

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

**APPLICANT:** Crystal Gretzinger/DBA Sogna Di Vita, LLC **CAL NO.:** 409-14-S

**APPEARANCE FOR:** Same **MINUTES OF MEETING:**

December 19, 2014

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 914 North Damen Avenue

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

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

MAR 05 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		
		X
X		

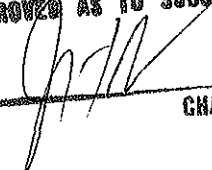
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; 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 the subject; 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 Planning and Development recommends approval of the proposed beauty 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:** Wendy's Old Fashioned Hamburgers  
of New York, LLC

**CAL NO.:** 410-14-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
December 19, 2014

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 7015-7043 South Western Avenue

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

**ACTION OF BOARD-**

CASE CONTINUED TO FEBRUARY 20, 2015

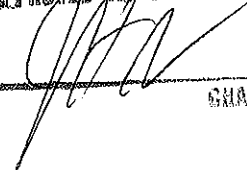
**THE VOTE**

MAR 06 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
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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, LLC  
**APPEARANCE FOR:** Donna Pugh

**CAL NO.:** 411-14-S

**MINUTES OF MEETING:**  
December 19, 2014

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5701-5717 South Kedzie Avenue

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

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

MAR 06 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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**THE RESOLUTION:**

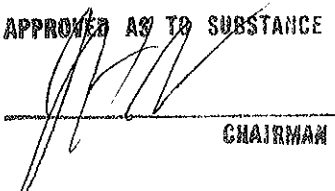
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; and

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-story restaurant with a dual-lane drive-through; 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; 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 Planning and Development recommends approval of the proposed one-story restaurant with a dual-lane drive-through provided the development is established consistent with the design, layout, materials and plans prepared by Watermark Engineering (site plan) and dated December 5, 2014 and (landscape plan) and dated December 9, 2014.

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:** ZAM's Hope

**CAL NO.:** 412-14-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
December 19, 2014

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 6401 North Artesian Avenue/ 2422 West Devon

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a community center.

**ACTION OF BOARD-**  
CASE CONTINUED TO FEBRUARY 20, 2015

**THE VOTE**

MAR 06 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		
X		

APPROVED AS TO SUBSTANCE



Jonathan Swain

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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



MAR 04 2015  
CITY OF CHICAGO

**EdisonLearning, Inc.**

APPLICANT

**413-14-S**

CALENDAR NUMBER

**8908-16 S. Ashland Avenue**

PREMISES AFFECTED

**December 19, 2014**

HEARING DATE

David Sattelberger

APPEARANCE FOR APPLICANT

Roberta Klineman & Others

OBJECTORS

**NATURE OF REQUEST**

Application for a special use to establish a high school.

**ACTION OF BOARD**

**THE VOTE**

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

Jonathan Swain, Chair
Catherine Budzinski
Sol Flores
Sheila O'Grady
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
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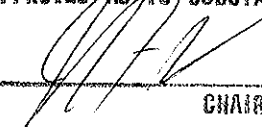
**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. David Sattelberger, 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 subject property is improved with a one-story building that is currently vacant; and

WHEREAS, Mr. Chris Wilberding testified on behalf of the Applicant; that he is the Applicant's senior vice president for educational services; that the Applicant operates in Chicago as part of the Magic Johnson Bridgescape Academy umbrella; that the Applicant operates a covered program as part of a school options network for the Chicago Public Schools ("CPS"); that the Applicant operates alternative schools for children that have

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

dropped out of school; that the Applicant generally has a morning and afternoon session at its locations; that the morning session runs from 7:30 AM – 12:00 PM; that the afternoon session runs from 2:00 PM – 4:00 PM; that the Applicant has 100 students per session; that these 100 students do no overlap; that the Applicant is targeting students sixteen (16) to twenty-one (21) years of age for the subject property; that the Applicant currently has two (2) locations; that both of its current locations are at full capacity; that there is a waiting list of seventy-five (75) students at its Roseland community campus; that there is also a waiting list of seventy-five (75) students at its Englewood community campus; that the Applicant therefore has 150 students that will be ready to attend the Applicant's facility at the subject property; that the Applicant intends to employ a minimum of ten (10) employees at the subject property; that the Applicant intends to educate young adults at the subject property; that this is a convenience to the City; that the Applicant's project at the subject location will positively impact the welfare of the neighborhood; and

WHEREAS in response to questions by the Board, Mr. Wilberding further testified that upon entering the school, a student is scanned through a metal detector to ensure that no contraband is brought into the school; that the Applicant employs an off-duty police officer that is part of the Applicant's security team; that each student must sign in so the Applicant has proof the students are in the building; that each student must also sign out at the end of the day; that if a student is found with contraband, the contraband is removed from the student and the student is removed from the school for that day; that the student must return with a parent or guardian for a disciplinary hearing; that if a student is 18, a student will represent himself at a disciplinary hearing; that at said disciplinary hearing, depending on the severity of the contraband, the Applicant will either recommend the student return to the Applicant's program or remove the student from the Applicant's program; that if a student is removed from the Applicant's program, said student is referred back to another alternative program within CPS; that the students are greeted at the door each day by the Applicant's program director and staff; that when the students leave at the end of their session, the Applicant's school resources officers makes sure the students leave the premises; that the Applicant locates its facilities on major thoroughfare bus lines; that most of the Applicant's students attend school by bus; that the Applicant's staff ask students to move along to get the students from out of the front of the building; and

WHEREAS, in response to further questions by the Board, Mr. Wilberding testified that students from the first session depart between 11:25 AM and 11:30 AM; that this allows students about thirty (30) minutes to move on; that students are typically gone within five (5) to ten (10) minutes; that if there is any loitering, it is students waiting for a bus; that when the second group of students arrive, there is no overlap; that the Applicant's student base is typically sixteen (16) to twenty-one (21) years of age; and

WHEREAS, Mr. Burt Andrews testified on behalf of the Applicant; that he is the architect and director for the Applicant's project at the subject property; that the majority of the exterior of the existing building will be maintained "as is"; that currently, there is a rolling security shutter on the front of the building; that the Applicant will be removing

that shutter and just use security glass; that the rest of the Applicant's build-out at the subject property will be interior; that existing building has approximately 10,000 square feet of space; that the Applicant will be leasing the north half of the building, which is approximately 5,000 square feet of space; that there are twelve (12) existing on-site parking spaces on the subject property; that based on his training as an architect: (1) the proposed use is compatible with the surrounding area in terms of site planning, building scale, and project design; (2) the proposed use is compatible in terms of traffic operation, outdoor lighting, noise, and traffic generation; (3) there are measures in place to promote pedestrian safety and comfort; and (4) the proposed use complies with all standards of this Zoning Ordinance; and

WHEREAS, Mr. David Kunkel testified on behalf of the Applicant; that his credentials as an expert in 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; that he then briefly summarized his report as follows: (1) the proposed special use is consistent with the surrounding uses and is highly unlikely to have any negative impact on any of those surrounding uses; (2) along the north-south direction of Ashland Avenue, there are any number of commercial uses of varying types, including: local type vendors; chains; and gas stations; (3) immediately to the north of the subject property, there is a Metra road right-of-way; (4) the traffic along this location of Ashland is relatively strong – a little in excess of 20,000 car per day; and (5) there is a relative amount of both pedestrian and automobile traffic going up and down Ashland Avenue; and

WHEREAS, Mr. Todd Stroger, of Alderman Brookins' office, testified in support of the Applicant; that the Alderman is in support of the project; that the Alderman has held two (2) community meetings on the proposed special use; that the Alderman believes the special use will be an asset to his ward; and

WHEREAS, Ms. Roberta Klineman, of 9123 S. Leavitt, testified in opposition to the Applicant's application; that she was contacted by her neighbor, Ms. Gina Mack; that Ms. Mack is concerned that the project will unduly impact the residents of the neighborhood; that the majority of residents in the vicinity are senior citizens that would be competing to access bus routes; that public safety is an issue because young people competing to get on a bus are not very well disciplined and, therefore, senior citizens would be at a disadvantage; that the Metra tracks immediately north of the subject property have been subject of accidents; that she does not believe there is a traffic signal for the Metra crossing at that location; that there is an issue of notice as there was no posting of a sign on the premises; that the only people advised of the Applicant's application were those who were sent registered letters due to their proximity to the subject property; that she believes the North Beverly Civic Association also objects to the Applicant's application; and

WHEREAS, Ms. Andrea Morris, of 8949 S. Justine, testified in opposition to the Applicant's application; that she is concerned for the safety of all seniors in the area; that there are a lot of senior citizens in the area, and the proposed special use would affect said seniors' daily routines; that she walks a lot in the morning for exercise; that the proposed special use will curtail the freedom and safety she feels now as there will be kids in the area and the places seniors frequent, such as the post office; and

WHEREAS, the Board inquired, for clarification purposes, if Ms. Morris' argument was premised on the fundamental presumption that groups of young people involve danger, and if so, what sort of danger; and

WHEREAS, Ms. Morris further testified that if groups of young people frequented the neighborhood, seniors would not feel safe walking on the sidewalk; that seniors would also not feel safe frequenting the nearby grocery store or gas station; that she does not like riding the bus in the afternoon when kids get out of school; that when kids get out of school, it is not safe; that seniors do not want to be threatened in their own neighborhood; that she wants to be free to go out whatever time of day she likes; that she doesn't want to be threatened by all these kids walking down the street, standing at the bus stop and going to the grocery store; and

