

MINUTES OF THE REGULAR MEETING OF THE
ZONING BOARD OF APPEALS

held in Room 569 County Building, on Friday, September 21, 1990

at 9:00 A.M. and 2:00 P.M.

The following members were present and constituted a quorum:

Joseph J. Spingola
Chairman
Roula Alakiotou
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Thomas S. Moore

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Member Alakiotou moved that the Board approve the record of the proceedings of the regular meeting of the Zoning Board of Appeals held on August 17, 1990 (as submitted by the Secretary) as the minutes of said meeting.

The motion prevailed by yeas and nays as follows:

Yeas- Spingola, Alakiotou, Martin, Fornelli and Moore. Nays- None.

* * * * *

The Board thereupon held its regular meeting, taking action designated on the face of the resolutions.

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: Joseph Matiello

APPEARANCES FOR:

APPEARANCES AGAINST:

PREMISES AFFECTED— 1335-57 S. Damen Avenue

SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

Case continued to
November 16, 1990.

CAL. NO. 255-90-S

MAP NO. 4-H

MINUTES OF MEETING

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THE VOTE

Joseph J. Spingola
Roula Alakiotou
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
x		
x		
x		
x		
x		

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: New Bethel Church, by William Miranda
 APPEARANCES FOR: Robert B. Hoellen
 APPEARANCES AGAINST:

CAL. NO. 256-90-S
 MAP NO. 9-G
 MINUTES OF MEETING
 September 21, 1990

PREMISES AFFECTED— 3455 N. Clark Street
 SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

Application approved.

THE VOTE

Joseph J. Spingola
 Roula Alakiotou
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, New Bethel Church, by William Miranda, for Royal Palace Restaurant, owner, on July 24, 1990, filed an application for a special use under the zoning ordinance for the approval of the location and the leasing of 3 parking spaces in an existing parking lot, in a B4-2 Restricted Service District, to satisfy the parking requirement for a proposed addition to the rear of an existing church located at 1041-43 W. Newport Avenue, on premises at 3455 N. Clark Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered June 15, 1990, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, specifically, §5.8-2, §8.3-4, §8.4-4."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 1990 after due notice thereof by publication in the Chicago Tribune on August 27, 1990; and

WHEREAS, the district maps show that the premises is located in a B4-2 Restricted Service District; 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 makes the following findings of fact: that the proposed use is to be located in a B4-2 Restricted Service District; that the subject site is improved with a restaurant with 16 on-site parking spaces; that the applicant church located at 1041-43 W. Newport Avenue is seeking to lease three parking spaces at the subject site; that the proposed use is necessary for the public convenience at this location to satisfy the parking requirement for the proposed administrative addition to the rear of the existing church building; that the public health, safety and welfare will be adequately protected in the design, location and operation of the proposed use; that the lease for the parking spaces commences on September 1, 1990 and terminates on August 31, 1995 with two consecutive renewals for one year each; that the proposed leasing of three parking spaces in the existing parking lot at the subject site will not cause substantial injury to the value of other property in the neighborhood in which it is located; it is therefore

RESOLVED, that the application for a special use be and it hereby is approved and the

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Zoning Administrator is authorized to permit the leasing of three parking spaces in an existing parking lot, on premises at 3455 N. Clark Street, to satisfy the parking requirement for a proposed addition to the rear of an existing church located at 1041-43 W. Newport Avenue, upon condition that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 808

APPLICANT: Robert J. Montecki
 APPEARANCES FOR: Sandra Montecki
 APPEARANCES AGAINST:

CAL. NO. 257-90-Z
 MAP NO. 16-J
 MINUTES OF MEETING
 September 21, 1990

PREMISES AFFECTED— 3748 W. 63rd Place
 SUBJECT— Application to vary the requirements of the zoning ordinance.

ACTION OF BOARD—

Variation granted.

