

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

APPLICANT: Chicago Blast Soccer Club, Inc.

CAL NO.: 118-13-S

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2600 W. 35th Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of an indoor sports and recreation facility (indoor soccer facility).

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

AUG 21 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O' GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

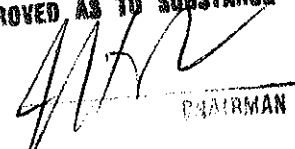
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 19, 2011 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 4, 2011; and

WHEREAS, the Zoning Board of Appeals, 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 an indoor sports and recreation facility; 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): The Department of Housing and Economic Development recommends approval of the indoor sports and recreation facility, provided the development is constructed consistent with the site/floor plan and building elevations dated June 21, 2013 by Cornerstone 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
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-5777

AUG 21 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

EZ PAWN Illinois, Inc.
APPLICANT

122-13-S
CALENDAR NUMBER

6722-36 S. Western Avenue
PREMISES AFFECTED

June 21, 2013
MINUTES OF MEETING

Amy Kurson
APPEARANCE FOR APPLICANT

Sherrin Dunns, Alvin Bell, Jr.
OBJECTORS

NATURE OF REQUEST

Application for a special use to permit the establishment of a pawn shop.

ACTION OF BOARD

THE VOTE

The application for a special use is approved subject to the condition specified in the decision.

AFFIRMATIVE NEGATIVE ABSENT

Jonathan Swain, Chair
(abstained)

Judy Martinez-Faye

Geraldine McCabe-Miele

Sheila O'Grady

Sam Toia

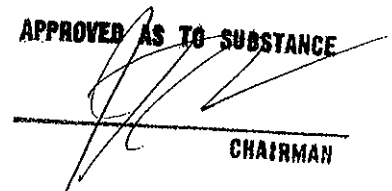
THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Amy Kurson, counsel for the Applicant, asked that the Board take judicial notice that the Applicant is part of EZCORP, a publicly traded company; that EZCORP does business in Illinois both as EZ PAWN and EZ CASH Solutions; and

WHEREAS, Mr. Joseph Gillepsie, the owner of the property, testified in support of the application; that the subject property is currently a vacant lot and has been so for more than two years; that he intends to invest \$800,000 - \$1 million in new commercial construction for the Applicant's business on the subject property; that the Applicant will invest a further \$300,000 in interior improvements to this new construction; that he would be happy re-orient the building elevations so that the building primarily faced Western Avenue if the Board so required; and

APPROVED AS TO SUBSTANCE



CHAIRMAN

WHEREAS, Ms. Brenda Kieling testified in support of the application; that she is the Store Manager for the Applicant's store in North Riverside, Illinois; that the Applicant is in the business of giving short-term loans on items for collateral as well as in the business of selling gently-used items; that the Applicant requires both valid identification and signature for its short-term loan customers; that the Applicant reports all items offered as collateral to online police databases on a daily basis; that nationwide, only 1% of the Applicant's intake is found to be stolen; that the Applicant's typical hours of operation are: Monday – Friday, 9:00 AM – 6:00 / 7:00 PM, Saturday – Sunday, 9:00 AM – 6:00 PM; that the Applicant intends to hire over 6 employees for this location; that these 6 employees would be offered health benefits; and

WHEREAS, Mr. Terrence O'Brien testified in support of the application; his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in the Zoning Ordinance which must be addressed in support of such an application, and he orally testified to certain pertinent highlights: (1) the proposed special use of the subject property complies with all applicable standards of the Zoning Ordinance; and (2) a pawn shop at this location will be in the interest of the public convenience as there is currently no such facility within a half-mile of the area and will have a positive impact on the neighborhood as the proposed special use will generate new construction, tax revenue, and jobs for the neighborhood; (3) the proposed special use will be compatible with the other businesses in the area in terms of site planning and project design as this section of Western Avenue is heavily retail orientated; and (4) the proposed special use will be compatible with the other retail businesses in the area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and

WHEREAS, Ms. Mary Gallagher testified in support of the application; her credentials as an expert in land planning were acknowledged by the Board; that she has physically inspected the subject property and its surrounding area; that her findings are contained in her report on the subject property; her report was submitted and accepted by the Board; that her report fully addresses all the criteria identified in the Zoning Ordinance that must be addressed in support of such an application, and she orally testified to certain pertinent highlights: (1) that she could find no correlation between increased crime statistics and other EZ PAWN facilities; and (2) the proposed special use would promote pedestrian safety and comfort on the subject property as it would be a well-lit, secure retail facility rather than a non-lit, non-secure vacant lot; and

WHEREAS, Ms. Sherrin Dunns testified in opposition to the application; that she resides at 6753 S. Artesian Avenue; that she had with her a petition with 534 signatures in opposition to the application; that Alderman Toni Foulkes had written to the Board in opposition of the application; that proper notice for the community meeting on this proposed special use had not been given; that the proposed special use would have an

adverse impact on the community for the following reasons: (1) it would increase traffic on the alley as those leaving the subject property would use the alley to circumvent the traffic light; (2) crime increases when a pawn shop is in the area; and (3) that there are already 5 existing pawn shops in the community; and

WHEREAS, Mr. Alvin Bell, Jr. testified in opposition to the application; that he owns a pawn shop in the area; that pawn shops have a customer radius of three to four miles; that because of this three to four mile radius, the market for this community is already being serviced by several existing pawn shops, including another EZ PAWN; that according to the City of Chicago Police Department, for every pawn shop that opens, there is a 10% increase in crime; that based on Ms. Dunns petition and the Alderman's opposition, the community is against the proposed application; and

WHEREAS, Ms. Kurson was granted permission to recall Mr. Gillespie in response to questions raised by the Board and the Objectors' testimony; that Mr. Gillespie further testified he agreed the building elevations and site plans for the building could be substantially improved; that he has worked in this area of Western Avenue for the past 15 years; that he owns four city blocks of this portion of Western Avenue and is heavily committed to improving the community; that he disagrees with the Objectors in regards to crime in this area; that he believes the retail businesses in the area deter crime and that an EZ PAWN on the subject property will further contribute to this deterrence; and

WHEREAS, Ms. Dunns was allowed a further objection by the Chair; Ms. Dunns objected to Mr. Gillespie's lack of landscaping upkeep on these four city blocks; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the application for the Special Use; and

WHEREAS, the staff of the Department of Housing and Economic Development has not approved the building elevations or site plans and requested that the final building elevations and site plans be approved by the Department prior to building permit application; and

WHEREAS, the staff of the Department of Housing and Economic Development further requested that the proposed building be re-oriented so that it faces Western Avenue; and

WHEREAS, the Applicant has presented evidence that the proposed application meets all of the criteria established in Section 17-13-0905-A for the granting of a Special Use; therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a Special Use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as it provides both financial services and second-hand retail to the neighborhood. As the subject property is currently vacant, the proposed special use will have a positive impact on the general welfare of the neighborhood and community by replacing the vacant lot with a retail store. The proposed special use will also positively impact the general welfare of the neighborhood by its creation of tax revenue and jobs;
3. The proposed special use will not will not change the character of the surrounding area in terms of site planning and building scale and project design as this section of Western Avenue has many other retail businesses;
4. The proposed special use will have similar hours of operation to existing retail businesses in the area and therefore will be 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. The proposed special use will improve pedestrian safety and comfort as there will be a well-lit retail building on the subject property rather than a non-lit vacant lot.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said Special Use subject to following conditions:

1. The Applicant will substantially improve its building elevations, site plans, and landscape plans so that they far exceed the minimum standards required by the Department of Housing and Economic Development as well as re-orient the intended construction so that the proposed building faces Western Avenue; and
2. These substantially improved final building elevations, site plans, and landscape plans must be approved by the Department of Housing and Economic Development prior to building permit application.

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

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

APPLICANT: North Buena Market, Inc.

CAL NO.: 147-13-S

APPEARANCE FOR: Same

MINUTES OF MEETING:
June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4200 N. Broadway Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of liquor store.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

AUG 21 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O' GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

THE RESOLUTION:

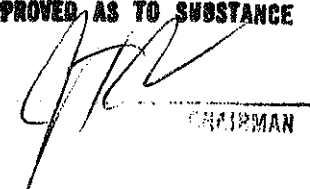
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 2, 2013; and

WHEREAS, the Zoning Board of Appeals, 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 liquor store at the subject site; 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): The Department of Housing and Economic Development recommends approval of the liquor store, provided the development is constructed consistent with the floor plan dated June 21, 2013.