WHEREAS, Ms. Mona Straham, of 89<sup>th</sup> and Marshfield, testified in opposition to the Applicant's application; that she is concerned that this is a nontraditional high school; that with alternative high schools, the children are taken out of regular school due to mental health issues such as bipolarism and schizophrenia; that the reasons children drop out of traditional high schools is because mental health issues are not addressed at these high schools; that she has asked the Applicant's representatives if there would be licensed clinical professionals at the subject property; that she loves people being educated in the community; that she is concerned about the drug activity that already exists at the nearby gas station; that there are also already gang issues in the neighborhood, as there are different gangs on Ashland; that with all these different kids coming to the subject property, there will be a lot of friction; that her main concern is still the mental illness that the kids are facing; and

WHEREAS, Ms. Gina Mack, of 8949 S. Justine, testified in opposition to the Applicant's application; that when she spoke with Mr. Wilberding, he stated a student at the Englewood campus set a garbage can on fire in front of the Applicant's Englewood facility; that she checked the Chicago Police Department's website and learned that the incident occurred at 1:00 PM; that therefore, students are loitering after the end of the morning session; that the student in question was bipolar; that there will be more crime and disorder problems in the neighborhood; that at the Applicant's other sites, there are police records where students accosted the Applicant's staff; that she is concerned what these students will do when they are released into her community; that this is a very serious issue; that the Applicant is trying to sweep all of the students' problems under the rug; that regarding the student that set a garbage can on fire, that was a felony and therefore not able to be swept under the rug; that she has asked the Applicant to perform a safety traffic study, due to the amount of cars on Ashland, the Metra tracks, and the fact



that children will be attending the school; that Mr. Wilberding does not want to own up to the name of "alternative school"; that she does not object to children going to school but that she does object to the location; that the subject property is zoned commercial; that small businesses keep a community vibrant and alive; that she would like the zoning to stay commercial at the subject property; that the Applicant should seek out a larger facility as the subject site is too small; that there is a property at 87<sup>th</sup> and Kedzie that is suitable; that the Alderman did not properly post information regarding community meetings; and

WHEREAS, the Board stated that the question of how many community meetings the Alderman did or did not have was not a question before the Board; and

WHEREAS, Ms. Mack then testified that there is an alternative school on 95<sup>th</sup> and Ashland already operating; that there are several other sites in the community that are available for the Applicant; and

WHEREAS, Mr. George Blakemore, testified in opposition to the Applicant's application; that it is sad that people are scared of black children; that one is not supposed to be scared of black children, but some of them are out of control; that the north side does not allow these types of programs; that regular schools cannot handle children with psychological and mental problems; that regular schools therefore contract this out to other schools; that these other schools do not specialize in the education of black children with mental problems; that people go into alternative schools to make money; that this money is made off the back of poor black children; that the alternative school should be in a safe and secure environment; that children should not be in a hostile environment; that these seniors do not want the children; that children need tender loving care; that these children will not bother seniors but the perception is that all children are gang bangers; that the Board should demand the whole community be involved; and

WHEREAS, Ms. Mack further testified she had with her a letter of opposition from the North Beverly Civic Association as well as petitions of opposition from residents; and

WHEREAS, in response to concerns raised by the Objectors, the Board asked further questions in regards to the active railroad track next north of the subject property; and

WHEREAS, Mr. Sattelberger stated that while there will be students crossing the Metra tracks, these students will be sixteen (16) to twenty-one (21) year olds, not middle-school age kids; and

WHEREAS, Mr. Wilberding testified that the Applicant located its facilities in neighborhoods where people did not reside due to concerns over safety; that traditional schools did not work for these young adults; that the Applicant makes a work – rather than a traditional school – environment; that the Applicant creates a professional looking location where students do their job; that the student's job is to get his diploma; that therefore, at many of its locations, the Applicant is on commercial thoroughfares because students are coming by bus; that the Applicant looked at over thirty (30) different

locations in the community; that cost management was part of the Applicant's consideration when picking this site; that the Applicant will be able to gut the interior of the building on the subject property; that the subject property is on a bus line; that there are opportunities for students to have a day care within a short distance from the subject property; that the Applicant looks for day care opportunities as forty percent (40%) of its student population has children; that the Applicant believes this location is prime for its students; that the train track is a potential issue; that the Applicant speaks daily with its students about safety and making better decisions; and

WHEREAS in response to further questions by the Board with regards to mental health issues of students, Mr. Wilberding further testified that the Applicant's job as an educational organization is to allow students be successful in the least restrictive environment as possible; that the Applicant works in conjunction with CPS but that the Applicant may not know a potential student's makeup until the Applicant meets with said student; that each of the Applicant's students completes a statement of understanding with the Applicant; that said statement of understanding are the rules of expectation for the student to move forward; that the Applicant's students often need a second or third opportunity because they have given up on themselves and because society has given up on them; that the Applicant works with social service agencies in the community so that the students receive the help they need; that the Applicant has a licensed guidance counselor and a licensed special education instructor in the Applicant's facility every day; that the Applicant must outsource all mental health issues of its students through CPS; that the Applicant sees very few students with mental health issues; that the student discussed by Ms. Mack is no longer in the Applicant's program; that he was only in the program a very short time; that the Applicant does not have a lot of calls for police service at its other Chicago locations; that the Applicant locates all of its schools inside communities where there is a demand for its services; that currently, the Applicant has 782 Chicago students; that the Applicant's students must opt-in to the Applicant's program; that CPS does not place students although CPS may recommend the Applicant's program to a student as an option; that if a student cannot live up to the Applicant's statement of understanding, the Applicant helps the student find a different program; and

WHEREAS, the Board then asked if the Applicant would have a problem with the Board requiring that one (1) or two (2) staff people be on the street in front of the Applicant's facility ensuring that sidewalks were not blocked, people were not being harassed, and that students were safely traversing the railroad crossing; and

WHEREAS, Mr. Wilberding stated such a requirement would be done; that the Applicant employs an off-duty Chicago police officer on-site every day; that the Applicant also employs a Cook County sheriff's deputy; that the Applicant also employs paraprofessionals who are instructional assistants; that these instructional assistants as well as the program director are on-site every day to welcome the students; and

WHEREAS, the Board encouraged the Applicant to engage with the community so that residents in the community would feel more comfortable; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use to establish a high school at the subject property provided the development is established consistent with the design, layout, and plans prepared by Larson & Darby Group and dated December 1, 2014; and

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 an alternative high school for those young adults who did not succeed at traditional high school and will not adversely impact the general welfare of the neighborhood as the subject property. The Board finds Mr. Kunkel's credible expert testimony on negligible adverse impact outweighs the Objectors' speculation that increased youth in the neighborhood leads to senior citizen safety concerns;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the proposed special use will utilize an already existing building;
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because the proposed special use will be located on a major commercial thoroughfare and because most students will use public transportation; and
5. The proposed special use is designed to promote pedestrian safety and comfort as the subject property is located near a major bus route and because the Applicant has agreed to provide staff outside the Applicant's facility to ensure that sidewalks are not blocked, people are not being harassed, and that students are safely traversing the railroad crossing.

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 the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The Applicant shall have two (2) security professionals outside the Applicant's facility at the subject property one (1) hour before the beginning of the Applicant's morning session, during the entirety of the time between the Applicant's morning and afternoon sessions, and up to one (1) hour after the end of the Applicant's afternoon session.
2. While outside the Applicant's facility at the subject property, these two (2) security professional shall ensure that the sidewalks and bus stops remain clear and will maintain a visual of the Metra railroad pedestrian crossing as said pedestrian crossing is not guarded by rail.

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

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

APPLICANT: FT-Ontario Parking, LLC

CAL NO.: 414-14-S

APPEARANCE FOR: John George

MINUTES OF MEETING:  
December 19, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 10 East Ontario Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a non-accessory parking garage for 204 spaces located on the lower five (5) levels of an existing nine (9) level, 492-space parking garage at this location.

ACTION OF BOARD-  
APPLICATION APPROVED

THE VOTE

MAR 06 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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THE RESOLUTION:

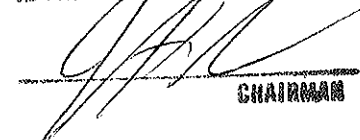
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; and

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 non-accessory parking garage for 204 spaces located on the lower five (5) levels of an existing nine (9) level, 492-space parking garage 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; 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 Planning and Development recommends approval of the proposal to establish a non-accessory parking garage for 204 spaces located on the lower five (5) levels of an existing nine (9) level, 492-space parking garage at this location.

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:** LAZ Parking Chicago, LLC

**CAL NO.:** 415-14-S

**APPEARANCE FOR:** Thomas Raines

**MINUTES OF MEETING:**  
December 19, 2014

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3114-16 North Broadway

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 25-space, non-accessory parking lot on a pedestrian retail street.

**ACTION OF BOARD:**  
APPLICATION APPROVED

**THE VOTE**

MAR 06 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; 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 25-space, non-accessory parking lot on a pedestrian retail street ;expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; 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 Planning and Development recommends approval of the proposal to re-establish a 25-space, non-accessory parking lot on a pedestrian retail street provided the development is established consistent with the design, layout and plans prepared by Studio Talo Architecture and dated November 26, 2014.

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

APPROVED BY SUBSTANCE:

*[Signature]*  
\_\_\_\_\_  
CHAIRMAN

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

APPLICANT: Liberty Temple Church of God in Christ

CAL NO.: 416-14-S

APPEARANCE FOR: Benjamin Schuster

MINUTES OF MEETING:  
December 19, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5222 South Halsted Street

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

ACTION OF BOARD-  
APPLICATION APPROVED

THE VOTE

FEB 25 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

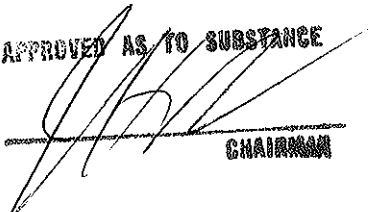
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; 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 community center; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; 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 Planning and Development recommends approval of the proposed community center provided the development is established consistent with the design, layout, materials and plans prepared by MDM Design Group and dated July 15, 2010.