THE VOTE

Joseph J. Spingola
 Roula Alakiotou
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, Robert J. Montecki, owner, on August 2, 1990, filed an application for a variation of the zoning ordinance to permit, in an R2 Single-Family Residence District, the erection of a detached 20' x 24' accessory garage on the rear of the lot which will exceed the permitted 15 feet rear yard height limitation by 3 feet, on premises at 3748 W. 63rd Place; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered July 6, 1990, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, specifically, §5.6-3."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 1990 after due notice thereof by publication in the Chicago Tribune on August 27, 1990; and

WHEREAS, the district maps show that the premises is located in an R2 Single-Family Residence District; 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 makes the following findings of fact: that the proposed use is to be located in an R2 Single-Family Residence District; that the subject site is improved with a 2-story frame residential building with a poured concrete foundation at the rear of the lot; that the applicant proposes to erect a detached 18 feet high 20' x 24' accessory garage on the poured concrete foundation at the rear of the lot; that the property in question cannot yield a reasonable return nor be put to reasonable use if permitted to be used only under the conditions allowed by the regulations in this district in that the proposed 18 feet high garage is necessary to provide off-street parking space and storage area for the applicant; that the plight of the owner is due to unique circumstances in that the applicant's single-family residence does not have a basement which necessitates the requested variation in the proposed garage's rear yard height limitation in order to provide necessary storage space; that the proposed variation, if granted, will not impair an adequate supply of light and air to adjacent properties and will not alter the essential character of the locality; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon

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Cal. No. 257-90-Z

it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that a variation be and it hereby is granted to permit the erection of a detached 20' x 24' accessory garage on the rear of the lot which will exceed the permitted 15 feet rear yard height limitation by 3 feet, on premises at 3748 W. 63rd Place, upon condition that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: Interventions
 APPEARANCES FOR: James M. Kane, et al.
 APPEARANCES AGAINST: Johnnie L. Ruffin

CAL. NO. 258-90-S
 MAP NO. 14-H
 MINUTES OF MEETING
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PREMISES AFFECTED— 5701 S. Wood Street
 SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

Application approved.

THE VOTE

Joseph J. Spingola
 Roula Alakiotou
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, Interventions, for Central Community Hospital, an Illinois not-for-profit corporation, owner, on August 3, 1990, filed an application for a special use under the zoning ordinance for the approval of the location and the establishment of a residential care (half-way) home in a 3-story brick former hospital building, in an R5 General Residence District, on premises at 5701 S. Wood Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered July 9, 1990, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, specifically, §7.4-4(8), §7.4-5."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 1990 after due notice thereof by publication in the Chicago Tribune on August 27, 1990; and

WHEREAS, the district maps show that the premises is located in an R5 General Residence District; 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 makes the following findings of fact: that the proposed use is to be located in an R5 General Residence District in a 3-story brick former hospital building on the subject site; that the applicant proposes to utilize the existing building on the subject site as a 150-bed residential care facility to provide comprehensive treatment to persons with problems associated with chemical dependency on an inpatient and outpatient basis; that the applicant's clients are referred primarily by social service agencies; that the average length of stay in the residential program is six months; that the treatment of patients will include detoxification, psychotherapy, health education, vocational training, skill development and other similar services associated with chemical dependency treatment programs; that 24-hour care is provided and all treatment is supervised by physicians specializing in chemical dependency addiction; that security will be provided at all times; that the out-patient services provides a level of care that is less restrictive than the residential program with a length of stay ranging from 30 to 90 days; that the out-patient program services includes individual, group and family therapy and seminars and workshops designed to provide education on chemical dependency and other health areas; that the proposed use is necessary for the public convenience at this location in that there is a significant shortage of residential and out-patient care chemical dependency treatment programs

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in this area; that the public health, safety and welfare will be adequately protected in the design, location and operation of the proposed use to be operated under the conditions hereinafter set forth and that the facility will meet all applicable provisions of the Municipal Ordinances governing the establishment of residential care (half-way) homes; that adequate off-street parking space is provided; that the proposed use of the building on the subject site as a residential care (half-way) home for persons with problems associated with chemical dependency fulfills a need in the community and is consistent with the prior use of the premises as a hospital and will not cause substantial injury to the value of other property in the neighborhood; it is therefore

RESOLVED, that the application for a special use be and it hereby is approved and the Zoning Administrator is authorized to permit the establishment of a 150-bed residential care (half-way) home with ancillary out-patient services for the treatment of patients suffering from problems associated with chemical dependency in a 3-story brick former hospital building, on premises at 5701 S. Wood Street, upon condition that the building is brought into compliance with all applicable building code requirements; that the premises shall not be used as a residential care home until the building complies with all applicable code regulations; that off-street parking shall be provided as depicted in the plans presented; and that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued; and be it further