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

MINUTES OF MEETING:

Date: June 20, 2014

Joseph Barrat, applicant, presented a written request for an extension of time in which to establish a pawn shop on premises located at 5920 W. Fullerton. The special use was approved on June 21, 2013 in Cal. No. 152-13-S.

Mr. Barrat stated that he will not be able to obtain his license with in the one year validity period.

Jonathan Swain moved the request be granted and the time for obtaining the necessary license be extended to August 20, 2015.

Yeas- Swain, Budzinski, Flores, O'Grady, Toia Nays- None

RECEIVED

JUL 16 2014

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Joseph Barats **CAL NO.:** 152-13-S
APPEARANCE FOR: George Becker **MINUTES OF MEETING:**
June 21, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5920 W. Fullerton

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of pawn shop.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

AUG 21 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O' GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

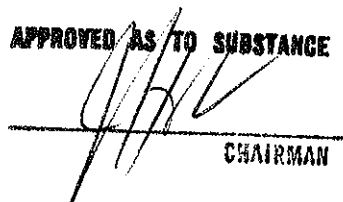
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 2, 2013; and

WHEREAS, the Zoning Board of Appeals, 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 at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the surrounding 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 this location; 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): The Department of Housing and Economic Development recommends approval of the pawn shop.

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: Jamar Group Properties, LLC **CAL NO.:** 158-13-S

APPEARANCE FOR: Gary Wigoda **MINUTES OF MEETING:**

June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1753-1757 W. 87th Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of one-lane drive-through facility for a proposed restaurant within a proposed three-unit commercial building.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

		AFFIRMATIVE	NEGATIVE	ABSENT
AUG 21 2013	JONATHAN SWAIN	X		
	GIGI McCABE- MIELE	X		
CITY OF CHICAGO ZONING BOARD OF APPEALS	SAM TOIA	RECUSED		
	JUDY MARTINEZ-FAYE	X		
	SHEILA O'GRADY	X		

THE RESOLUTION:


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 2, 2013; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the drive-through facility, provided the development is constructed consistent with the site/landscape plan and building elevations dated June 21, 2013 by Atul Karkhanis 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: John Paschke **CAL NO.:** 190-13-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
June 21, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1416 W. Henderson Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to allow the expansion of proposed floor area not to exceed 15% of floor area in existence for over 50 years on a non-conforming lot with two buildings, for a fourth floor addition to the existing three-story two dwelling-unit front building (site also has another three-story two dwelling unit building with that existing floor area included).

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

		AFFIRMATIVE	NEGATIVE	ABSENT
	JONATHAN SWAIN	X		
AUG 21 2013	GIGI McCABE- MIELE	X		
CITY OF CHICAGO ZONING BOARD OF APPEALS	SAM TOIA	X		
	JUDY MARTINEZ-FAYE	X		
	SHEILA O'GRADY			X

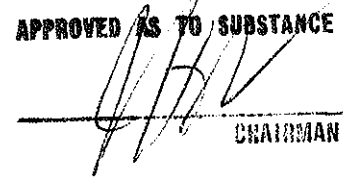
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on May 2, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to expand the existing floor area that has been in existence for more than 50 years; there are two buildings located on this lot; the Board will permit the applicant to construct a fourth floor addition to the existing three-story two dwelling unit front 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 aforesaid 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) 744-5777



AUG 21 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Beverly Western Partners LLC
APPLICANT

194-13-S
CALENDAR NUMBER

10637-59 S. Western Avenue
PREMISES AFFECTED

June 21, 2013
MINUTES OF MEETING

Scott Hargadon
APPEARANCE FOR APPLICANT

No Objectors

NATURE OF REQUEST

Application for a special use to permit the establishment of a one-lane drive-through facility to serve a proposed restaurant.

ACTION OF BOARD

THE VOTE

The application for a special use is approved subject to the conditions specified in this decision.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy Martinez-Faye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geraldine McCabe-Miele	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T... (recused)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Scott Haragadon, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that the proposed development would include a drive-through restaurant facility; that a special use is sought to operate a drive-through facility in a B1-1 district; and

WHEREAS, Mr. Tim Hague testified in support of the application; that he is the principal for the Applicant; that the subject property is currently improved with three vacant buildings; that the Applicant intends to demolish these buildings and construct a 3940 sq. foot Buona Beef drive-through facility and a 2100 sq. foot retail building; that the proposed development provides 28 off-street parking spaces; that the proposed drive-

APPROVED AS TO SUBSTANCE


CHAIRMAN

through would be serviced by 10 car stacking; that based on other Buona Beef facilities, this amount of stacking is necessary for peak hours; that there will be additional 3 car stacking after the drive-through for longer orders; that the proposed buildings will be similar in structure to other commercial buildings on this part of Western Avenue in the Beverly neighborhood; and

WHEREAS, Mr. Joseph M. Ryan testified in support of the application; his credentials as an expert in real estate appraisal were acknowledged by the Board; that he is very familiar with the subject property and its surrounding area; that in his professional opinion the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance; (2) is in the interest of the public convenience and will not have a significant adverse impact on the surrounding area because there are many drive-throughs in the area; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design as landscaping and a fence will protect the residential properties to the east from the menu board; (4) will be similar and compatible to the other drive-throughs in the area in terms of operating characteristics, such as hours of operation; and (5) will not affect pedestrian safety and comfort as the proposed special use will have off-street parking spaces and sufficient car stacking so that there will be no additional traffic in the neighborhood; and

WHEREAS, Ms. Tristan Angus, Aldermanic Aide to Alderman Matthew O'Shea testified in support of the application; that Ms. Angus represented the Alderman; that the Board had received the Alderman's written statement in regards to this matter; that she then read the Alderman's written statement into the record; that the written statement made the following points: (1) the proposed special use will generate badly needed jobs and property tax revenue for the area; and (2) residents of the community are very eager for a Buona Beef facility; that Ms. Angus further testified that the directors for the business associations of Morgan Park, Beverly Hills, 95th Street, and Mount Greenwood in support of the application; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the application for the Special Use drive-through facility provided that the structure is built consistent with the site and building elevation plans dated June 21, 2013 by Hague Architecture; and

WHEREAS, the staff of the Department of Housing and Economic Development has not approved the Applicant's landscape plan and requested that the final landscape plan be approved prior to building permit application; and

WHEREAS the staff of the Department of Housing and Economic Development further requested that the Applicant receive its public alley vacation prior to building permit application; and

WHEREAS, the Applicant has presented evidence that the proposed application meets all of the criteria established in Section 17-13-0905-A for the granting of a Special Use; therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a Special Use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as it provides another dining choice for the neighborhood. As the buildings on the subject property are currently vacant, the proposed special use will have a positive impact on the general welfare of the neighborhood and community by replacing the vacant buildings with both a restaurant facility and retail space. The proposed special use will also positively impact the general welfare of the neighborhood by its creation of community jobs and property tax revenue;
3. The proposed special use will not change the character of the surrounding area in terms of site planning and building scale and project design as this part of Western Ave has many drive-through facilities;
4. The proposed special use will have similar hours of operation to existing drive-throughs in the area and therefore will be 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. The proposed special use will not affect pedestrian safety and comfort as the proposed special use will have off-street parking and sufficient car stacking so that there will be no additional traffic in the neighborhood.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said Special Use subject to following conditions:

1. The final landscape plans must be approved by the Department of Housing and Economic Development prior to building permit application; and
2. The Applicant must apply for and receive its public alley vacation prior to building permit application.

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

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

APPLICANT: Wendy's Old Fashioned Hamburgers of New York, Inc., **CAL NO.:** 195-13-S

APPEARANCE FOR: Donna Pugh

MINUTES OF MEETING:
June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2312-2326 N. Ashland Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of one-lane drive-through facility to serve an existing restaurant.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

AUG 21 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
RECUSED		
X		
X		

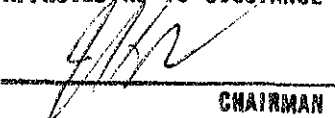
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a drive-through facility which will serve a fast food restaurant which shall be located on the subject site; 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): The Department of Housing and Economic Development recommends approval of the drive-through facility provided the development is constructed consistent with the site/ landscape plan by Watermark Engineering Resources, Ltd and the building elevations by Wallin Gomez Architects, Ltd. Dated June 21, 2013.

