

SEPTEMBER 18, 2020

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

**APPLICANT:** Jamyee Hair Studio, LLC  
**APPEARANCE FOR:** Same as Applicant  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 6914 W. Archer Avenue

Cal. No. 277-20-S

**MINUTES OF MEETING:**  
 September 18, 2020

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

**ACTION OF BOARD-  
 APPLICATION APPROVED**

**THE VOTE**

OCT 22 2020  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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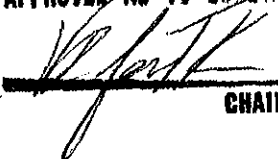
**THE RESOLUTION:**

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

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

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

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

APPROVED AS TO ACCURACY  
  
 CHAIRMAN

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

**APPLICANT:** Vital Nail Space, LLC  
**APPEARANCE FOR:** Same as Applicant  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1652 W. Roscoe Street

Cal. No. 279-20-S

**MINUTES OF MEETING:**  
September 18, 2020

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

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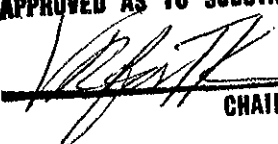
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WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a 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.

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

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

**APPLICANT:** Roger A. Williams

Cal. No. 280-20-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
September 18, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2020 W. 119<sup>th</sup> Street

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

**OCT 22 2020**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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**THE RESOLUTION:**

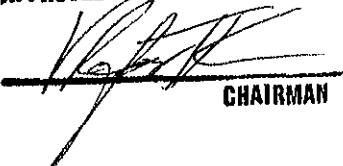
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a barber shop/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.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

APPLICANT: Founmilola Gomez  
APPEARANCE FOR: Same as Applicant  
APPEARANCE AGAINST: None  
PREMISES AFFECTED: 2022 W. 119<sup>th</sup> Street

Cal. No. 281-20-S

MINUTES OF MEETING:  
September 18, 2020

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

ACTION OF BOARD-  
APPLICATION APPROVED

THE VOTE

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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THE RESOLUTION:

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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.

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** Renita Jones dba Lashed Doll, LLC Cal. No. 282-20-S

**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:** September 18, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2643 W. Division Street

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

**OCT 22 2020**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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**THE RESOLUTION:**

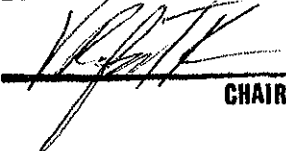
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair and nail salon; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

APPLICANT: Becky Keeler  
APPEARANCE FOR: Same as Applicant  
APPEARANCE AGAINST: None  
PREMISES AFFECTED: 1636 W. Warren Boulevard

CAL NO.: 283-20-Z

MINUTES OF MEETING:  
September 18, 2020

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 37.5' to 22.79', east side setback from 2' to 0.08' (west to be 1.4'), combined side setback from 3.99' to 1.48', the enclosed parking spaces accessing alleys from 2' to 0.08' for a proposed two-car parking stall carport with roof deck and bridge accessing the roof deck from the rear open porch of the existing two story residential building.

ACTION OF BOARD-  
Continued to October 16, 2020.


THE VOTE

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

APPLICANT: Becky Keeler  
APPEARANCE FOR: Same as Applicant  
APPEARANCE AGAINST: None  
PREMISES AFFECTED: 1636 W. Warren Boulevard

CAL NO.: 284-20-Z

MINUTES OF MEETING:  
September 18, 2020

NATURE OF REQUEST: Application for a variation to relocate the rear yard open space of 162.01 square feet to the two car carport with roof deck and a bridge accessing the roof deck from the rear open porch at the rear of the two-story residential building.

ACTION OF BOARD-  
Continued to October 16, 2020.

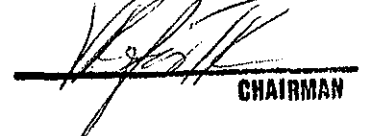
THE VOTE

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

  
CHAIRMAN



ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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



NOV 23 2020

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**NuMed Chicago LLC**  
APPLICANT

**285-20-S**  
CALENDAR NUMBER

**1141 W. Randolph Street**  
PREMISES AFFECTED

**September 18, 2020**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The applications are approved.

Farzin Parang, Chairman
Zurich Esposito
Sylvia Garcia
Jolene Saul
Sam Toia

AFFIRMATIVE	NEGATIVE	RECUSED
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**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE APPLICATIONS FOR 1141 W.  
RANDOLPH STREET BY NUMED CHICAGO LLC**

**I. BACKGROUND**

NuMed Chicago LLC (the "Applicant") submitted a special use application<sup>1</sup> for 1141 W. Randolph Street (the "subject property"). The subject property is currently zoned DX-3 and is improved with a three-story building (the "building"). The Applicant sought a special use to establish an adult use cannabis dispensary in the first and second stories of the building. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Zoning Administrator") recommended approval of the proposed adult use cannabis dispensary provided that: (1) the special use was issued solely to the Applicant; (2) all on-site customer queuing occurred within the building; and (3) the development was consistent with the design and layout of the plans and drawings dated April 20, 2020 prepared by OKW Architects.

**II. PUBLIC HEARING**

**A. The Hearing**

<sup>1</sup> This application was filed April 24, 2020.

The ZONING BOARD OF APPEALS held a remote public hearing<sup>2</sup> on the Applicant's special use application at its regular meeting on September 18, 2020, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Facts. The president of the Applicant's manager Mr. Robert ("Bob") Fitzsimmons and the Applicant's attorney Mr. Rolando Acosta were present. Also present on behalf of the Applicant were the Applicant's architect Mr. Gil Magnelli, the Applicant's security advisor Mr. Charles Williams and the Applicant's MAI certified real estate appraiser Mr. Peter Poulos.

The Applicant's application was opposed by 1146 West Randolph, LLC and Gentle Ventures, LLC d/b/a Dispensary 33 ("Dispensary 33" and together with 1146 West Randolph, LLC the "Represented Objectors"). 1146 West Randolph, LLC owns the property commonly known as 1152 W. Randolph Street. In early June, almost two months after the Applicant filed its application, Dispensary 33 filed an application for a special use for an adult use cannabis dispensary at 1152 W. Randolph.<sup>3</sup> Section 15-70(p)(15) of the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 *et seq.* (the "Act"), states that cannabis dispensaries shall not "[b]e located within 1,500 feet of the property line of a pre-existing" dispensary. Although units of local government such as the City can enact reasonable zoning rules, such rules cannot conflict with the Act.<sup>4</sup> Therefore, although the Chicago Zoning Ordinance does not impose a 1,500 foot required distance between cannabis dispensaries, such 1,500 feet nevertheless controls where the Illinois Department of Professional Regulation ("IDFPR") will allow a cannabis dispensary to be established. 1152 W. Randolph Street is within 250 feet of the subject property.<sup>5</sup>

Prior to the hearing, the Represented Objectors, by and through their attorney, engaged in correspondence with ZONING BOARD OF APPEALS' Chairman Parang ("Chairman"). After the Represented Objectors' request to take depositions was denied as untimely, they submitted a motion to strike the Applicant's application, arguing that the Applicant's application contained certain procedural deficiencies. The Chairman denied such motion to strike in his September 17, 2020 Ruling. After this September 17, 2020 Ruling, the Represented Objectors alleged further procedural deficiencies to the Applicant's application; namely, that the Represented Objectors' had not received a copy of the Applicant's affidavit of posting<sup>6</sup> as part of their Freedom of Information Act, 5 ILCS 140/1 *et seq.* ("FOIA"), request. As pointed out by the Chairman during the course

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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> As set forth in paragraph 2 of the Represented Objectors' Statement of Objection, Dispensary 33 had a "pending special use application" for 1152 W. Randolph Street. Technically, the application was filed by CWAZ, LLC. CWAZ, LLC's application was heard by the ZONING BOARD OF APPEALS at its October 18, 2020 regular meeting. At the time of the hearing, the economic disclosure statements submitted by CWAZ, LLC revealed it was a wholly owned subsidiary of Dispensary 33.

<sup>4</sup> See Section 55-25(1) of the Act.

<sup>5</sup> As evidenced by the Applicant's required written notice. See Chairman's September 17, 2020 Ruling.

<sup>6</sup> In accordance with Section 17-13-0107-C of the Chicago Zoning Ordinance.

of the hearing, such failure to receive a copy was due to the wording of the Represented Objectors' FOIA request.<sup>7</sup>

At the hearing, the general manager of Dispensary 33 Mr. Paul Lee, the manager of 1146 West Randolph, LLC Mr. Peter Miller and the Represented Objectors' attorney Mr. Gene Murphy were present.<sup>8</sup> Also present on behalf of the Represented Objectors' were Dispensary 33's architect Ms. Jaime Magaliff and Dispensary 33's security advisor Mr. Saquan Gholar. Also present at the hearing and opposed to the application (although not represented by counsel) were: Mr. Brad Schwartz, Mr. Renzo Mahiya, Mr. Shawn Aldridge, Mr. Bob Faust, Ms. Chelsea Watkins, and Mr. Roger Romanelli (collectively, the "Unrepresented Objectors"). With the exception of Mr. Romanelli's testimony, the statements and testimony given during the hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. September 9, 2020)<sup>9</sup>.

At the start of the hearing, the Chairman made some opening remarks, namely that the proposed special use would be reviewed within the regulatory framework established by the Chicago Zoning Ordinance and the Act. He advised how the hearing would proceed and reminded everyone present that they had the right of cross-examination. He also advised the Represented Objectors that: (a) the control or restriction of competition is not a proper or lawful zoning objective; and (b) he would not be entertaining any arguments raised in their motion to strike for the reasons set forth in his September 17, 2020 Ruling.

The Applicant offered the testimony of the president of its manager Mr. Robert Fitzsimmons in support of its application.

Due to Rosh Hashanah, the Chairman modified the hearing's order of procedure so that Mr. Brad Schwartz, of 333 W. Hubbard, could testify in opposition to the application. After his testimony, the hearing then returned to its regular order of procedure.

The Applicant offered the testimony of its architect Mr. Gil Magnelli in support of its application.

The Applicant offered the testimony of its security advisor Mr. Charles Williams in support of its application.

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<sup>7</sup> In the Represented Objectors' September 14, 2020 correspondence to the Chairman, Represented Objectors advised that they had submitted a FOIA request to "obtain the Proposed Findings of Facts, Exhibits, and all correspondence (electronic or paper), relating or referring to the proposed adult use cannabis dispensary at 1141 W. Randolph Street, Chicago, IL." The affidavit of posting is part of the Applicant's application, which the Represented Objectors did not request.

<sup>8</sup> Messrs. Brian and Zachery Zies may or may not have been present on behalf of Dispensary 33. In any event, Mr. Murphy advised that they would not be testifying.

<sup>9</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.

The Applicant offered the testimony of its MAI certified real estate appraiser Mr. Peter Poulos. The ZONING BOARD OF APPEALS recognized his credentials as an expert in real estate appraisal.

Mr. Murphy cross-examined Mr. Fitzsimmons, Mr. Magnelli, Mr. Williams, and Mr. Poulos.

The Represented Objectors offered the testimony of Dispensary 33's general manager Mr. Paul Lee in opposition to the application.

The Represented Objectors offered the testimony of 1146 West Randolph, LLC's manager Mr. Peter Miller in opposition to the application.

The Represented Objectors offered the testimony of Dispensary 33's architect Ms. Jaimie Magaliff in opposition to the application.

The Represented Objectors offered the testimony of Dispensary 33's security advisor Mr. Saquan Gholar in opposition to the application.

Mr. Renzo Mahiya, of 125 S. Jefferson, offered testimony in opposition to the application, and Mr. Acosta cross-examined Mr. Mahiya.

Mr. Shawn Aldridge, of 1134 W. Washington, offered testimony in opposition to the application, and Mr. Acosta cross-examined Mr. Aldridge.

Mr. Bob Faust, of 3616 N. Milwaukee, testified in opposition to the application.

Ms. Chelsea Watkins, of 1820 N. Fremont, testified in opposition to the application.

Mr. Roger Romanelli, of Hillside, Illinois, testified in opposition to the application.

Mr. Acosta cross-examined Mr. Lee.

Mr. Acosta recalled Mr. Magnelli for rebuttal testimony.

Mr. Murphy made a closing statement.

Mr. Acosta made a closing statement.

#### B. Criteria for a Special Use

Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use application may be approved unless the ZONING BOARD OF APPEALS finds that the proposed use in its proposed location meets all of the following criteria: (1) it complies with all applicable standards of the Chicago Zoning Ordinance; (2) it is in the interest of the public convenience and will not have a significant adverse impact on the general

welfare of the neighborhood or community; (3) it is compatible with the character of the surrounding area in terms of site planning and building scale and project design; (4) it is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation; and (5) it is designed to promote pedestrian safety and comfort.

