

AUGUST 21, 2020

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

**APPLICANT:** Moonlight Studios, Inc. Cal. No. 457-19-S  
**APPEARANCE FOR:** John Escobar  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1455 W. Hubbard Street

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

**NATURE OF REQUEST:** Application for a special use to establish an accessory off-site parking lot with seventeen required parking spaces to serve a proposed industrial private event space located at 1446 W. Kinzie Street.

**ACTION OF BOARD-**  
**APPLICATION WITHDRAWN**

**THE VOTE**

**SEP 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:** Moonlight Studios, Inc. Cal. No. 458-19-S

**APPEARANCE FOR:** John Escobar **MINUTES OF MEETING:**

**APPEARANCE AGAINST:** None August 21, 2020

**PREMISES AFFECTED:** 1455 W. Hubbard Street

**NATURE OF REQUEST:** Application for a variation to establish shared parking for seventeen parking spaces for non-residential use with different peak hours to accommodate the required parking for a proposed industrial private event space located at 1446 W. Kinzie Street.

**ACTION OF BOARD-  
APPLICATION WITHDRAWN**


**THE VOTE**

SEP 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:** Willie Brickhouse

**CAL NO.:** 16-20-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**

**APPEARANCE AGAINST:** None

August 21, 2020

**PREMISES AFFECTED:** 4124 S. Berkeley Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 21.64' to 0.35', north side setback from 2' to zero (south to be 2') combined side setback from 4' to 2', the rear property line located at 10' from the centerline of the alley from the required 2' to 0.35' for a rear attached one car garage and a rear three story addition to the existing single family home.

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

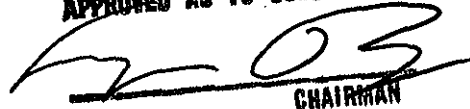
**THE VOTE**

SEP 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:** Willie Brickhouse

**CAL NO.:** 17-20-Z

**APPEARANCE FOR:** Thomas Moore

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

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4124 S. Berkeley Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard open space from the required seventy-six square feet to zero for a proposed rear three-story addition with a rear attached one-car garage.

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

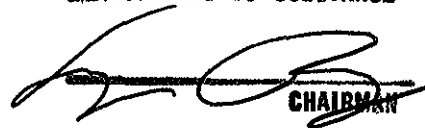
**THE VOTE**

SEP 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:** Wicked River Brewery, LLC dba Urban Renewal Brew Lab Cal. No. 246-20-S

**APPEARANCE FOR:** Same as Applicant

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

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5402 N. Clark Street

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

SEP 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		

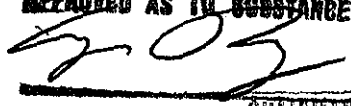
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 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 tavern; 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, Wicked River Brewery, LLC dba Urban Renewal Brew Lab.

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:** Bronzeville Development Group, LLC **CAL NO.:** 247-20-Z  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
 August 21, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3936 S. Wells Street

**NATURE OF REQUEST:** Application for a variation to reduce the front setback along S. Princeton Avenue from the required 14.67' to 4' and to reduce the front parking setback from the property line to prevent obstruction of the side walk by parked cars from 20' to 4' for a proposed single family residence with a detached garage.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**

SEP 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 August 21, 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 reduce the front setback along S. Princeton Avenue to 4' and to reduce the front parking setback from the property line to prevent obstruction of the side walk by parked cars to 4' for a proposed single family residence with a detached 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:** LG Development Group, LLC-61 W. Erie Series Cal. No. 248-20-S  
**APPEARANCE FOR:** Rolando Acosta  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 61 W. Erie Street

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

**NATURE OF REQUEST:** Application for a special use to reduce the required parking from twenty-eight spaces to two for a proposed six-story, retail and twenty-eight residential unit building which shall be a transit served location.

**ACTION OF BOARD-  
 APPLICATION APPROVED**

**THE VOTE**

SEP 22 2020  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
RECUSED		
X		
X		

**THE RESOLUTION:**


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 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 reduce the required parking to two for a proposed six-story, retail and twenty-eight residential unit building which shall be a transit served location; two variations were also granted to subject property in Cal. Nos.249-20-Z and 250-20-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, LG Development Group, LLC- 61 W. Erie Series, and the development is consistent with the design and layout of the Site Plan, dated August 19, 2020, and the 1<sup>st</sup> through 6<sup>th</sup> floor plans, upper roof plan and elevations dated July 1, 2020, prepared by Johnathan 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:** LD Development Group, LLC-61 West Erie Series **CAL NO.:** 249-20-Z

**APPEARANCE FOR:** Rolando Acosta

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

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 61 W. Erie Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to zero on floors containing dwelling units for a proposed six-story, retail and residential building which shall be a transit served location.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

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

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
RECUSED		
X		
X		


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 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 reduce the rear setback to zero on floors containing dwelling units for a proposed six-story, retail and residential building which shall be a transit served location; a special use and an additional variation were also granted to the subject property in Cal. No. 248-20-S and 250-20-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, LG Development Group, LLC- 61 W. Erie Series, and the development is consistent with the design and layout of the Site Plan, dated August 19, 2020, and the 1<sup>st</sup> through 6<sup>th</sup> floor plans, upper roof plan and elevations dated July 1, 2020, prepared by Johnathan 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:** LD Development Group, LLC-61 West Erie Series **CAL NO.:** 250-20-Z

**APPEARANCE FOR:** Rolando Acosta

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

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 61 W. Erie Street

**NATURE OF REQUEST:** Application for a variation to reduce the required on-site open space from 1,080 square feet to zero for a proposed six-story, retail and twenty-eight unit residential building which shall be a transit served location.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

SEP 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

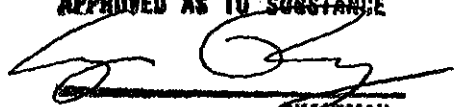
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
RECUSED		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 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 reduce the required on-site open space to zero for a proposed six-story, retail and twenty-eight unit residential building which shall be a transit served location; a Special Use and an additional variation were also granted to the subject property in Cal. Nos. 248-20-S and 249-20-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, LG Development Group, LLC- 61 W. Erie Series, and the development is consistent with the design and layout of the Site Plan, dated August 19, 2020, and the 1<sup>st</sup> through 6<sup>th</sup> floor plans, upper roof plan and elevations dated July 1, 2020, prepared by Johnathan 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:** 2423 S. State Street QOZB, LLC Cal. No. 251-20-S  
**APPEARANCE FOR:** Rolando Acosta  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2423 S. State Street

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

**NATURE OF REQUEST:** Application for a special use to establish a group living (co-living) residential building with residential units on the ground floor.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

SEP 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:**

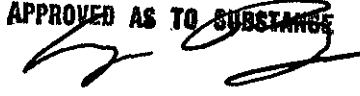
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 6, 2020; and

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 group living (co-living) residential building with residential units on the ground floor; an additional special use was granted to the subject property in Cal. No. 234-20-S; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided: (1) the applicant maintains the easement agreement with the CTA for access to the five parking spaces, (2) the special use is issued solely to the applicant, 2434 State Street QOZB, LLC, and (3) the development is consistent with the design and layout of the plans and drawings dated June 5, 2020, prepared by Built Form Architecture.