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: Wendy's Old Fashioned Hamburgers of New York, Inc. **CAL NO.:** 196-13-S

APPEARANCE FOR: Donna Pugh **MINUTES OF MEETING:** June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 8635-8649 S. Stony Island Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a one-lane drive-through facility to serve an existing restaurant.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

AUG 21 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
RECUSED		
X		
X		

THE RESOLUTION:

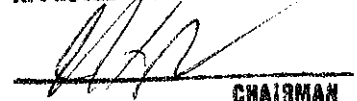
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a drive-through facility which will serve a fast food restaurant which shall be located on the subject site; 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): The Department of Housing and Economic Development recommends approval of the drive-through facility provided the development is constructed consistent with the site/ landscape plan by Watermark Engineering Resources, Ltd and the building elevations by Wallin Gomez Architects, Ltd. Dated June 21, 2013.

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: Checkers Drive Through Restaurants, Inc.

CAL NO.: 197-13-S

APPEARANCE FOR:

MINUTES OF MEETING:

June 21, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 6401 W. Archer Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of one-lane drive-through facility for a proposed restaurant.

ACTION OF BOARD-

CASE CONTINUED TO AUGUST 19, 2013

then continued to September 20, 2013

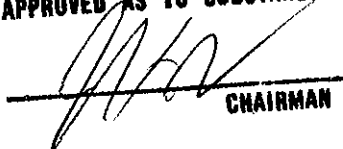
THE VOTE

AUG 21 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

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: Diya 103rd King, LLC

CAL NO.: 198-13-S

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 350 E. 103rd Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of one-lane drive-through facility to serve a proposed restaurant.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

	AFFIRMATIVE	NEGATIVE	ABSENT
JONATHAN SWAIN	X		
GIGI McCABE-MIELE	X		
SAM TOIA	RECUSED		
JUDY MARTINEZ-FAYE	X		
SHEILA O'GRADY	X		

AUG 20 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

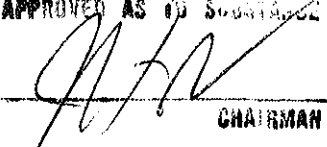
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a drive-through facility which will serve a fast food restaurant which shall be located on the subject site; 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): The Department of Housing and Economic Development recommends approval of the drive-through facility, provided the development is constructed consistent with the site/ landscape plan and the building elevations dated June 21, 2013

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: Maika Pajimna, DBA "Nail Elements" **CAL NO.:** 199-13-S

APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2008 W. 119th Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of nail salon.

ACTION OF BOARD-
APPLICATION APPROVED

AUG 20 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
JONATHAN SWAIN	X		
GIGI McCABE-MIELE	X		
SAM TOIA	X		
JUDY MARTINEZ-FAYE	X		
SHEILA O' GRADY	X		

THE RESOLUTION:

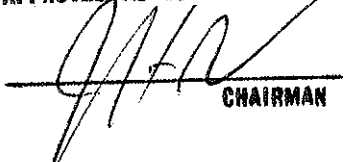
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a nail salon at the subject site; 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; 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): The Department of Housing and Economic Development recommends approval of the proposed nail salon.

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: Julio Mendez

CAL NO.: 200-13-S

APPEARANCE FOR: Same

MINUTES OF MEETING:
June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1744 W. Lawrence Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of beauty salon.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

AUG 21 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

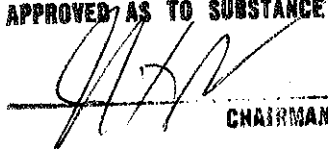
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, 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 beauty salon at the subject site; 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 this location; 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): The Department of Housing and Economic Development recommends approval of the proposed nail salon.

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: Luxe Blue Ltd. DBA Luxe Blue Salon & Spa CAL NO.: 201-13-S

APPEARANCE FOR: Thomas Moore MINUTES OF MEETING: June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4816 W. Irving Park Road

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of hair/nail salon.

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE

AUG 21 2013 CITY OF CHICAGO ZONING BOARD OF APPEALS

JONATHAN SWAIN GIGI McCABE-MIELE SAM TOIA JUDY MARTINEZ-FAYE SHEILA O'GRADY

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

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the proposed hair / nail salon.

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

APPROVED AS TO SUBSTANCE [Signature] CHAIRMAN

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

APPLICANT: OCP Acquisitions, LLC DBA Sudsational

CAL NO.: 202-13-S

APPEARANCE FOR:

MINUTES OF MEETING:
June 21, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 1322 W. North Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of car wash facility.

ACTION OF BOARD-
CASE CONTINUED TO AUGUST 16, 2013

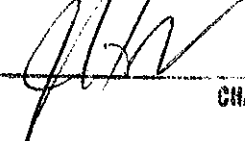
THE VOTE

AUG 21 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

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: St. Clair Haywood

CAL NO.: 203-13-S

APPEARANCE FOR:

MINUTES OF MEETING:

June 21, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 4209-11 W. Lake Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of car wash facility.

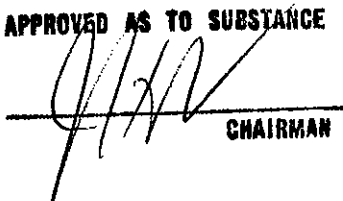
ACTION OF BOARD-
CASE CONTINUED TO AUGUST 16, 2013

THE VOTE

AUG 21 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

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: Summit Oil Company, Inc.

CAL NO.: 204-13-S

APPEARANCE FOR:

MINUTES OF MEETING:
June 21, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 2758 W. Peterson Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a gas station.

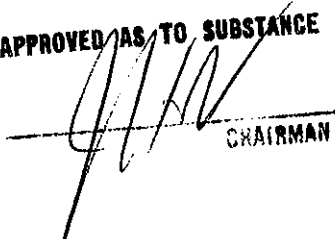
ACTION OF BOARD-
CASE CONTINUED TO AUGUST 16, 2013

THE VOTE

AUG 21 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

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: Summit Oil Company, Inc.

CAL NO.: 205-13-Z

APPEARANCE FOR:

MINUTES OF MEETING:

June 21, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 2758 W. Peterson Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of from the minimum 20,000 sq. ft. lot area for a proposed gas station provided it has a least 10,000 sq. ft. of lot area (proposed station has 12,045 sq. ft.)

ACTION OF BOARD-
CASE CONTINUED TO AUGUST 16, 2013

THE VOTE

AUG 21 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

[Handwritten Signature]
CHAIRMAN

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

APPLICANT: Sonco Real Estate LLC, 920 W. Cullom Series **CAL NO.:** 206-13-Z

APPEARANCE FOR: Warren Silver **MINUTES OF MEETING:**
June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 920 W. Cullom Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required front yard setback from 12.02' to 1.54', reduce the east side yard setback from 2.76' to 2.25', reduce the west side yard setback from 2.76' to .42', reduce the total side yard combination from 6.9' to 2.67' and exceed the existing floor area by not more than 15% with fifth floor additions and a front fifth floor balcony to the existing four- story, six dwelling unit building to be converted to a seven dwelling unit building

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
		X
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on June 6, 2013 and

WHEREAS, the Zoning Board of Appeals, 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 front yard setback from 12.02' to 1.54', reduce the east side yard setback from 2.76' to 2.25', reduce the west side yard setback from 2.76' to .42', reduce the total side yard combination from 6.9' to 2.67' and exceed the existing floor area by not more than 15% with fifth floor additions and a front fifth floor balcony to the existing four- story, six dwelling unit building to be converted to a seven 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 aforesaid 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

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

APPLICANT: City Development Group, Inc.