Pursuant to Section 17-13-0905-G of the Chicago Zoning Ordinance, no special use for a cannabis business establishment may be approved unless the ZONING BOARD OF APPEALS finds that the applicant for such special use has held a least one community meeting in the ward in which the cannabis business establishment is proposed to be located for the purpose of explaining the proposal and soliciting comments on it. Such community meeting must be held no later than two weeks prior to the date of the anticipated special use hearing before the ZONING BOARD OF APPEALS. The applicant must notify the Chairman of the ZONING BOARD OF APPEALS and the Alderman of the ward in which the cannabis business establishment is proposed to be located in writing of the time, place and purpose of the community meeting. The applicant must publish notice in a newspaper of general circulation within the ward and the applicant must send written notice by USPS first class mail to the property owner of the subject property and to all property owners within 250 feet of the property lines of the subject property. Such applicant shall furnish a complete list of the names and last known addresses of the persons provided with such written notice as well as a written affidavit certifying compliance with such written notice to the Chairman of the ZONING BOARD OF APPEALS on or before the public hearing is held by the ZONING BOARD OF APPEALS, in a form prescribed by the Commissioner of the Department of Planning and Development.

Pursuant to the ZONING BOARD OF APPEALS' Supplemental Rule for Cannabis Business Establishments dated June 26, 2020, Governing the Conduct of Cannabis Business Establishment Community Meetings ("Supplemental Rule"), in addition to the requirements of Section 17-13-0905-G of the Chicago Zoning Ordinance, each community meeting held on or after March 20, 2020<sup>10</sup> must: (1) be comprised of at least three (3) physical sessions so that the maximum amount of persons that wish to physically attend the community meeting may have the opportunity; and (2) that each session has a virtual component so that those that wish to attend and participate but do not want to physically attend can virtually attend and participate.

### 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

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<sup>10</sup> The date upon which the Governor of the State of Illinois issued Executive Order 2020-10 in response to the COVID-19 public health emergency. Among other things, Executive Order 2020-10 limited the amount of people that may attend public gatherings. Although Executive Order 2020-10 no longer governs the COVID-19 public health emergency, the amount of people that may attend public gatherings remains limited.

makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

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

As a threshold matter, the ZONING BOARD OF APPEALS finds that the Applicant met all application requirements for an adult cannabis dispensary special use. The ZONING BOARD OF APPEALS does not find the Represented Objectors' argument regarding defective notice credible. As set forth in the Chairman's September 17, 2020 Ruling and by his comments during the public hearing, the Applicant clearly met its requirements under the Chicago Zoning Ordinance. Further, 1146 West Randolph, LLC does not contend it lacked notice of either the application or the hearing. Nor was 1146 West Randolph, LLC prejudiced or prevented from fully participating in the hearing. Indeed, 1146 West Randolph, LLC was represented by counsel both prior to and at the hearing, was able to exercise its right to cross-examination and was able to call witnesses on its own behalf. As such, arguments with respect to notice are waived. The ZONING BOARD OF APPEALS also does not (and for the reasons set forth in the Chairman's September 17, 2020 Ruling) find the Represented Objectors' arguments regarding the application for state licensure credible.

Turning to substance, and as shown by the Applicant's land use map (Exhibit D-14), the proposed special use is 500' or more from a school as required by Section 17-9-0129(3) of the Chicago Zoning Ordinance. The subject property is located in a DX-3 zoning district. Adult use cannabis dispensaries are a special use in a DX-3 zoning district.<sup>11</sup> The Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special use that brings the Applicant before the ZONING BOARD OF APPEALS. As testified to by Mr. Magnelli, the Applicant's proposed dispensary conforms with the Chicago Zoning Ordinance in terms of Floor Area Ratio, height, setbacks, parking and loading. The ZONING BOARD OF APPEALS finds Mr. Magnelli to be a very credible witness. Since the ZONING BOARD OF APPEALS has decided to grant the special use to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards of the Chicago Zoning Ordinance.

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

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<sup>11</sup> Pursuant to Sections 17-4-0207-AAA(1) of the Chicago Zoning Ordinance.

The proposed special use is in the interest of the public convenience as it will provide retail products for which (as has been evident over the past eight months<sup>12</sup>) there is very high demand. The proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community. The ZONING BOARD OF APPEALS finds Mr. Fitzsimmons to be a very credible witness, especially with respect to how the Applicant's proposed dispensary would operate. The ZONING BOARD OF APPEALS finds that whether or not an adult use cannabis dispensary – as with all special uses that involve a controlled substance and cash – has a significant adverse impact on the general welfare of the neighborhood depends on the operation of the adult use cannabis dispensary. From his testimony, it is clear that Mr. Fitzsimmons has past experience operating an adult use cannabis dispensary and understands that two areas of special concern for adult use cannabis dispensaries are product/cash loading/unloading and customer flow. The ZONING BOARD OF APPEALS finds from his testimony as well as the plans provided to the ZONING BOARD OF APPEALS that the Applicant has designed its product/cash loading/unloading and customer flow with great care so that all product/cash loading/unloading will be safe and secure and that customers will not overflow into the public right of way. In addition, and as credibly testified to by Mr. Magnelli, the proposed dispensary has been designed to comply with all provisions of the Chicago Building Code. Therefore, adequate ingress/egress, fire safety and ADA accessibility are all adequately addressed. Indeed, as the building is not currently ADA accessible, the Applicant's use of the building as an adult use cannabis dispensary will be a great improvement.

Moreover, and as shown by Mr. Poulos' report, adult use cannabis dispensaries do not have adverse impact on neighboring property values. They also do not lead to an increase in crime. As set forth in Mr. Poulos' report, this is likely due to the high level of increased security at adult use cannabis dispensaries. The ZONING BOARD OF APPEALS finds Mr. Poulos and his report to be very credible. The ZONING BOARD OF APPEALS also finds Mr. Williams to be very credible in his testimony with respect to increased security.

In contrast, the ZONING BOARD OF APPEALS finds that the Represented Objectors had zero credibility. Despite Mr. Murphy's protestations to the contrary, it was very clear at the hearing that Mr. Lee was being fed answers with respect to his testimony. Mr. Gholar and Ms. Magaliff's testimony was highly

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<sup>12</sup> The ZONING BOARD OF APPEALS takes judicial notice of the fact that since adult use cannabis became legal in Illinois on January 1, 2020, cannabis dispensaries have had long lines and have frequently sold out of adult use cannabis products.

speculative, especially with respect to fire safety and active shooters.<sup>13</sup> Indeed, despite Mr. Murphy's claims that the Represented Objectors' opposition was not about competition, the ZONING BOARD OF APPEALS finds that the Represented Objectors' opposition stemmed solely from competition. The ZONING BOARD OF APPEALS has severe doubts that the Represented Objectors would have opposed to the application had the subject property and 1152 W. Randolph not been within 1,500 feet of each other. Moreover, if the Represented Objectors sincerely believed that an adult use cannabis dispensary would – due to increased traffic from customers – have an adverse impact on the neighborhood at this location, it begs the question as to why they would themselves apply for a special use almost directly across the street.

Nor does the ZONING BOARD OF APPEALS find any of the Unrepresented Objectors testimony particularly credible, unbiased or relevant. Mr. Schwarz's testimony was based on his mistaken belief that the Applicant's proposed dispensary was not ADA accessible. Mr. Mahiya, Mr. Aldridge, and Mr. Faust all had ties to Dispensary 33. Indeed, Mr. Faust's opposition to the application was solely based on his belief that Dispensary 33's application should have been heard at the same time as the Applicant's application (despite, as noted above, said application having been filed almost two months later). Ms. Watkins' opposition is similarly biased, as she testified she was "super excited" about an adult use cannabis dispensary in this location – just not the Applicant's proposed adult use cannabis dispensary. Mr. Romanelli's testimony consisted almost entirely of hearsay statements and what little of his testimony was not hearsay was either speculative or irrelevant.

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 testified to by Mr. Fitzsimmons, the proposed special use will be located within the building. Other than lighting and security cameras, the Applicant will not be modifying the exterior of the building. Consequently, its "unique vintage look" will remain "virtually untouched." From the pictures of the surrounding area submitted with the Applicant's proposed Findings of Fact, it is clear that the building's "unique vintage look" is compatible with the surrounding area in terms of site planning and building scale. In terms of project design, the surrounding area – as seen from the Applicant's land use map – is mostly mixed-use, industrial and retail use. An adult use cannabis dispensary – itself a retail use – is therefore generally compatible in terms of project design. In terms of specifics, the site

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<sup>13</sup> Indeed, it was Mr. Williams that provided the most credible testimony on an active shooter situation which was that, obviously, any security on-site would immediately summon assistance and then help customers hide or exit, even if such hiding or exit took the customers into a secured area.



plans show – and Mr. Fitzsimmons and Mr. Magnelli’s testimony reveal – that the proposed special use has been carefully designed to ensure that customers will not in any way disrupt the streetscape. Further, all loading/unloading of product will occur from the alley. As Mr. Williams very credibly testified, the alley is not in any way “thin” as it is a standard alley. As Mr. Fitzsimmons very credibly testified, the product loading/unloading will be – due to the separate locking door – done within a segregated, secure receiving 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 subject property is located in the portion of the City’s downtown area known as the West Loop. As set forth in Mr. Poulos’ report, this surrounding area has “a significant residential population, and as part of the City’s [d]owntown area [has] a significant number of employees and visitor[s], including tourist[s], to the area[’s] many office, restaurant, hotel and commercial uses.” The ZONING BOARD OF APPEALS agrees with this assessment of the West Loop. Indeed, and as noted at the hearing, there are many restaurants on this portion of West Randolph (i.e., Au Cheval, City Winery, Gio Restaurante). Indeed, as can be seen from the pictures of the surrounding area, City Winery is almost directly across the street. There is also a hotel a block southeast of the subject property, and the West Loop location of Art+Science is nearby. The buildings next east and next west of the subject property are office buildings. The ZONING BOARD OF APPEALS finds that the proposed special use’s proposed hours of operation are compatible with these nearby office, restaurant, hotel and commercial uses.

As set forth in Mr. Poulos’ report, the proposed special use will add outdoor lighting to the building. This outdoor lighting will only be added for security purposes and will be directed or shielded to prevent off-site effects. Further, as the proposed special use will be entirely contained within the building, any exterior noise generated by the proposed special use would be minimal. Traffic generation from the proposed special use would be compatible with the aforementioned office, restaurant, hotel and commercial uses. In particular, the ZONING BOARD OF APPEALS notes that (based on Mr. Fitzsimmons testimony) as the Applicant does not anticipate any customer staying in the building for over ten minutes, the proposed use will not tie up public parking as long as the nearby restaurants. The ZONING BOARD OF APPEALS finds Mr. Poulos to be a very credible witness and finds his report to be likewise credible.

In contrast, and as noted above, the ZONING BOARD OF APPEALS did not find any of the Represented Objectors nor the Unrepresented Objectors to be particularly credible.

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

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

The proposed special use will greatly enhance security of the subject property. The ZONING BOARD OF APPEALS finds Mr. Williams to be a very credible witness. This enhanced security will promote pedestrian safety and comfort. Further, the Applicant's careful design of the proposed cannabis dispensary, particularly with respect to customer flow and product/cash loading and unloading will also promote pedestrian safety and comfort. All product/cash loading and unloading will take place in the alley. Additionally, the Applicant will ensure that there is no queuing on the sidewalk. Both of these factors will promote pedestrian safety and comfort.

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

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

#### IV. CONCLUSION

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

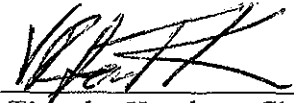
The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a special use, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use subject to the following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

1. The special use shall be issued solely to the Applicant;

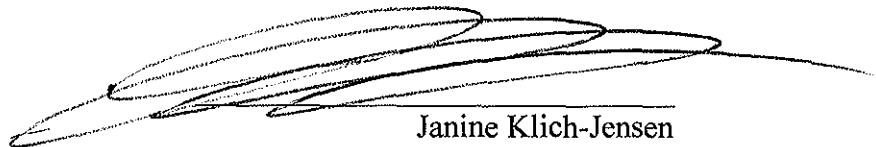
2. All on-site customer queuing shall occur within the building;
3. The special use shall be developed consistently with the design and layout of the plans and drawings dated April 20, 2020 prepared by OKW Architects.

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

APPROVED AS TO SUBSTANCE

By:   
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 11/23, 2020.

  
Janine Klich-Jensen

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

APPLICANT: Jacie Construction

CAL NO.: 286-20-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:  
September 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4311 N. Western Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 22.17' for a proposed four-story, four dwelling unit building with front open decks and an attached two car garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

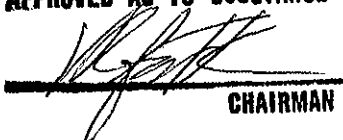
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 22.17' for a proposed four-story, four dwelling unit building with front open decks and an attached two car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

APPLICANT: Comet Development I, LLC

CAL NO.: 287-20-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:  
September 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1838 N. Western Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard setback on floors containing dwelling units from the required 30' to 10' for a proposed four-story, nine dwelling unit building with ten parking spaces and ground floor commercial use.

ACTION OF BOARD-  
VARIATION GRANTED

THE VOTE

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

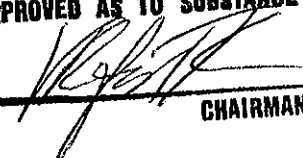
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard setback on floors containing dwelling units to 10' for a proposed four-story, nine dwelling unit building with ten parking spaces and ground floor commercial use; 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.