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:** 2423 S. State Street QOZB, LLC

Cal. No. 234-20-S

**APPEARANCE FOR:** Rolando Acosta

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

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2423 S. State Street

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

SEP 22 2020

SEP 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 August 21, 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 residential use below the second floor for a proposed five-story, nine dwelling unit building; an additional special use was granted to the subject property in Cal. No. 251-20-S; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided: (1) the applicant maintains the easement agreement with the CTA for access to the five parking spaces, (2) the special use is issued solely to the applicant, 2434 State Street QOZB, LLC, and (3) the development is consistent with the design and layout of the plans and drawings dated June 5, 2020, prepared by Built Form Architecture.

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:** 4611 S. Ellis, LLC  
**APPEARANCE FOR:** Sara Barnes  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4600-08 S. Ellis Avenue

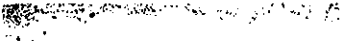
Cal. No. 252-20-S

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

**NATURE OF REQUEST:** Application for a special use to establish an accessory off-site parking lot with fifty-nine parking spaces to serve a proposed twenty-nine residential unit building at 4601 S. Ellis Avenue.

**ACTION OF BOARD-**  
Continued to September 18, 2020

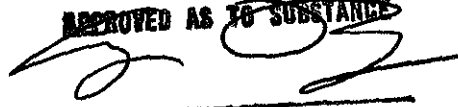
**THE VOTE**



SEP 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:** 4611 S. Ellis, LLC

Cal. No. 253-20-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**

**APPEARANCE AGAINST:** None

August 21, 2020

**PREMISES AFFECTED:** 4600-08 S. Ellis Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 15' to 5', north and south side setback to zero for an accessory off-site parking lot with fifty-nine spaces to serve a proposed twenty-nine dwelling unit building at 4601 S. Ellis Avenue.

**ACTION OF BOARD-**  
Continued to September 18, 2020

**THE VOTE**

SEP 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:** The Rebuild Foundation NFP Cal. No. 254-20-S  
**APPEARANCE FOR:** Liz Butler **MINUTES OF MEETING:**  
August 21, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 6926 S. Kenwood Avenue

**NATURE OF REQUEST:** Application for a special use to establish a community center.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

SEP 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		

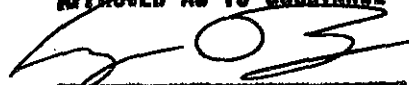
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 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; 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, The Rebuild Foundation NFP, and the development is consistent with the design and layout of the ground floor/site plan, dated April 14, 2020, elevations, dated February 28, 2020, prepared by Studio Gang, and Tree Protection and Demolition Plan and Landscape Plan, dated August 19, 2020, prepared by Site Design Group.

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:** Robert Perez dba Tito's Tattoos Cal. No. 255-20-S  
**APPEARANCE FOR:** Amy Degnan **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None August 21, 2020  
**PREMISES AFFECTED:** 2149 1/2 W. Cermak Road

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

SEP 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		

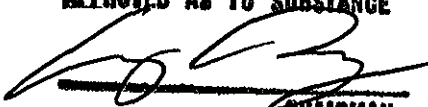
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 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 body art service (tattoo shop); expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Robert Perez dba Tito's Tattoos.

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:** Durande Franks Cal. No. 256-20-S  
**APPEARANCE FOR:** E. Daniel Box **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None August 21, 2020  
**PREMISES AFFECTED:** 5256 W. Division Street

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

SEP 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 August 21, 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 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): provided the special use is issued solely to the applicant, Durande Franks.

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:** Howard and Rachel Katz

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

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
August 21, 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 2.56' (east to be 27.67'), rear setback from 34.97' to 21' for a proposed one-story front addition and a rear one story addition to the existing two-story single family residence.

**ACTION OF BOARD-**  
Continued to September 18, 2020.

**THE VOTE**

**SEP 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:** Raina 71<sup>st</sup> Ashland, LLC

Cal. No. 258-20-S

**APPEARANCE FOR:** Nicholas Ftikas

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

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 7119 S. Ashland Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

SEP 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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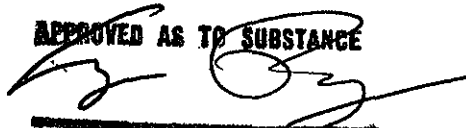
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 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 one-lane drive through facility to serve a proposed fast food restaurant; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant Raina 71st Ashland, LLC, and the development is consistent with the design and layout of the floor plans, elevation and landscape details dated August 13, 2020, the site and landscape plans, dated August 19, 2020, all prepared by Nick Scarlatis & Associates, 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:** Academy of Music of the Paderewski Symphony Orchestra Cal. No. 259-20-S

**APPEARANCE FOR:** Nicholas Ftikas

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

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5400 N. Lawler Avenue

**NATURE OF REQUEST:** Application for a special use to convert an existing two-story religious assembly building to a community center.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

**SEP 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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X		

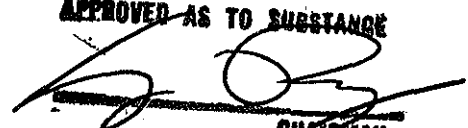
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 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 convert an existing two-story religious assembly building to a community center; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all 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 Academy of Music of the Paderewski Symphony Orchestra, and the development is consistent with the design and layout of the plans and drawings dated January 14, 2020, prepared by Michael Bill Smith Design, 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:** The Peoples Gas Light and Coke Company

Cal. No. 260-20-S

**APPEARANCE FOR:** Amy Degan

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

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6509 S. State Street

**NATURE OF REQUEST:** Application for a special use to establish a non-required accessory off-site parking with one hundred fifty-five spaces to serve a public utilities operation located at 38 W.64th Street.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

SEP 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

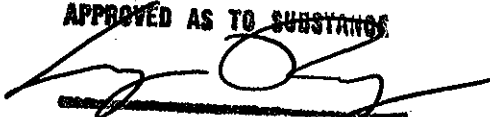
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 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 non-required accessory off-site parking with one hundred fifty-five spaces to serve a public utilities operation located at 38 W.64th Street; 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 (1) the special use is issued solely to the applicant, The Peoples Gas Light and Coke Company, (2) the development is consistent with the design and layout of the site plan, dated August 11, 2020, and landscape plan dated August 6, 2020, prepared by Epstein and McKissack & McKissack, (3) in lieu of installing an irrigation system, the applicant is required to enter into a minimum five year landscape maintenance and irrigation agreement, which shall initiate upon the final installation of all required landscaping, as shown on the approved landscape plan, and (4) prior to issuance of final occupancy, the applicant shall provide the Zoning Administrator evidence of the executed five year landscape maintenance agreement.

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:** BRP LaSalle, LLC Cal. No. 261-20-S  
**APPEARANCE FOR:** Chris Leach **MINUTES OF MEETING:**  
August 21, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 753 N. LaSalle Drive / 129 W. Chicago Avenue

**NATURE OF REQUEST:** Application for a special use to reduce the required parking from twenty spaces to zero for proposed nine-story building with ground floor retail and twenty-eight units above.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

SEP 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		
ABSENT		

**THE RESOLUTION:**


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 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 reduce the required parking from twenty spaces to zero for proposed nine-story building with ground floor retail and twenty-eight units above; two variations were also granted to the subject property in Cal. Nos. 262-20-Z and 263-20-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 BRP LaSalle, LLC, and the development is consistent with the design and layout of the plans and drawings dated November 1, 2019, prepared by DLR Group.