CAL NO.: 207-13-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2046 W. Superior Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required front yard setback from 20' to zero for a proposed two-story single-family residence with a detached garage (Access from W. Lee Place) on a through lot.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

AUG 21 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

IC. NATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on June 6, 2013 and

WHEREAS, the Zoning Board of Appeals, 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 front yard setback from 20' to zero for a proposed two-story single-family residence with a detached garage (Access from W. Lee Place) on a through lot; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid 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

[Signature]
CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

City Hall Room 905
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-5777



AUG 20 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

208-13-Z
CALENDAR NUMBER

Tiffany and Alex Fisher
APPLICANTS

1817 N. Cleveland Avenue
PREMISES AFFECTED

June 21, 2013
MINUTES OF MEETING

Nicholas J. Ftikas
APPEARANCE FOR APPLICANTS

Michelle Smith, Doug Jensen
OBJECTORS

NATURE OF REQUEST

Application for a variation to reduce the required rear yard setback from 34.63' to 23' and reduce the total side yard combination (with neither less than 2') from 4.8' to 1' (.67' south setback and .33' north setback) for a proposed one-story rear enclosed breezeway addition and an open deck to an existing three-story single-family residence.

ACTION OF BOARD

The application for a variation to reduce the total side yard combination is approved. The application for a variation to reduce the required rear yard setback is denied.

THE VOTE (SIDE YARD SETBACK)

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy Martinez-Faye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geraldine McCabe-Miele	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THE VOTE (REAR YARD SETBACK)

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy Martinez-Faye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geraldine McCabe-Miele	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

APPROVED AS TO SUBSTANCE

[Handwritten Signature]
CHAIRMAN

WHEREAS, Mr. Nicholas Ftikas, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that the property had formerly been improved with a two-story single family home and a three-story detached coach house; that the Applicants have since razed those structures and begun construction on a new single-family home and rear detached garage; that since the time of application, the Applicants have purchased the lot immediately north of the subject property at 1821 N. Cleveland; that the Applicants intend to raze the existing structures at 1821 N. Cleveland and use the lot for landscaped green space; and

WHEREAS, Ms. Tiffany Fisher, one of the Applicants, testified in support of the application; that she and her husband Alex own the subject property; that the Applicants wish to build an enclosed connection ("breezeway") between the rear of the new house and the detached garage for "lifestyle" reasons; that a practical hardship exists because such a breezeway cannot be built without encroaching on either the rear yard or side yard setback; that once the buildings are razed at 1821 N. Cleveland, there will be 24' of open space between the subject property and the next neighbor north; that therefore the proposed breezeway would have no impact on the next neighbor north; that a reduced rear setback condition already exists on the property next south to the subject property; that the home next north at 1823 N. Cleveland has a breezeway and consequently also has reduced setbacks; that the Applicants are making a significant investment and intend to live on the subject property when construction is complete; and

WHEREAS, Mr. Phillip Casagrande testified in support of the application; that he is the architect for the project; his credentials in architecture were acknowledged by the Board; that the current building design at the subject property incorporates a breezeway between the single-family home and the detached garage; that as the Applicants will be maintaining a 3000 sq. foot sidelot, the breezeway will not cause flooding; that there is no way to design the breezeway without encroaching on either the side or rear setbacks; that in his professional opinion the proposed variation will not: (1) be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; (2) impair an adequate amount of light and air to the adjacent property; (3) increase the danger of fire or endanger the public safety; (4) increase congestion in the public streets in the area; (5) diminish or impair property values; and (6) alter the essential character of the neighborhood; and

WHEREAS, Mr. Terrance O'Brien testified in support of the application; his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all the criteria identified in the Zoning Ordinance which must be addressed in support of subject an application; that in his professional opinion, the practical hardship of the subject property is its substandard lot depth; that due to this substandard lot depth, the Applicants cannot follow the trend for breezeways in newer construction in the area without the requested variation; that

because of this trend, the proposed variation will not alter the essential character of the neighborhood and instead complement it; that 19 properties on this block of North Cleveland have no side yard setbacks; that at least 20% of new construction in the area has breezeways and, consequently, reduced rear yard setbacks; and

WHEREAS, Mr. Ftikis was granted leave to recall Mr. O'Brien to answer questions raised by the Board; Mr. O'Brien further testified that if the side yard variation were not granted, there would be substantial hardship on the Applicants as the Applicants' new single-family home is already constructed on the side yard setbacks; that if the rear yard variation was not granted, the breezeway could not be constructed; that without a breezeway, resale value of the house would be diminished by at least 10%; and

WHEREAS, Alderman Michelle Smith testified in opposition to the application; that the Board had received the Alderman's written statement in regards to this matter; that she then read her statement into the record, highlighting the following concerns: (1) as the vast majority of homes in the community do not have breezeways and instead maintain the traditional Lincoln Park style of a detached garage separated from the home by a rear yard, the Applicants' request will alter the essential character of the neighborhood; (2) Lincoln Park is suffering from flooding due to breezeways; and (3) the Applicants' new single-family home was built with the full knowledge that no breezeway would be permitted, and the Alderman would not have agreed to the side yard setback reduction had she known that there would be a later request for a breezeway; and

WHEREAS, Mr. Doug Jensen testified in opposition to the application; that he represented Lincoln Central Association ("Association"), the community association for the neighborhood; that the Board had received a written statement from the Association in regard to this matter; that the Board had also received a written statement from a neighbor to the subject property in regards to this matter; that the Association is totally opposed to breezeways; that the Association had previously agreed to the side yard setback reduction for the subject property so long as the rear yard setbacks were maintained; and

WHEREAS, in response to the questions raised by the Objectors, Mr. Ftikis stated that the Applicants had not been a party to the negotiations between the Alderman and the previous developer of the property; and

WHEREAS, 17-13-1101-B of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation to permit a reduction in any setback; therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and as the decision of the Zoning Board of Appeals to approve a variation application must be based solely on the approval criteria enumerated in Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's application for a variation:

1. The Board finds that pursuant to 17-13-1107-A the Applicant has proved its case by testimony and other evidence that a practical difficulty and particular hardship would be created regarding should the side yard setback be strictly complied with as the Applicants' home is already constructed on the side yard setback, and, further, the requested variation regarding the side yard setback is consistent with the stated purpose and intent of the Zoning Ordinance. However, the Board finds that pursuant to 17-13-1107-A the Applicant has not proved its case by testimony and other evidence that a practical difficulty and particular hardship would be similarly created should the rear yard setback be strictly complied with, and, further, the requested variation regarding the rear yard setback is not consistent with the stated purpose and intent of the Zoning Ordinance in that it would not protect the established character of the neighborhood;

2. The Board finds that pursuant to 17-13-1107-B the Applicant has established by testimony and other evidence that: (1) whether the property can yield a reasonable return is not material as the Applicants intend to reside on the subject property; (2) the hardship of the current existing structure on the side yard setback is a unique circumstance not generally applicable to other similarly situated property; and (3) the requested side yard setback relief will not alter the essential character of the neighborhood as 19 properties on the block have no side yard setbacks. The Board further finds that pursuant to 17-13-1107-B the requested rear yard setback relief for a breezeway would alter the essential character of the neighborhood as approximately 80% of the new construction in the area maintains the traditional Lincoln Park style of a detached garage separated from the home by a rear yard;

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship exists, took into account that evidence was presented that: (1) as the Applicants' new home is already constructed on the side yard setbacks, the Applicants would experience substantial hardship if the strict letter of the Zoning Ordinance were carried out; (2) the current construction on the side yard setback is a unique condition not generally applicable to other residential properties; (3) as the Applicant will be residing at the subject property, profit is not the sole motive for the side yard setback variation application; (4) the Applicants did not create the side yard setback situation intentionally as the Applicants are not the original developer of the property; (5) the side yard setback variation being granted will not be detrimental to the public welfare or injurious to other property; and (6) the side yard setback variation will not impair an adequate supply of light or air to the neighboring properties, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. The Board further took into account that no evidence was presented to establish that: (1) a lack of a breezeway was a particular hardship to the Applicants as opposed to a mere inconvenience; and (2) resale value was not the sole motive for the requested rear yard setback variation.

RESOLVED, the Board finds that the Applicant has sufficiently established by testimony and other evidence covering the specific criteria for a side yard setback

variation to be granted pursuant to Sections 17-13-1107- A, B and C of the Chicago Zoning Ordinance.

RESOLVED, the Board finds that the Applicant has not sufficiently established by testimony and other evidence covering the specific criteria for a rear yard setback variation to be granted pursuant to Sections 17-13-1107- A, B and C of the Chicago Zoning Ordinance.

RESOLVED, the side yard setback variation application is hereby granted and the rear yard setback variation application is hereby denied.

