or air or green space if the connector cannot be built.

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

This only purpose for this variation is to permit the connector. However, all property within the RT-4 zoning classification would require a variation in order to erect a connector in the rear yard setback that connects a garage roof deck to the rear of the principal building. This is because such connectors are not permitted under the Chicago Zoning Ordinance as they are an unpermitted obstruction in the rear and side setbacks. Thus, the conditions upon which the petition for the variation is based (i.e., the desire to have a connector, the avoidance of a diminishment of usable rear yard space) are applicable, generally, to other property within the RT-4 zoning classification.

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

The ZONING BOARD OF APPEALS finds that the purpose of the variation is not exclusively to make more money out of the property but to provide the Applicants with access to the garage roof deck while maintaining the present usable rear yard area.

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

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or particular hardship. As previously mentioned, nothing in the Chicago Zoning Ordinance prevents the Applicants from constructing a Hopkins' stair in conformity with Section 17-17-0309. As such, the Applicants can, in strict compliance with the Chicago Zoning Ordinance, have access to the additional entertainment space and additional light and air that the garage roof deck provides. However, to the extent that the placement of the garage is a practical difficulty or particular hardship, Ms. Foote testified that the Applicants themselves demolished the previously existing garage and built the current garage.

5. *There is insufficient evidence to show that granting the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

It is up to the Applicants to prove their case. The burden is not on the ZONING BOARD OF APPEALS. Other than a conclusory statement in their proposed Findings of Fact indicating that "an upgraded housing product" (i.e., the connector) is demanded in the area, the Applicants provided no evidence of this criterion. The ZONING BOARD OF APPEALS declines to make or accept the inference that a housing product is not detrimental to the public welfare or injurious to other property or improvements in the neighborhood simply because it is an upgrade. Further, and as mentioned before, the Applicants can construct a Hopkins' stair to provide access to their garage roof deck in strict compliance with the Chicago Zoning Ordinance. The impact of a Hopkins' stair to adjacent properties is minimal. Pursuant to Section 17-17-0309 of the Chicago Zoning Ordinance, a Hopkins' stair must abut and be parallel to the wall of the garage and its width may not exceed 4'. As such, the disruption to the continuous line of sight existing between a residential building and the garage is de minimis. In contrast, the connector would extend throughout the entire length of the rear yard at a height of the roof of the garage. The Applicants provided no evidence of the connector's impact on the adjacent properties' access to air and light.

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

Again, it is up to the Applicants to prove their case. The burden is not on the ZONING BOARD OF APPEALS. At hearing, most references to light and air related to the availability of light and air to the Applicants on the garage roof deck. The only reference to adequate light and air for adjacent neighbors – either at the hearing or in the Applicants’ submissions – are brief conclusory statements. Such unsupported conclusions do not meet the Applicants’ burden. As the variation will not affect the required on-site parking, the variation will not substantially increase the congestion in the public streets. The connector will not be built unless and until there is a valid building permit and, as such, the variation would not increase the danger of fire or endanger the public safety. There is insufficient evidence for the ZONING BOARD OF APPEALS to find that the variation will not substantially diminish or impair property values in the neighborhood. For instance, the Applicants provided no market studies or other evidence (such as testimony from a realtor or photos to show the visual impact on adjacent properties) to show that the connector will not impair property values of other residential properties in the neighborhood.

#### IV. CONCLUSION

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

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

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

APPROVED AS TO SUBSTANCE

By:   
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the mail on 8/23, 2021.

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

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Janine Klich-Jensen

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

**APPLICANT:** Dmitriy Voskoboynik Cal. No.270-21-S  
**APPEARANCE FOR:** John Pikarski **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None June 18, 2021  
**PREMISES AFFECTED:** 1437 W. Howard Street

**NATURE OF REQUEST:** Application for a special use to establish residential use below the second floor to convert a three dwelling unit building to a four dwelling unit building in an existing four-story residential building.

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**

  
**JUL 19 2021**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; 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 to convert a three dwelling unit building to a four dwelling unit building in an existing four-story residential building; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 3, 2020, prepared by Studio.G Architects, LLC.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Catholic Bishop of Chicago Cal. No.271-21-S

**APPEARANCE FOR:** Thomas Raines **MINUTES OF MEETING:**  
June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6037 W. Ardmore Avenue\*

**NATURE OF REQUEST:** Application for a special use to establish a non-required off-site accessory parking lot to serve the existing religious assembly and school uses at 5843-59 N. Moody Avenue.