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 23 2020

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Chicago Alternative Health Care LLC**  
APPLICANT

**288-20-S & 289-20-S**  
CALENDAR NUMBERS

**5648 S. Archer Avenue**  
PREMISES AFFECTED

**September 18, 2020**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The applications are approved.

	AFFIRMATIVE	NEGATIVE	RECUSED
Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<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 APPLICATIONS FOR 5648 S  
ARCHER AVENUE Y BY CHICAGO ALTERNATIVE HEALTH CARE LLC.**

**I. BACKGROUND**

Chicago Alternative Health Care LLC d/b/a Midway Dispensary (the "Applicant") submitted two special use applications for 5648 S. Archer Avenue (the "subject property"). The subject property is currently zoned C2-1 and is improved with a two-story building (the "building"). The Applicant currently operates a medical cannabis dispensary<sup>1</sup> and adult use cannabis dispensary<sup>2</sup> inside one of the two commercial storefronts on the first floor of the building. The Applicant proposed to expand operations of both its medical cannabis dispensary and its adult use cannabis dispensary into the second commercial storefront. To permit this expansion, the applicant sought a special use to expand an existing medical cannabis dispensary and a special use to expand an existing adult use cannabis dispensary.<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 ("Zoning Administrator") recommended approval of the

<sup>1</sup> Pursuant to a special use issued by the ZONING BOARD OF APPEALS on November 21, 2014, as Board Cal. No. 405-14-S.

<sup>2</sup> Pursuant to Section 17-9-0129(2) of the Chicago Zoning Ordinance. Note, however, that pursuant to Section 17-9-0129(4), such adult use cannabis dispensary is considered a special use.

<sup>3</sup> In accordance with Section 17-13-0910 of the Chicago Zoning Ordinance which states: "A change or increase in the area, bulk or function of any existing special use, or from those conditions specified by the Zoning Board of Appeals at the time of approval, will constitute and be deemed the same as a new special use and will require special use approval pursuant to all procedures of this section."

proposed expansion of the existing medical cannabis dispensary and the exiting adult use cannabis dispensary provided that: (1) the special uses were issued solely to the Applicant; (2) all on-site customer queuing occurred within the building; (3) the development was consistent with the design and layout of the plans and drawings prepared by IJM Architects dated November 21, 2019; and (4) the Applicant complied with the Chicago Landscape Ordinance, if at the time of permitting, it was determined that the actual value of the repair or rehabilitation work met the threshold of Section 17-11-0101-C of the Chicago Zoning Ordinance.

## 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 applications at its regular meeting on September 18, 2020, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Facts. The Applicant's chief compliance officer Mr. Neal McQueeney, its chief operating officer Mr. Kraig Koester and its attorney Ms. Sara Barnes were present. Also present on behalf of the Applicant were one of its general managers Mr. Leonardo Barajas, one of its chief security consultants Mr. Kevin Conway, its certified land planner Mr. George Kisiel and its MAI certified real estate appraisal Mr. Terrance O'Brien. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. September 9, 2020)<sup>5</sup>.

The Applicant's attorney Ms. Sara Barnes provided an overview of the applications and the nature of the relief sought (namely, that due to the growing demands for cannabis and due to the physical constraints created by the COVID-19 public health emergency, the Applicant had outgrown its original space within the building).

The Applicant offered the testimony of its chief compliance officer Mr. Neal McQueeney in support of its applications.

The Applicant offered the testimony of its MAI certified real estate appraiser Mr. Terrance O'Brien in support of its applications. The ZONING BOARD OF APPEALS recognized Mr. O'Brien's expertise in real estate appraisal.

The Applicant offered the testimony of one of its chief security officers Mr. Kevin Conway in support of its applications.

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

<sup>5</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.

The Applicant offered the testimony of its certified land planner Mr. George Kisiel in support of its applications.

The Applicant offered the testimony of chief operating officer Mr. Kraig Koester in support of its applications.

In response to questions from the ZONING BOARD OF APPEALS, the Applicant offered further testimony of Mr. McQueeney in support of its applications.

#### B. Criteria for a Special Use

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

Pursuant to Section 17-13-0905-G of the Chicago Zoning Ordinance, no special use for a cannabis business establishment may be approved unless the ZONING BOARD OF APPEALS finds that the applicant for such special use has held a least one community meeting in the ward in which the cannabis business establishment is proposed to be located for the purpose of explaining the proposal and soliciting comments on it. Such community meeting must be held no later than two weeks prior to the date of the anticipated special use hearing before the ZONING BOARD OF APPEALS. The applicant must notify the Chairman of the ZONING BOARD OF APPEALS and the Alderman of the ward in which the cannabis business establishment is proposed to be located in writing of the time, place and purpose of the community meeting. The applicant must publish notice in a newspaper of general circulation within the ward and the applicant must send written notice by USPS first class mail to the property owner of the subject property and to all property owners within 250 feet of the property lines of the subject property. Such applicant shall furnish a complete list of the names and last known addresses of the persons provided with such written notice as well as a written affidavit certifying compliance with such written notice to the Chairman of the ZONING BOARD OF APPEALS on or before the public hearing is held by the ZONING BOARD OF APPEALS, in a form prescribed by the Commissioner of the Department of Planning and Development.

Pursuant to the ZONING BOARD OF APPEALS' Supplemental Rule for Cannabis Business Establishments dated June 26, 2020, Governing the Conduct of Cannabis Business Establishment Community Meetings ("Supplemental Rule"), in addition to the requirements of Section 17-13-0905-G of the Chicago Zoning Ordinance, each



community meeting held on or after March 20, 2020<sup>6</sup> must: (1) be comprised of at least three (3) physical sessions so that the maximum amount of persons that wish to physically attend the community meeting may have the opportunity; and (2) that each session has a virtual component so that those that wish to attend and participate but do not want to physically attend can virtually attend and participate.

### 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 comply with all applicable standards of the Chicago Zoning Ordinance.*

As shown by Mr. Kisiel's report, the proposed special uses are 500' or more from a school as required by Section 17-9-0129(3) of the Chicago Zoning Ordinance. The subject property is located in a C2-1 zoning district. Both medical cannabis dispensaries and adult use cannabis dispensaries are special uses in a C2-1 zoning district.<sup>7</sup> The Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special uses that bring it before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the special uses to the Applicant, the Applicant's proposed special uses therefore comply with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special uses are in the interest of the public convenience as they will allow the Applicant to increase its ability to provide retail products for which (as has been evident over the past eight months<sup>8</sup>) there is very high demand. The proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community. As Mr. O'Brien testified, the proposed special uses will allow a storefront that is currently vacant to be put to

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<sup>6</sup> The date upon which the Governor of the State of Illinois issued Executive Order 2020-10 in response to the COVID-19 public health emergency. Among other things, Executive Order 2020-10 limited the amount of people that may attend public gatherings. Although Executive Order 2020-10 no longer governs the COVID-19 public health emergency, the amount of people that may attend public gatherings remains limited.

<sup>7</sup> Pursuant to Sections 17-3-0207-AAA(1) & (2) of the Chicago Zoning Ordinance.

<sup>8</sup> The ZONING BOARD OF APPEALS takes judicial notice of the fact that since adult use cannabis became legal in Illinois on January 1, 2020, cannabis dispensaries have had long lines and have frequently sold out of adult use cannabis products.

productive use. As Mr. McQueeney testified, the proposed special uses will allow the Applicant to relocate the dispensaries' customer entrance so that all customer ingress and egress occurs off of the on-site parking lot. This will – along with the expansion of the dispensaries – ensure that the Applicant's customers will not block the sidewalk on Archer Avenue. The ZONING BOARD OF APPEALS finds Mr. O'Brien and Mr. McQueeney to be very credible witnesses.

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

The proposed special uses will be located within an existing storefront in the building. As set forth in Mr. O'Brien's report, the height and size of the building is comparable to other buildings in the immediate area. Thus, the proposed special uses are compatible with the character of the surrounding area in terms of site planning and building scale. As testified by Mr. McQueeney, the proposed special uses will allow the Applicant to re-orient customer ingress to and egress from the dispensaries. In particular, customers will no longer ingress and egress the dispensaries from Archer Avenue. Instead, customer ingress and egress will occur from the Applicant's on-site parking lot. This change in project design will ensure that the Applicant's dispensaries remain compatible with the character of the surrounding area. The ZONING BOARD OF APPEALS notes that prior to January 1, 2020, the Applicant's customers were limited only to those persons who held medical cannabis cards. The Applicant (like all other cannabis dispensaries in Illinois) could not sell cannabis to the general public. Thus, while customer ingress and egress from Archer Avenue was entirely appropriate for the Applicant's limited customer base prior to January 1, 2020, such customer ingress and egress from Archer Avenue became problematic after January 1, 2020. The ZONING BOARD OF APPEALS does indeed remember the negative media reports referenced by Ms. Barnes; that is, that there were long lines at the Applicant's existing cannabis dispensaries at this location resulting from the high demand for adult use cannabis and the small size of the Applicant's existing cannabis dispensaries.

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

The Applicant has operated a medical cannabis dispensary in the building since 2016. It has operated an adult use cannabis dispensary in the building since January 1, 2020. With the exception of the long lines noted above, there have been no complaints from the Applicant's neighbors regarding the operation of the Applicant's existing dispensaries. Mr. McQueeney testified that the Applicant

would be keeping its current hours of operations. He further testified that the proposed expansion would (due to the relocation of customer ingress and egress) alleviate the long customer queue lines on Archer Avenue. Thus, the proposed special uses are compatible with the character of the surrounding neighborhood in terms of hours of operation and traffic generation. As on-site cannabis consumption is prohibited at the subject property and as all queuing will now occur inside the dispensaries, noise generation will be compatible with the character of the surrounding area. Further, as set forth in the Applicant's proposed Findings of Fact, outdoor lighting will remain consistent with the current outdoor lighting on the subject property and such current outdoor lighting has existed for the past fifteen years. Thus, the proposed special uses will be compatible with the character of the surrounding area in terms of outdoor lighting.

5. *The proposed special uses are designed to promote pedestrian safety and comfort.*

The expansion of the Applicant's current adult use cannabis dispensary and medical cannabis dispensary will ensure that all customer ingress and egress occur from the Applicant's private on-site parking lot and not Archer Avenue. As Mr. McQueeney testified, the Applicant's biggest issue has been long customer queuing lines. As the current entrance to the Applicant's dispensaries is on Archer Avenue, these customer queuing lines presently interfere with pedestrian traffic in the public way. Thus, the proposed special uses are designed to promote pedestrian safety and comfort in that the Applicant's customers will no longer block the sidewalk on Archer Avenue.

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

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

#### IV. CONCLUSION

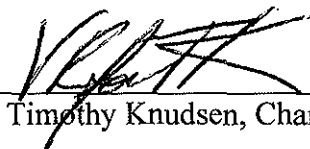
For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Sections 17-13-0905-A and 17-13-0905-G of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

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

1. The special uses shall be issued solely to the Applicant;
2. All on-site customer queuing shall occur within the building;
3. The special uses shall be developed consistently with the design and layout of the plans and drawings prepared by IJM Architects dated November 19, 2019;
4. If, at the time of permitting, it is determined that the actual value of the repair or rehabilitation work meets the threshold of Section 17-11-0101-C of the Chicago Zoning Ordinance, the Applicant shall comply with the Chicago Landscape Ordinance.

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 11/23, 2020.

  
Janine Klich-Jensen

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

**APPLICANT:** Old Town Barbershop Co. Cal. No. 290-20-S

**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
September 18, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1805-09 W. Division Street

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

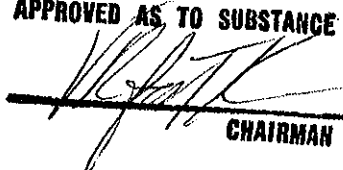
**ACTION OF BOARD-**  
**Continued to October 16, 2020**

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

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

**APPLICANT:** John Manaves and Alice Kriegel **CAL NO.:** 291-20-Z  
**APPEARANCE FOR:** Alexander Domanskis/Linda Goldberg **MINUTES OF MEETING:** September 18, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1834 N. Lincoln Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 12' to 8.17', west side setback from 2' to zero, east setback from 2' to zero, combined side setback from 3.35' to zero for a proposed three-story rear addition with new one-story open stair from grade, fourth story addition and new decorative light pole in front yard for the existing three-story, attached two dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

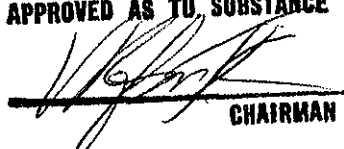
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 8.17', west side setback to zero, east setback to zero, combined side setback to zero for a proposed three-story rear addition with new one-story open stair from grade, fourth story addition and new decorative light pole in front yard for the existing three-story, attached two dwelling unit; 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.