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

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

APPLICANT: Rosa Mendoza **CAL NO.:** 209-13-Z
APPEARANCE FOR: Same **MINUTES OF MEETING:**
June 21, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2901 N. New England

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required north side yard setback from 4' to zero (south setback to remain 3.37') for a proposed one-story addition to an existing two-story two dwelling-unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 2013
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

JONATHAN SWAIN
 GIGI McCABE-MIELE
 SAM TOIA
 JUDY MARTINEZ-FAYE
 SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

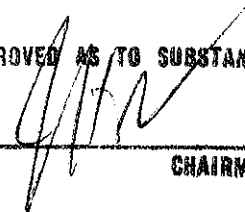
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on June 6, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant testified that she was injured while she was at work and she now has difficulty driving at night; she testified that she hired a contractor to add an addition to her home so that she would be able to have a home gym; the applicant testified that the work was completed and that she was unaware that a permit was never obtained; the applicant shall be permitted to reduce the required north side yard setback from 4' to zero (south setback to remain 3.37') for a proposed one-story addition to an existing two-story two 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 aforesaid 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) 744-5777



JUL 23 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Amratlal S. Patel

APPLICANT

210-13-Z

CALENDAR NUMBER

4253 N. Kedzie Avenue

PREMISES AFFECTED

June 21, 2013

MINUTES OF MEETING

Pro Se

APPEARANCE FOR APPLICANT

No Objectors

NATURE OF REQUEST

Application for a variation to permit the establishment of a proposed public place of amusement license for a banquet hall within 125' of a RS zoning district.

ACTION OF BOARD

THE VOTE

The application for a variation is approved subject to the condition specified in this decision.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy Martinez-Faye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geraldine McCabe-Miele	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Amratlal Patel, the Applicant, testified in support of the application; that he is the owner of the subject property; that the subject property is currently improved with a commercial building; that this building has been vacant for a year and a half despite the Applicant's best efforts to lease or sell the property; that in order to generate some income from the property, he wishes to establish a banquet hall on the subject property; that because the subject property is within 125' of an RS-3 district, he requires a variation to establish this banquet hall; that if the variation is granted, he plans to rent out this banquet hall to the public for private parties; that he plans to hire one employee to help him run the banquet hall; that his proposed hours of operation are: Monday through Sunday, 12 PM – 12 AM; that he does not intend to serve liquor on the

APPROVED AS TO SUBSTANCE


CHAIRMAN

subject property but that he intends to allow BYOB; that he would provide an on-site, licensed security guard for all BYOB events at the banquet hall if the Board so required; and

WHEREAS, 17-13-1101-M of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation allowing an establishment requiring a public place of amusement license to locate within 125' of a RS-3 district; therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and as the decision of the Zoning Board of Appeals to approve a variation application must be based solely on the approval criteria enumerated in Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's application for a variation:

1. The Board finds that pursuant to 17-13-1107-A the Applicant has proved his case by testimony and other evidence that a practical difficulty and particular hardship exists regarding the proposed use the subject property should the requirements of the Zoning Ordinance be strictly complied with, and, further, the requested variation regarding the public place of amusement license is consistent with the stated purpose and intent of the Zoning Ordinance;
2. The Board finds that pursuant to 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) the property in question cannot yield a reasonable rate of return if permitted to be used only in accordance with the standards of the Zoning Ordinance as it has remained vacant for the last year and a half despite the Applicant's attempts to lease or sell the property; (2) the practical difficulty or particular hardship of the property being located within 125' of a RS-3 district is a unique circumstance and not generally applicable to other properties improved with vacant buildings; (3) the public place of amusement license will not alter the essential character of the neighborhood because the banquet hall will be established in an existing commercial building;
3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship exists, took into account that evidence was presented that: (1) the fact that the property is located within 125' of a RS-3 district results in particular hardship for the Applicant; (2) the conditions upon which the Applicant's petition is based are not generally applicable to other property within the same zoning classifications; (3) as the Applicant will continue to own the subject property, profit is not the sole motive for the application, (4) the Applicant did not create the situation of the vacant commercial building intentionally; (5) the variation being granted will not be detrimental to the public welfare or injurious to other property; and (6) the variation will not impair an adequate supply of light or air to the neighboring properties, 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 as the variation will utilize an existing building;

JUL 29 2013

RESOLVED, the Board finds that the Applicant has sufficiently established by testimony and other evidence covering the specific criteria for a variation to be granted pursuant to Sections 17-13-1107- A, B and C of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid variatio. application is hereby approved, and the Zoning Administrator is authorized to permit said variation subject to the following condition:

1. The Applicant will provide a licensed, on-site security guard for all BYOB events at the banquet hall.

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

JUL 29 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

APPLICANT: Chicago Vacation Rentals, Inc. **CAL NO.:** 211-13-S

APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 55 E. Washington Street, Unit 1903

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of vacation rental unit.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

AUG 20 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

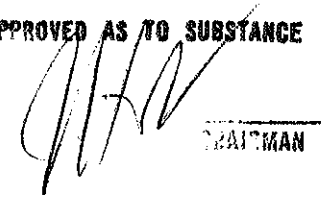
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, 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 vacation rental unit at this location; expert testimony was offered that the use would not have a negative impact on the surrounding community and is character with the community; 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 above location; 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): The Department of Housing and Economic Development recommends approval of the vacation rental unit.

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: Chicago Vacation Rentals, Inc. **CAL NO.:** 212-13-S
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
June 21, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 55 E. Washin_ton Street, Unit 1904

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of vacation rental unit.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

AUG 20 2013
 2013
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

JONATHAN SWAIN
 GIGI McCABE-MIELE
 SAM TOIA
 JUDY MARTINEZ-FAYE
 SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

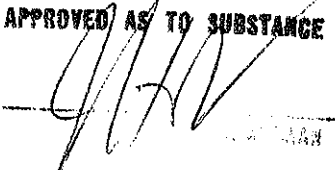
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 20213 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, 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 vacation rental unit at this location; expert testimony was offered that the use would not have a negative impact on the surrounding community and is character with the community; 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 above location; 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): The Department of Housing and Economic Development recommends approval of the vacation rental unit.

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

APPROVED AS TO SUBSTANCE

 JONATHAN SWAIN

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

APPLICANT: Chicago Vacation Rentals, Inc. **CAL NO.:** 213-13-S
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
June 21, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 55 E. Washington Street, Unit 1905

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of vacation rental unit.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

AUG 20 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

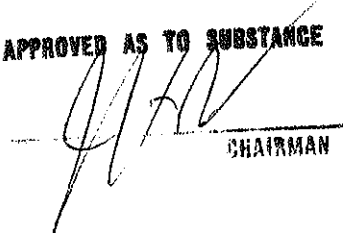
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, 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 vacation rental unit at this location; expert testimony was offered that the use would not have a negative impact on the surrounding community and is character with the community; 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 above location; 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): The Department of Housing and Economic Development recommends approval of the vacation rental unit.

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: Chicago Vacation Rentals, Inc. **CAL NO.:** 214-13-S
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
 June 21, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 55 E. Washington Street, Unit 1906

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of vacation rental unit.

**ACTION OF BOARD-
 APPLICATION APPROVED**

THE VOTE

AUG 20 2013
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

JONATHAN SWAIN
 GIGI McCABE-MIELE
 SAM TOIA
 JUDY MARTINEZ-FAYE
 SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 20213 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, 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 vacation rental unit at this location; expert testimony was offered that the use would not have a negative impact on the surrounding community and is character with the community; 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 above location 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): The Department of Housing and Economic Development recommends approval of the vacation rental unit.

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: Chicago Vacation Rentals, Inc. **CAL NO.:** 215-13-S
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
June 21, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 55 E. Washington Street, Unit 1907

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of vacation rental unit.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

AUG 20 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, 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 vacation rental unit at this location; expert testimony was offered that the use would not have a negative impact on the surrounding community and is character with the community; 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 above location 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): The Department of Housing and Economic Development recommends approval of the vacation rental unit.

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: Chicago Vacation Rentals, Inc. **CAL NO.:** 216-13-S
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** June 21, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 55 E. Washington Street, Unit 1902

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of vacation rental unit.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

AUG 20 2013
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

JONATHAN SWAIN
 GIGI McCABE-MIELE
 SAM TOIA
 JUDY MARTINEZ-FAYE
 SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, 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 vacation rental unit at this location; expert testimony was offered that the use would not have a negative impact on the surrounding community and is character with the community; 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 above location; 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): The Department of Housing and Economic Development recommends approval of the vacation rental unit.