RESOLVED, that the granting of this special use runs only to the applicant herein and if said applicant vacates the subject property or transfers the residential care home and out-patient activities to another group or association the special use at the subject site granted herein shall become null and void; and be it further

RESOLVED, that any deviation from the specified use of the premises as a residential care (half-way) home with ancillary out-patient services or any increase in the number of beds, as stated by the applicant and delineated herein, shall cause the special use granted hereby to immediately become null and void.

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 808

APPLICANT: Mark and Barbara Berger
APPEARANCES FOR:
APPEARANCES AGAINST:

CAL. NO. 259-90-Z
MAP NO. 11-F
MINUTES OF MEETING
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PREMISES AFFECTED-- 832 W. Hutchinson Street
SUBJECT-- Application to vary the requirements of the zoning ordinance.

ACTION OF BOARD--

Application withdrawn upon motion of applicants.

THE VOTE

Joseph J. Spingola
Roula Alakiotou
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 808

APPLICANT: The McDermott Foundation, Inc.
APPEARANCES FOR: William J. Hennessey
APPEARANCES AGAINST:

CAL. NO. 260-90-S
MAP NO. 1-G
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PREMISES AFFECTED— 120 N. Sangamon Street
SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

THE VOTE

Application approved.

Joseph J. Spingola
 Roula Alakiotou
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Roula Alakiotou	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Thomas S. Moore	X		

THE RESOLUTION:

WHEREAS, The McDermott Foundation, Inc., owner, on August 7, 1990, filed an application for a special use under the zoning ordinance for the approval of the location and the establishment of a transitional shelter for 22 pregnant females on the 6th floor of a 6-story brick building, in a C3-3 Commercial-Manufacturing District, on premises at 120 N. Sangamon Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered July 17, 1990, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, specifically, §9.3-3, §9.4-3."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 1990 after due notice thereof by publication in the Chicago Tribune on August 27, 1990; and

WHEREAS, the district maps show that the premises is located in a C3-3 Commercial-Manufacturing District; 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 makes the following findings of fact: that the proposed use is to be located in a C3-3 Commercial-Manufacturing District; that the subject site is improved with a 6-story brick building; that on May 19, 1989, the Board approved a special use for the establishment by the applicant of a transitional shelter on the 5th and 6th floors of the 6-story brick building on the subject site, in Calendar No. 109-89-S; that the applicant proposes to establish a 22-bed transitional shelter for pregnant females in their last trimester of pregnancy in a portion of the 6th floor of the existing building; that the establishment of a transitional shelter facility for pregnant females is necessary for the public convenience at this location in that there is a need for this type of service in the area; that the public health, safety and welfare will be adequately protected in the design and operation of the proposed use which will be operated by a highly respected and qualified social service agency and that the facility will meet all applicable provisions of the Municipal Ordinances governing the establishment and operation of transitional shelter facilities; that the proposed use of a portion of the 6th floor of the building on the subject site as a transitional shelter for pregnant females is consistent with the existing use of the premises as a transitional shelter and will not cause substantial injury to the value of other property in the neighborhood; it is therefore

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RESOLVED, that the application for a special use be and it hereby is approved and the Zoning Administrator is authorized to permit the establishment of a transitional shelter for 22 pregnant females on the 6th floor of a 6-story brick building, on premises at 120 N. Sangamon Street, upon condition that the proposed portion of the building to be used as the transitional shelter shall not be used as a shelter until it complies with all applicable code regulations; and that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued; and be it further

RESOLVED, that the granting of this special use runs only to the applicant herein and if said applicant vacates the subject property or transfers the transitional shelter activity as stated herein to another group or association the special use granted herein shall become null and void; and be it further

RESOLVED, that any deviation from the specified use of the subject premises as a 22-bed transitional shelter for pregnant females or any increase in the number of clients to be served, as stated by the applicant and delineated herein, shall cause the special use granted hereby to immediately become null and void.