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**



TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a non-required off-site accessory parking lot to serve the existing religious assembly and school uses at 5843-59 N. Moody Avenue; a variation was also granted to the subject property in Cal. No. 272-21-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): (1) the special use is issued solely to the applicant, Catholic Bishop of Chicago; (2) the development is consistent with the design and layout of the plans and drawings dated April 27, 2021, prepared by McBride Engineering, Inc; and (3) the final landscape plan complies with Section 17-11, Landscaping and Screening, of the Chicago Zoning Ordinance.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

\*Amended at Hearing

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Catholic Bishop of Chicago **CAL. NO.:** 272-21-Z

**APPEARANCE FOR:** Thomas Raines **MINUTES OF MEETING:**  
June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6037 W. Ardmore Avenue\*

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from 14.5' to 7' for a proposed non-required off-site accessory parking lot to serve the religious assembly and school uses at 5843-59 N. Moody Avenue.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**



TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; 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 7' for a proposed non-required off-site accessory parking lot to serve the religious assembly and school uses at 5843-59 N. Moody Avenue; a special use was approved for the subject property in Cal. No. 271-21-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): (1) the special use is issued solely to the applicant, Catholic Bishop of Chicago; (2) the development is consistent with the design and layout of the plans and drawings dated April 27, 2021, prepared by McBride Engineering, Inc; and (3) the final landscape plan complies with Section 17-11, Landscaping and Screening, of the Chicago Zoning Ordinance.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021

\*Amended at Hearing

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

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

**APPLICANT:** Ashley Wendela and Brendan Metzger **CAL. NO.:** 273-21-Z  
**APPEARANCE FOR:** Elizabeth Santis **MINUTES OF MEETING:**  
 June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 816 N. May Street

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 6.76' to zero, north side setback from 5.06' to 0.67', no south setback required, combined side setback from 5.06' to 0.67' for a proposed second story addition and a partially rebuilt first story front wall on the existing single-family residence.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**



TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to zero, north side setback to 0.67', no south setback required, combined side setback to 0.67' for a proposed second story addition and a partially rebuilt first story front wall on the existing single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

**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:**  
June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 7401 S. State Street

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

**ACTION OF BOARD – Continued to September 17, 2021**

**THE VOTE**



TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Sea Craft, LLC Cal. No.275-21-S

**APPEARANCE FOR:** Nick Standiford **MINUTES OF MEETING:**

June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 9933 S. Cottage Grove Avenue

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

**ACTION OF BOARD – Continued to July 16, 2021**

**THE VOTE**



**JUL 19 2021**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

**APPLICANT:** Sea Craft, LLC Cal. No.276-21-S

**APPEARANCE FOR:** Nick Standiford **MINUTES OF MEETING:** June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 9933 S. Cottage Grove Avenue

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

**ACTION OF BOARD – Continued to July 16, 2021**

**THE VOTE**



TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

**APPLICANT:** Sea Craft, LLC Cal. No.277-21-S

**APPEARANCE FOR:** Nick Standiford **MINUTES OF MEETING:**  
June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 9933 S. Cottage Grove Avenue

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

**ACTION OF BOARD – Continued to July 16, 2021**

**THE VOTE**



TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

**APPLICANT:** Hayley Ashby dba The Beauty Castle Cal. No.278-21-S  
**APPEARANCE FOR:** Patrick Turner **MINUTES OF MEETING:** June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 7061-63 W. Belmont Avenue

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

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**



TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

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

RESOLVED, that the aforesaid special use request of the proposed hair salon within the existing operation of a body art services (micro-blading by hand only) at 7061 W. Belmont and within the expanded tenant space at 7063 W. Belmont be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s):

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** Hayley Ashby dba The Beauty Castle Cal. No.279-21-S  
**APPEARANCE FOR:** Patrick Turner **MINUTES OF MEETING:** June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 7061-63 W. Belmont Avenue

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

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**



TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

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

RESOLVED, that the aforesaid special use request for the approval of the body art service (micro blading with machinery) within the existing operation of a body art services (micro-blading by hand only) at 7061 W. Belmont and within the expanded tenant space at 7063 W. Belmont 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, Hayley Ashby dba The Beauty Castle.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

**APPROVED AS TO SUBSTANCE**

*[Signature]*  
**CHAIRMAN**

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

**APPLICANT:** Maldonado Properties **CAL. NO.:** 280-21-Z  
**APPEARANCE FOR:** Tyler Manic **MINUTES OF MEETING:**  
June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1505 N. Central Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the north side setback from the required 2.4' to 0.43' (south to be 3.21'), combined side yard setback from 6' to 3.64', front setback from 12.73' to 9.97' for a proposed two-story, single family residence with front porch.