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: Migert Baburi

CAL NO.: 417-14-Z

APPEARANCE FOR:

MINUTES OF MEETING:  
December 19, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 3718 North Springfield Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 28.84' to 2'; to reduce the north side setback from 5' to 4.33'; and, to increase the floor area ratio from 0.65 to 0.75 for a proposed, two-story, rear addition, including an attached garage, to an existing, two-story, single-family residence.

**ACTION OF BOARD-**

CASE CONTINUED TO FEBRUARY 20, 2015

**THE VOTE**

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

	AFFIRMATIVE	NEGATIVE	ABSENT
JONATHAN SWAIN	X		
CATHERINE BUDZINSKI	X		
SOL FLORES	X		
SHEILA O'GRADY	X		
SAM TOIA	X		

APPROVED AS TO SUBSTANCE

CHAIRMAN



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

**APPLICANT:** Extra Space Management, Inc. **CAL NO.:** 418-14-S

**APPEARANCE FOR:** John Walker **MINUTES OF MEETING:**  
December 19, 2014

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4995 North Elston Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 13-space non-accessory parking lot.

**ACTION OF BOARD:**  
APPLICATION APPROVED

**THE VOTE**

MAR 08 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

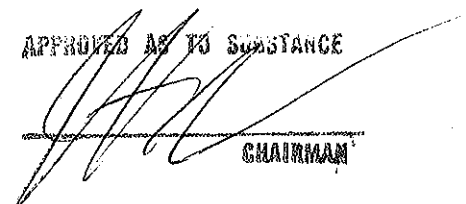
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; and

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 13-space non-accessory parking lot; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; 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 Planning and Development recommends approval of the proposal to designate 13 existing parking spaces for non-accessory use provided the development is established consistent with the design, layout and plans prepared by Reitan Architects and dated December 2, 2014.

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:** Thomas Giudice

**CAL NO.:** 419-14-Z

**APPEARANCE FOR:** Same

**MINUTES OF MEETING:**  
December 19, 2014

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6650 West 63rd Place

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front setback from 20' to 11.5' for an open front deck.

**ACTION OF BOARD-**  
VARIATION GRANTED

**THE VOTE**

MAR 06 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

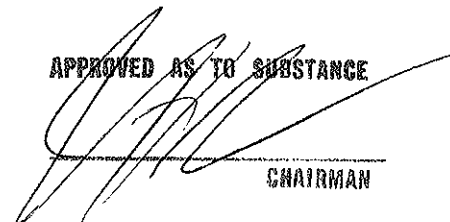
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; and

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 he constructed the deck without a permit; he stated that the open deck was a necessity for his family; the applicant shall be permitted to reduce the front setback to 11.5' for an open front 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:** Lizbette S.B. Covarrubias **CAL NO.:** 420-14-Z  
**APPEARANCE FOR:** Same **MINUTES OF MEETING:**  
December 19, 2014  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1532 North Kedvale Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the 5,000 square foot minimum lot area by no more than 10% (to 4,527 square feet); to reduce the front setback from 20' to 5.06'; and, to reduce the north side setback from 2.88' to 0.85' for a proposed second floor addition to an existing two-story, two-unit building with a two story, open front porch.

**ACTION OF BOARD-**  
**VARIATION GRANTED**

**THE VOTE**

MAR 06 2015  
 CITY OF CHICAGO

JONATHAN SWAIN  
 CATHERINE BUDZINSKI  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

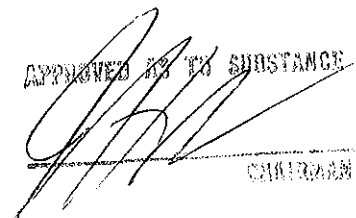
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; 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 5,000 square foot minimum lot area by no more than 10% (to 4,527 square feet); to reduce the front setback to 5.06'; and, to reduce the north side setback to 0.85' for a proposed second floor addition to an existing two-story, two-unit building with a two story, open front porch; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the 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:** 835 Newport Series of the Longford Group, LLC **CAL NO.:** 421-14-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
December 19, 2014

**APPEARANCE AGAINST:** George Blakemore

**PREMISES AFFECTED:** 835 West Newport Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the west side setback from 2' to 0'; to reduce the combined side setback from 5' to 2.9'; to reduce the rear setback from 37.5' to 23'; and, to increase the 45' maximum building height by no more than 10% ( to 49.5') for a proposed three-story rear, and fourth floor full, addition to an existing three-story, three-unit building and the construction of a rear, detached three- car garage with a roof deck.

**ACTION OF BOARD-**  
**VARIATION GRANTED**

**THE VOTE**

MAR 06 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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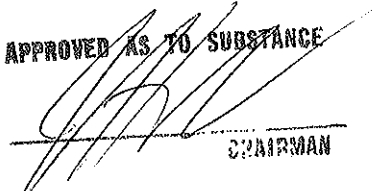
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; 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; Mr. George Blakemore testified in opposition to the request fro the variance; the applicant shall be permitted to reduce the west side setback to 0'; to reduce the combined side setback to 2.9'; to reduce the rear setback to 23'; and, to increase the 45' maximum building height by no more than 10% ( to 49.5') for a proposed three-story rear, and fourth floor full, addition to an existing three-story, three-unit building and the construction of a rear, detached three- car garage with a 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:** Nicholas Jakobi

**CAL NO.:** 422-14-Z

**APPEARANCE FOR:** Paul Kolpak

**MINUTES OF MEETING:**  
December 19, 2014

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 506 West 45th Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front setback from 33.07' to 13.5'; to reduce the west side setback from 2' to 0.38'; and, to reduce the combined side setback from 5' to 4.67' for a proposed, three-story, single family residence with a rear, detached, two-car garage.

**ACTION OF BOARD-**  
**VARIATION GRANTED**

**THE VOTE**

MAR 06 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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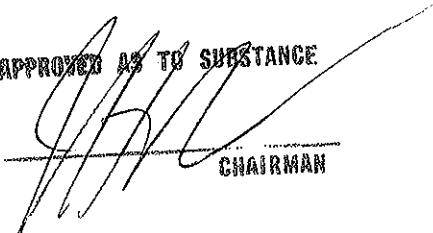
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; 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 13.5'; to reduce the west side setback to 0.38'; and, to reduce the combined side setback to 4.67' for a proposed, three-story, single family residence with a rear, detached, two-car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the 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: 1510 Division, LLC

CAL NO.: 423-14-Z

APPEARANCE FOR: Bernard Citron

MINUTES OF MEETING:  
December 19, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1510 West Division Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 30' to 8.18' for a proposed, four-story, 12-unit building with ground floor retail space and eight parking spaces.

ACTION OF BOARD-  
VARIATION GRANTED

THE VOTE

MAR 06 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
X		
X		
X		

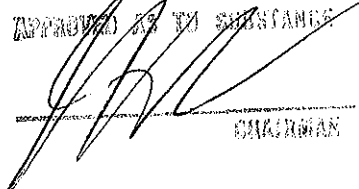
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; 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 rear setback to 8.18' for a proposed, four-story, 12-unit building with ground floor retail space and eight parking spaces; 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:** Linh Van Nguyen **CAL NO.:** 424-14-S

**APPEARANCE FOR:** Same **MINUTES OF MEETING:**  
December 19, 2014

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 9531 South Jeffrey Avenue

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

**ACTION OF BOARD:**  
APPLICATION APPROVED

**THE VOTE**

MAR 06 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; 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 for the granting of a special use at the subject; 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 Planning and 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:** Jennifer Nguyen

**CAL NO.:** 425-14-S

**APPEARANCE FOR:** Same

**MINUTES OF MEETING:**  
December 19, 2014

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5401 West Devon Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to expand an existing nail salon.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

MAR 06 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		


**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; 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 is currently operating as a nail salon and would like to expand her existing business; the applicant shall be permitted to expand the existing 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; 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 Planning and 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: Michael Steiskal CAL NO.: 426-14-S

APPEARANCE FOR: Same MINUTES OF MEETING:

December 19, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1319 West Wilson Avenue

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

ACTION OF BOARD.  
APPLICATION APPROVED

THE VOTE

MAR 06 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; 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 barber 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 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; 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 Planning and Development recommends approval of the proposed barber 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:** LG Development Group, LLC - 1643 North Milwaukee Series **CAL NO.:** 428-14-Z

**APPEARANCE FOR:** Rolando Acosta

**MINUTES OF MEETING:**  
December 19, 2014

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1643 North Milwaukee Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the permitted by height of 55' by no more than 10% to 60.5' for a proposed, four-story, rear addition and a fifth-story addition with front and rear open terraces to an existing four-story office and retail building.

**ACTION OF BOARD-**  
**VARIATION GRANTED**

**THE VOTE**

MAR 09 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

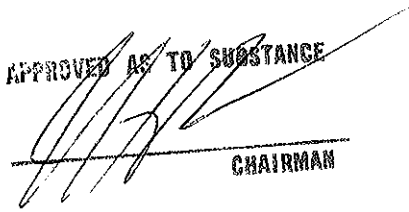
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; 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 increase the permitted by height of 55' by no more than 10% to 60.5' for a proposed, four-story, rear addition and a fifth-story addition with front and rear open terraces to an existing four-story office and retail 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: DMM 115th, LLC CAL NO.: 429-14-S

APPEARANCE FOR: Nick Ftikas MINUTES OF MEETING: December 19, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 11525 South Halsted Street

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

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE

FEB 25 2015 CITY

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O'GRADY
SAM TOIA

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows for Jonathan Swain, Catherine Budzinski, Sol Flores, Sheila O'Grady, and Sam Toia. All affirmative boxes contain an 'X'. A 'RECUSED' row is at the bottom.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; 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 restaurant with one drive-through lane; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; 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 Planning and Development recommends approval of the proposed one-story restaurant with one drive-through lane provided the development is established consistent with the design, layout, materials and plans prepared by Nick Scarlatis & Associates and dated December 8, 2014 and subject to the condition that the project be designed in conformance with the City's landscaping and screening requirements.