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) 744-5777



AUG 21 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Baldwin Commodities Corporation

APPLICANT

217-13-S

CALENDAR NUMBER

860 W. Aldine Ave., Unit 1

PREMISES AFFECTED

June 21, 2013

MINUTES OF MEETING

Lucian T. Baldwin
APPEARANCE FOR APPLICANT

George Blackmore
OBJECTOR

NATURE OF REQUEST

Application for a special use permit to permit the establishment of a vacation rental unit.

ACTION OF BOARD

THE VOTE

The application for a special use is approved.

AFFIRMATIVE NEGATIVE ABSENT

Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy Martinez-Faye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geraldine McCabe-Miele	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Lucian T. Baldwin, III, president of the Applicant, testified in support of the application; that he is the owner of the subject property; that the subject property is his second home; that when he is not in Chicago, he would like to utilize the subject property as a vacation rental; that he intends to market the subject property as high-end vacation rental on vacation rental by owner websites; that the subject property has a property manager that will meet the vacationer for check-in; that he will charge \$1000 per night; that he will require a \$2000 security deposit; that there will be a 3 night minimum required when renting the subject property; that these fees will be collected up-front so that a vacationer will pay at least \$5000 before he can check-in to the subject property; that the other unit owners have known the Applicant for 7 years and have the Applicant's contact information if they need to get in touch; and

APPROVED AS TO SUBSTANCE

GEORGE BLACKMORE

WHEREAS, Mr. Michael Walsh testified in support of the application; his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that he has examined the proposed lease agreement for the vacation rental unit; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in the Zoning Ordinance which must be addressed in support of such an application, and he orally testified to certain pertinent highlights: (1) the proposed special use of the subject property complies with all applicable standards of the Zoning Ordinance; (2) a vacation rental at this location will be in the interest of the public convenience and will not have a significant adverse impact on the neighborhood; (3) as the Applicant is not altering the subject property, the proposed special use will not change the character of the surrounding area in terms of site planning and building scale and project design; (4) as the Applicant will include the property's one-car parking space as part of the rental, the proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and (5) the proposed special use will not affect pedestrian safety and comfort; and

WHEREAS, Mr. George Blackmore testified in opposition to the application; that he is concerned with the marketing of this unit; that he is concerned with security and management of this vacation rental; that he is concerned about the background checks for the potential vacationers; and

WHEREAS, Mr. Baldwin was given leave to answer questions raised by the Board and the Objector's testimony; that Mr. Baldwin further testified that he is targeting higher-end vacationers as evidenced by his \$5000 up-front minimum fee; that the property manager will be on call 24 hours a day; that he intends to personally talk to each potential vacationer on the phone; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the application for the Special Use; and

WHEREAS, the Applicant has presented evidence that the proposed application meets all of the criteria established in Section 17-13-0905-A for the granting of a Special Use; therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a Special Use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;

2. The proposed special use is in the interest of the public convenience as it provides another choice for vacationers and will not have a significant negative impact on the general welfare of the neighborhood or community as the Applicant intends to market to only high-end vacationers;
3. The proposed special use will be located in an existing building and therefore will not change the character of the surrounding area in terms of site planning and building scale and project design;
4. As the subject property's parking space will be available for vacationers, the proposed special use will be 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. The proposed special use will not affect pedestrian safety and comfort as it will reuse an existing structure and therefore not increase curb cuts or driveways.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said Special Use.

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

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

APPLICANT: 24 West Chestnut LLC

CAL NO.: 218-13-S

APPEARANCE FOR:

MINUTES OF MEETING:

June 21, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 24 W. Chestnut Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of vacation rental unit.

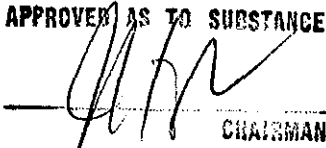
ACTION OF BOARD-
CASE CONTINUED TO AUGUST 16, 2013

THE VOTE

AUG 21 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

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: A Fresh Start Sober Living Environments, Inc. **CAL NO.:** 219-13-S

APPEARANCE FOR: **MINUTES OF MEETING:**
June 21, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 2334 W. Diversey Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of transitional residence within an existing two-story building.

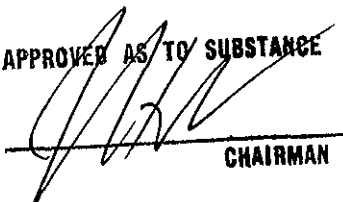
ACTION OF BOARD-
CASE CONTINUED TO OCTOBER 18, 2013

THE VOTE

SEP 24 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: A Fresh Start Sober Living Environments, Inc. **CAL NO.:** 220-13-S

APPEARANCE FOR: **MINUTES OF MEETING:**
June 21, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 2128 N. Winchester Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a transitional residence within an existing two-story building.

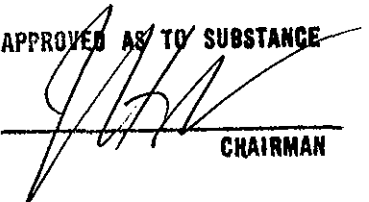
ACTION OF BOARD-
CASE CONTINUED TO OCTOBER 18, 2013

THE VOTE

SEP 24 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O' GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Halina Sedelmaier DBA Whitestock Inc.

CAL NO.: 221-13-S

APPEARANCE FOR:

MINUTES OF MEETING:
June 21, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 8303 W. Irving Park Road

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of an outdoor patio for an existing tavern.

ACTION OF BOARD-
CASE CONTINUED TO AUGUST 16, 2013

THE VOTE

AUG 21 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

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: Que Syrah Fine Wines, LLC

CAL NO.: 222-13-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3714 N. Southport Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of liquor store (wine shop).

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

AUG 21 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, 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 liquor store (wine shop) at this location; 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): The Department of Housing and Economic Development recommends approval of the liquor store provided the development is constructed consistent with the floor plan dated June 21, 2013.

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

APPROVED AS TO SUBSTANCE

[Handwritten Signature]
CHAIRMAN

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

APPLICANT: Pius Newell **CAL NO.:** 223-13-S

APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2902-12* W. Belmont Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of residential use below the second floor to convert an 18 dwelling unit building to a 21 dwelling-unit building with 21 on-site parking spaces within an existing four-story building.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

AUG 20 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O' GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

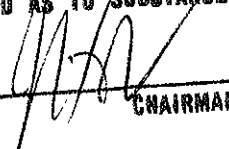
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a residential use below the second floor for a building which shall be converted from 18 dwelling units to 21 dwelling units with 21 on-site parking spaces within an existing four-story building; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the residential use below the second floor, provided the development is constructed consistent with the site plan and building elevations dated June 21, 2013 by Iuro & Associates. .

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

* Amended at hearing

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Pius Newell **CAL NO.:** 224-13-Z
APPEARANCE FOR: Sara Farnes **MINUTES OF MEETING:**
June 21, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2902-12* W. Belmont Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to waive the required one 10' x 25' loading berth for an 18 dwelling unit building converting to a 21 dwelling-unit building with 21 on-site parking spaces within an existing four-story building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 20 2013

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

JONATHAN SWAIN
 GIGI McCABE-MIELE
 SAM TOIA
 JUDY MARTINEZ-FAYE
 SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on June 6, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a special use was granted to this location (Cal. No. 223-13-S) to permit residential use below the second floor; the applicant shall now be permitted to waive the required loading berth for the 21 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 aforesaid 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:

Miguel Camargo

CAL NO.: 225-13-Z

APPEARANCE FOR:

MINUTES OF MEETING:

June 21, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED:

2652 S. Central Park Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to reduce the required rear yard setback from 30' to 14.94' and reduce the rear yard setback from 2' to zero for a proposed attached two-car garage and a rear four-story enclosed porch to an existing four-story multi-unit residential building.