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:** BRP LaSalle, LLC

**CAL NO.:** 262-20-Z

**APPEARANCE FOR:** Chris Leach

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

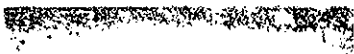
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 753 N. LaSalle Drive / 129 W. Chicago Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to 10.18' for a proposed nine-story building with ground floor retail and twenty-eight dwelling units above.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



**SEP 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		
ABSENT		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 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 reduce the rear setback to 10.18' for a proposed nine-story building with ground floor retail and twenty-eight dwelling units above; a special use and an additional variation were also granted to the subject property in Cal. Nos. 261-20-S and 263-20-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 BRP LaSalle, LLC, and the development is consistent with the design and layout of the plans and drawings dated November 1, 2019, prepared by DLR Group.

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:** BRP LaSalle, LLC **CAL NO.:** 263-20-Z  
**APPEARANCE FOR:** Chris Leach **MINUTES OF MEETING:**  
August 21, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 753 N. LaSalle Drive / 129 W. Chicago Avenue

**NATURE OF REQUEST:** Application for a variation to eliminate the required 10' x 25' loading berth for a proposed nine-story building with ground floor retail and twenty-eight dwelling units above.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

SEP 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		
ABSENT		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 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 eliminate the required 10' x 25' loading berth for a proposed nine-story building with ground floor retail and twenty-eight dwelling units above; a special use and an additional variation were also granted to the subject property in Cal. Nos. 261-20-S and 262-20-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 BRP LaSalle, LLC, and the development is consistent with the design and layout of the plans and drawings dated November 1, 2019, prepared by DLR Group.

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:** Brad Suster and Hector Hernandez **CAL NO.:** 264-20-Z  
**APPEARANCE FOR:** Tyler Manic **MINUTES OF MEETING:**  
 August 21, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2115 W. Evergreen Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 42' to 28', east side setback from 4.16' to 3.04' (west to be 4.16'), combined side setback from 10.4' to 7.2' for a proposed rear two-story addition, one story rear and side addition new rear roof deck and attached four car garage with roof deck.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**

SEP 22 2020  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 JOLENE SAUL  
 SAM TOIA

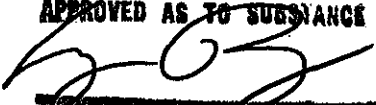
AFFIRMATIVE	NEGATIVE	ABSENT
X		
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ABSENT		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 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 reduce the rear setback to 28', east side setback to 3.04' (west to be 4.16'), combined side setback to 7.2' for a proposed rear two-story addition, one story rear and side addition new rear roof deck and attached four car garage with roof deck; an additional variation was granted to the subject property in Cal. No. 265-20-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**

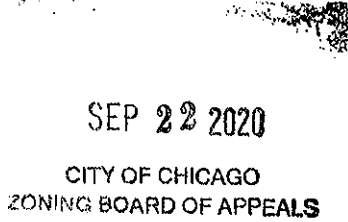
**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Brad Suster and Hector Hernandez **CAL NO.:** 265-20-Z  
**APPEARANCE FOR:** Tyler Manic **MINUTES OF MEETING:**  
August 21, 2020  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2115 W. Evergreen Avenue

**NATURE OF REQUEST:** Application for a variation to relocate the required 507 square feet of rear yard open space to the roof of the proposed four car attached garage to serve the existing three-story, single family residence with new additions.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 JOLENE SAUL  
 SAM TOIA

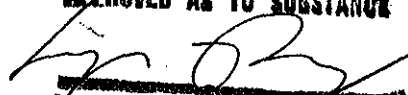
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
ABSENT		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 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 relocate the required 507 square feet of rear yard open space to the roof of the proposed four car attached garage to serve the existing three-story, single family residence with new additions; an additional variation was granted to the subject property in Cal. No. 264-20-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  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



NOV 23 2020

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Berry Memorial Methodist Church**  
APPLICANT

**266-20-S**  
CALENDAR NUMBER

**4742 N. Western Avenue**  
PREMISES AFFECTED

**August 21, 2020**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The application is denied for the reasons set forth in this decision.

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

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 4742 N.  
WESTERN AVENUE BY BERRY MEMORIAL UNITED METHODIST  
CHURCH.**

**I. BACKGROUND**

Berry Memorial Methodist Church (the "Applicant") submitted a special use application for 4742 N. Western Avenue (the "subject property"). The subject property is currently zoned B3-2 and is improved with a five and partial-six story building that is primarily occupied by the DANK-Haus German American Cultural Center (the "DANK-Haus building"). While the DANK-Haus German American Cultural Center uses the upper floors of the DANK-Haus building, it leases the ground floor as commercial space. The Applicant sought a special use to establish a religious assembly use in a portion of this ground floor commercial space. 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 denial of the proposed special use on the ground floor of the DANK-Haus building. In its recommendation, the Zoning Administrator stated that the proposed use was not appropriate in this location as it did not provide an active ground floor use. If approved, the Zoning Administrator was of the opinion that the use would result in the disruption of the active commercial streetscape that exists along this stretch of Western Avenue. The Zoning Administrator stated that it would only be in support of the proposed special use if it were located on the second floor or above.

**II. PUBLIC HEARING**

would provide its consent for new liquor licenses, even with such consent, obtaining a new liquor license within 100 feet of a religious assembly use is incredibly difficult as it requires that a bill be passed by Illinois General Assembly and signed into law creating an exemption to Section 5/6-11 of the Liquor Control Act of 1934, 225 ILCS 5/1-1 *et seq.*

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

The proposed special use will be housed in a commercial space in the very heart of the commercially vibrant Lincoln Square. As set forth above, the proposed use will have low foot traffic. This is not compatible with the commercial character of the surrounding area in terms of site planning as it introduces a overly passive use in the otherwise continuous pattern of active ground floor commercial uses. Such passive use is discordant with the surrounding commercial area that keeps Lincoln Square economically vibrant. Indeed, the fact that the proposed special use will be located only one building from the intersection of Lincoln Avenue, Western Avenue and Lawrence Avenue is of particular concern, as it breaks the continuous pattern of active ground floor uses almost as soon as it emanates from this very intersection.

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

As set forth above, ZONING BOARD OF APPEALS finds that the proposed special use will have low foot traffic. It is therefore not compatible with the commercial character of the surrounding area in terms of traffic generation as it will not generate enough foot traffic necessary to be compatible with the high foot traffic commercial uses of the surrounding area, including, but not limited to, the sushi restaurant to the north of the subject property, the shoe store located at the subject property, the Dollar Store located to the south of the subject property and the nearby Walgreens.

*5. The proposed special use is not designed to promote pedestrian safety and comfort.*

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

## 6. 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 covering the specific criteria for a special use pursuant to Sections 17-13-0905-A of the Chicago Zoning Ordinance.

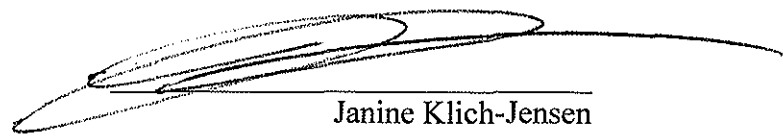
The ZONING BOARD OF APPEALS hereby denies the Applicant's application for a special use.

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

APPROVED AS TO SUBSTANCE

By:   
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: 3633 W. Lawrence, Inc.