**ACTION OF BOARD - VARIATION GRANTED**

**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on June 3, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the north side setback to 0.43' (south to be 3.21'), combined side yard setback to 3.64', front setback to 9.97' for a proposed two-story, single family residence with front porch; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** Govind Associates, LLC Cal. No.33-21-S

**APPEARANCE FOR:** Paul Kolpak **MINUTES OF MEETING:**

June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3501-05 W. Roosevelt / 1200-14 S. St. Louis Avenue

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

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 29, 2020; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Govind Associates, LLC; the development is consistent with the design and layout of the plans and drawings dated June 18, 2021, prepared by Atul Karkhanis Architects; and the final Roosevelt Street elevation is finalized prior to issuance of building permit.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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



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

**APPLICANT:** Canna B Growth, LLC Cal. No.37-21-S

**APPEARANCE FOR:** Charlotte Huffman **MINUTES OF MEETING:**  
June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4411 W. Carroll Street

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

**ACTION OF BOARD – Continued to August 20, 2021**

**THE VOTE**



TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

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

**APPLICANT:** Canna B Growth, LLC Cal. No.38-21-S  
**APPEARANCE FOR:** Charlotte Huffman **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None June 18, 2021  
**PREMISES AFFECTED:** 4411 W. Carroll Street

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

**ACTION OF BOARD – Continued to August 20, 2021**

**THE VOTE**



**JUL 19 2021**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

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

**APPLICANT:** Krishonna Griffin DBA K Elements Cal. No.131-21-S  
**APPEARANCE FOR:** Same as Applicant  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2247 E. 73rd Street

**MINUTES OF MEETING:**  
 June 18, 2021

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

**ACTION OF BOARD – APPLICATION APPROVED**

**THE VOTE**



TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 1, 2021; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021 9

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

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

**APPLICANT:** AZSPE, Inc. Cal. No.138-21-S  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None June 18, 2021  
**PREMISES AFFECTED:** 2806 W. 63<sup>rd</sup> Street

**NATURE OF REQUEST:** Application for a special use to expand an existing one-story retail convenience store building with a new two-story addition which will contain 1,720 square feet of retail space and two office units above.

**ACTION OF BOARD – APPLICATION WITHDRAWN**

**THE VOTE**



TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

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

**APPLICANT:** Marine Drive Business, Inc.

Cal. No.149-21-S

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 755 W. Lawrence Avenue

**NATURE OF REQUEST:** Application for a special use to establish a gas station with accessory retail and office space in a new two-story building.

**ACTION OF BOARD – Continued to August 20, 2021**

**THE VOTE**

  
**JUL 19 2021**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Exquisite Concepts Meeting Event Center **CAL. NO.:** 183-21-Z  
**APPEARANCE FOR:** Lewis Powell III **MINUTES OF MEETING:** June 18, 2021  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 9001 S. Halsted Street

**NATURE OF REQUEST:** Application for a variation to establish a public place of amusement license for a proposed banquet hall (medium venue) which is located within 125' of a residential district.

**ACTION OF BOARD - VARIATION GRANTED WITH CONDITIONS**

**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on April 1, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to establish a public place of amusement license for a proposed banquet hall (medium venue) which is located within 125' of a residential district; the Board finds 1) strict compliance with the regulations and standards of this Zoning ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): The Applicant shall provide security whenever alcohol is served on the subject property.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 7/19, 2021.

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

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

**APPLICANT:** 3239 Division , LLC

Cal. No.221-21-S

**APPEARANCE FOR:** Thomas Raines

**MINUTES OF MEETING:**  
June 18, 2021

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3239 W. Division Street

**NATURE OF REQUEST:** Application for a special use to establish residential use below the second floor for a proposed four-story, four dwelling unit building with roof top deck, front and rear balconies, trash enclosures, attached two-car garage and two car-garage with roof deck.

**ACTION OF BOARD – APPLICATION WITHDRAWN**

**THE VOTE**

**JUL 19 2021**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
ZURICH ESPOSITO  
BRIAN H. SANCHEZ  
ANN MACDONALD  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** 3239 Division , LLC Cal. No.222-21-Z  
**APPEARANCE FOR:** Thomas Raines **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None June 18, 2021  
**PREMISES AFFECTED:** 3239 W. Division Street

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area from the required 4,000 square feet to 3,950 square feet for a proposed four-story, four dwelling unit building with roof deck, front and rear balconies, trash enclosures, attached two car garage and two car detached garage with roof deck.

**ACTION OF BOARD – APPLICATION WITHDRAWN**

**THE VOTE**

  
**JUL 19 2021**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN  
 ZURICH ESPOSITO  
 BRIAN H. SANCHEZ  
 ANN MACDONALD  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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