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:** 1836 S. Carpenter, LLC

**CAL NO.:** 430-14-Z

**APPEARANCE FOR:** Nick Ftikas

**MINUTES OF MEETING:**  
December 19, 2014

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1836 South Carpenter Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front setback from 12' to 0'; to reduce the north side setback from 2' to 0.2'; to reduce the combined side setback from 4.8' to 3.13'; and, to reduce the rear setback from 30' to 28.25' for an existing, three-story, two-unit building with two rear, surface parking spaces.

**ACTION OF BOARD-**  
**VARIATION GRANTED**

**THE VOTE**

FEB 25 2015  
CITY CLERK

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; 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 0'; to reduce the north side setback to 0.2'; to reduce the combined side setback to 3.13'; and, to reduce the rear setback to 28.25' for an existing, three-story, two-unit building with two rear, surface parking spaces; 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  
*[Handwritten Signature]*

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

APPLICANT: ESO Theatre

CAL NO.: 431-14-S

APPEARANCE FOR:

MINUTES OF MEETING:

December 19, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 5428 West Madison Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 14-space, off-site, required, accessory parking lot to serve a proposed community center to be located at 5401-03 West Madison Street.

**ACTION OF BOARD.**

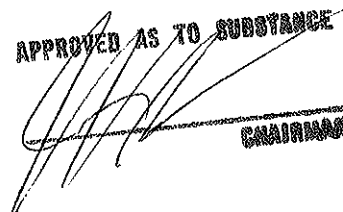
WITHDRAWN OF MOTION OF THE APPLICANT

MAR 08 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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



MAR 04 2015  
CITY OF CHICAGO

**Organic Leaf Medical Dispensaries, LLC**  
APPLICANT

**432-14-S**  
CALENDAR NUMBER

**744 North Damen Avenue**  
PREMISES AFFECTED

**December 19, 2014**  
HEARING DATE

Joseph Cacciatore  
APPEARANCE FOR APPLICANT

George Blakemore  
OBJECTOR

**NATURE OF REQUEST**

Application for a special use to establish a medical cannabis dispensary.

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved.

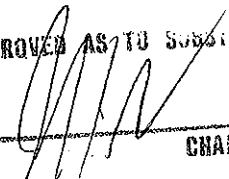
	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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 RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, the Board took judicial notice of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et. seq.* (the "Act"); that the Board would like the Applicant to present its case relative to a proposed medical cannabis dispensary at this particular location, especially as to the background of the operators and the security plan; and

WHEREAS, Mr. Joseph Cacciatore, counsel for the Applicant, explained the underlying basis for the relief sought; and

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

WHEREAS, Mr. Scott Bergin testified on behalf of the Applicant; that he has been the owner of EdiPure, a brand of cannabis edibles manufactured in Colorado, for the past five (5) years; that said edibles are licensed under an LLC called Green Cross of Colorado, Inc; that his company operates two (2) cultivation centers as well as a dispensary in the town of Blackhawk, Colorado; that his company's edibles are sold and distributed throughout the state of Colorado to over 400 dispensaries; that in the state of Washington, his company operates a medical marijuana processing company which distributes to 200 medical operators in the state of Washington; that in California, his company also develops and manufactures edibles that are distributed to 300 dispensaries in the state of California; that his company has recently been granted a license in the state of Nevada to cultivate and process marijuana; that in terms of the Applicant, he is the Applicant's managing partner; that he will also be the agent manager for the Applicant's dispensary at the subject property; that he plans to relocate from Colorado to Illinois to do so; that he grew up in Southern Illinois and has no problem moving back to the state of Illinois; that he then introduced other members of the Applicant; that all of these people made up one hundred percent (100%) ownership of the Applicant; and

WHEREAS, in response to questions by the Board, Mr. Bergin testified that the Applicant is only looking at Chicago, Illinois, for its business; that his other businesses will continue existing as he has an excellent staff of managers and partners; that he is not going to operate said out of state businesses; that he is more than an investor as he creates the products and builds the businesses; that as other states become available, he and his business partners move into those states and apply for licenses; that Illinois has many challenges in regards to regulation and therefore it is very clear to the Applicant that he will have to spend as much time as possible in Illinois to make the business work; that the Applicant understands it is a pilot program and the state is entrusting those they grant licenses to with the responsibility to "make good" on the pilot program; that this is something he is committed to and will therefore put in the time required to get the job done; that his responsibilities with his other companies have been filled by others; that he does not actively participate in the management of the Washington, California, or Colorado companies; and

WHEREAS, in response to further questions by the Board, Mr. Bergin further testified that he is listed as an officer on all the companies in other states; that in Nevada, although he is a managing partner of the Nevada LLC he will not be managing the facility; that his company in Nevada is responsible for setting up an infrastructure that will address and conduct business by the regulations that are set forth by the state of Nevada; that although he is a managing member of the Nevada LLC, he is not required to be there daily; that he feels the situation is very different between Nevada and Illinois; that the Applicant does intend to train someone to manage the Illinois business, but the Applicant does not have that person at the moment; that he is the best at what he does and he needs to participate in the Illinois business; that he wishes to make sure that the Illinois business is correctly handled; that at present, he is the person within the Applicant with the technical know-how; that at some point, there will likely be another managing agent for the proposed dispensary at the subject property; and

WHEREAS, Mr. Bergin then testified that the Applicant is not tied to the facilities in Colorado, California, or Washington; that as time evolves, he expects to train people on-site at the subject property; that he doubts that anybody that lives inside of Illinois knows the breadth of information and business that the Applicant's out-of-state entrepreneurs do; that Illinois will probably be one of the highest-profile states when its pilot program is up and running, and the Applicant wants to be a part of that; that the Applicant brings a great deal of expertise to Illinois; that medical cannabis is his passion; that he has no trouble relocating to Illinois; that the Applicant will train two (2) or three (3) individuals to replace him; that in regards to the subject property, the Applicant chose the location due to traffic flow, the surrounding area's mix of residential and commercial use, and the proximity of the subject property to large traffic highways; that the Applicant is going to specialize in CBD cannabinoids, which are not going to be easily found within the state; that CBD cannabinoids are grown; that the Applicant has bred a cannabis plant that is comprised of ninety-eight percent (98%) CBD cannabinoids and less than one percent (1%) THC cannabinoids; that the Applicant is therefore applying to the state for a permit for a cultivation center in order to specialize in this product; that the subject property's proximity to public transportation and major highways is very important to the Applicant; that the Applicant has identified that there is a population of patients not only in the area but also around Cook County; that the Applicant's typical customer profile is male and female patients aged thirty (30) to forty-five (45); that this customer profile probably comprises sixty to seventy percent (60-70%) of his other company's patients; that the Applicant expects twenty to fifty (20-50) patients per day in the beginning; that once word gets out that the Applicant specializes in CBD cannabinoids, the Applicant expects to have 100 to 150, possibly 200 patients per day; that the Applicant intends to be open from 6:00 AM – 8:00 PM; that this is because patients like to visit dispensaries before work, during lunch, and after work; that in terms of a patient paying for cannabis, the Applicant will utilize a system by Blue Line; that the system is, in essence, a reverse ATM machine where patients, once they have chosen medication, use a debit card or cash and receive a voucher; that Blue Line will transport and manage all the relocation of the assets to the Applicant's banking institution; that the Applicant has a letter of engagement signed by the Bank of Springfield; and

WHEREAS, Mr. James Smith testified on behalf of the Applicant; that he is the Applicant's security consultant; that for the last twenty-seven (27) years he was with the United States Marshals Service; that for the last ten (10) of those twenty-seven (27) years, he was an inspector with the Marshals Service in the judicial security system and handled high-value assets, such as the federal judiciary; that he has personally supervised over 200 production details; that he has written security plans for courthouses and judicial residences; that he has traveled internationally to provide security assessments; that the Applicant asked him to provide a security plan for the proposed dispensary at the subject property; that prior to providing said security plan, he visited multiple dispensaries and grow facilities in states that allow medical cannabis; that although he travelled to Colorado to understand security, Illinois requires different security regulations; that he believes the Applicant has exceeded state of Illinois requirements with the proposed dispensary; that the Applicant will have over thirty (30) cameras in the proposed dispensary; that the Applicant will monitor these cameras 24/7, both on-site and



off-site; that these cameras will monitor both the interior and exterior of the proposed dispensary; that some of the Applicant's members run a valet service; that said valet service will take patients' cars to an off-site location; that the Applicant will have two security officers on duty at all times; that one officer will ensure that patients entering the Applicant's facility have valid state identification; that the other officer will be doing sweeps of the facility's perimeter; that the security officers will escort patients to and from their car; that there will be a mantrap for patients entering the facility; that once a patient enters the facility, said patient will have his or her credentials checked by the security officer and then take a seat; that a pharmaceutical technician will come out and take the patient into an area for patient consultation; that once the patient decides what strain of medical cannabis he or she wants, said patient will go to the reverse ATM kiosk; that the patient will put his or her medical cannabis card into the machine, pick out the medical product, and pay for said product via cash or debit card; that after payment, a receipt will come out of the kiosk; that the patient will take the receipt to the main counter where the medical cannabis will be distributed; that the machine is located next to the main counter on the site plan; that the pharmaceutical technician will take the receipt into the restricted access area, get the product, and return to the counter; that the patient will then take his or her product and be escorted out of the facility; that the patient will wait for his or her vehicle and will, at all times, be under security escort; and