Cal. No. 267-20-S

APPEARANCE FOR: Dean Maragos

MINUTES OF MEETING:  
August 21, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3633 W. Lawrence Avenue

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

ACTION OF BOARD-  
APPLICATION APPROVED

THE VOTE

SEP 22 2020

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFIRMATIVE	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 August 21, 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 pawn shop; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, 3633 W. Lawrence, Inc.

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: Esther & Harry Schayer

CAL NO.: 268-20-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:  
August 21, 2020

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2902 W. Morse Avenue

NATURE OF REQUEST: Application for a variation to increase the maximum floor area from 0.65 (5,477 square feet) to 0.75 (6,306 square feet) for a proposed single family residence.

ACTION OF BOARD-  
VARIATION GRANTED

THE VOTE

SEP 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		

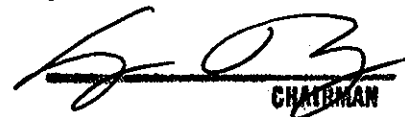
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 6, 2020; and

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 increase the maximum floor area from 0.65 (5,477 square feet) to 0.75 (6,306 square feet) for a proposed 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 A-Taqwa  
**APPEARANCE FOR:** John Mauck / Andrew Willis  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 9329 S. Escanaba Avenue

Cal. No. 269-20-S

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

**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-**  
Continued to September 18, 2020

**THE VOTE**

SEP 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:** Bank of America N.A.  
**APPEARANCE FOR:** Andrew Scott  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2428 N. Lincoln Avenue

Cal. No. 270-20-S

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

**NATURE OF REQUEST:** Application for a special use to establish a bank on the ground floor of an existing three-story mixed use building located on a pedestrian street.

**ACTION OF BOARD-**  
**APPLICATION APPROVED**

**THE VOTE**

**SEP 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		

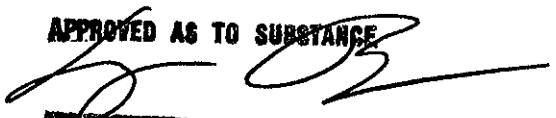
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 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 bank on the ground floor of an existing three-story mixed use building located on a pedestrian street; 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, Bank of America N.A., and the development is consistent with the design and layout of the plans and drawings dated December 3, 2019, prepared by Gensler.

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:** Bank of America N.A.  
**APPEARANCE FOR:** Andrew Scott  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 7225 W. Belmont Avenue

Cal. No. 271-20-S

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

**NATURE OF REQUEST:** Application for a special use to alter an existing bank with drive-through facility by adding a new ATM in an existing drive through lane.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

SEP 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 August 21, 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 alter an existing bank with drive-through facility by adding a new ATM in an existing drive through lane; 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, Bank of America N.A., and the development is consistent with the design and layout of the plans and drawings dated January 8, 2020, prepared by Interior Architects.

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: Bank of America N.A.  
APPEARANCE FOR: Andrew Scott  
APPEARANCE AGAINST: None  
PREMISES AFFECTED: 6115 S. Pulaski Road

Cal. No. 272-20-S

MINUTES OF MEETING:  
August 21, 2020

NATURE OF REQUEST: Application for a special use to alter an existing bank with drive-through facility by adding an ATM in an existing drive-through lane.

ACTION OF BOARD-  
APPLICATION APPROVED

THE VOTE

SEP 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

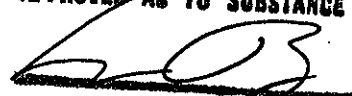
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 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 alter an existing bank with drive-through facility by adding a new ATM in an existing drive through lane; 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, Bank of America N.A., and the development is consistent with the design and layout of the plans and drawings dated August 11, 2020, prepared by Interior Architects.

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:** Bank of America N.A.  
**APPEARANCE FOR:** Andrew Scott  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 6331 S. Archer Avenue

Cal. No. 273-20-S

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

**NATURE OF REQUEST:** Application for a special use to alter an existing bank with drive-through facility by adding an ATM in an existing drive-through lane.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

**SEP 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 August 21, 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 alter an existing bank with drive-through facility by adding a new ATM in an existing drive through lane; 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, Bank of America N.A., and the development is consistent with the design and layout of the plans and drawings dated August 11, 2020, prepared by Interior Architects.

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

**Willow-Howe, LLC**  
APPLICANT

**274-20-Z &  
275-20-Z**  
CALENDAR NUMBERS

**622-624 West Willow Street**  
PREMISES AFFECTED

**August 21, 2020**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The applications for the variations are denied for the reasons set forth in this decision.

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input type="checkbox"/>	<input checked="" 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 APPLICATIONS FOR 622-624 W.  
WILLOW STREET BY WILLOW-HOWE, LLC.**

**I. BACKGROUND**

Willow-Howe, LLC (the "Applicant") submitted two variation applications for 622-624 W. Willow (the "subject property"). The subject property is currently zoned RM-4.5 and is currently improved with two multi-story residential buildings. The Applicant proposed to demolish the existing buildings and construct a single four-story, five-dwelling unit residential condominium building (the "proposed building") with two detached garages. In order to make these improvements, the Applicant sought two variations. The first variation sought to reduce: (1) the front setback from the required 6.83' to 5.67'; the rear setback from the required 26.89' to 5'; the east side setback from the required 5' to 0.33' (west to be 0.33' abutting street); and the rooftop feature setback from 20' to 12.71'. The second variation sought to relocate the required 308.66 square foot rear yard open space to the roof decks of the two proposed garages (the "garage roof decks").

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a remote public hearing<sup>1</sup> on the Applicant's variation applications at its regular meeting held on August 21, 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. July 1, 2020)<sup>2</sup> the Applicant had submitted all documentary evidence by 5:00 PM on Monday, August 17, 2020. The Applicant's manager Mr. Juan Raffo and its attorney Mr. Andrew Scott were present. The Applicant's architect Mr. Chris Boehm was also present. Testifying in opposition to the applications was 43rd Ward Alderman Michele Smith (the "Alderman"). The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

Mr. Andrew Scott provided background as to the application bearing ZONING BOARD OF APPEALS' Calendar Number 274-20-Z ("Board Cal. No. 274-20-Z"). In response to questions from the ZONING BOARD OF APPEALS, Mr. Scott provided further clarification with respect to Board Cal. No. 274-20-Z.

The Applicant offered testimony from its manager Mr. Juan Raffo in support of Board Cal. No. 274-20-Z.

The Applicant offered testimony from its architect Mr. Chris Boehm in support of Board Cal. No. 274-20-Z.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Scott provided further clarification with respect to Board Cal. No. 274-20-Z.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Boehm provided further testimony with respect to Board Cal. No. 274-20-Z.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Scott provided further clarification with respect to Board Cal. No. 274-20-Z.

Alderman Michele Smith offered testimony in opposition to Board Cal. No. 274-20-Z.

In response to the Alderman's testimony, Mr. Scott provided further statements with respect to Board Cal. No. 274-20-Z.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Raffo offered further testimony in support of Board Cal. No. 274-20-Z.

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

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

In response to the Alderman's testimony, Mr. Scott provided further statements with respect to Board Cal. No. 274-20-Z.

In response to a question from the Alderman, Mr. Boehm offered further testimony in support of Board Cal. No. 274-20-Z.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Raffo offered further testimony in support of Cal. No. 274-20-Z.

Mr. Scott provided background as to the application bearing ZONING BOARD OF APPEALS Calendar Number 275-20-Z ("Board Cal. No. 275-20-Z"). Mr. Scott then incorporated previously elicited testimony regarding Board Cal. No. 274-20-Z into the record for Board Cal. No. 275-20-Z.