**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



DEC 21 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Dasco Cleveland LLC**

APPLICANT

**292-20-Z, 293-20-Z &**

**294-20-Z**  
CALENDAR NUMBERS

**2347 N. Cleveland Avenue**

PREMISES AFFECTED

**September 18, 2020**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The applications for the variations are approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tim Knudsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 2347 N.  
CLEVELAND AVENUE BY DASCO CLEVELAND LLC.**

**I. BACKGROUND**

Dasco Cleveland LLC (the "Applicant") submitted three variation applications for 2347 North Cleveland Avenue (the "subject property").<sup>1</sup> The subject property is zoned RT-4 and is currently improved with a paved parking lot. The Applicant proposed to construct a three-story, single-family home (the "proposed building") with an attached garage and a deck above the attached garage located approximately 5.5' above grade (the "proposed deck"). In order to permit the proposed building and the proposed deck, the Applicant sought variations to: (1) reduce the rear setback from the required 37.71' to 33.75'; (2) increase the allowable building height from the permitted 38' to 39.13'; and (3) locate 135.97 square feet of the 393.97 square feet of rear yard open space to be located on the proposed deck<sup>2</sup>.

**II. PUBLIC HEARING**

**A. The Hearing**

<sup>1</sup> At hearing, the Applicant withdrew its application to reduce the north and south side setbacks. The Applicant also greatly reduced its request to reduce the rear yard setback. Previously, the Applicant had sought a variation to reduce the rear yard setback from the required 37.71' to 5.46'.

<sup>2</sup> As such proposed deck was more than 4' above grade. See Section 17-17-0309 of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation applications at its regular meeting held on September 18, 2020, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Fact. In accordance with the ZONING BOARD OF APPEALS' Emergency Rules (eff. September 9, 2020)<sup>3</sup>, the Applicant had submitted all documentary evidence. The Applicant's manager Mr. Andrew Smith and the Applicant's attorney Ms. Kate Duncan were present. Also present were the Applicant's general contractor Mr. David Berger, its architect Mr. Chris Boehm and its certified land planner Mr. George Kisiel. Testifying in opposition to the applications were Ms. Megan Scarf, Ms. Jennifer Kamieniak, Ms. June Rosner and Mr. Marshall Eisenberg (collectively, the "Objectors"). The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules.

The Applicant's attorney Ms. Kate Duncan provided an overview of the variation applications. In response to a question from the ZONING BOARD OF APPEALS, Ms. Duncan provided some clarification as to some changes in the requested variations.<sup>4</sup>

The Applicant offered the testimony of its manager Mr. Andrew Smith in support of the applications.

The Applicant offered the testimony of its general contractor Mr. David Berger in support of the application.

The Applicant offered the testimony of its architect Mr. Chris Boehm in support of the applications.

The Applicant offered the testimony of its certified land planner Mr. George Kisiel in support of the applications.

Ms. Megan Scarf, of 2349 North Cleveland, offered testimony in opposition to the applications.

Ms. Jennifer Kamieniak, of 2351 North Cleveland, offered testimony in opposition to the applications.

Ms. June Rosner, of 2329 North Cleveland, testified in opposition to the applications.

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<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.

<sup>4</sup> The Applicant withdrew its request for reductions in the north and south side setbacks. The Applicant also decreased the relief requested with respect to the rear yard setback. Originally, and as noted in footnote 1 above, the Applicant had sought a rear yard setback variation from the required 37.71' to 5.46'. However, at the hearing, the Applicant significantly decreased this request from the required 37.71' to 33.75'.



Mr. Marshall Eisenberg, of 2343-47 North Cleveland, testified in opposition to the applications.

In response to the Objectors' testimony Ms. Duncan made further statements.

B. Criteria for a Variation

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

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

The subject property is located within the Mid-North Historic District.

Consequently, all proposed construction on the subject property must be approved by the Permit Review Committee of the Commission on Chicago Historical and Architectural Landmarks (the "Landmarks Commission"). The Landmarks Commission required the proposed building to feature a setback that could provide a transition between the property to its immediate north, which has no front setback, and the property to its immediate south, which has a front setback of just nearly 40'. As a result, the Landmarks Commission required that the proposed building's front setback be 20', which is 5' greater than the 15' required by the Chicago Zoning Ordinance.<sup>5</sup> Further, the subject property has no access to an alley. The lack of rear alley access affects the available configurations of the building that can be built upon the subject property.<sup>6</sup> In this case, such lack of alley access necessitated the placement of a driveway at the front and to the side of the subject property, reducing the buildable area at the subject property.

Further, the subject property (as can be seen from the plat of survey) is irregularly shaped in that it has an angled rear property line. This, too, impacts what can be built on the subject property. There is also the presence of a Commonwealth Edison utility pole (the "utility pole") toward the northeast corner of the subject property and the consequent need to set aside reasonable access to it for workers similarly impacts the feasible design of any building constructed upon the subject property. Without the variations, construction upon the subject property would not be practicable for the Applicant and the subject property would remain underutilized. Indeed, the subject property as been used – as noted in Mr. Kisiel's report – as a surface parking lot since at least 1962. As such, the ZONING BOARD OF APPEALS finds that these factors make strict compliance with the Chicago Zoning Ordinance a practical difficulty.

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

The requested variations and proposed project are consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) protecting the character of established residential neighborhoods pursuant to Section 17-1-0503 by allowing construction of a structure that is in harmony with

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<sup>5</sup> Section 17-2-0305-B of the Chicago Zoning Ordinance.

<sup>6</sup> Note, in fact, that the subject property has been used as surface parking lot since at least 1962.

the Mid-North Historic District as can be evidenced not only by the proposed building's height but also the proposed building's front setback; (2) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance by proposing a plan of development that is (and can be seen in Mr. Kisiel's report) consistent with the existing development in the neighborhood; and (3) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance by activating an underutilized lot.

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.*

The Applicant would be unable to achieve a reasonable rate of return if forced to develop the subject property in strict accordance to the Chicago Zoning Ordinance. Without the variations, the third floor would have to be removed and the floor plates would have to be shortened, resulting in significantly lower sales prices. Without the variations, the Applicant's return would be -5.83%, while with the variations, the return would be 10.2%. The ZONING BOARD OF APPEALS therefore finds that the subject property cannot yield a reasonable return without the variations.

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

The subject property's location in the Mid North Historic District, its lack of access to a public alley in the rear, its angled rear property line and the presence of the utility pole at the northeast corner are particular hardships that are unique to the subject property and are not generally applicable to other vacant property in the City of Chicago (the "City").

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

The ZONING BOARD OF APPEALS takes judicial notice that the Landmarks Commission is charged with preserving the character of neighborhoods<sup>7</sup>,

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<sup>7</sup> Section 2-120-580(3) of the Municipal Code of Chicago.

encouraging the preservation of places, including neighborhoods, thereby preventing future blight<sup>8</sup> and encouraging orderly and efficient development that recognizes the special value to the City of its landmarks<sup>9</sup>. In this light, the Landmarks Commission's Permit Review Committee reviewed and approved plans for the proposed building. Subject to that approval, and in order to maintain harmony between the subject property's neighboring improvements, the Landmarks Commission required the subject property to provide a transition between the 0' front setback of the building to the immediate north and the 40' front setback of the buildings to the immediate south. The variations therefore allow the Applicant to construct the proposed building while complying with the Landmarks Commission's requirement. The modest reduction to the rear yard open space is for the garage, and as the garage is only approximately 5.5' above grade and is located at the rear of the subject property, such rear yard setback reduction will not alter the essential character of the neighborhood. The variation to increase the height of the proposed building is so that the first floor of the proposed building can match the roof of the garage (and therefore allow for the proposed deck). It is also part of the negotiation with the Landmarks Commission as the Landmarks Commission wished to ensure that the proposed building was consistent with the height of other improvements in the area. In fact, the proposed building will not be the tallest structure on the block. The variation to relocate a portion of the required rear yard open space is due to the angled rear property line and will not affect the adjacent properties. Indeed, and as can be seen from the site plans and elevations, the proposed building is respectful to the neighboring improvements and will not alter the essential character of the Mid-North Historic 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-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 contends with the lack of alley access to the rear, the presence of the utility pole, its angled rear property line and its location in the Mid-North Historic District. These factors limit the building configurations available to the Applicant. As Mr. Smith testified, the Applicant needs to improve the subject property consistently with other properties in the neighborhood in order to realize a reasonable rate of return. Without the

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<sup>8</sup> Section 2-120-580(6) of the Municipal Code of Chicago.

<sup>9</sup> Section 2-120-580(8) of the Municipal Code of Chicago.

variations, the Applicant will not be able to provide a comparable residential option for the area and thus will experience a negative return on investment.

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

The conditions upon which the Applicant's request for variations are not generally applicable to other property within the same zoning classification. Properties within RT-4 zoning districts -and indeed, any zoning district- generally do not lack rear alley access, are not encumbered with a utility pole, do not have angled rear property lines and are not located within a landmark district.

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

The ZONING BOARD OF APPEALS finds that purpose of the variations is to allow the construction of a structure that will have little impact on its neighbors, comply with the requirements of the Landmarks Commission and yet yield a reasonable return for the Applicant. The variations are therefore not based exclusively based upon a desire to make more money out of the subject property. Indeed, and as pointed out by Mr. Kisiel at the hearing, the Applicant is not maximizing the floor area ratio for the proposed building, as the Applicant will be using less floor area ratio than permitted.

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

The particular hardships or particular difficulties – that is, the lack of rear alley access, the presence of the utility pole, the angled rear property line and the location of the subject property within a landmark district – precede the Applicant's ownership of the subject property and are not attributable to the Applicant's actions.

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

The variations will enable the subject property to provide safe and secure parking for its residents while maintaining a harmonic transition between the front setback of its north and south neighbors. They will also allow the residents of the subject property to have adequate outdoor space, notwithstanding the angled rear property line. Further, they will ensure that there is still adequate access to the utility pole. As such, the ZONING BOARD OF APPEALS finds that the variations will not be detrimental to the public welfare or injurious to other property in the neighborhood.

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 proposed variations will not impair adequate supply of light and air to the adjacent properties. The variations allow the subject property to feature a front setback that is 5' larger than required and in harmony with adjacent buildings. Moreover, the proposed variation in allowable building height is just over one foot that what is permitted, which is a negligible amount. The rear setback reduction request is modest and will allow for the garage. Such garage will be approximately 5.5' above grade, which will not impair an adequate supply of light and air to adjacent properties. The variation to relocate a portion of the required rear yard open space to the proposed deck will also not impair an adequate supply of light and air to adjacent properties. The variations enable the subject property to overcome its lack of access to a public alley in the rear and permit the inclusion of a three-car garage. As such, there will be no increase in the congestion of public streets. The proposed building will be built in accordance with building permits and will thus not increase the danger of fire or endanger the public safety. The proposed building will not impair property values within the neighborhood. Indeed, as can be seen from the plans and drawings, it will likely – due to its conformance with the standards of the Mid North Historic District – increase property values in the neighborhood. The variations to the rear yard setback and the minimum allowable building height are slight. The variations will allow the subject property to be transformed from its underutilized use as a paved parking lot to the proposed building.

#### IV. CONCLUSION

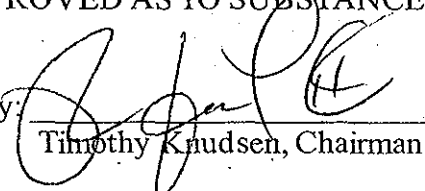
For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago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

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

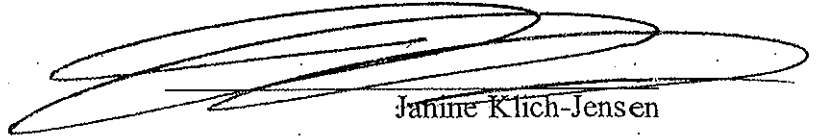
This is a final decision subject to review under the Illinois Administrative Review Law, 735 ILCS 5/3-101 *et seq.*

APPROVED AS TO SUBSTANCE

By:

  
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 12/21, 2020.