ACTION OF BOARD-

CASE CONTINUED TO JULY 19, 2013

THE VOTE

f
CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O' GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

AUG 21 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Sharoi. Bibro **CAL NO.:** 226-13-Z
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
June 21, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1310 W. Chestnut Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to exceed the existing floor area of 8,708 sq. ft. by not more than 15% (613 sq. ft.) to expand the fourth floor unit into the attic within an existing four-story four dwelling-unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 2013
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

JONATHAN SWAIN
 GIGI McCABE-MIELE
 SAM TOIA
 JUDY MARTINEZ- FAYE
 SHEILA O' GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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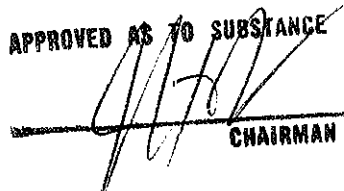
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on June 6, 2013 and

WHEREAS, the Zoning Board of Appeals, 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 exceed the existing floor area of 8,708 sq. ft. by not more than 15% (613 sq. ft.) to expand the fourth floor unit into the attic within an existing four-story four dwelling-unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeal 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 aforesaid 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: Brendan Carroll **CAL NO.:** 227-13-Z

APPEARANCE FOR: Nick Ftikas **MINUTES OF MEETING:**
June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4024 N. California Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required front yard setback from 15' to 2.71', reduce the rear yard setback from 35.28' to 30.47', reduce the rear yard setback (for accessory building) from 2' to 1.83' and reduce the rear yard open space from 195 sq. ft. to 35 sq. ft. for an existing three-story single family residence with a detached two-car garage with roof deck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 20 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O' GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

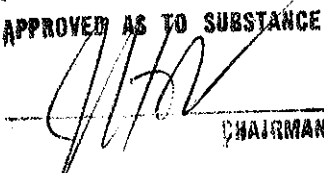
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on June 6, 2013 and

WHEREAS, the Zoning Board of Appeals, 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 approval to reduce the required front yard setback to 2.71', reduce the rear yard setback to 30.47', reduce the rear yard setback (for accessory building) to 1.83' and reduce the rear yard open space to 35 square feet for an existing three-story single family residence with a detached two-car garage with roof deck; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid 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: Public Building Commission **CAL NO.:** 228-13-Z

APPEARANCE FOR: Meg George **MINUTES OF MEETING:**
June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6020 W. George Street / 2941 N. McVicker Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to exceed the maximum allowed .65 floor area ratio for a proposed 70' x 70' one-story 4,900 sq. ft. modular classroom addition to an existing two-story school.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

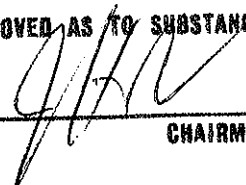
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on June 6, 2013 and

WHEREAS, the Zoning Board of Appeals, 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 exceed the maximum floor area ration for a one story 4,900 square foot modular classroom addition to an existing two-story school; 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 or the zoning ordinance and that the aforesaid 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: Winterberry Place, Inc. **CAL NO.:** 229-13-Z

APPEARANCE FOR: Peter Levavi **MINUTES OF MEETING:**
June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4800 S. Calumet Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required front yard setback from 15' to zero for four front open balconies to an existing three-story multi-unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ - FAYE
SHEILA O'GRADY

APPROVED	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

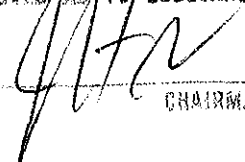
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on June 6, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to zero for four open balconies to an existing three-story multi-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 aforesaid 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: Evergreen Parks, LLC **CAL NO.:** 230-13-Z
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
June 21, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1338 N. Damen Avenue/2016 W. Evergreen Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required minimum lot area from 12,000 sq. ft. to 10,950 sq. ft. (not less than 90% of required lot area) and increase the existing floor area by not more than 15% from 12,986 sq. ft. to 14,933.9 sq. ft. to convert a former religious assembly front building into an 11 dwelling unit building with a rear one dwelling unit building to remain, for a total of 12 dwelling units.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 2013
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

JONATHAN SWAIN
 GIGI McCABE-MIELE
 SAM TOIA
 JUDY MARTINEZ- FAYE
 SHEILA O' GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

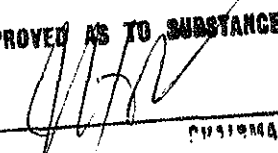
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on June 30, 2011 and

WHEREAS, the Zoning Board of Appeals, 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 minimum lot area to 10,950 sq. ft. (not less than 90% of required lot area) and increase the existing floor area by not more than 15% to 14,933.9 square feet to convert a former religious assembly front building into an 11 dwelling unit building with a rear one dwelling unit building to remain, for a total of 12 dwelling units; 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 aforesaid 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

 JONATHAN SWAIN

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

APPLICANT: South Shore Jewelry & Loan, Inc.

CAL NO.: 231-13-S

APPEARANCE FOR:

MINUTES OF MEETING:

June 21, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 1861 E. 71st Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of pawn shop.

ACTION OF BOARD-

CASE CONTINUED TO AUGUST 16, 2013

then continued to October 18, 2013

THE VOTE

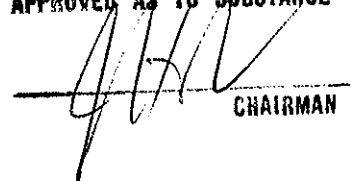
AUG 21 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ- FAYE
SHEILA O'GRADY

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: 1623 Wolcott, LLC c/o John Searls

CAL NO.: 232-13-S

APPEARANCE FOR:

MINUTES OF MEETING:
June 21, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 1621-1623 N. Wolcott Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of residential use below the second floor for a proposed three-story single-family residence with an attached two-car garage.

ACTION OF BOARD-
CASE CONTINUED TO AUGUST 16, 2013

THE VOTE

AUG 21 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

IONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE
[Signature]
JONATHAN SWAIN

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

APPLICANT: 1330 S. Michigan LLC

CAL NO.: 234-13-S

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1330 S. Michigan Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of the expansion of an existing 37-space non-accessory parking lot with 21* additional parking spaces.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

AUG 21 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
		X
X		
X		
X		
X		

THE RESOLUTION:

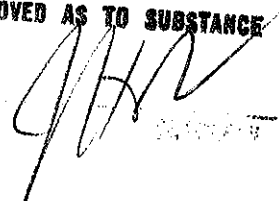
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to expand an existing 37 space non-accessory parking lot with 21 additional spaces; 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): The Department of Housing and Economic Development recommends approval of the parking lot expansion provided the development is constructed consistent with the landscape plan dated June 21, 2013 by Baranyk Associates Ltd. .

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

Amended at Hearing

APPROVED AS TO SUBSTANCE


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

APPLICANT: Mission of Our Lady of Mercy, Inc. CAL NO.: 235-13-S

APPEARANCE FOR: Scott Borstein MINUTES OF MEETING: June 21, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6853-57 S. Ridgeland Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of transitional residence within an existing four-story building.

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE

AUG 21 2013

CITY OF CHICAGO ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ - FAYE
SHEILA O'GRADY

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows for Jonathan Swain, Gigi McCabe-Miele, Sam Toia, Judy Martinez - Faye, Sheila O'Grady. All 'AFFIRMATIVE' cells contain an 'X'.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, 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 transitional residence; 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): The Department of Housing and Economic Development recommends approval of the transitional residence, provided the development is constructed consistent with the floor plan dated June 21, 2013 by Pierkarz Associates PC.

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

APPROVED AS TO SUBSTANCE [Signature] CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

City Hall Room 905
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-5777



AUG 26 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Tice, Inc. DBA Standard Bar & Grill

APPLICANT

252-12-Z

CALENDAR NUMBER

1332 N. Milwaukee Avenue

PREMISES AFFECTED

June 21, 2013

MINUTES OF MEETING

Patrick Thompson
APPEARANCE FOR APPLICANT

Harold Elgazar
OBJECTOR

NATURE OF REQUEST

Application for a variation to permit the establishment of a proposed public place of amusement license for an existing restaurant located within 125' of a residential zoning district.

ACTION OF BOARD

THE VOTE

The application for variation is approved.