The Applicant offered testimony from Mr. Raffo in support of Board Cal. No. 275-20-Z.

The Applicant offered testimony from Mr. Boehm in support of Board Cal. No. 275-20-Z.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Scott made further statements with respect to Board Cal. No. 275-20-Z.

The Alderman offered testimony in opposition to Board Cal. No. 275-20-Z.

Mr. Scott made closing statements with respect to both applications.

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

#### 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 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. Though the subject property is shallower than the standard lot in Chicago (89.79' vs. 125'), it is more than twice the width of the standard Chicago lot (53' vs. 25').<sup>3</sup> Such width results in a larger than standard area. The standard Chicago lot has an area of 3,125 square feet. In comparison, the subject property has an area of 4,757 square feet. The Applicant has failed to show how the outsized width and area of the subject property does not overcome any deficiency in its depth. Indeed, as averred in Mr. Boehm's affidavit, the purpose of the rear yard setback variation is to allow for

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<sup>3</sup> Indeed, as Commissioner Garcia noted at the hearing, the Applicant combined two separate lots to create the subject property.



the placement of pergolas on top of the garage roof decks. Additionally, as Mr. Raffo testified, the unit depth could be sacrificed if the variations were not granted. As such, the requested variations are not necessitated by the narrowness of the alley so much as they are necessitated by the Applicant's desire to provide pergolas on the garage rooftop deck and 6,900 square foot dwelling units. Lastly, the Applicant asserts that the utility pole to the rear of the subject property constitutes a practical difficulty or particular hardship. However, the Applicant provides no correlation between the position of the utility pole and the design of the proposed building or the requested variations.

To the extent that the difficulty or hardship to the subject property is a lack of reasonable return on the proposed building if built without the variations, the Applicant has not provided sufficient evidence to support such an argument. The ZONING BOARD OF APPEALS does not find credible Mr. Raffo's bare and unsupported assertions regarding the estimated construction costs and estimated sales figures.

2. *The requested variations are 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 variations pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance:

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.*

Mr. Raffo offered bare and unsupported assertions as to the construction costs and projected sales figures for the proposed building. As these estimates were unsupported by any market studies or itemized breakdown, the ZONING BOARD OF APPEALS finds them not credible and unpersuasive. Likewise, Mr. Raffo testified that the subject property would be less marketable if unit depth were sacrificed. The Applicant provided little in the way of corroborating evidence to show that units of less than 6,900 square feet would not be marketable. In fact, at 6,900 square feet, the proposed unit square footage would be more than four times the minimum lot area required in a RM-4.5 zoning district.<sup>4</sup> The Applicant has not provided sufficient evidence to show that such extremely large units are the sole means of achieving a reasonable rate of return (*e.g. listings in the area offering similar square footage*).

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 the substandard depth of the lot and the 10' wide alley constitute practical difficulties or particular hardships, such circumstances are not unique and are generally applicable to other similarly situated property. As Mr. Scott noted and the Alderman credibly testified, all properties on the north side of the subject property's block are roughly 89' in depth and share an alley that measures 10' in width. As these lots are similarly situated to the subject property, the ZONING BOARD OF APPEALS finds that such circumstances are not unique and are generally applicable to all other lots on the north side of this block of West Willow Street. Nor can the utility pole constitute a unique circumstance as the Applicant provided no correlation between the position of the utility pole and the design of the proposed building or the requested variations.

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

It is up to the Applicant to prove its case. Though Mr. Boehm's affidavit indicated that there are buildings with reduced setbacks, garage roof decks and

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<sup>4</sup> See Section 17-2-0301-A of the Chicago Zoning Ordinance.

building roof decks on West Willow Street and Howe Street, such lack of specificity is unpersuasive to the ZONING BOARD OF APPEALS. The Applicant provided no evidence as to which buildings these were, where they were located or if their roof decks were built as-of-right. Indeed, the Applicant offered no photographs of such roof decks so that the ZONING BOARD OF APPEALS could compare the plans and renderings of the proposed building with such roof decks. Even in the single instance where the Applicant named a specific building, the Applicant's argument was irrelevant. Though Mr. Boehm's affidavit averred that the taller building on Willow Street (the "taller Willow building" or "612 W. Willow building") features a roof deck, no evidence was provided that indicated a similar setback configuration or open space variation. In contrast, Alderman Smith testified that the 612 W. Willow building had been built as-of-right and, as such, zoning variations to reduce setbacks or open space were not needed. The ZONING BOARD OF APPEALS finds such testimony very credible in evidencing that the setbacks and open space schemes for 612 W. Willow and the proposed building are dissimilar. Therefore, the ZONING BOARD OF APPEALS finds that the Applicant has failed to prove that the proposed variations will not alter the essential character of the neighborhood.

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's 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 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.*

**Setback Variation**

The subject property is a standard rectangular shape and is oversized, exceeding the area of a standard-sized lot by 1,632 square feet. The Applicant has not established why the oversized width of the subject property does not overcome its shallowness. As such, the ZONING BOARD OF APPEALS does not find that the substandard depth of the subject property results in particular hardship upon the Applicant. Further, as Mr. Boehm testified, the requested rear setback variation was intended to allow for the placement of the pergolas on the garage roof deck. Likewise, as Mr. Raffo testified that, without the setback variations, the Applicant would have to reduce the already massive unit size. Whether the variations are granted or not affects only the Applicant's ability to place such features as the pergolas on the garage roof deck and the Applicant's ability to

offer oversized dwelling units. The ZONING BOARD OF APPEALS finds such inability to be, at most, a minor inconvenience to the Applicant.

### **Rear Yard Open Space Variation**

It is up to the Applicant to prove its case. The ZONING BOARD OF APPEALS does not find credible Mr. Raffo's testimony that the substandard depth of the subject property necessitated changes to the design program in order to have a viable development site. As previously mentioned, the subject property is much wider than the standard lot in Chicago and contains more area than the standard lot in Chicago. As such, the Applicant failed to show why the outsized dimensions of the subject property did not overcome the narrowness of the alley and the shallowness of the subject property. To the extent that the Applicant faced limitations as to the allocation of the rear yard open space, the ZONING BOARD OF APPEALS attributes such limitations upon the oversized nature of each of the proposed building's units (6,900 square feet) and not upon conditions of the subject property.

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

As set forth above, the ZONING BOARD OF APPEALS declines to find that particular physical surroundings, shape or topographical conditions of the subject property resulted in hardship to the Applicant. Thus, they are not conditions upon which the petition for the variations is based. Instead, and as set forth in more detail below, the ZONING BOARD OF APPEALS finds that the Applicant seeks the variations exclusively to make more money out of the subject property. Making more money out of property is a condition that is applicable, generally, to other property within the RM-4.5 zoning classification. After all, the RM-4.5 zoning classification is "primarily intended to accommodate multi-unit buildings,"<sup>5</sup> and multi-unit buildings are, generally, investment vehicles (either when being developed, such as the instant case, or when being managed).

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

The Applicant's program of design provides for the construction of massive dwelling units comprising 6,900 square feet each. It is due to the Applicant's determination to sell such outsized dwelling units that necessitates the variations. Such determination is clearly based exclusively upon a desire to make more money out of the property, and the ZONING BOARD OF APPEALS is not

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<sup>5</sup> See Section 17-2-104-B of the Chicago Zoning Ordinance.

persuaded by the Applicant's argument that it needs the variations in order to realize a reasonable return.