Janine Klich-Jensen

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

**APPLICANT:** 4714 N. Sheridan, LLC

Cal. No. 295-20-S

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
September 18, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4712-18 N. Sheridan Road

**NATURE OF REQUEST:** Application for a special use to establish residential use below the second floor for a proposed four-story, thirty unit residential building with an attached nineteen car garage.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

**OCT 22 2020**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

**THE RESOLUTION:**

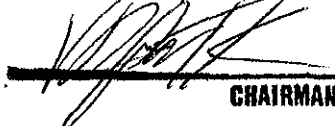
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: the applicant shall be permitted to establish residential use below the second floor for a proposed four-story, thirty unit residential building with an attached nineteen car garage; three variations were also granted to the subject property in Cal. Nos. 296-20-Z, 297-20-Z, and 298-20-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated May 22, 2020, prepared by 360 Design Studio.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



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

**APPLICANT:** 4714 N. Sheridan, LLC

**CAL NO.:** 296-20-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
September 18, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4712-18 N. Sheridan Road

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from 30' to 2' for a proposed four-story, thirty dwelling unit building with an attached nineteen car garage covering 87% of the required rear setback and residential use on the ground floor.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 2' for a proposed four-story, thirty dwelling unit building with an attached nineteen car garage covering 87% of the required rear setback and residential use on the ground floor; a special use and two additional variations were granted to the subject property in Cal. Nos. 295-20-S, 297-20-Z, and 298-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated May 22, 2020, prepared by 360 Design Studio.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** 4714 N. Sheridan, LLC **CAL NO.:** 297-20-Z

**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
September 18, 2020

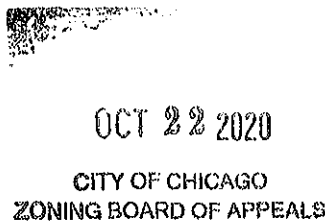
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4712-18 N. Sheridan Road

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area from 11,400 square feet to 10,500 for a proposed four-story, thirty dwelling unit building with an attached nineteen car garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**OCT 22 2020**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the minimum lot area to 10,500 for a proposed four-story, thirty dwelling unit building with an attached nineteen car garage; a special use and two additional variations were granted to the subject property in Cal. Nos. 295-20-S, 296-20-Z, and 298-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated May 22, 2020, prepared by 360 Design Studio.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** 4714 N. Sheridan, LLC

**CAL NO.:** 298-20-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
September 18, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4712-18 N. Sheridan Road

**NATURE OF REQUEST:** Application for a variation to eliminate the one required loading berth for a proposed four-story, thirty dwelling unit building with an attached nineteen car garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**OCT 22 2020**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

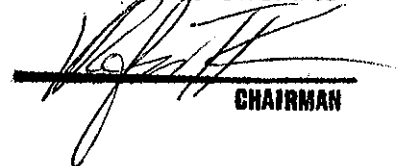
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to eliminate the one required loading berth for a proposed four-story, thirty dwelling unit building with an attached nineteen car garage; a special use and two additional variations were granted to the subject property in Cal. Nos. 295-20-S, 296-20-Z, and 297-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated May 22, 2020, prepared by 360 Design Studio.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** EP PSS, LLC Cal. No. 299-20-S  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
September 18, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2201 S. Halsted Street

**NATURE OF REQUEST:** Application for a special use to establish a residential storage warehouse (self-storage facility) within the existing four story building.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
ABSENT		
X		
X		
X		
X		

**THE RESOLUTION:**

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

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

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Barrett Properties, LLC **CAL NO.:** 300-20-Z

**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**

September 18, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3113 N. Lincoln Avenue/3118 N. Greenview Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from 30' to 0.33' on floors containing dwelling units for a proposed four-story mixed use building containing retail space at grade, nine dwelling units above and five parking spaces.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**OCT 22 2020**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
		ABSENT
X		
X		
X		
X		

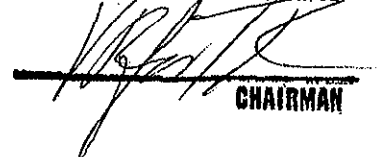
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 3, 2020; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be allowed to reduce the rear setback to 0.33' on floors containing dwelling units for a proposed four-story mixed use building containing retail space at grade, nine dwelling units above and five parking spaces; an additional variation was granted to the subject property in Cal. No. 301-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Barrett Properties, LLC **CAL NO.:** 301-20-Z  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
September 18, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3113 N. Lincoln Avenue/3118 N. Greenview Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the commercial floor area requirement from 1,048 square feet to 838 square feet for a proposed four-story, mixed use building containing retail space at grade, nine residential units above and five off-street parking spaces.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
		ABSENT
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be allowed to reduce the commercial floor area requirement to 838 square feet for a proposed four-story, mixed use building containing retail space at grade, nine residential units above and five off-street parking spaces; an additional variation was granted to the subject property in Cal. No. 300-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Raina Archer, LLC  
**APPEARANCE FOR:** Nicholas Ftikas  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3542 S. Archer Avenue

Cal. No. 302-20-S

**MINUTES OF MEETING:**  
 September 18, 2020

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

**ACTION OF BOARD-  
 APPLICATION APPROVED**

**THE VOTE**

OCT 22 2020  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
		ABSENT
X		
X		
X		
X		

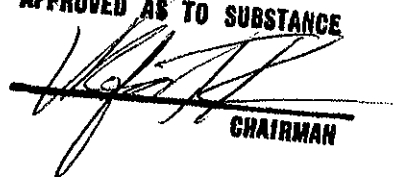
**THE RESOLUTION:**

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

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Raina Archer, LLC, and the development is consistent with the design and layout of the plans and drawings prepared by Nick Scarlatis & Associates, Ltd., dated June 11, 2020, excepted the Site and Landscape Plans, dated September, 15, 2020.

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

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

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

**APPLICANT:** B.U.I.L.D. Inc. Cal. No. 303-20-S  
**APPEARANCE FOR:** Steve Friedland **MINUTES OF MEETING:**  
September 18, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 5100 W. Harrison Street

**NATURE OF REQUEST:** Application for a special use to establish a community center in connection with the existing one-story building and the addition of a new three-story addition and fifty-five car on-site accessory parking lot.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



OCT 22 2020

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
ABSENT		
X		
X		
RECUSED		
X		

**THE RESOLUTION:**

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a community center in connection with the existing one-story building and the addition of a new three-story addition and fifty-five car on-site accessory parking lot; 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, B.U.I.L.D. Inc., (2) the development is consistent with the design and layout of the plans and drawings dated September 17, 2020, all prepared by Landon Bone Baker Architects, and (3) the final parking lot design complies with all applicable standards of the Chicago Zoning Ordinance.

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

**APPROVED AS TO SUBSTANCE**

  
\_\_\_\_\_  
**CHAIRMAN**



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

**APPLICANT:** Harron Raggs

Cal. No. 304-20-S

**APPEARANCE FOR:** Tyler Manic

**MINUTES OF MEETING:**

September 18, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6058 W. North Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
		ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**


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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a barber shop; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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.

**APPROVED AS TO SUBSTANCE**

  
\_\_\_\_\_  
**CHAIRMAN**

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

**APPLICANT:** Ronan Heaney  
**APPEARANCE FOR:** Thomas Moore  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4153 N. Pulaski Road

Cal. No. 305-20-S

**MINUTES OF MEETING:**  
 September 18, 2020

**NATURE OF REQUEST:** Application for a special use to establish a dwelling unit in the basement of an existing two-story building being converted from two dwelling units to three dwelling units.

**ACTION OF BOARD-**  
**APPLICATION APPROVED WITH CONDITIONS**

**THE VOTE**

OCT 22 2020  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
		ABSENT
X		
X		
X		
X		

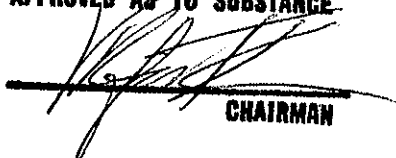
**THE RESOLUTION:**

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a dwelling unit in the basement of an existing two-story building being converted from two dwelling units to three dwelling units; 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; (2) the development is consistent with the design and layout of the plans and drawings dated September 17, 2020, by Thomas Buckley Architect; and (3) the applicant shall not be required to remove the existing curb cut on Pulaski Road; instead applicant shall be permitted to retain the driveway as is.

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

**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



JAN 19 2021

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Teri & Brian Odom**

APPLICANTS

**306-20-Z**

CALENDAR NUMBER

**2669 N. Orchard Street**

PREMISES AFFECTED

**September 18, 2020**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The application for the variation is denied.

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<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"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 2669 N.  
ORCHARD STREET BY TERI & BRIAN ODOM.**

**I. BACKGROUND**

Teri and Brian Odom (the "Applicants") submitted a variation application for 2669 N. Orchard Street (the "subject property"). The subject property is currently zoned RT-4 and is currently improved with a three-story, three dwelling unit condominium building (the "building"). The Applicants currently own and reside in the ground floor unit<sup>1</sup> of the building. The Applicants proposed to erect a garage roof deck on the top of the detached garage at the rear of the building. They further proposed to erect an access bridge that would connect the rear stair system of the building to said garage roof deck (the "access bridge"). In order to make these improvements, the Applicant sought a variation to reduce: (1) the rear setback from the required 40.5' to 1.88'; north and south side setbacks from the required 2' to 0'; and the combined required side setback from 5' to 0'. The variation would also allow the Applicants to legalize the detached garage as the detached garage was built .2' closer to the rear property line than allowed.<sup>2</sup>

**II. PUBLIC HEARING**

<sup>1</sup> The ground floor unit itself consists of a basement level and a first floor level. The first floor level, as can be seen from the plans and pictures, is above grade. The main entrance to the unit is therefore accessed by a flight of stairs.

<sup>2</sup> Cf. Section 17-17-0309 of the Chicago Zoning Ordinance ("garages that are accessed from alleys must be set back at least 2' from the rear property line") with Applicants request to reduce the rear setback to 1.88'.

### A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing<sup>3</sup> on the Applicant's variation applications at its regular meeting held on September 18, 2020, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Facts. In accordance with the ZONING BOARD OF APPEALS' Emergency Rules (eff. September 9, 2020)<sup>4</sup> the Applicant had submitted all documentary evidence by 5:00 PM on Monday, September 14, 2020. One of the Applicants Mr. Brian Odom was present. The Applicants' attorney Mr. Thomas Moore and their architect Mr. John Hanna were also 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.

The Applicants' attorney Mr. Thomas Moore offered background as to the application.

One of the Applicants Mr. Brian Odom offered testimony in support of the application.

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

In response to questions from the ZONING BOARD OF APPEALS, Mr. Moore offered further background.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Hanna offered further testimony in support of the application.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Odom offered further testimony in support of the application.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Moore offered a closing argument 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

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

<sup>4</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.

particular hardships; and (2) the requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance.

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

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

### III. FINDINGS OF FACT.

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

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

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. It is not – as averred in paragraph four of Mr. Odom's affidavit, paragraph 3 in Mr. Hanna's affidavit

and as argued by Mr. Moore at the hearing – that the Chicago Zoning Ordinance treats single-family residences and multi-family residences differently with respect to garage roof decks. On the contrary, the Hopkins’ Amendment<sup>5</sup> applies to both single-family residences and multi-family residences equally in that it establishes that stairs providing access to an accessory building (i.e., a garage) are a permitted obstruction in the rear and side yard setbacks, provided these stairs meet certain requirements.<sup>6</sup> Nor does – as the Applicants argue in their proposed Findings of Fact – the Chicago Zoning Ordinance have any provision that allows for a single-family residence to have an access bridge between a single-family residence and a garage roof deck while denying such an access bridge between multi-family residences and a garage roof deck. Indeed, access bridges between residences and garage roof decks are not permitted as-of-right under *any* provision of the Chicago Zoning Ordinance.<sup>7</sup> The only way to obtain such an access bridge (for either single-family or multi-family residences) is by seeking an administrative adjustment with the Office of the Zoning Administrator or seeking a variation with the ZONING BOARD OF APPEALS.<sup>8</sup>

As the Applicants have chosen to seek a variation with the ZONING BOARD OF APPEALS, they therefore must prove to the ZONING BOARD OF APPEALS that strict compliance with the Chicago Zoning Ordinance would create practical difficulties or particular hardships with respect to the subject property. The ZONING BOARD OF APPEALS finds that the Applicants have not met this burden. The subject property is 25.0’ wide by 135’ deep. It is therefore 20’ deeper than a standard City lot.<sup>9</sup> From the plat of survey, it is clear that the subject property is regular in shape. The Applicants concede in their proposed Findings of Fact that it is possible to erect a stairway from grade to the garage roof deck in compliance with the Chicago Ordinance but nevertheless argue that such stairs would be “duplicative” and a “great expense.” First, the ZONING BOARD OF APPEALS does not agree with the Applicants’ characterization that a set of stairs from grade to the garage roof deck in accordance with the Chicago Zoning Ordinance would be “duplicative.” Second, Applicants provide no evidence to support their conclusory arguments – such as estimates of construction cost from the Applicants’ general contractor – that such a stairway

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<sup>5</sup> So called because such amendment was introduced by Aldermen Brian Hopkins and Michele Smith. See Journal of Proceedings of the City Council of the City of Chicago for March 29, 2017, at pages 45477 through 45493.

<sup>6</sup> See particularly the Journal of Proceedings of the City Council of the City of Chicago for March 29, 2017 at page 45490. See also Section 17-17-0309 of the Chicago Zoning Ordinance.

<sup>7</sup> As such a structure would be in violation of Section 17-17-0309 of the Chicago Zoning Ordinance.

<sup>8</sup> As such access bridge requires (depending on the location) a reduction to the rear and/or side yard setback.

<sup>9</sup> Section 17-17-02174 of the Chicago Zoning Ordinance.

would be “a great expense.” While such stairway may cost more (due to the fact that the present access door from the rear yard to the garage may have to be moved) than the access bridge, that does not, in and of itself, make it a “great expense.”

With respect to the legalization of the garage, the Applicants provided no proof that the garage being built .2' closer to the rear property line has created any practical difficulty or particular hardship. The Applicants have not alleged that they have been cited by the City's Department of Buildings over this infinitesimal discrepancy. Indeed, when the building was granted its initial occupancy certificate, the Department of Buildings clearly did not notice the .2' discrepancy. The only reason that the .2' discrepancy has come to light is because the Applicant's desired to erect the proposed access bridge and put in their application for a variation.<sup>10</sup>

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

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

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

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<sup>10</sup> As such application would require a plat of survey of the subject property as well as architectural plans and drawings.