WHEREAS, Mr. Smith further testified that the diagram before the Board had different colors shaded; that the yellow-shaded area is a limited access area where patients with proper identification are allowed; that the pink-shaded area is a restricted access area and access is only allowed for employees of the facility; that the third color area is the secure area where the Applicant has its vault; that only dispensary assistants will have access to that area; that the Applicant's facility is dual authentication, meaning that each employee must have two forms of identification to get through any door at the facility; that dual authentication will provide for more security, as it is always possible for someone to get a key or pass card similar to the Applicant's keys or pass cards; that each door will have a fob and a keypad; that such a system allows both the state and the Applicant to know exactly where every employee starts and ends his or her day at the facility; that the Applicant has not yet determined how deliveries will be made; that deliveries can be made at the rear of the facility; that the product transport team will advise the Applicant fifteen (15) minutes before delivery; that the Applicant's perimeter security officer will meet the vehicle; that a member of the dispensary team will also meet the vehicle; that the medical cannabis will be brought inside the facility and taken straight to the product vault; that he has personally met with Chief Tracy of the Chicago Police Department to advise him of the Applicant's security plan; that the Applicant wishes to be transparent to and a partner with local law enforcement; and

WHEREAS, in response to questions by the Board, Mr. Smith further testified that the Applicant wished to keep the product vault away from any perimeter wall; that the Applicant also does not want it by the door in case of some type of event; that if a person comes to the facility without a medical cannabis card, he or she will not be allowed entry; that only registered patients and caregivers will be allowed inside the Applicant's facility; that a pharmacy technician will be with a patient at all times, even when a patient is using

the reverse ATM kiosk; that a minor child's parent would be a registered caregiver for the child; that with regards to the amount of cash in the reverse ATM kiosks, once a kiosk reaches seventy-five percent (75%) capacity, an alert goes out to security company to come and take the cash out; that the security company has a contract with the Applicant and is experienced in the industry; that the security company will take the cash to a secure off-site location before being taken by courier to a federal reserve on behalf of the bank; that he has not decided how the Applicant will take deliveries because he wishes to monitor daily what the best practice is; that he does not want to do anything twice in a row; that when he determines the best, secure mode of transportation, that is what the Applicant will do; that he currently works for an affiliate of Blue Line Protection; that Blue Line Protection is from Colorado but is opening up affiliates in Illinois; that he has trained in Colorado and understands the best practices Colorado has in place; that Blue Line Protection of Illinois is in joint venture with but separate from Blue Line Protection of Colorado; that this is the first facility he would be providing security for; and

WHEREAS, Mr. Hugh Edfors testified on behalf of the Applicant; that 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 this Zoning Ordinance which must be addressed in support of such an application; that he then orally testified that 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 have no adverse impact on the neighborhood or neighborhood property values; (3) is compatible with the character of the surrounding neighborhood in terms of site planning, building scale and project design as it is retail use and there is a retail corridor with a Mariano's just north of the subject property; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation as the property adjacent to the subject property is a well patronized drive-through McDonald's; and (5) is designed to promote pedestrian safety and comfort; and

WHEREAS, in response to questions by the Board, Mr. Edfors further testified that there is street parking in the immediate area; that the nearby Mariano's supermarket generates traffic but does have rooftop parking over its entire building; that the subject property is about a half block away from the Mariano's; that the adjacent McDonald's has sufficient parking; that many of the newer commercial uses have on-site parking; that a patient of the proposed facility could forgo the valet service and find street parking; that the subject property has very good access to public transportation; that there are many bus stops along Damen Avenue as well as Chicago Avenue; that the bicycle sharing system has a station in front of the subject property; that the subject property is a mile from a METRA station and a mile from the nearest CTA rapid transit system; and

WHEREAS, in response to further questions by the Board, Mr. Inan Bambooyani testified on behalf of the Applicant; that he is one of the Applicant's partners; that he is in the valet service business; that he is in negotiations for purchasing property for off-site

parking for the proposed facility; that once an agreement is executed, the Applicant will set up valet service in front of the subject property and store the vehicles on this purchased property; that he has close to thirty (30) valet services in the City with up to seventy-five (75) locations; that he manages about 180 employees and has been in the business for eight (8) years; and

WHEREAS, Mr. George Blakemore testified in opposition to the application; that he wished to know the racial breakdown of Mr. Bambooyani's employees; that he welcomes out-of-state people to the City but wants out-of-state people to be good neighbors; that he wished to know how the Applicant's product is organic; and

WHEREAS, in response to further questions by the Board, Mr. Bergin further testified that he was the agent in charge for the proposed dispensary; that he will train a second agent in charge for the Applicant; that this second agent in charge will be one of the Applicant's owners; that this owner has extensive background as he is a biochemist and his father is a MP who specializes in addiction treatment; that the Applicant does not plan on employing anyone from out of state; that the Applicant is going to locally source its employees; that based on other communities his company has put dispensaries in, two to three percent (2-3%) of the total community population will get medical cannabis cards and participate in the dispensary system; and

WHEREAS, Mr. Patrick Farah testified on behalf of the Applicant; that although he has an existing business in Illinois, he is going to train to be an agent in charge for the Applicant; that he is prepared to give the proposed dispensary one hundred percent (100%) of his time; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed medical cannabis dispensary provided the development is established consistent with the design, layout and plans prepared by the architect and dated September 5, 2014; now, 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 evidenced by the Act and will have no adverse impact on the surrounding neighborhood;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the special use is retail use and there is a retail corridor just north of the subject property;

4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because: (1) the property adjacent to the subject property is improved with a well-patronized McDonald's with a drive-through; and (2) although, there is traffic generated by the surrounding retail use, there is still adequate street parking for those patients that wish to forgo the valet service of the proposed dispensary; and
5. The proposed special use is designed to promote pedestrian safety and comfort due to the Applicant providing valet service off-street parking.

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 Law (735 ILCS 5/3-101 *et. seq.*).

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

APPLICANT: 3506 Hospitality, LLC

CAL NO.: 303-14-S

APPEARANCE FOR:

DATE OF MEETING:

December 19, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 3506-14 North Clark Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 3.052 square foot, outdoor, rooftop patio on the second floor of an existing restaurant.

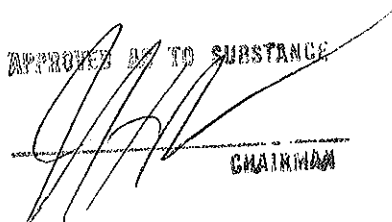
ACTION OF BOARD-  
CASE CONTINUED TO MARCH 20, 2015

THE VOTE

MAR 06 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

APPROVED BY TO SUBSTANCE  
  
CHAIRMAN

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

APPLICANT: 3606 Hospitality LLC

CAL NO.: 304-14-S

APPEARANCE FOR:

DATE OF MEETING:  
December 19, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 3466 North Clark Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 5-space, off-site, required, accessory parking lot to serve an existing restaurant located at 3506-14 North Clark Street.

ACTION OF BOARD-  
CASE CONTINUED TO MARCH 20, 2015

THE VOTE

MAR 06 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CARLEMAN

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

APPLICANT: 3506 Hospitality LLC

CAL NO.: 305-14-S

APPEARANCE FOR:

DATE OF MEETING:  
December 19, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 3458 North Clark Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 17-space, off-site, required, accessory parking lot to serve an existing restaurant located at 3506-14 North Clark Street.

ACTION OF BOARD-  
CASE CONTINUED TO MARCH 20, 2015

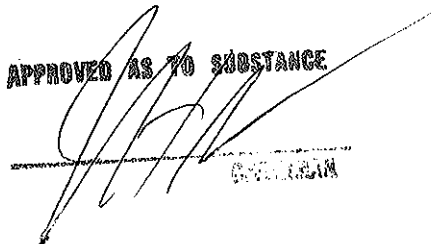
THE VOTE

MAR 08 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



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

**APPLICANT:** Chicago Land Montessori Academy

**CAL NO.:** 331-14-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
December 19, 2014

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 5624-34 North Pulaski Road

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of an elementary school.

**ACTION OF BOARD-**  
CASE CONTINUED TO MARCH 20, 2015

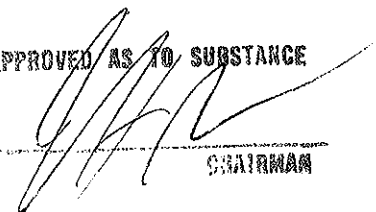
**THE VOTE**

MAR 08 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN



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

**APPLICANT:** Anjenette Smith Representing ESO Theater **CAL NO.:** 368-14-S

**APPEARANCE FOR:** William Banks **DATE OF MEETING:**  
October 17, 2014

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5401-03 West Madison Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a community center.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

MAR 08 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

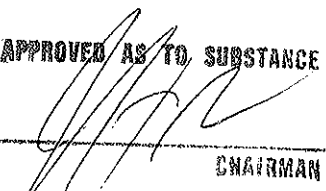
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 2, 2014; 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 community center 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; 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 Planning and Development recommends approval of the proposed community center.

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:** Anjnette Smith representing ESO Theater

**CAL NO.:** 369-14-Z

**APPEARANCE FOR:** William Banks

**DATE OF MEETING:**  
December 19, 2014

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5401-03 West Madison Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a public place of amusement license for a community center located within 125' of an RS-3 Residential Single-Unit (Detached House) District.