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

To the extent that the roughly 89' depth of the subject property, the 10' width of the alley to the north of the subject property or the presence of the utility pole to the rear of the subject property constitute practical difficulties or particular hardships, the ZONING BOARD OF APPEALS finds that these were self-created. The Applicant was aware of these circumstances prior to its purchase of the subject property. Further, the Applicant plans to demolish the existing buildings on the subject property, which will provide the Applicant with a clean slate in which to formulate a program of design. The Applicant's plans and renderings provide for dwelling units comprising 6,900 square feet each. The ZONING BOARD OF APPEALS finds that such square footage is particularly large and that the variations are sought solely in order to provide such massive dwelling units. As Mr. Raffo testified, without the relief, the Applicant would be forced to sacrifice the parking or the unit size. The ZONING BOARD OF APPEALS does not find credible Mr. Raffo's unsupported and conclusory testimony that units of smaller dimensions would be less marketable. Therefore, by reducing the already gigantic unit size, a reasonable alternative exists in which the Applicant can proceed within the confines of the Chicago Zoning Ordinance. Any hardship or difficulty that exists now only exists because the Applicant elected to proceed with a program of design in which the variations were necessary.

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

Aside from the front and side yard setback relief<sup>6</sup>, the Applicant failed to sufficiently establish that granting the variations would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located. Mr. Boehm's affidavit and testimony provide only a bare and conclusory assertion that the proposed improvements would be consistent with the other properties within the block face upon which the subject property is located. As such, the ZONING BOARD OF APPEALS finds that the Applicant did not present sufficient evidence as to this criterion.

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<sup>6</sup> As Mr. Boehm testified, the side yard setback allows for added safety by providing easier access to fire protection equipment and the front yard setback promotes a more uniform street wall.

6. *There is insufficient evidence to show that the variations will not impair an adequate supply of light and air to adjacent property. The variations 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 variations will not substantially diminish, or impair property values within the neighborhood.*

Aside from conclusory statements that the proposed building would not impair light and air to adjacent buildings, the Applicant failed to address whether granting the variations would not impair an adequate supply of light and air to adjacent property. As the variations allow the provision of one-to-one parking, the variations will not substantially increase the congestion in the public streets. Additionally, the side yard setback would provide easier access to fire protection equipment, and as such, will not increase the danger of fire, or endanger the public safety. Further, the proposed building would first need to obtain permits from the Department of Buildings and pass inspections. However, though the Mr. Boehm testified that the proposed building and detached garages would be consistent with other unnamed and unidentified properties in terms of building height and presence of rooftop outdoor space, there was no evidence to show whether the variations would substantially diminish or impair property values within the neighborhood. As such, the ZONING BOARD OF APPEALS finds that the Applicant did not present sufficient evidence as to this criterion.

#### 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 applications for 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 11/23, 2020.



Janine Klich-Jensen

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

**APPLICANT:** Madonna Mission Cal. No. 276-20-S

**APPEARANCE FOR:** Kate Duncan **MINUTES OF MEETING:**  
August 21, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1706 W. Morse Avenue

**NATURE OF REQUEST:** Application for a special use to establish a community center.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

SEP 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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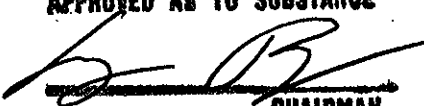
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 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; 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, Madonna Mission, and the development is consistent with the design and layout of the plans and drawings dated August 21, 2020, prepared by the applicant.

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 September 18, 2020

**THE VOTE**

SEP 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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**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 September 18, 2020

**THE VOTE**

SEP 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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**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 September 18, 2020

**THE VOTE**

SEP 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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**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 September 18, 2020

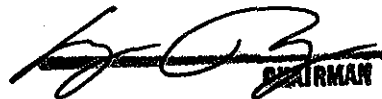
**THE VOTE**

**SEP 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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**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Board of Education Cal. No. 40-20-Z  
**APPEARANCE FOR:** Scott Borstein **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None August 21, 2020  
**PREMISES AFFECTED:** 2554 W. 113<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a variation to reduce the east side setback from the required 12' to 2.33' for a proposed one-story annex building used as a school with a new trash enclosure and twenty-eight parking stalls on a lot containing an existing school.

**ACTION OF BOARD-  
APPLICATION WITHDRAWN**

**THE VOTE**

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

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

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

  
**CHAIRMAN**

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

**APPLICANT:** Board of Education Cal. No. 41-20-Z

**APPEARANCE FOR:** Scott Borstein **MINUTES OF MEETING:**  
August 21, 2020

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2554 W. 113<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard open space from the required 4,682.96 square feet to zero for a proposed one-story annex building used as a school with a new trash enclosure and twenty eight parking stalls on a lot containing an existing school.


**ACTION OF BOARD-  
APPLICATION WITHDRAWN**

**THE VOTE**

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

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

**APPLICANT:** Board of Education Cal. No. 43-20-Z  
**APPEARANCE FOR:** Scott Borstein **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None August 21, 2020  
**PREMISES AFFECTED:** 6445 W. Strong Street

**NATURE OF REQUEST:** Application for a variation to reduce the required off-street parking from thirty-seven stalls to thirty-one stalls for a proposed one-story annex building used as a school and new thirty-one car parking lot on a lot containing an existing school.

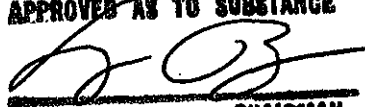
**ACTION OF BOARD-  
APPLICATION WITHDRAWN**

**THE VOTE**

SEP 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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**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 **MINUTES OF MEETING:**

**APPEARANCE AGAINST:** None August 21, 2020

**PREMISES AFFECTED:** 5945 W. Madison Street

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

**ACTION OF BOARD-**  
**Continued to September 18, 2020**


**THE VOTE**

SEP 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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X		
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**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



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

**APPLICANT:** Krzysztof Granat

**CAL NO.:** 162-20-Z

**APPEARANCE FOR:** Same as Applicant

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

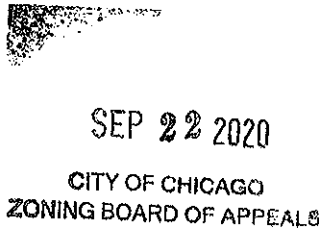
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3934 S. Wells Street

**NATURE OF REQUEST:** Application for a variation to reduce the front setback along Princeton Avenue from 14.67' to 4' and to reduce the parking setback from the front property line from 20' to 4' to prevent obstruction of the side walk by parked cars for a proposed single family residence with a detached garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



SEP 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

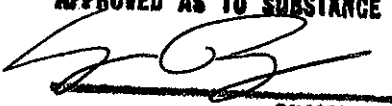
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 21, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 18, 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 along Princeton Avenue to 4' and to reduce the parking setback from the front property line to 4' to prevent obstruction of the side walk by parked cars for a proposed single family residence with a detached 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:** The Rebuild Foundation NFP

Cal. No. 197-20-S

**APPEARANCE FOR:** Nicholas Ftikas

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

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1341-53 E. 72<sup>nd</sup> Street

**NATURE OF REQUEST:** Application for a special use to establish a community center.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

SEP 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 August 21, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 8, 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; 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: (1) the special use is issued solely to the applicant, The Rebuild Foundation NFP, (2) the development is consistent with the design and layout of the site, landscape and details dated August 14, 2020, prepared by Muller & Muller, Ltd. and Christy Webber Landscapes and the building and life safety plans by Muller & Muller dated March 9, 2020, and (3) the applicant shall only utilize the required, dimensioned five parking spaces, as shown on the referenced plans, and shall not park any additional vehicles on-site until they are prepared to upgrade the overall paved area into a fully code compliant parking facility, which must meet with all the requirements of the parking, landscaping, and stormwater management codes.