1. *The Applicant 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.*

Despite the Applicants' condominium unit having exclusive right to any garage roof deck erected over the garage, the Applicants purchased the unit without the proposed garage roof deck. Mr. Odom testified that at the time of this purchase, he was aware that if he wanted to build out the garage roof deck, it would be at his expense. Nevertheless, the Applicants went through with the purchase of their condominium unit. As the Applicants' condominium unit is the unit in the building with exclusive rights to the (currently non-existent) garage roof deck, the subject property is clearly able to realize a reasonable monetary return without the roof deck. Elsewise the developer would not have been able to sell the unit to the Applicants.

Because the Applicants cannot show that the subject property cannot yield a reasonable monetary return without the variation, the Applicants argue that reasonable return in this instance is for lifestyle rather than monetary gain. The ZONING BOARD OF APPEALS finds this argument not credible. In their proposed Findings of Fact, the Applicants argue that they need more outdoor space as they share the at-grade outdoor space with their fellow condominium unit owners. However, during the hearing, Mr. Odom conceded that the Applicants have – as part of the rights attached to their condominium unit – exclusive rights to the at-grade open space. The Applicants further argued – both in their proposed Findings of Fact and at the hearing – that Mr. Odom, due to his surgery, needs the ease of an access bridge as stairs have become difficult for him. However, as can clearly be seen from the plans, Mr. Odom must walk up a flight of stairs to access the front entrance of his home. He must also go down (or up) a flight of stairs to access the rear entrance to his home. He must use stairs to get from the ground floor level of his home to his first-floor level. If the Applicants' request were granted and an access stair built, Mr. Odom would still have to walk up a half flight of stairs to access the garage roof deck.

The Applicants provided no argument whatsoever with respect to reasonable return and the garage being built .2' closer to the rear property line. Mr. Hanna testified that rebuilding the garage wall could be costly; however, the Applicants never alleged that they had been cited by the City's Department of Building regarding the .2' discrepancy. Indeed, as Mr. Hanna also testified, such a discrepancy is not at all unusual as "concrete is not a perfect science." In fact, and as noted above, the only reason the .2' discrepancy even known is due to the Applicant's application for a variation to erect the access stair.



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

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or a particular hardship. Even assuming that an inability to have an access bridge from one's rear stair system to one's garage roof deck is a practical difficulty or particular hardship (which the ZONING BOARD OF APPEALS rejects), such an inability is not due to unique circumstances. As explained above, the Chicago Zoning Ordinance does not allow for an access bridge from one's rear stair structure to one's garage roof deck. Such access bridge is an unpermitted obstruction in the rear and side yard setbacks.

Therefore, the inability to have an access bridge from one's rear stair system to one's garage roof deck is generally applicable to all residential property in the City. Nor can the .2' discrepancy with respect to the garage be considered a practical difficulty or particular hardship. Again, the Applicants provided no evidence that the .2' discrepancy had created any difficulties. Clearly, the Applicants can still utilize the garage, and no testimony or averments were made that the City's Department of Buildings has cited the Applicants over the .2' discrepancy. Indeed, as Mr. Hanna testified, such a discrepancy is not at all unusual for concrete footings to be "a couple of inches" off. As such, even assuming the .2' discrepancy with respect to the garage is a practical difficulty or particular hardship, it is not due to unique circumstances but is instead applicable to all improved property.

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

It is up to the Applicants to prove their case. The Applicants provided no credible evidence as to this criterion. While Mr. Hanna averred that the access bridge would not be visible from the street, such an averment is not helpful to the ZONING BOARD OF APPEALS. Simply because a variation is not visible from the street does not mean that it cannot alter the essential character of the neighborhood. Indeed, the ZONING BOARD OF APPEALS finds that an above-grade massing in the rear yard open space – such as an access bridge from a rear stair system to a garage roof deck – can indeed alter the essential character of the neighborhood. Mr. Odom's testimony does not help the ZONING BOARD OF APPEALS with its inquiry with respect to this criterion, as such testimony was concerned only with the fact that the neighborhood had garage roof decks. He did not testify as to how these garage roof decks were accessed.

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

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

There is nothing about the particular physical surroundings, shape or topographical condition of the subject property that results in particular hardship upon the Applicants. As stated above, the Applicant can provide access to the proposed garage roof deck in strict compliance with the Chicago Zoning Ordinance. The ZONING BOARD OF APPEALS finds that the inability to have an access bridge connecting the garage roof deck to the rear stair system to be – at most – a mere inconvenience. Similarly, there is nothing about the .2' discrepancy with respect to the garage that causes hardship upon the Applicants. Again, at no time did the Applicants allege that they experienced any hardship from the .2' discrepancy.

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

This variation is only necessary because the Applicants wish to erect the proposed access bridge. But, as noted above, all residential property in the City would require a variation to erect an access bridge that connects a garage roof deck to a rear stair system as such access bridge is not permitted under the Chicago Zoning Ordinance. Thus, the conditions upon which the petition for the variation is based (i.e., the desire to have an access bridge) are applicable, generally, to other property within the RT-4 zoning classification.

3. *There is insufficient evidence to find that purpose of the variation is not based exclusively upon a desire to make more money out of the property.*

The Applicants argued in their proposed Findings of Fact that the purpose of the proposed variation was so that they could have more viable open space, as the at-grade open space was "communal."<sup>11</sup> However, Mr. Odom conceded at the hearing that the Applicants, in fact, had exclusive rights to the at-grade open space. Such a concession shows a lack of credibility on the part of the Applicants, causing the ZONING BOARD OF APPEALS to doubt the veracity of

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<sup>11</sup> As averred by Mr. Odom.

any of their representations to the ZONING BOARD OF APPEALS with respect to the purpose for the proposed variation. As such, there is insufficient evidence for the ZONING BOARD OF APPEALS to find that 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 been created by a person presently having an interest in the property.*

Again, the ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or particular hardship. This is not a case where the Applicants are unable to erect a garage roof deck without a variation; indeed, the Applicants concede that they are able to erect a garage roof deck in compliance with the Chicago Zoning Ordinance. Nevertheless, the Applicants – for their own convenience – chose to design an access bridge to said garage roof deck that requires a variation.

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

It is up to the Applicants to prove their case. The burden is not on the ZONING BOARD OF APPEALS. The only reference to this criterion – either at the hearing or in the Applicant's proposed Findings of Fact – is a brief conclusory averment by Mr. Hanna. Such conclusory averment does not meet the Applicants' burden.

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

Again, it is up to the Applicants to prove their case. The burden is not on the ZONING BOARD OF APPEALS. The only reference to adequate light and air – either at the hearing or in the Applicant's proposed Findings of Fact – is a brief conclusory averment by Mr. Hanna. Such conclusory averment does not meet the Applicants' burden. As the variation will not affect the required on-site parking, the variation will not substantially increase the congestion in the public streets. As the access bridge would only be built pursuant to a valid building permit, it would not increase the danger of fire or endanger the public safety. However, there is insufficient evidence for the ZONING BOARD OF APPEALS to find that

the variation will not substantially diminish or impair property values in the neighborhood. For instance, the Applicants provided no market studies or other evidence (such as testimony from a realtor) to show that the proposed access bridge will not impair property values of other residential properties in the neighborhood, particularly residential properties that are on the same side of the block.

#### IV. CONCLUSION

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

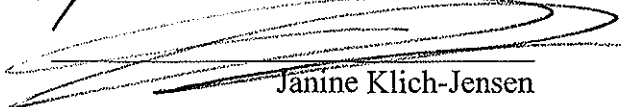
The ZONING BOARD OF APPEALS hereby denies the Applicant's application for a variation.

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

APPROVED AS TO SUBSTANCE

By:   
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 1/19, 2021.

  
Janine Klich-Jensen

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

**APPLICANT:** Charles Batchell **CAL NO.:** 307-20-Z  
**APPEARANCE FOR:** John Pikarski **MINUTES OF MEETING:**  
September 18, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1121 N. Damen Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the north side set back from the required 2' to 0.03' (south to be 14.19'), combined side yard setback to be 14.22' for a proposed three-story, north side enclosure, remove the enclosed porch and replace exterior north side stairs and three-car garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

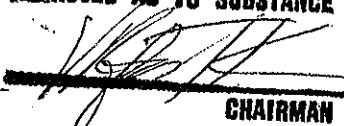
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the north side set back to 0.03' (south to be 14.19'), combined side yard setback to be 14.22' for a proposed three-story, north side enclosure, remove the enclosed porch and replace exterior north side stairs and three-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.

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

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

**APPLICANT:** Nader and Juan Hindo **CAL NO.:** 308-20-Z

**APPEARANCE FOR:** Thomas Raines / Timothy Barton **MINUTES OF MEETING:**  
September 18, 2020

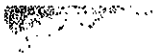
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1500 N. Wieland Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to 10' for a proposed five-story, seven dwelling unit building with three parking spaces and two new driveway fronts.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 10' for a proposed five-story, seven dwelling unit building with three parking spaces and two new driveway fronts; 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.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** 2816 N. Southport, LLC  
**APPEARANCE FOR:** Warren Silver  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2816 N. Southport Avenue

Cal. No. 309-20-S

**MINUTES OF MEETING:**  
September 18, 2020

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



OCT 22 2020

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
	X	
X		
X		

**THE RESOLUTION:**

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed four-story, three dwelling unit building; a variation was also granted to the subject property in Cal. No. 310-20-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated March 20, 2020, prepared by 360 Design Studio.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** 2816 N. Southport, LLC **CAL NO.:** 310-20-Z  
**APPEARANCE FOR:** Warren Silver **MINUTES OF MEETING:**  
September 18, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2816 N. Southport Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to 2' for a proposed catwalk connecting the roof deck of the detached garage serving a proposed four-story, three dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
	X	
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 2' for a proposed catwalk connecting the roof deck of the detached garage serving a proposed four-story, three dwelling unit building; a special use was also approved for the subject property in Cal. No. 309-20-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated March 20, 2020, prepared by 360 Design Studio.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



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

**APPLICANT:** Derrig 1839 Irving, LLC Cal. No. 311-20-S  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
September 18, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1839 W. Irving Park Road

**NATURE OF REQUEST:** Application for a special use to establish residential use below the second floor for a proposed four-story, mixed use building with seven dwelling units and retail at grade and a detached three car garage with roof deck and stair access.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed four-story, mixed use building with seven dwelling units and retail at grade and a detached three car garage with roof deck and stair access; two variations were also granted to the subject property in Cal. Nos. 312-20-Z and 313-20-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Derrig 1839 Irving, LLC, and the development is consistent with the design and layout of the plans and drawings dated May 22, 2020, prepared by Jonathan Splitt Architects, Ltd.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Derrig 1839 Irving, LLC

**CAL NO.:** 312-20-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
September 18, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1839 W. Irving Park Road

**NATURE OF REQUEST:** Application for a variation to reduce the minimum required ground floor commercial area from 1,133 square feet to 1,080 square feet for a proposed four-story, seven dwelling unit building with detached three car garage with roof deck and access stair and retail and residential uses on the ground floor.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**OCT 22 2020**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the minimum required ground floor commercial area to 1,080 square feet for a proposed four-story, seven dwelling unit building with detached three car garage with roof deck and access stair and retail and residential uses on the ground floor; a special use was also approved and an additional variation was granted for the subject property in Cal. Nos. 311-20-S and 313-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the special use is issued solely to the applicant, Derrig 1839 Irving, LLC, and the development is consistent with the design and layout of the plans and drawings dated May 22, 2020, prepared by Jonathan Splitt Architects, Ltd.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Derrig 1839 Irving, LLC

**CAL NO.:** 313-20-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**

September 18, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1839 W. Irving Park Road

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard setback from the required 30' to 2' for a proposed four-story, seven dwelling unit building with detached three-car garage with roof deck and access stair and retail and residential uses on the ground floor.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**OCT 22 2020**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard setback to 2' for a proposed four-story, seven dwelling unit building with detached three-car garage with roof deck and access stair and retail and residential uses on the ground floor; a special use was also approved and an additional variation was granted for the subject property in Cal. Nos. 311-20-S and 312-20-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not scotalter 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, Derrig 1839 Irving, LLC, and the development is consistent with the design and layout of the plans and drawings dated May 22, 2020, prepared by Jonathan Splitt Architects, Ltd.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** 5440 Sheridan Property Owner, LLC Cal. No. 314-20-S  
**APPEARANCE FOR:** Liz Butler **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None September 18, 2020  
**PREMISES AFFECTED:** 5434-38 N. Sheridan Road

**NATURE OF REQUEST:** Application for a special use to reduce the off-street parking for a transit served location from seventy-eight spaces to twenty-seven spaces for a proposed five-story, seventy eight dwelling unit building with attached twenty-seven car garage.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the off-street parking for a transit served location to twenty-seven spaces for a proposed five-story, seventy eight dwelling unit building with attached twenty-seven car garage; an additional special use was approved and a variation was also granted to the subject property in Cal. Nos. 315-20-S and 316-20-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated August 12, 2020, prepared by Booth Hansen.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

APPLICANT: 5440 Sheridan Property Owner, LLC Cal. No. 315-20-S

APPEARANCE FOR: Liz Butler MINUTES OF MEETING: September 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5434-38 N. Sheridan Road

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed five-story, seventy eight dwelling unit building with an attached twenty-seven car garage. This is a transit served location.