**ACTION OF BOARD-**  
**VARIATION GRANTED**

**THE VOTE**

MAR 06 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		

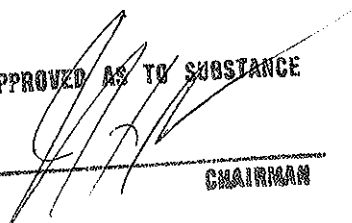
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 2, 2014; 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 the subject site to establish a community center in Cal. No. 368-14-S; the applicant shall also be permitted to establish a public place of amusement license for the community center which is located within 125' of an RS-3 Zoning District; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

CAL NO.: 370-14-S

APPEARANCE FOR:

DATE OF MEETING:  
December 19, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 4816 North Western Avenue

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

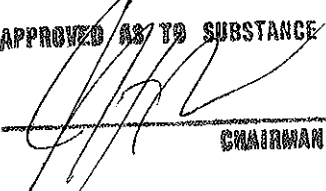
ACTION OF BOARD-  
CASE CONTINUED TO MARCH 20, 2015

THE VOTE

MAR 00 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Pathways In Education-Illinois **CAL NO.:** 371-14-S  
**APPEARANCE FOR:** John Fritchey **DATE OF MEETING:** December 19, 2014  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3100 West Belmont Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a high school.

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

**THE VOTE**

MAR 08 2015  
 CITY OF CHICAGO

JONATHAN SWAIN  
 CATHERINE BUDZINSKI  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

	AFFIRMATIVE	NEGATIVE	ABSENT
JONATHAN SWAIN	X		
CATHERINE BUDZINSKI	X		
SOL FLORES	X		
SHEILA O'GRADY	X		
SAM TOIA	X		

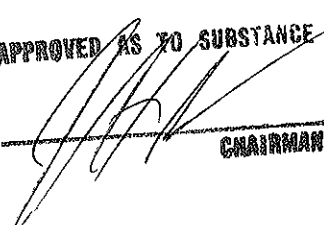
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 2, 2014; 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 high school 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; 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 Planning and Development recommends approval of the proposed high school provided the development is established consistent with the design, layout and plans prepared by WW Architects and Consulting and dated July 8, 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:** Pathways In Education-Illinois **CAL NO.:** 372-14-S

**APPEARANCE FOR:** John Fritchey **DATE OF MEETING:**  
December 19, 2014

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3214 North Albany Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of an off-site, required, accessory parking lot to serve a proposed high school to be located at 3100 West Belmont Avenue.

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

**THE VOTE**

MAR 06 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		

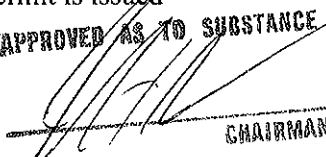
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 2, 2014; 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 in Cal. No. 371-14-S to establish a high school at 3100 W. Belmont Avenue; the applicant shall also be permitted to establish a required off-site parking lot to serve the high school; 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; 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 Planning and Development recommends approval of the proposal to establish a six-space, off-site, required, accessory parking lot to serve a proposed high school to be located at 3100 West Belmont Avenue provided the development is established consistent with the design, layout and plans prepared by WW Architects and Consultants and dated July 8, 2013 and subject to the condition that the project be designed in conformance with the City's landscaping and screening requirements.

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: Landtrust of Carol J. Hunniford (No. 19488)

CAL NO.: 393-14-Z

APPEARANCE FOR:

DATE OF MEETING:

December 19, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 2938 West Bryn Mawr Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required rear yard setback from 35' to 0' for a 7'-tall solid wood fence.

ACTION OF BOARD-  
CASE CONTINUED TO JANUARY 16, 2015

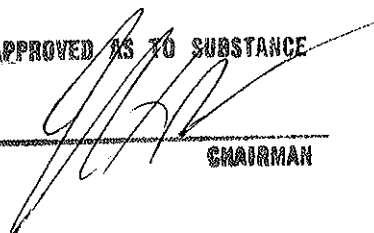
THE VOTE

MAR 08 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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



MAR 04 2015  
CITY OF CHICAGO

**Eufloa Health Center, LLC**

APPLICANT

**396-14-S**

CALENDAR NUMBER

**4760 1/2 N. Milwaukee Avenue**

PREMISES AFFECTED

**December 19, 2014**

HEARING DATE

**Bernard Citron**

APPEARANCE FOR APPLICANT

**George Blakemore**

OBJECTOR

**NATURE OF REQUEST**

Application for a special use to establish a medical cannabis dispensary.

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved.

Jonathan Swain, Chair
Catherine Budzinski
Sol Flores
Sheila O'Grady
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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 ("Board") at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, the Board took judicial notice of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et. seq.* (the "Act"); that the Board would like the Applicant to present its case relative to a proposed medical cannabis dispensary at this particular location; and

WHEREAS, Mr. Bernard Citron, counsel for the Applicant, explained the underlying basis for the relief sought; that he then introduced the members of the Applicant to the Board; and

APPROVED AS TO SUBSTANCE

CHAIRMAN

WHEREAS, the Board stated it wished to know which members of the Applicant would be actually running the proposed dispensary; and

WHEREAS, Ms. Jamie Perino testified on behalf of the Applicant; that she resides in Colorado; that she is a member of the Applicant; that the Applicant operates a medical cannabis dispensary in Colorado; that she currently manages said dispensary; that the Applicant has never had any citations issued against its licenses in Colorado; that if the Applicant were awarded a medical cannabis license in Illinois, Matthew Boumaroun, another member of the Applicant, would train with her for two (2) months out in Colorado; that she would then come out to Chicago to continue working with Mr. Boumaroun; that when she felt comfortable that Mr. Boumaroun was capable of handling daily operations of the proposed dispensary, she would hand over the operations of the proposed dispensary to Mr. Boumaroun; that although Mr. Boumaroun would be in charge, she would be in Chicago at least once a week per month until she was sure the proposed dispensary's staff were completely trained and in compliance; that the Applicant anticipates hiring five (5) initial employees for its Chicago operations; that depending upon the proposed dispensary's customers, the Applicant may hire as many as ten (10) employees; that these ten (10) employees would be on-site at the same time; that therefore, the Applicant would actually have to have more than ten (10) employees; that the Applicant would like to train some of the employees in Colorado; that this training would be hands-on and very regimented; that after said training in Colorado, the Applicant would continue to train its employees in Chicago; that when Mr. Boumaroun takes over from her, he will be in charge of both managing the facility and training the employees; that this take over will not happen until she feels one hundred percent (100%) comfortable with his knowledge and experience; that the Applicant will look to the local community to hire its staff for the proposed dispensary; that staff will still have to meet state background checks; the Applicant proposes the following hours of operation: 10:00 AM – 7:00 PM, Monday – Sunday; that the Applicant chose these hours of operation to accommodate as many people as possible; that in the beginning, the Applicant anticipates ten (10) to fifteen (15) patients per day; and

WHEREAS, Ms. Perino further testified that prior to entering the proposed dispensary, each patient will be screened; that there will be two (2) security officers on site at all times; that if someone comes to the doorway of the Applicant's facility, said person will have to show both a government issued identification card and his or her medical cannabis card before gaining entry into the facility; that if a person does not have those two forms of identification, said person will not be allowed into the lobby area; that in the lobby area, a receptionist will check a patient's government issued identification card and medical cannabis card; that the receptionist will ensure that the patient has not gone over his or her allotted amount of medical cannabis; that if a patient has gone over his or her allotted amount of medical cannabis, said patient will not be allowed into the consultation area; that only registered caregivers will be allowed into the facility; that non-registered caregivers will not be allowed into the facility; that after a patient or caregiver has been approved in the lobby area, a consultant takes said patient or caregiver either to a private consultation room or the main consultation floor; that a security guard is on the main consultation floor at all times; that the patient will pick up his or her prescribed medical



cannabis and then go to the cashier; that at this time, the patient will give the cashier his or her medical cannabis card and government issued identification; that information from both cards will be imputed; that the patient will then pay for the product and then be escorted back to the lobby area; that the Applicant will offer medical cannabis at different prices and different grades; that the Applicant will offer standard form medical cannabis as well as edibles, flowers, and tinctures; that the facility's floor plan has been submitted to the Board; that the floor plan ensures that the manner in which cannabis is delivered is such that it is all contained without any access to the rest of the Applicant's facility; that the Applicant will construct an interior loading dock; that no cannabis deliveries will ever come through the front door; that when a delivery truck pulls into the interior loading dock, the loading dock will be locked down; that there will be two (2) armed guards accompanying all deliveries; that deliveries will occur at different times and different days; that until the truck is empty, the armed guards will remain in the building; that the Applicant has spoken with the neighborhood businesses and they were either neutral or very positive about the Applicant opening the proposed dispensary; that the proposed dispensary will be utilizing an existing storefront building; that said storefront building is currently vacant and has been so for about two (2) years; that the Applicant had a community meeting with Alderman Arena for the proposed dispensary; that at the community meeting, many people were supportive; that those people who had concerns about the proposed dispensary had their concerns addressed; that she believes that the subject property is a great location for a medical cannabis dispensary because it is in a township with one of the lowest crime rates in the Chicagoland area; that the subject property is also close to public transportation; that the public will benefit due to the proposed dispensary although it is impossible to survey how many potential patients live in the surrounding area as the state has not yet identified which persons are qualified for medical cannabis cards; that the Applicant would like to limit the use of cash as much as possible at its proposed dispensary as limiting cash would be much more convenient and safe; that the Applicant is pursuing relationships with two (2) different banks but does not have a banking relationship as of yet; and

WHEREAS, Mr. Boumaroun testified on behalf of the Applicant; that he is a resident of Chicago and has resided in Chicago for the past seven (7) years; that he currently owns and operates two (2) restaurant/bars in the downtown Chicago area; that previously, he owned a restaurant in Lincoln Park; that he is familiar with licensure for controlled substances as he has a liquor license; that he believes medical cannabis is great for people; that his mother is a medical cannabis patient in Michigan; that he has teamed up with people from Colorado because people from Colorado have a lot to teach Illinois about successful operations; that he will be the daily operator of the Applicant's facility; that his other businesses are self-sustaining, and therefore he will be at the Applicant's facility at all times; that he will start out at the Applicant's facility as a registered agent; that he will then go to Colorado to train with Ms. Perino prior to the opening of the proposed facility; that subsequent to the facility opening, he will work underneath Ms. Perino in terms of learning the whole business; that none of his businesses have ever had a liquor license pulled; that he knows how to operate and regulate a business in an appropriate manner; that it is his expectation to be appointed the agent-in-charge for the

proposed dispensary; that for the first year of the proposed dispensary, he will be on the floor seven days a week, open to close; and