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:** Kasper Development, LLC

**CAL NO.:** 199-20-Z

**APPEARANCE FOR:** Paul Kolpak

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

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2716 S. Emerald Avenue

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

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

SEP 22 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAMTOIA

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 August 21, 2020 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 8, 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 per unit to 2,952 square feet for a proposed three-story, three dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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

**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:**

**APPEARANCE AGAINST:** None August 21, 2020

**PREMISES AFFECTED:** 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-**  
Continued to September 18, 2020

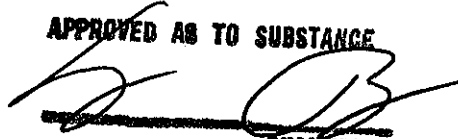
**THE VOTE**

SEP 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: Shastriji Associates

CAL NO.: 237-20-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:

APPEARANCE AGAINST: None

August 21, 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-**

Continued to September 18, 2020

**THE VOTE**

SEP 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:** Planrise, LLC **CAL NO.:** 239-20-Z  
**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None August 21, 2020  
**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-**  
**Continued to September 18, 2020**

**THE VOTE**

**SEP 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



**OCT 19 2020**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**PC AU 3, LLC**

APPLICANT

**152-20-S**  
CALENDAR NUMBER

**12-14 W. Maple Street**

PREMISES AFFECTED

**August 21, 2020**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

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

	AFFIRMATIVE	NEGATIVE	RECUSED
Farzin Parang, Chairman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jolene Saul	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 12-14 WEST  
MAPLE STREET BY PC AU 3, LLC.**

**I. BACKGROUND**

PC AU 3, LLC (the "Applicant") submitted a special use application for 12-14 W. Maple Street (the "subject property"). The subject property is currently zoned DX-7 and is improved with a four-story building (the "building"). The Applicant sought a special use in order to establish an adult use cannabis dispensary on the ground floor of the building. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development 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; (3) the proposed two-phase development was consistent with the design and layout of the floor plan dated July 6, 2020, prepared by Interform Architecture and Design; and (4) the second phase build-out and occupancy was completed by August 20, 2021.

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a remote public hearing<sup>1</sup> on the Applicant's special use application at its regular meeting on August 21, 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<sup>2</sup>. 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. July 1, 2020)<sup>3</sup>, the Applicant had submitted all documentary evidence by 5:00 PM on Monday, August 17, 2020. The Applicant's attorneys Ms. Katriina McGuire and Ms. Talar Berberian were present. As the Applicant is a wholly owned subsidiary of PharmaCann Inc,<sup>4</sup> PharmaCann Inc's senior vice president of public and regulatory affairs Mr. Jeremy Unruh and its chief revenue officer Mr. William McMenemy were present. Also present on behalf of the Applicant were its urban planner Mr. Steven Vance, its MAI certified real estate appraiser Mr. Michael Wolin, its traffic engineer Mr. Luay Aboona, its security consultant Mr. Edward Farrell and its certified land planner Mr. George Kisiel. In addition, the owner of the subject property Mr. James Lasky and the vice general counsel of the Illinois Retail Merchants Association Ms. Tanya Triche Dawood were present in support of the application.

The application generated substantial community opposition. Consequently, Alderman Michele Smith (43rd Ward) and Alderman Brian Hopkins (2nd Ward) were present at the hearing and were in opposition to the application.<sup>5</sup> The property owners<sup>6</sup> of 1031 N. Rush Street<sup>7</sup>, by and through their management company FJ Management LLC, were present in opposition to the application. One of FJ Management LLC's managers Mr. James ("Jim") Banks and its attorneys Mr. Eugene Murphy, Jr. and Mr. David Hyde were present. Also present on behalf of FJ Management LLC were former police officer Mr. Brian Thompson, MAI certified appraiser Mr. Sylvester ("Bud") Kerwin, Jr., long time neighborhood resident and president of the Mariano Park Advisory Council Mr. Matthew Newberger, Whispers Café (Mariano Park location) representative Ms. Jenna Alia, Ace Hardware (24 W. Maple location) owner Mr. Jeremy Melnick and the managing partner at Gibsons

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

<sup>2</sup> In particular, the ZONING BOARD OF APPEALS held a lengthy continuance hearing on the application at its July 17, 2020 regular meeting, in which it, among other things, laid out its expectations with respect to the testimony of those in opposition to the application.

<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> As disclosed in the Applicant's economic disclosure statements, the Applicant's manager is PharmaCann Inc. and PharmaCann Inc. is the Applicant's sole member.

<sup>5</sup> Alderman Brendan Reilly (42nd Ward) also wished to be present at the hearing but was unavailable due to a family emergency.

<sup>6</sup> These property owners are: DAB Rush, LLC (a single member LLC with Ms. Dorothy Banks as the single member and her son Mr. James Banks as its manager); Damen/North LLC (a single member LLC with Ms. Graziella ("Grace") Sergio (Banks) as the single member and manager; Ms. Sergio-Banks is Mr. James Banks' wife); JAJ Limited Partnership (controlled by Mr. Fred Barbara) and FBB, LLC (a single member LLC with Mr. Fred Barbara as the single member and manager). Note that 1031 N. Rush Street is the location of the restaurant Tavern on Rush. Mr. Phil Stefani the owner of Tavern on Rush was also in opposition to the application although he was not represented by counsel.



Restaurant Group Mr. John Colletti. Mr. James Banks and the other witnesses appearing on behalf of FJ Management, LLC shall be referred to collectively herein as "Represented Objectors."