AFFIRMATIVE NEGATIVE ABSENT

Jonathan Swain, Chair
Judy Martinez-Faye
Geraldine McCabe-Miele
Sheila O'Grady
Sam Toia (recused)

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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on June 21, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Patrick Thompson, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that this matter was previously before the Zoning Board on July 20, 2012, and approved by the Board on that date; that the Objector filed an appeal of the Board's decision; that the Circuit Court remanded the matter back to the Board for a rehearing; that the property is zoned B3-3 and located in the Milwaukee Avenue landmark district; and

APPROVED AS TO SUBSTANCE

CHAIRMAN

WHEREAS, Mr. Randy Roginski testified in support of the application; that he is the owner of the Applicant; that he has 13 years experience in the restaurant business; that he has operated the Applicant for 2 ½ years; that the Applicant competes with 8-10 restaurants and bars on this part of Milwaukee Avenue that provide live entertainment; that the Applicant needs to also provide live entertainment to remain competitive; that the Applicant requires a public place of amusement license (PPA) for live entertainment because the Applicant's occupancy is over 100; that unless the Applicant cuts more than half of its square footage, it cannot reduce its occupancy to less than 100; that due to the tables and seats the Applicant would lose as a result, reducing the Applicant's occupancy is not commercially feasible; that within a few blocks of the subject property, there are 3 establishments that due to their less than 100 occupancy can provide live entertainment without a PPA; that if the variation were granted, the Applicant would provide live music or a music manager 2-3 times per week; and

WHEREAS, Mr. Terrance O'Brien testified in support of the application; his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in the Zoning Ordinance which must be addressed in support of such an application, and he orally testified to certain pertinent highlights: (1) that given the fact there are 8 bars and restaurants with PPAs within a 3 block radius of the subject property, a reasonable rate of return on the subject property is not be possible without the variation; (2) that the Applicant's current competitive disadvantage from these 8 establishments constitutes hardship; (3) that the variation will not alter the retail, restaurant, and commercial ground-floor use of this portion of Milwaukee Avenue; (4) that the Applicant did not create the hardship; (5) that the variation will not be detrimental to public welfare as it complements other similar uses in the area and as the residential district in question is separated from the subject property by the CTA's elevated train track; (6) that as the variation will be using the existing structure and as most of the Applicant's patrons live within walking district, it will not impair an adequate supply of light and air to the adjacent property, or substantially increase 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; and

WHEREAS, Mr. Harold Elgazar testified in opposition to the application; that Mr. Elgazar owns and resides at 1330 N. Milwaukee; that the Board granted Mr. Elgazar's motion asking for administrative notice of the following: (1) similar properties to the subject property without a PPA; (2) similar properties to the subject property with a PPA; (3) zoning classification of properties with premises licensed as PPA; (4) the Applicant's 2007 PPA application; (5) Mr. Roginski's June 2, 2011 deposition; (6) cease and desist order issued to Applicant on August 10, 2010; (7) violation entered against Applicant on November 1, 2011; and (8) consulting report of Mr. O'Brien for Zoning Board Cal. No. 391-12-Z; that Mr. Elgazar then testified that the Applicant markets itself as a sports bar; that he is only aware of 1 other sports bar in the area and this sports bar does not have a PPA license; that he is not aware of any bars with less than 100 occupancy in the area

that provide live entertainment; that based upon the Applicant's liquor license, the Applicant is a restaurant; that restaurants should focus on food not live entertainment; that because the Applicant is not licensed as a bar, the Applicant should not focus on live entertainment; that he and his tenants are unable to sleep due to the Applicant's live entertainment as it creates continuous heavy bass vibration that penetrates his building; that of the 8 PPAs listed in Mr. O'Brien's report, 5 of the properties are zoned C1-1 and 1 is in a PD; that though 2 of the PPAs are zoned B3-3, 1 is a Greek restaurant presumably not in competition with the Applicant; and

WHEREAS, in response to questions raised by the Board, Mr. Elgazar further testified that his property at 1330 N. Milwaukee is also zoned B3-3; that if the Applicant's occupancy were less than 100 and therefore did not require the proposed variation to provide live entertainment, Mr. Elgazar would file a nuisance case against the Applicant for his relief against the continuous heavy bass vibration; that Mr. Elgazar currently has such a nuisance case pending in circuit court; and

WHEREAS, in response to questions raised by the Objector's testimony, Mr. Thompson was granted leave to recall Mr. Rogniski; Mr. Rogniski further testified that the Applicant has an incidental liquor license; that this license allows the Applicant to market itself as both a restaurant and a bar; that the Applicant does not market itself a sports bar; and

WHEREAS, in response to questions raised by the Objector's testimony, the Board called Steven Valenziano to testify on behalf of the Department of Housing and Economic Development; Mr. Valenziano testified that under the Zoning Ordinance, PPAs for properties with occupancies over 100 are allowed by right for any B or C zoning district and therefore no variation is required; that the PD noted by Mr. Elgazar presumably also allows for PPAs by right; that it is solely because the subject property is located within 125' of a RS-1, 2, or 3 district that the Applicant needs a variation for a PPA rather than have a PPA by right; and

WHEREAS, in response to questions raised by the Board, Mr. Elgazar further testified that the Applicant's hardship was self-created; that the Applicant applied for the PPA in 2007; that the Applicant was denied the PPA because of the zoning; that the Applicant continued to operate as if he had a PPA; that this in complete defiance of the law; that the Applicant designed his restaurant as a place that provides live entertainment when he knows this is against the zoning laws; that the Applicant did not change its location in response to the denial of the PPA; and

WHEREAS, in response to the Objector's testimony, Mr. Rogniski further testified that after the cease and desist, the Applicant hired a music manager to perform solely for private parties; that Mr. Rogniski had been advised a music manager performing solely for private parties was legal without a PPA despite the Applicant's over 100 occupancy; that the Applicant now wishes to have live entertainment for the public and this requires a PPA as its occupancy is over 100; and

WHEREAS, 17-13-1101-M of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation allowing an establishment requiring a PPA to locate within 125' of any RS-1, 2, or 3 district; and

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and as the decision of the Zoning Board of Appeals to approve a variation application must be based solely on the approval criteria enumerated in Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's application for a variation:

1. The Board finds that pursuant to 17-13-1107-A the Applicant has proved its case by testimony and other evidence that a practical difficulty and particular hardship exists regarding the proposed use of the subject property should the requirements of the Zoning Ordinance be strictly complied with as this section of Milwaukee Avenue is zoned B, C or PD and therefore were it not for the Applicant's over 100 occupancy and the residential zoning district within 125' of the subject property, the Applicant could have live entertainment by right and not need a variation. Further, the requested variation regarding the PPA is consistent with the stated purpose and intent of the Zoning Ordinance;
2. The Board finds that pursuant to 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) the property in question cannot yield a reasonable rate of return if permitted to be used only in accordance with the standards of the Zoning Ordinance as this area of Milwaukee Avenue has at least 8 bars and restaurants that offer live entertainment, and the Applicant requires live entertainment to remain competitive with these other bars and restaurants; (2) the practical difficulty or particular hardship of the property being located within 125' of a RS-1, 2, or 3 district and having an occupancy of over 100 is a unique circumstance and not generally applicable to other bars and restaurants on this stretch of Milwaukee Avenue; (3) the PPA will not alter the essential character of the neighborhood because this section of Milwaukee Avenue is zoned B, C, or PD and has 8 bars and restaurants with PPAs and 3 other establishments that have live entertainment without PPAs;
3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship exists, took into account that evidence was presented that: (1) the fact that the property is located within 125' of a RS-1, 2, or 3 district and has an occupancy over 100 results in particular hardship for the Applicant as it cannot have a PPA by right despite being located in a B3-3 district; (2) the conditions upon which the Applicant's petition is based are not generally applicable to other similarly situated property because other bars and restaurants with occupancies over 100 in a B or C zoning district are not required to seek a variation for a PPA and can instead have a PPA by right; (3) as the Applicant will continue to occupy the subject property, the purpose of the variation is not exclusively based upon a desire to make more money out of the property; (4) the Applicant did not create the zoning situation and cannot feasibly change its occupancy to less than 100; (5) the variation being granted will not be detrimental to the

public welfare or injurious to other property as it complements other similar uses in the area and as the residential district in question is separated from the subject property by the CTA's elevated train track; and (6) the variation will not impair an adequate supply of light or air to the neighboring properties, 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 as the variation will utilize an existing building and as most of the Applicant's patrons live within walking distance.

RESOLVED, the Board finds that the Applicant has sufficiently established by testimony and other evidence covering the specific criteria for a variation to be granted pursuant to Sections 17-13-1107- A, B and C of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid variation application is hereby approved, and the Zoning Administrator is authorized to permit said variation.

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