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 808

APPLICANT: David Carr, by Bernard I. Citron
APPEARANCES FOR: Bernard I, Citron
APPEARANCES AGAINST:

CAL. NO. 261-90-S
MAP NO. 15-H
MINUTES OF MEETING
 September 21, 1990

PREMISES AFFECTED— 6025-31 N. Winchester Avenue
SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

THE VOTE

Application approved.

Joseph J. Spingola
 Roula Alakiotou
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
x		
x		
x		
x		
x		

THE RESOLUTION:

WHEREAS, David Carr, by Bernard I. Citron, for Chicago Title & Trust, Trust No. 55279, owner, on August 9, 1990, filed an application for a special use under the zoning ordinance for the approval of the location and the establishment of a parking lot for parking of private passenger automobiles, in an R4 General Residence District, on premises at 6025-31 N. Winchester Avenue, to serve customers and employees of a proposed new car make-ready and auto body shop business in a 1-story brick building at 1920 W. Peterson Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered August 9, 1990, reads:

"Application not approved. Requested certification does not comply with the applicable provisions of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, specifically, §7.3-4, §7.4-4(5)."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 1990 after due notice thereof by publication in the Chicago Tribune on August 27, 1990; and

WHEREAS, the district maps show that the premises is located in an R4 General Residence District; 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 makes the following findings of fact: that the subject site is a parcel of land which encompasses from Peterson Avenue on the south to Norwood Avenue on the north, Winchester Avenue on the west, to a public alley next east and is improved with a 1-story brick commercial building fronting on Peterson Avenue and an existing parking lot located immediately north of the building; that the existing parking lot was approved by the Board in 1967 in Calendar No. 220-67-S; that on July 31, 1990, the City Council rezoned this portion of the subject site specifically from R4 General Residence to C2-2 General Commercial but left the northern 71 feet of the subject site R4 General Residence, thus necessitating the requested special use; that the proposed use is necessary for the public convenience at this location to provide customer and employee parking for a proposed new car make-ready and auto body shop business in the 1-story brick building located south of the subject parking lot at 1920 W. Peterson Avenue; that the public health, safety and welfare will be adequately protected in the design, location and operation of the proposed parking lot to be improved and operated under the conditions hereinafter set forth; that the proposed parking lot with a 20 foot landscaped buffer area along Norwood

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Avenue and the public alley on the east serving as a buffer, will be compatible with the existing improvements in the area and will not cause substantial injury to the value of other property in the neighborhood; it is therefore

RESOLVED, that the application for a special use be and it hereby is approved and the Zoning Administrator is authorized to permit the establishment of a parking lot for the parking of private passenger automobiles, on premises at 6025-31 N. Winchester Avenue, to serve customers and employees of a proposed new car make-ready and auto body shop business in a 1-story brick commercial building at 1920 W. Peterson Avenue, upon condition that no use shall be made of the lot for the purpose requested until the following conditions shall have been complied with: that the parking lot shall be used solely for the parking of vehicles belonging to employees and customers of the proposed new car make-ready and auto body shop business to be located at 1920 W. Peterson Avenue; that a strip of land 20 feet wide along W. Norwood Avenue shall be landscaped; that the entire lot shall be enclosed with a 7 feet high fence, excepting the driveway(s); that the lot shall be improved with a compacted macadam base, not less than 4 inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material and properly graded to drain to a sewer or sewers located within the lot which shall be connected by drainage tiles to an established City of Chicago sewer; that striping shall be provided; that lighting shall be provided directed away from abutting residential property; that ingress and egress shall be from N. Winchester Avenue; that the driveway(s) shall be constructed in accordance with applicable ordinances; that the hours of operation of the parking lot shall be limited to the hours between 7 A.M. and 6:30 P.M., Mondays through Saturdays; that an adequate security system shall be provided; and that all applicable ordinances of the City of Chicago shall be complied with before a certificate of occupancy is issued. It shall be the responsibility of the applicant to improve and maintain the property continuously in conformance with the provisions and standards hereby established under this order; and be it further

RESOLVED, that the applicant shall file the Declaration of Covenants and Restrictions entered into with the Northtown Community Council submitted herewith with the Office of the Recorder of Deeds of Cook County, Illinois and which is hereby made part of the record.