There were also several unrepresented members of the public present in opposition to the application. These members of the public shall be referred to collectively herein as "Unrepresented Objectors" and were as follows: (1) Ms. Taylor Mansfield, of 1120 N. Lake Shore Drive; (2) Mr. Sean Mansfield, of 1120 N. Lake Shore Drive; (3) Ms. Beth Akesson, address unknown; (4) Ms. Suzette Bross Bulley, 1244 N. State Parkway; (5) Ms. Angela Miles, of 50 E. Bellevue; (6) Ms. Cheryl Mazzei, of 4250 N. Marine Drive; (7) Mr. Constantine Yannelis, of 51 E. Division; (8) Ms. Diane Quaadman, of 129 E. Bellevue; (9) Mr. Douglas Switzer, of 50 E. Bellevue; (10) Ms. Anne Villamil, of 51 E. Division; (11) Mr. Edward Stevens, of 112 N. Dearborn; (12) Ms. Ellen Zickmann, of 1035 N. Dearborn; (13) Ms. Eva Chess, of 50 E. Bellevue; (14) Ms. Harriet Wigod, of 50 E. Bellevue; (15) Mr. Jeremy Eden, of 1040 N. Lake Shore Drive; (16) Mr. Joe Huang, of 52 E. Cedar Street; (17) Mr. Jonathan Brodsky, of 66 E. Cedar Street; (18) Ms. Katherine Wheeler, of 50 E. Bellevue; (19) Ms. Phyllis Kipnis, of 20 E. Cedar; (20) Mr. Len Kipnis, of 20 E. Cedar; (21) Mr. Nicholas Yannelis, of 51 E. Division; (22) Mr. Phil Stefani, of 6555 N. LaMai, Lincolnwood; (23) Ms. Christine Barry, of 113 E. Bellevue; Mr. Bill Barry, of 113 E. Bellevue; (24) Ms. Marcella Lattimore, of 26 E. Bellevue; (25) Ms. Randee Jackson, of 76 E. Elm; (26) Ms. Regan Burke, of 1000 N. Lake Shore Drive; (27) Ms. Sheila Sundvall, of 33 E. Bellevue; (28) Ms. Shirlee Cohen, of 1040 N. Lake Shore Drive; (29) Ms. Stephanie Harris, of 1425 N. Astor; (30) Ms. Trish Rooney, of 1520 N. Astor; (31) Mr. Wesley Shepherd, of 77 E. Elm; (32) Ms. Kristen Isleib, of 77 E. Elm; (33) Mr. Steve Fredette, of 111 E. Chestnut; (34) Ms. Monica Fredette, of 111 E. Chestnut; (35) Mr. Vern Broders, of 1434 N. Astor; (36) M. Mary Oelerich, of 58 E. Bellevue; (37) Ms. Terri Chen, of 50 E. Bellevue; (38) Mr. Joseph Mei, of 50 E. Bellevue; (39) Ms. Elennie Bixler, of 1515 N. Astor; and (40) Ms. Portia Belloc Lowndes, of 34 E. Bellevue.

While ZONING BOARD OF APPEALS' Commissioners Garcia and Toia were present at the August 21, 2020 regular meeting of the ZONING BOARD OF APPEALS, they recused themselves from the application. Consequently, the three remaining members of the ZONING BOARD OF APPEALS – Chairman Parang, Commissioner Esposito and Commissioner Saul – heard the application.<sup>8</sup> 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.

At the start of the public hearing, Chairman Parang 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 Cannabis Regulation and Tax Act, 401 ILCS 705/1-1 *et seq.* He also stated how the hearing would proceed and reminded everyone present that they had the right of cross-examination.

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<sup>8</sup> Three members of the ZONING BOARD OF APPEALS constitutes a quorum. 5 ILCS 120/1.02 ("Accordingly, for a 5-member public body, 3 members of the body constitute a quorum").

The Applicant presented its case and offered the testimony of Mr. Unruh, Mr. McMenemy, Mr. Vance, Mr. Wolin, Mr. Aboona, Mr. Farrell and Mr. Kisiel in support of its application.

Mr. Lasky offered his testimony in support of the application, and Mr. Murphy cross-examined Mr. Lasky.

Alderman Smith made her statement in opposition to the application.

Ms. Tanya Triche Dawood offered her testimony in support of the application

Mr. Murphy cross-examined Mr. Unruh, Mr. McMenemy, Mr. Farrell, Mr. Wolin and Mr. Aboona.

Alderman Hopkins made his statement in opposition to the application. He stated that Alderman Reilly was also in opposition to the application.

The Represented Objectors presented their case and offered the testimony of Mr. Banks, Mr. Thompson, Mr. Kerwin, Mr. Newberger, Ms. Alia, Mr. Melnick and Mr. Colletti in opposition to the application.

Ms. McGuire cross-examined Mr. Thompson, Mr. Newberger, Mr. Kerwin and Mr. Banks.

The Unrepresented Objectors testified in opposition to the application. None of them exercised their right to cross-examine the Applicant's witnesses, and Ms. McGuire declined to exercise the Applicant's right to cross-examine the Unrepresented Objectors.

Mr. Murphy made a closing statement.

Ms. McGuire recalled Mr. McMenemy and Mr. Aboona for rebuttal testimony before making 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.

### III. FINDINGS OF FACT

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

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

In the roll call vote<sup>9</sup> to approve the Applicant's application, Commissioner Saul voted "yea." Chairman Parang and Commissioner Esposito voted "nay." Commissioners Garcia and Toia stated that they were recused from the application. When rendering a final decision on a special use application, the ZONING BOARD OF APPEALS acts in quasi-judicial capacity. *Vasilopoulos v. Zoning Board of Appeals*, 34 Ill.App.3d 480, 483 (1st Dist. 1975); see also *People ex rel. Klaeren v. Village of Lisle*, 202 Ill.2d 164, 183 (2002) (reminding that municipal bodies such as the ZONING BOARD OF APPEALS act in quasi-judicial capacities when conducting hearings on special use applications). Therefore, the recusals of Commissioners Garcia and Toia do not constitute an acquiescence with the majority of ZONING BOARD OF APPEALS members that did vote. *Jackson v. Cook County Regional Bd. of Trustees*, 282 Ill.App.3d 191, 196-197 (1st Dist. 1996) (holding

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<sup>9</sup> In accordance with Section 7(e)(6) of the Open Meetings Act, 5 ILCS 120/1 *et seq.*

that the rule enunciated in *Prosser v. Village of Fox Lake*, 91 Ill.2d 389 (1982), does not apply to public bodies acting quasi-judicial capacities).

As no members of the ZONING BOARD OF APPEALS were absent from the August 21, 2020 hearing, the ZONING BOARD OF APPEALS cannot rely on Section 11-13-3(e) of the Illinois Municipal Code, 65 ILCS 5/11-13-1 *et seq.*, and have the absent member or members of the ZONING BOARD OF APPEALS read the transcript of the hearing and vote. *Melrose v. Zoning Board of Appeals of the City of Chicago*, 79 Ill.App.3d 56, 62 (1st Dist. 1979); *but see Thompson v. Cook County Zoning Board of Appeals*, 96 Ill.App.3d 561, 569 (1st Dist. 1981) (reminding that home rule unit of governments are not bound by state zoning laws).<sup>10</sup> Nor were there any vacancies on the ZONING BOARD OF APPEALS that would allow the ZONING BOARD OF APPEALS to postpone the hearing until all such vacancies were filled. *Melrose* at 62. Nor could the Chairman of the ZONING BOARD OF APPEALS appoint an alternate member take the place of either Commissioner Garcia or Commissioner Toia as Section 17-14-0301-A of the Chicago Zoning Ordinance only allows the Chairman to appoint an alternate member if a regular member is "unable to attend a meeting." As a reminder, both Commissioner Garcia and Commissioner Toia were in attendance at the August 21, 2020 meeting.

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

#### IV. CONCLUSION

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

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

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<sup>10</sup> Note also that the Chicago Zoning Ordinance provision at issue in *Melrose* no longer references "applicable Illinois statutes." *Cf. Melrose* at 562 ("The [Zoning] Board [of Appeals] shall adopt its own rules of procedure not in conflict with this comprehensive [zoning] amendment or with the applicable Illinois statutes") with Section 17-14-0303-E of the Chicago Zoning Ordinance ("The Zoning Board of Appeals must adopt its own rules of procedure not in conflict with this [Chicago] Zoning Ordinance and may appoint or select such officers as it deems necessary").

APPROVED AS TO SUBSTANCE

By: DocuSigned by:  
Timothy Knudsen  
7875D203873744D...  
Timothy Knudsen, Chairman