WHEREAS, in response to questions by the Board, Mr. Boumaroun further testified that he and Ms. Perino met through mutual acquaintances; and

WHEREAS, in response to further questions by the Board, Ms. Perino confirmed she was the managing member of the Applicant; and

WHEREAS, Mr. Citron explained Ms. Perino is the Applicant's managing member because she owns fifty-one percent (51%) of the Applicant; and

WHEREAS, Mr. Kenneth Boudreau testified on behalf of the Applicant; that he has worked thirty-three (33) years as a law enforcement professional; that he has been a commanding officer of safety teams for public high schools; that he has also been a hearing officer in the Unit 223 federal tax forces; that beyond his experience as a Chicago police officer, he has spent eighteen (18) years in the Army reserve; that he was a physical security inspector for Army facilities; that he also has experience in private, personal security and has spent time in Egypt as security for U.S. soldiers; that he and other members of his firm have experience with security cash flow; that in particular, he has experience with working with cash flow at the United Center; that in making up the security plan for the proposed dispensary, he and his security team have applied twenty-nine (29) governmental security standards to the plan; that this far exceeds the requirements of the state of Illinois; that with regards to the floor plan, there has been a change; that the floor plan now has 360 degree protection; that he will have off-duty police officers positioned outside the front entrance of the proposed facility at all times during hours of operation; that he hopes to use Chicago policemen; that the subject property is located in the 16th Chicago Police District, and he hopes to hire 16th District officers as they will know the community; that the other change to the floor plan is that the cannabis will now be stored in the center of the building; that all access to the Applicant's facility will be dual factored authorization, meaning there will be two (2) items needed to trigger a door opening; that as any person can take a fob or a key card which is why he has implemented biometric meters and dual-factor authorization; and

WHEREAS, Mr. Boudreau further testified that he has also employed a two-person rule with regards to the security plan; that therefore, it will take two (2) people to access certain parts of the facility; that nothing is viewable to the public; that for deliveries, the facility's operations will be frozen and two (2) officers will be standing until the delivery is over; that cash that is taken in will be stored in the vault during evening hours until it is removed from the facility; that the Applicant has been working with two (2) banks; that under federal regulations, it is not illegal for banks to accept medical cannabis money; that it is the federal reporting requirements that make banks nervous about accepting medical cannabis money; that he has come up with a third-party verification to ensure that the Applicant is not going to get banks in trouble for money laundering; that the medical cannabis facilities must earn banks' trust; that he has established a limit as to the amount of cash the Applicant will keep on the property; that once this cash threshold is

reached, the cash will be removed from the subject property; that he and his security team will remove the cash and take it to a bank via an armed, off-duty police officer; that the cash will be placed in a safety deposit box; that the Applicant will have an integrated security system, based off of current proven federal plans, notably those from the United States Army and the Drug Enforcement Administration; that he and his team intend to have an ongoing relationship with the Applicant; that he and his team will be allowed to come in and conduct blind security inspections; that a facility can have the best security plan in the world, but if the plan is not followed, said plan is not worth the paper it is written on; that therefore, he and his team insist on blind inspections and audits; that the Applicant will be using the Biotrack software system to track product inventory; that during the blind audit he and his security team will ignore what is stated by the software system and physically count the product on the premises; that as there are no current cultivation centers, delivery plans are still being considered; that most likely, the Applicant will be given a window in which a delivery will happen; that the Applicant will request deliveries to occur after hours; and

WHEREAS, in response to questions by the Board, Ms. Perino testified that the Applicant would receive walk-in appointments; that this is due to the subject property's proximity to public transportation, street parking, and parking behind the Applicant's facility; that the security guard in front of the facility will be in front of the facility at all times; that the Applicant's security guards will escort patients to their cars if they feel uncomfortable; that the average purchase at the Applicant's facility will be between \$75 and \$100; that therefore, there will be no large amounts and no patients coming in with large amounts of cash; that a patient could not do anything with \$1000 in cash at the Applicant's facility as a patient could not buy any more product; and

WHEREAS, in response to further questions by the Board, Mr. Boudreau testified the security officers will be outside regardless of the weather as that is what they will be paid to do; that the security officers are rotated in and out as there are two (2) security officers on-site at all times and one officer will not be standing outside all day long; and

WHEREAS, in response to further questions by the Board, Mr. Citron explained that during rush hour, street parking is not permanently banned on Milwaukee Avenue; that street parking is allowed on opposite sides of the street; that the Applicant's security officers will be happy to escort a patient across the street; and

WHEREAS, Mr. Joseph Wilcox testified on behalf of the Applicant; that 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 this Zoning Ordinance which must be addressed in support of such an application; that he then orally testified to the following: (1) the proposed special use will match similar uses on the block; (2) the proposed special use will fill a vacancy on the block which is positive; (3) he sees no way that the proposed special use at this location will be negative; (4) the neighborhood is mostly commercial use although there is some mixed-use; (5) despite

this mixed-use, the neighborhood is all business use on the first floor level; (6) there is nothing in the proposed special use's terms of operation that would negatively impact the community; (7) all of the businesses in the community receive deliveries in the alley to the rear of their property except for the liquor store at the end of the block; (8) that the small vans used for delivering product to the subject property will therefore not significantly impact the neighbors on either side of the subject property; and

WHEREAS, Mr. George Blakemore testified in opposition to the application; that he had questions relating to parking and the Applicant's banking relationships; that he did not advocate using off-duty police officers as security officers; that he did not understand what motivated Mr. Boumaroun to get into the medical cannabis business as he has no background in medical cannabis; that he does not understand why Mr. Boumaroun must be flown to Colorado to be trained; that the Applicant should hire someone who is trained in the dispensing of drugs, such as an RN; that he is concerned about money laundering; and

WHEREAS, in response to concerns raised by Mr. Blakemore, Ms. Perino testified that as it is still technically illegal for people in Illinois to be trained in medical cannabis dispensing operations; and

WHEREAS, in response to concerns raised by Mr. Blakemore, Mr. Boudreau testified that the Applicant intends only to keep a certain amount of cash on the premises; that if the cash threshold is reached, the cash will be removed; that minimal cash will be kept at the facility overnight; that during the day, the cash will be stored in the Applicants' vault; and

WHEREAS, Mr. Citron then stated that the Alderman is trying to lift the rush hour parking restrictions on Milwaukee Avenue; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed medical cannabis dispensary; now, 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 evidenced by the Act and will have no adverse impact on the surrounding neighborhood as the use will fill a vacant store front and as the surrounding area is mostly commercial use;

3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the special use will be located in an existing building;
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because: (1) Milwaukee Avenue is mostly commercial at this location; and (2) almost all of the commercial properties accept deliveries off the rear alley, just as the Applicant will accept deliveries; and
5. The proposed special use is designed to promote pedestrian safety and comfort as the proposed special use is located near public transportation and as the Applicant's security staff will escort patients to their vehicles.

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 Law (735 ILCS 5/3-101 *et. seq.*).

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



MAR 04 2015  
CITY OF CHICAGO

**Legacy Charter School**

APPLICANTS

**427-14-Z**

CALENDAR NUMBER

**3300-28 W. Ogden, 1747-55 S. Christiana, & 1646-48 S. Spaulding Aves.**

PREMISES AFFECTED

**December 19, 2014**

HEARING DATE

**John J. Lawlor**

APPEARANCE FOR APPLICANT

**Mack Clinton & George Blakemore**

OBJECTORS

**NATURE OF REQUEST**

Application for a variation to reduce the front setback from 15' to 7.5' and to reduce the west side setback from 9' to 1.67' on a reverse corner lot for a proposed school.

**ACTION OF BOARD**

**THE VOTE**

The application for the variation is approved.

Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<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"/>

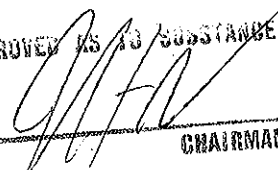
AFFIRMATIVE    NEGATIVE    ABSENT

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on December 19, 2014, after due notice thereof as provided under Section 17-13-0107-B of this Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. John Lawlor, 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 Applicant is in its tenth year; that the Applicant was created by Mr. Lawlor's law firm; that members of the law firm regularly tutor and mentor the students; that the Applicant is attempting to relocate to the subject property; that the Applicant intends to build a 61,000 square foot school with twenty-four (24) service parking spaces; that he had with him the project architect, two members of the Applicant's board of directors, a certified appraiser, and a traffic consultant; that the subject property is zoned RT-4; that a school is a permitted use under the zoning of the subject property; and

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

WHEREAS, the Board asked that the Applicant limit its testimony to the issues of the setbacks as a school is a permitted use under the zoning of the subject property; and

WHEREAS, Ms. Bryndis Pape testified on behalf of the Applicant; that she is Applicant's project architect and is employed by Lothan Van Hook Destefano architecture; that she has prepared the site plans and elevations submitted into evidence as Exhibit 2; that the site plans for the project have been approved by the City's Department of Transportation ("CDOT") and the Chicago Fire Department; that the subject property is an irregularly shaped lot; that the irregular shape of the subject property creates a need for the requested setback variation; that the Applicant needed to accommodate both the proposed building and the proposed play area; that therefore, the shape of the building was conceived to maximize building space and still have room for the play lot, a basketball court, and the required parking; that the property next east of the subject property is zoned commercial; that this commercial property has a through lot setback requirement; that the Applicant's program of development of the subject property tries to reconcile this through lot setback with the residential setback requirement of the subject property; that this is why the Applicant is requesting the reduction to the front setback; that she has done her best to comply with the spirit of this Zoning Ordinance; that the difficulty has been due to the irregular nature of the lot; and