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE

OCT 22 2020 CITY OF CHICAGO ZONING BOARD OF APPEALS

FARZIN PARANG ZURICH ESPOSITO SYLVIA GARCIA JOLENE SAUL SAM TOIA

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

THE RESOLUTION:

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed five-story, seventy eight dwelling unit building with an attached twenty-seven car garage. This is a transit served location; an additional special use was approved and a variation was also granted to the subject property in Cal. Nos. 314-20-S and 316-20-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated August 12, 2020, prepared by Booth Hansen.

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

APPROVED AS TO SUBSTANCE

Signature of Chairman and the title CHAIRMAN

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

**APPLICANT:** 5440 Sheridan Property Owner, LLC **CAL NO.:** 316-20-Z  
**APPEARANCE FOR:** Liz Butler **MINUTES OF MEETING:**  
September 18, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 5434-48 N. Sheridan Road

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to 2' for a proposed five-story, seventy eight dwelling unit building with ground floor residential and an attached twenty-seven car garage. This is a transit served location.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

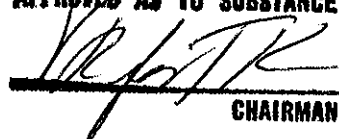
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 2' for a proposed five-story, seventy eight dwelling unit building with ground floor residential and an attached twenty-seven car garage. This is a transit served location; two special uses were also approved for the subject property in Cal. Nos. 314-20-S and 315-20-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated August 12, 2020, prepared by Booth Hansen.

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

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

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

**APPLICANT:** Annette Akins dba Thiz How U Do It Cal. No. 159-20-S  
**APPEARANCE FOR:** Same as Applicant  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 5945 W. Madison Street

**MINUTES OF MEETING:**  
September 18, 2020

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 22, 2020; and

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

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Shastriji Associates Cal. No. 236-20-S  
**APPEARANCE FOR:** Paul Kolpak **MINUTES OF MEETING:**  
September 18, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECT:** 5005 S. Western Boulevard

**NATURE OF REQUEST:** Application for a special use to establish a drive through facility to serve a proposed restaurant.

**ACTION OF BOARD-  
APPLICATION APPROVED WITH CONDITIONS**

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
	X	
	X	
X		
X		

**THE RESOLUTION:**


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 drive through facility to serve a proposed 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): that the applicant replace the fence of its neighbor at the applicant's expense.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



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

**APPLICANT:** Shastriji Associates **CAL NO.:** 237-20-Z  
**APPEARANCE FOR:** Paul Kolpak **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None September 18, 2020  
**PREMISES AFFECTED:** 5005 S. Western Boulevard

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from 20' to 5' for a proposed one-story restaurant with a drive through facility.

**ACTION OF BOARD-  
VARIATION WITHDRAWN**

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
	X	
	X	
X		
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Plainrise, LLC

**CAL NO.:** 239-20-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
September 18, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1801 W. Grand Avenue\*

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to 18' for a proposed four-story, twenty unit building with roof top deck, stair, elevator enclosure on the fifth floor, first floor retail and twenty parking space garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

DEC 7 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 reduce the rear setback to 18' for a proposed four-story, twenty unit building with roof top deck, stair, elevator enclosure on the fifth floor, first floor retail and twenty parking space 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.

\*Scrivener's error.

**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



JAN 19 2021

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**4611 South Ellis LLC**

APPELLANT

**252-20-S & 253-20-Z**

CALENDAR NUMBERS

**4600-08 S. Ellis Avenue**

PREMISES AFFECTED

**September 18, 2020**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved subject to the conditions specified below.  
The application for the variation is approved subject to the condition specified below.

AFFIRMATIVE    NEGATIVE    ABSENT

Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<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 VARIATION AND SPECIAL USE APPLICATIONS  
FOR 4600-08 S. ELLIS AVENUE BY 4611 SOUTH ELLIS LLC.**

**I. BACKGROUND**

4611 South Ellis LLC (the "Applicant") submitted a special use application and a variation application for 4600-08 South Ellis Avenue (the "subject property"). The subject property is currently zoned RT-4 and is improved with an asphalt-paved lot (the "parking lot"). For the past forty years, the subject property has served as an off-site parking lot for the property commonly known as 4611 South Ellis Avenue ("4611 South Ellis"). The subject property is directly across Ellis Avenue from 4611 South Ellis (i.e., the subject property is on the west side of South Ellis Avenue and 4611 South Ellis on the on east side of South Ellis Avenue). 4611 South Ellis is improved with a three-story former church building (the "existing church building"). The Applicant purchased both 4611 South Ellis and the subject property with the intent of renovating the existing church building into a twenty-nine (29) dwelling unit residential apartment building (the "proposed residential building").<sup>1</sup> To permit the proposed residential building, the Applicant sought a special use to establish an accessory off-site parking lot with fifty-nine (59) parking spaces at the subject property to serve 4611 South Ellis. The Applicant

<sup>1</sup> On January 15, 2020, the City Council of the City of Chicago passed ordinance SO2019-8497 pursuant to a Type 1 Zoning Map Amendment.

also sought a variation to: (1) reduce the minimum required front setback from 15.0' to 5.0'; and (2) to reduce the combined north and south side setback from the required 5.0' to 0'. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City of Chicago's (the "City") Department of Planning and Development (the "Department") recommended approval of the proposed special use provided that: (1) the special use was issued solely to the Applicant; and (2) the development was consistent with the design and layout of the site plan dated August 17, 2020, prepared by Zed Architects, and the landscape plan dated August 11, 2020, prepared by Damas Consulting Group and Juli Ordower Landscape Architecture.

## II. PUBLIC HEARING

### A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing<sup>2</sup> on the Applicant's variation and special use applications at its regular meeting on September 18, 2020, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*, and as continued without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Facts. The Applicant's managing member Mr. Ibrahim Shihadeh and the Applicant's attorney Ms. Sara Barnes were present. Also present on behalf of the Applicant were the Applicant's project manager Mr. Fuad Mustafy, the Applicant's architect Mr. Nabil Zahrah and the Applicant's certified land planner Mr. Timothy Barton. Assistant Zoning Administrator Mr. Steve Valenziano was also present. The statements and testimony given during the hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. September 9, 2020)<sup>3</sup>.

The Applicant's attorney Ms. Sara Barnes provided background of the Applicant's applications. Based on questions from the ZONING BOARD OF APPEALS, Ms. Barnes provided clarifying statements. Specifically, Ms. Barnes stated that the plans submitted to the Department indicated that the fence along the south property line of the subject property would be a 6' high wooden opaque fence<sup>4</sup> (the "wood fence") but, pursuant to a request from members of the community, the Applicant now sought to erect a wrought

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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.

<sup>4</sup> Section 17-11-0202-A of the Chicago Zoning Ordinance requires that: (1) the perimeter of all vehicular use areas larger than 1,200 square feet must be effectively screened from all abutting R-zoned property; (2) such screening must consist of a wall, fence, or hedge not less than 5 feet in height and not more than 7 feet in height; and (3) screening fences must be masonry or wood and must be planted with vines (chain-link fencing is prohibited).

iron fence (the "wrought iron fence"). Ms. Barnes indicated that the Applicant would defer to the ZONING BOARD OF APPEALS as to the style of fencing.

In response to a request for clarification from the ZONING BOARD OF APPEALS, Mr. Steve Valenziano provided testimony that the Applicant could not substitute the wooden fence with the wrought iron fence without further zoning relief.<sup>5</sup>

In response to Mr. Valenziano's testimony, Ms. Barnes made further statements; namely, that the Applicant would like to proceed with the plans showing the wooden fence.

Mr. Valenziano then testified that the wooden fence need not be 6' high.

Ms. Barnes then asked Mr. Valenziano whether the Applicant would be able to change the height from 6' high to 4' during the Department's building permit review<sup>6</sup> if the Applicant proceeded with the plans showing the wooden fence.

In response to Ms. Barnes' statements, Mr. Valenziano provided further testimony; namely, that such a change in height could be made.

In response to Mr. Valenziano's testimony, Ms. Barnes again stated that the Applicant would like to proceed with the plans showing the wooden fence.

The ZONING BOARD OF APPEALS expressed concern that those persons that had previously been in objection to the applications (the "Objectors") did not appear at the hearing because of their belief that the Applicant would erect the wrought iron fence.

In response to the ZONING BOARD OF APPEALS' statement, Ms. Barnes stated that she had advised those Objectors that the wrought iron fence was not guaranteed but was instead a condition subject to the ZONING BOARD OF APPEALS' approval. She then requested that a condition be placed on the ZONING BOARD OF APPEALS' approval that the Applicant seek the consent of the Objectors for a 4' high wooden fence.

The ZONING BOARD OF APPEALS stated that it did not believe such a condition could be placed. It instead stated that it could, instead, hear the applications as amended

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<sup>5</sup> Initially, Mr. Valenziano testified that the Applicant would need to apply for a separate variation (presumably because the Applicant was already before the ZONING BOARD OF APPEALS); however, he later testified that the Zoning Administrator would allow the Applicant to proceed via administrative adjustment. Cf. Section 17-13-1003-II of the Chicago Zoning Ordinance *with* Section 17-13-1101-A of the Chicago Zoning Ordinance. Regardless, of the method chosen (i.e., variation versus administrative adjustment), Mr. Valenziano was quite correct that the Applicant needed further zoning relief for the wrought iron fence.

<sup>6</sup> Under the Chicago Zoning Ordinance, every application for a building permit is simultaneously an application for a zoning certificate, and as such, must be examined by the Department's Office of Zoning Administrator.

(i.e., with the wrought iron fence) and then the Applicant could return to the ZONING BOARD OF APPEALS for a variation for the wrought iron fence.

In response to the question from the ZONING BOARD OF APPEALS, Mr. Valenziano provided further testimony. Specifically, he testified that should the ZONING BOARD OF APPEALS approve the applications, the Department's preference would be to approve them in accordance with current plans (i.e., with the wooden fence). He testified that in the event of objections from the neighbors, the Department would allow the Applicant to apply for an administrative adjustment for the wrought iron fence (as opposed to requiring the Applicant to return to the ZONING BOARD OF APPEALS).

In response to Mr. Valenziano's testimony, the ZONING BOARD OF APPEALS asked Ms. Barnes if the Applicant was committed to applying for an administrative adjustment for the wrought iron fence.

Ms. Barnes stated that the Applicant was happy to make such administrative adjustment a condition of the ZONING BOARD OF APPEALS' approval for the Applicant's applications.

Mr. Valenziano testified that, should the ZONING BOARD OF APPEALS impose such a condition, such condition should be timed so that the Applicant applied for the administrative adjustment at the time of building permit.

Ms. Barnes stated that the Applicant was in agreement with the timing suggested by Mr. Valenziano.

The Applicant's managing member Mr. Ibrahim Shihadeh offered testimony in support of the Applicant's applications. Specifically, he testified that if the ZONING BOARD OF APPEALS approved the Applicant's applications, he was willing to immediately seek an administrative adjustment for the wrought iron fence.

The Applicant's architect Mr. Nabil Zahrah offered testimony in support of the Applicant's applications.

The Applicant's certified land planner Mr. Timothy Barton offered testimony in support of the Applicant's applications.

In response to a question from the ZONING BOARD OF APPEALS, Ms. Barnes made a statement.

In response a question from the ZONING BOARD OF APPEALS, Mr. Shihadeh provided further testimony.

#### B. Criteria for a Special Use

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

application may be approved unless the ZONING BOARD OF APPEALS finds that the proposed use in its proposed location meets all of the following criteria: (1) it complies with all applicable standards of the Chicago Zoning Ordinance; (2) it is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community; (3) it is compatible with the character of the surrounding area in terms of site planning and building scale and project design; (4) 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 application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

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

The subject property is located in an RT-4 zoning district. The Applicant's proposed accessory parking is a special use in a RT-4 zoning district.<sup>7</sup> Aside from the variation, the Applicant is seeking no other relief from the Chicago Zoning Ordinance. Since the ZONING BOARD OF APPEALS has decided to grant the special use and the variation to the Applicant, the Applicant's proposed special use complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience. As stated in Mr. Shihadeh's affidavit, it allows the proposed residential building to provide the required twenty-nine (29) parking spaces.<sup>8</sup> Thus, the special use will permit the rehabilitation and use of the neglected and long vacant existing church building. It will also allow the Applicant to improve the parking lot. At present and as can be seen from the pictures, the parking lot does not comply with any of the landscaping provisions of the Chicago Zoning Ordinance. Further, approval of the Applicant's applications is conditioned upon a requirement that the Applicant apply for an administrative adjustment to modify the wooden fence to the wrought iron fence. Such wrought iron fence will provide better sight lines and enjoyment of the subject property's new landscaping by the adjacent neighbors. Moreover, as the parking lot will have thirty (30) parking spaces more than what is required, off-street parking in the community will be greatly increased. The proposed special use will therefore not have a significant adverse impact on the general welfare of the neighborhood or community.

