



ZONING BOARD OF ADJUSTMENT

Date of Hearing: May 7, 2026
Date of Decision: June 15, 2026

Zone Case: 36 of 2026
Address: 5904 Bryant Street
Lot and Block: 82-M-181
Zoning Districts: LNC
Ward: 11
Neighborhood: Highland Park

Request: Addition to mixed use building for restaurant and three dwelling units

Application: BDA-2025-12852

Variance	Section 904.02.C	45'3-story maximum height; 38'4-stories requested
Special Exception	Sections 916.02.A.8/916.09	Waiver of 15' Residential Compatibility rear setback
Variance	Section 914.02	3 parking spaces required; 1 requested
	Section 914.10	1 loading space required; 0 requested
Special Exception	Sections 916.04.B/916.09	Waiver of 30' residential compatibility dumpster setback

Appearances:

Applicant: Brad Groff

In support: Justin Cummings

Findings of Fact:

1. The Subject Property is located at 5904 Bryant Street in a LNC (Local Neighborhood Commercial) District in Highland Park.
2. The dimensions of the Subject Property are 24' by 106'-7" (2,814 sf).
3. The structure on the Subject Property extends to the front and both interior side property lines, with 0' setbacks, and is set back 8'-3" from the rear property line on Albree Way. The structure consists of a two-story portion with frontage on Bryant Street and a one-story portion at the rear. A dumpster is located within the rear setback area.
4. Property in a R2-M (Residential Two Unit Moderate Density) District is located across Albree Way from the Subject Property and a house is located on that parcel.
5. A 1996 Certificate of Occupancy permits the use of the Subject Property for "basement and first floor as a restaurant and use of second floor for office space and storage area."
6. The Applicant proposes to construct a three-story addition to the existing one-story portion of the structure and would be used for three dwelling units. The addition would maintain the 0' setback from both interior side property lines and the 8'-3" from the rear property line.
7. The Applicant intends to maintain the existing use of the restaurant in the portion of the structure with frontage on Bryant Street and does not propose to alter the height of that portion of the building.
8. With the proposed addition, the height of the structure would be 38'/four stories.
9. The proposed dimensions of the fourth story would be 20' by 20' (400 sf) and it would be set back approximately 15' from the front property line and 70' from the rear property line. The fourth story would have internal access from the third story and would provide additional living space for that unit.
10. The Department of City Planning determined that three off-street parking spaces would be required for the proposed new dwelling units.
11. The Applicant proposes to provide one parking space in an integral garage at the rear of the parcel, with access from Albree Way.
12. The Applicant proposes to construct a screened enclosure around the existing dumpster area at the rear and the enclosure would be set back 0' from Albree Way.
13. The Applicant explained that the proposed fourth story would not be visible from the right-of-way or nearby properties because it would have significantly larger front and rear setbacks, as compared to the rest of the structure. The 38' height proposed for the fourth story would also be within the 45' permitted maximum height.
14. The Applicant asserted that the location of the existing structure is a unique condition that precludes strict compliance with the Code's parking and loading standards.

15. The Applicant explained that the proposed dumpster enclosure would reduce the impact of trash on nearby residential properties, as compared to the existing condition.

16. Justin Cummings, the owner of the property at 5908 Bryant Street, appeared at the hearing to support the request.

17. The Highland Park Community Council submitted a letter of support for the request.

18. No one appeared at the hearing to oppose the request.

Conclusions of Law:

1. Section 904.02.C provides that the maximum height of buildings in LNC Districts is 45', not to exceed three stories.

2. Pursuant to Sections 914.02 and 914.10, three on-site parking spaces and one loading space are required for the proposed use.

3. The residential compatibility standards in Sections 916.02.A.8 and 916.04.B require a 15' setback from a "way" and a 30' setback for a dumpster. Section 916.09 allows for waiver of these standards as a special exception.

4. With respect to the requested variance from the 3-story height limitation, the Applicant presented credible evidence that the limited 400 sf fourth story, at the 38' maximum height proposed, would be within the 45' height permitted and will not have a significant impact on the surrounding neighborhood.

5. With respect to the requested variance from the parking and loading space requirement, the Applicant provided sufficient evidence to demonstrate that on-street parking is generally available in the surrounding and the variance from the parking requirements will have limited detrimental impact.

6. The Applicant presented credible evidence that the proposed rear setback for the addition and dumpster location are consistent with existing conditions and will not have a significant impact on nearby residential properties. Providing an enclosure for the dumpster will improve the existing condition of the dumpster in that location.

7. Consistent with the evidence and testimony presented to the Board, and the relevant legal standards governing variances and special exceptions, the Board concludes that approval of the request is appropriate.

Decision: The Applicant's request for variances from Sections 904.02.C, 914.02, and 914.10 and special exceptions pursuant to 916.02.A.8, 916.04.B and 916.09 to allow for the construction an addition onto an existing structure is hereby APPROVED, subject to the condition that a dumpster enclosure is provided.

s/Alice B. Mitinger
Alice B. Mitinger, Chair

s/Lashawn Burton-Faulk
LaShawn Burton-Faulk

s/ John J Richardson
John J. Richardson

Note: Decision issued with electronic signatures, with the Board members' review and approval.