WHEREAS, in response to questions by the Board, Ms. Pape further testified that without the requested variation, the Applicant could not meet its current program of development; that said program is the operation of the Applicant's school at the subject property; and

WHEREAS, Ms. Pape further testified that with respect to the west side of the subject property, the irregular lot shape also poses difficulty for the Applicant; that with regards to the west side setback request, the Applicant is again attempting to reconcile the setback of the commercial property bordering the subject property and the residential setback required for the subject property; that there is a commercial building right on the Applicant's lot line; and

WHEREAS, Mr. Terrance O'Brien testified on behalf of the Applicant; that his credentials as an expert in appraisal were accepted by the Board; that in his opinion, the primary hardship of the Applicant is the fact that the subject property is highly irregularly shaped; that it is extremely difficult to assemble large, continuous parcels of property within the City to develop a facility such as the Applicant proposes; that the Applicant's request for the variation complies with standards of this Zoning Ordinance; that there is no real question of reasonable return with respect to the instant variation as the Applicant is a not-for-profit organization; that the practical difficulties and particular hardships of the subject property are due to unique circumstances, namely that: (1) the property is highly irregularly shaped; and (2) the Applicant needs a certain amount of land in order to develop a school; that the variation will not alter the essential character of the neighborhood because: (1) there are numerous structures in the surrounding area that do not meet the front yard or side yard setbacks; (2) there are other similar educational

facilities in close proximity to the subject property; and (3) educational facilities are allowed under the subject property's current zoning; that the condition of the subject property is a hardship to the Applicant rather than a mere inconvenience; that the subject property is unique and so the conditions on which the application is based would not apply to all properties in the RT-4 zoning classification; that the application is not exclusively based on the desire to make more money on the subject property as the Applicant is not-for-profit; that the practical difficulties and particular hardships of the subject property were not created by the Applicant and existed prior the Applicant obtaining an interest in the subject property; that the variation will not be detrimental to the public's welfare or injurious to other property or improvements in the area; that this is due to the fact that: (1) educational uses are allowed under the subject property's current zoning; (2) there are numerous other structures in the subject area that do not meet the side yard and front yard requirements; (3) on the portion of the subject property that faces Ogden Avenue there is actually a frontage road that leads to Ogden Avenue; and (4) there is nothing in close proximity to the subject property on Ogden Avenue or along the west side of Christiana Avenue; that the variation will not impair an adequate supply of light and air as the proposed development is three (3) stories, the height of which meets the zoning requirements of the RT-4 zoning classification; that the variation will not substantially increase congestion as there is adequate on-site parking; that the proposed development will be located some distance from adjoining structures so there is no chance of a fire moving from the subject property to an adjoining property; and

WHEREAS, Mr. Luay Aboona testified on behalf of the Applicant; that he is a traffic consultant with the KLOA traffic consulting firm; that his credentials as an expert in traffic consulting were accepted by the Board; that he then testified that the proposed development on the subject property would not increase congestion in the public streets; that this is due to: (1) the fact that the Applicant will provide on-site parking for the school's staff; and (2) the fact that there will be a designated drop-off and pick-up zone on the frontage road that leads to Ogden Avenue; that said frontage road is wide enough to accommodate the drop-off and pick-up lane as well as to allow for the through traffic on the frontage road; and

WHEREAS, the Board inquired as to how traffic congestion related to the setback; and

WHEREAS, Mr. Lawlor stated that he submitted his questions to Mr. Aboona solely because traffic congestion is one of the standards of this Zoning Ordinance; that there is no direct connection between the setbacks and traffic congestion; and

WHEREAS, Mr. Halbert, legislative officer for Alderman Chandler testified in support of the application; that the Alderman is in support of the project; that he has been involved with the school over the last ten (10) years; that a significant population of Lawndale residents attend and have benefitted from the school; that the proposed development would allow the Applicant to enhance its ability to continue to provide educational services to residents of the community who choose this option as their educational choice; and



WHEREAS, Mr. Mack Clinton, of 7352 S. Wood Street, testified in opposition to the application; that there are already two (2) schools in the area: (1) Lawndale Prep; and (2) Henderson School; that a third school would cause quite a bit of congestion on Christiana Avenue, Ogden Avenue and Spaulding Avenue; that the Applicant's school should stay where it is rather than building a new school at the subject property; that there are safety issues as there are no lights at any of the corners; that the area is already congested due to parents picking up their children; that teachers from Lawndale Prep and Henderson School use all the street parking in the subject area; that the property is too irregularly shaped for a school and;

WHEREAS, the Board reminded Mr. Clinton that the only thing before the Board was the variation for the reduction of the front and west side setback; that the question of whether the subject property could house a school is not before the Board as the subject property is zoned RT-4; that since the subject property is zoned RT-4, a school can exist on the subject property as of right; that the only thing before the Board is whether the proposed building can sit on the lot the way the Applicant wants the building to sit on the lot; that if the Applicant seated the proposed building on the subject lot in such a way that the Applicant no longer needed the requested variation, the Applicant could still have a school on the subject property as of right; that the question before the Board is not whether or not there can be a school on the subject property but rather where the school's building may sit upon the lot; and

WHEREAS, Mr. Clinton further testified that he had raised all the concerns he had to the Board; and

WHEREAS, Mr. George Blakemore testified in opposition to the application; that he questioned whether or not the Applicant could find land that was not irregular in the neighborhood; that he questioned how many community meetings the Alderman had in regards to the application; that he questioned how many public schools had closed in the predominately black wards; that he questioned the primary motivation of the law firm for educating black children; that he is concerned about traffic; that non-profits must be watched as they play games; that he questioned why the Applicant would purchase the property knowing it would have to come before this Board; and

WHEREAS, in response to the Objectors' questions regarding site choice, the Board inquired as to why the subject property was chosen for the Applicant's project; and

WHEREAS, Mr. Lawlor explained that he and the Chairman of the Applicant have been working with many people in the City's Department of Planning and Development ("DPD") trying to find a relocation site for the Applicant's school; that there were always difficulties in the sites the Applicant looked at; that there were title problems that could not be resolved or holdout property owners; that the Applicant worked extensively with DPD staff to stay in the Lawndale area and the 24th Ward; that the subject property is not the first site the Applicant chose and is the third site the Applicant has done a lot of work on; that environmental conditions have been a problem in choosing sites; and

WHEREAS, in response to the Objectors' questions regarding traffic, the Board inquired as to the traffic concerns of the proposed development; and

WHEREAS, Mr. Aboona further testified that there were no failing levels of services at any of the intersections involved; that he and his firm looked at the operation of the frontage road, Ogden Avenue, and the adjacent intersections and determined that all of them will continue to work at the current levels of acceptable service; that the key to the proposed school – as well as any school – is how the drop-off and pick-up operation is to be handled; that the Applicant has plenty of frontage along the frontage road that would allow for adequate stacking of ten (10) to fifteen (15) vehicles; that this would allow for the orderly discharge of children and pick-up of children at this location; that there will be no reason for traffic to filter into the neighborhood to the north; that traffic will be oriented mostly towards Ogden Avenue; that the signals on Ogden Avenue to the west at Sawyer Avenue and to the east at Kedzie Avenue will allow parents to be able to turn left to go in the opposite direction; that there is definitely an adequate roadway system to accommodate the additional traffic; and

WHEREAS, the Board encouraged the Applicant to exchange phone numbers with Mr. Clinton; that although the Board has no jurisdiction over traffic or parking issues, the Board highly encouraged the Applicant to work with the citizens of North Lawndale to mitigate traffic issues; and

WHEREAS, Section 17-13-1101-B of this Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation to permit a reduction in any setback; now, 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 this 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 this Zoning Ordinance be strictly complied with, and, further, the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance;
2. The Board finds that pursuant to 17-13-1107-B that the Applicant has proved its case by testimony and other evidence that: (1) whether or not the property can yield a reasonable return is not material as the Applicant is a non-for-profit corporation and will own and operate its facility at the subject property; (2) the practical difficulty or particular hardship of the property is due to unique circumstances, namely: (a) the property is highly irregularly shaped and (b) the Applicant needs a certain amount of land

to develop its school; and (3) the variation, if granted, will not alter the essential character of the neighborhood as there are numerous structures in the surrounding area that do not meet the front yard or side yard setbacks and as there are other similar educational facilities in close proximity to the subject property; and

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 irregular shape of the subject property would result in particular hardship to the Applicants were the strict letter of this Zoning Ordinance to be carried out; (2) the irregular shape of the subject property is not a condition generally applicable to a RT-4 Zoning District; (3) as the Applicant is a not-for-profit corporation that will operate the facility at the subject property, profit is not the sole motive for the application; (4) the Applicant did not create the irregular shape of the subject property and has had great difficulty in finding a subject property of adequate size for its facility in the Lawndale neighborhood; (5) the variation being granted will not be detrimental to the public welfare or injurious to other property as: (a) educational uses are allowed under the subject property's current zoning; (b) on the portion of the subject property that faces Ogden Avenue there is actually a frontage road that leads to Ogden Avenue; and (c) there is nothing in close proximity to the subject property on Ogden Avenue or along the west side of Christiana Avenue; and (6) the variation will not impair an adequate supply of light or air to the neighboring properties as the proposed development will be located some distance from adjoining structures, or substantially increase the congestion in the public streets as the proposed development will include on-site parking as well stacking for ten (10) to fifteen (15) cars for drop-off and pick-up of children, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. The Board finds the credible expert testimony of Mr. O'Brien and Mr. Aboona outweighs any speculation by Mr. Clinton and Mr. Blakemore on the issue of traffic.

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 C 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 Law (735 ILCS 5/3-101 *et. seq.*).