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

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<sup>7</sup> Section 17-10-0602-C of the Chicago Zoning Ordinance.

<sup>8</sup> Section 17-10-0207-C of the Chicago Zoning Ordinance.



The subject property is currently a parking lot and has existed as a parking lot for approximately forty years. The parking lot served the existing church building as well as other members of the community. As such, the proposed special use will not result in any significant change to the subject property and will remain compatible with the character of the surrounding community in building scale and project design. Indeed, the proposed special use will allow the Applicant to make improvements to use the subject property as a parking lot, including resurfacing, striping, and landscaping. And as approval for these applications is conditioned upon the Applicant seeking an administrative adjustment to incorporate the wrought iron fence, the present chain-link fence will be upgraded in a manner agreed upon by members of the community.

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

The subject property has existed as a parking lot for approximately forty years and has been in use as such by the former church and the surrounding community (despite lack of proper zoning). The proposed special use will allow the subject property to continue to be used as a parking lot by the residents of the proposed residential building as well as others from the surrounding community and as such, there will be no change in hours of operation, noise or traffic generation. Further, the proposed special use will allow the subject property to be professionally operated and maintained by the management company managing the proposed residential building, resulting in a more organized operation.

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

The proposed special use will allow the subject property to be upgraded with improvements such as resurfacing, striping, landscaping and fencing. Further, the proposed special use will allow professional maintenance of the subject property as a parking lot by the management company maintaining the proposed residential building. This is a vast improvement in safety over the subject property's past informal and unregulated use. As such, the ZONING BOARD OF APPEALS finds that the proposed special use will have no adverse impact as to the safety and comfort of pedestrians and will instead promote pedestrian safety and comfort.

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

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

The subject property has been used not only as off-site parking for 4611 South Ellis but also as off-street parking for the surrounding community for at least the past forty years (and more likely, based on Mr. Barton's research, the past seventy years). However, and as can be seen from the photographs of the parking lot and as described in the Applicant's proposed Findings of Fact, the parking lot itself is nonconforming. First, it is nonconforming in its use in that it has for at least the past forty years served not only the parking needs of 4611 South Ellis but also the parking needs of the surrounding community. Second, because of the age of the parking lot, it is not in compliance with any of the design or landscaping provisions for parking lots under the Chicago Zoning Ordinance.<sup>9</sup> To bring the parking lot into compliance with such design and landscaping provisions means that – unless the Applicant is granted the requested variation – the parking lot will not be able to provide parking for the surrounding community (as it would not be able to have an additional driving aisle, which would, in turn, drastically reduce the amount of parking spaces). After all, the parking lot itself cannot be expanded as the parking lot at present spans the entirety of the lot and as all the properties adjoining the subject property are improved. Thus, if the variation is not granted, the parking lot cannot continue to function in the manner it has functioned for the past forty years. The ZONING BOARD OF APPEALS finds this to be a practical difficulty or particular hardship for the subject property.

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

The requested variation 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 provide up to thirty parking spaces for use by the surrounding community while still complying with the landscaping provisions of the Chicago Zoning Ordinance; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance by not only continuing the availability of the subject property for use as a parking lot for the community but formalizing and improving such use; (3) protecting the character of established residential neighborhoods pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance by enabling the construction of the proposed residential building; (4) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance by allowing the subject property to be used in the same manner in which it has been used for more than forty years; (5) ensuring adequate light, air, privacy and access to property pursuant to Section 17-1-0509

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<sup>9</sup> Sections 17-10-1000 and 17-11-0200 of the Chicago Zoning Ordinance.

of the Chicago Zoning Ordinance by providing parking to the surrounding community; (6) promoting rehabilitation and reuse of older buildings pursuant to Section 17-1-0511 of the Chicago Zoning Ordinance in that it will allow for the construction of the proposed residential building, which will revitalize the existing church building and activate a long unused parcel; and (7) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance by serving the proposed residential building, which will provide brand new residential dwelling units to the area.

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

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

Without the requested variation, the Applicant would be unable to provide off-site parking for 4611 South Ellis and off-street parking for the surrounding community. Instead, it would only be able to provide off-site parking for 4611 South Ellis. However, for at least the last forty years (and most likely, the last seventy years) the subject property has provided off-street parking for the surrounding community. Indeed, as part of the Applicant's negotiations with the community to secure the Type 1 zoning change that allows for the rehabilitation of the existing church building, the Applicant agreed to continue offering spaces in the parking lot for use by the surrounding community. Thus, without the requested variation, the Applicant cannot redevelop 4611 South Ellis. If 4611 South Ellis is not redeveloped, then the subject property will remain in its present state and cannot be used as parking lot at all.<sup>10</sup> Instead, it would continue to languish as a vacant lot. The Applicant has already invested \$870,000 into its rehabilitation of both the subject property and 4611 South Ellis. Thus, without the requested variation, the subject property would not be able to realize a reasonable rate of return.

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

The parking lot's nonconformity in terms of use, design and landscaping are due to unique circumstances. Indeed, most required parking is on the same zoning lot as the building requiring the parking. It is only due to the age of the parking lot that the subject property could ever have functioned as a parking lot for 4611 South Ellis. Moreover, most required parking cannot also serve as off-street parking for the surrounding community. Again, it is only due to the age of the

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<sup>10</sup> Due to the fact that the special use for off-site parking would never be realized.

parking lot that the surrounding community was able to use the subject parking lot for off-street parking. The parking lot has historically not had any landscaping, drive aisles or driving spaces. This allowed far more cars to park on the parking lot than currently allowed (due to design and landscaping standards) under the Chicago Zoning Ordinance. Because the church left the existing church building vacant for many years, the church never made improvements to either the parking lot or the existing church building that would have triggered compliance with either the design or landscaping provisions of the Chicago Zoning Ordinance. Thus, the practical difficulties or particular hardships faced by the subject property are not generally applicable other parking lots in the City.

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

The variation will allow the subject property to continue to be used as a parking lot that serves not only the parking requirements of 4611 South Ellis but also the off-street parking needs of the surrounding community. The subject property has been used this way for at least the past forty years (and most likely, the past seventy years). That the subject property will continue to be used in the manner it has been used for decades necessarily means that there will be no change to 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 subject property is currently improved with a surface parking lot. Such parking lot is nonconforming in its use, design and landscaping. The subject property is also surrounded by improved adjacent properties, so the parking lot cannot be expanded. Thus, the particular physical surroundings as well as the topographical condition of the subject property results in particular hardship to the Applicant. This is because without the variation, the Applicant would not be able to continue using the subject property for as both off-site parking for 4611 South Ellis and off-street parking for the surrounding community. As noted above, the subject property has provided both off-site parking for 4611 South Ellis and off-street parking for the surrounding community for at least the last forty years.

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

Not all surface parking lots located in RT-4 districts are nonconforming in their use, design and landscaping. Therefore, the ZONING BOARD OF APPEALS finds that the conditions upon which the petition for the variation is based are not generally applicable to other RT-4 property.

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 the addition of the thirty parking spaces beyond the required twenty-nine parking spaces that will serve 4611 South Ellis. As these thirty parking spaces are intended for the surrounding community and, indeed, were part of the Applicant's ongoing negotiations with the community to ensure that the rehabilitation of the existing church building will not in any way disrupt the community, the purpose of the variation is not based exclusively upon a desire to make more money out of the subject property.

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

The subject property's nonconforming use, design and landscaping precede the Applicant's ownership of the property by decades. It has therefore not been created by any person presently having an interest in the subject property.

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

The variation allows the parking lot to continue providing off-street parking for the surrounding community. As such, it will not be a detriment to the public welfare. In fact, it will be a benefit to the community as the parking lot will be greatly improved in both design and landscaping. For instance, it will have 26 new trees as well as modern drive aisles and parking stalls. Similarly, the variation will not be injurious to other property or improvements in the surrounding neighborhood. Indeed, the Applicant is substantially upgrading the current conditions of the subject property.

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 subject property to continue to be used as a parking lot serving not only 4611 South Ellis but also the surrounding community. This is the manner in which the subject property has been used for at least forty years. As such, it will not have significant structures within it. Due to the condition

imposed by the ZONING BOARD OF APPEALS, it will not impair an adequate supply of light and air to adjacent property. As the subject property will offer thirty parking spaces set aside for community use, it will not substantially increase congestion in the public streets. All improvements to the subject property will be done in accordance with permits and thus will not increase the danger of fire or endanger the public safety. That the subject property will continue to be used in the manner in which it has been used for at least forty years means that property values within the neighborhood will not be substantially diminished or impaired. In fact, the Applicant intends to improve the parking lot on the subject property via resurfacing, restriping and new landscaping. Significantly, the approval of this variation is conditioned upon the Applicant applying for an administrative adjustment and installing new wrought iron fencing. Such wrought iron fencing will be much more attractive than the presently existing chain-link fence.

#### 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: (1) the specific criteria for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance; and (2) 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 special use, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use subject to the following condition:

1. Development shall be consistent with the design and layout of the plans and drawings August 17, 2020 prepared by Zed Architects, and the landscape plan dated August 11, 2020 prepared by Damas Consulting Group and Juli Ordower Landscape Architecture.
2. The Applicant shall apply for an administrative adjustment in order to construct a 4' non-opaque wrought iron fence at the time of the building permit.

The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a variation, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-1105 of the Chicago Zoning Ordinance and the Zoning Administrator is authorized to permit said variation subject to the following condition:

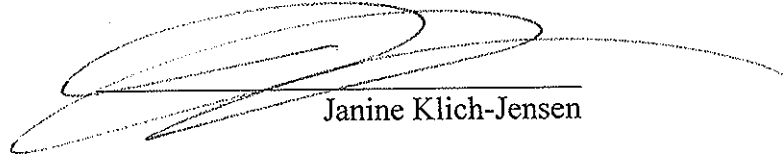
1. The Applicant shall apply for an administrative adjustment in order to construct a 4' non-opaque wrought iron fence at the time of the building permit.

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 1/19, 2021.

  
Janine Klich-Jensen

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

**APPLICANT:** Howard and Rachel Katz

**CAL NO.:** 257-20-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
September 18, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2126 W. Fletcher Street

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 11.76' to 9.92', west side setback from 4' to 2.5', east side setback from 4' to 3', combined side setback from 10' to 5.5', rear setback from 34.97' to 21.25' for a proposed one-story front addition, a side open porch and a rear one story addition to the existing two-story single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 9.92', west side setback to 2.5', east side setback to 3', combined side setback to 5.5', rear setback to 21.25' for a proposed one-story front addition, a side open porch and a rear one story addition to the existing two-story single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



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

APPLICANT: Masjid Al-Taqwa

Cal. No. 269-20-S

APPEARANCE FOR: John Mauck / Andrew Willis

MINUTES OF MEETING:  
September 18, 2020

APPEARANCE AGAINST: None

PREMISES AFFECT: 9329 S. Escanaba Avenue

NATURE OF REQUEST: Application for a special use to establish a community center in an existing two story commercial building. One dwelling unit is located on the second floor.

ACTION OF BOARD-  
APPLICATION APPROVED

THE VOTE

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
IOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
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X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 18, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 6, 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 community center in an existing two story commercial building. One dwelling unit is located on the second floor; 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 Masjid Al-Taqwa, (2) the development is consistent with the design and layout of the plans and drawings dated April 8, 2020, prepared by RIZ Architects, Inc., and (3) the applicant shall comply with the landscape ordinance if, at the time of permitting, it is determined the actual value of the repair/rehabilitation work meets the thresholds in Sec. 17-11-0101-C.

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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** 1618-1624 Grand, LLC

Cal. No. 277-20-S

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
August 21, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1620 W. Grand Avenue

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

**ACTION OF BOARD-**  
**Continued to October 16, 2020**

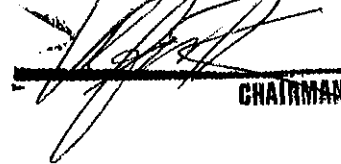
**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** 1618-1624 Grand, LLC

Cal. No. 278-20-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**

August 21, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1620 W. Grand Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area from the required 8,000 square feet to 7,350 square feet for a proposed four-story, eight dwelling unit building with a detached eight car garage.

**ACTION OF BOARD-**  
Continued to October 16, 2020

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** 1618-1624 Grand, LLC

Cal. No. 279-20-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
August 21, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1620 W. Grand Avenue

**NATURE OF REQUEST:** Application for a variation to increase the building height from the maximum 45' to 48.58' for a proposed four-story, eight dwelling unit building with a detached eight car garage.

**ACTION OF BOARD-**  
Continued to October 16, 2020


**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** 1618-1624 Grand, LLC

Cal. No. 280-20-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
August 21, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1620 W. Grand Avenue

**NATURE OF REQUEST:** Application for a variation to increase the area for an accessory building in the rear setback from 1,323 square feet to 1,442 square feet for a proposed four-story, eight dwelling unit building with a detached eight car garage.

**ACTION OF BOARD-**  
Continued to October 16, 2020

**THE VOTE**

OCT 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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