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 808

APPLICANT: Rogers-Devon Social Club, Inc.
 APPEARANCES FOR: Sharon Hoffman
 APPEARANCES AGAINST: John McDermott, et al.

CAL. NO. 262-90-S
 MAP NO. 15-G
 MINUTES OF MEETING
 September 21, 1990

PREMISES AFFECTED— 1445½ W. Devon Avenue
 SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

Application approved.

THE VOTE

Joseph J. Spingola
 Roula Alakiotou
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
X		
	X	
X		
X		
X		

THE RESOLUTION:

WHEREAS, Rogers-Devon Social Club, Inc., for Peter Lapas, owner, on August 13, 1990, filed an application for a special use under the zoning ordinance for the approval of the location and the re-establishment of a tavern in a 1-story brick building, in a B4-2 Restricted Service District, on premises at 1445½ W. Devon Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered June 28, 1990, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, specifically, §8.3-4, §8.4-4."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 1990 after due notice thereof by publication in the Chicago Tribune on August 27, 1990; and

WHEREAS, the district maps show that the premises is located in a B4-2 Restricted Service District; 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 makes the following findings of fact: that the proposed use is to be located in a B4-2 Restricted Service District; that the subject site is improved with a 1-story brick multi-store building; that the subject premises has been occupied by a tavern for the past 50 years but due to illness of the previous licensee has been closed for little more than a year; that the applicant, Sharon Hoffman, under her corporation Rogers-Devon Social Club, Inc., proposes to re-establish a tavern at the premises under a new license; that the majority of the tavern's patrons come from the local neighborhood and that the re-establishment of a tavern at this location is necessary for the public convenience; that the applicant proposes to operate the tavern in a manner to insure that the public health, safety and welfare will be adequately protected; and that the re-establishment of a tavern in premises that has been previously occupied by a tavern for 50 years will not cause substantial injury to the value of other property in the neighborhood; it is therefore

RESOLVED, that the application for a special use be and it hereby is approved and the Zoning Administrator is authorized to permit the re-establishment of a tavern in a 1-story brick building, on premises at 1445½ W. Devon Avenue, upon condition that all applicable ordinances of the City of Chicago shall be complied with before a license is issued.

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 808

APPLICANT: Inter-Track Partners, an Illinois General Partnership
APPEARANCES FOR: Daniel L. Houlihan, et al.
APPEARANCES AGAINST: Patricia Shymanski, et al.
PREMISES AFFECTED— 11203-71 S. Corliss Avenue
SUBJECT— Application for the approval of a special use.

CAL. NO. 263-90-S
MAP NO. 28-D
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ACTION OF BOARD—

Application approved.

THE VOTE

Joseph J. Spingola
 Roula Alakiotou
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Roula Alakiotou		X	
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Thomas S. Moore	X		

THE RESOLUTION:

WHEREAS, Inter-Track Partners, an Illinois General Partnership, for The Pullman Bank, Trust No. 71-80910, owner, on August 9, 1990, filed an application for a special use under the zoning ordinance for the approval of the location and the establishment of an Inter-Track Wagering Facility in a proposed 1-story 19,491 sq. ft. building on an approximately 4 acre site, in a C3-5 Commercial-Manufacturing District, on premises at 11203-71 S. Corliss Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered August 9, 1990, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, specifically, §9.4-3(8)."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 1990 after due notice thereof by publication in the Chicago Tribune on August 27, 1990; and

WHEREAS, the district maps show that the premises is located in C3-5 Commercial-Manufacturing District; 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 makes the following findings of fact: that the proposed use is to be located in a C3-5 Commercial-Manufacturing District; that the applicant Inter-Track Partners is a general partnership of the owners of Sportman's Park, Hawthorne, Maywood Park and Balmoral Park horse racing tracks in Illinois; that by authority of the Illinois Horse Racing Act, each of the partners has been granted the opportunity to receive up to two inter-track wagering location licenses, as defined by said Act; that Balmoral Park, as a general partner of Inter-Track Partners, has been issued a license by the Illinois Racing Board for the operation of an inter-track wagering facility at the subject site; that the proposed facility will occupy a to-be-constructed one-story building consisting of approximately 19,491 sq. ft. of floor area, to be known as The Winner's Circle; that total patron seating of 672 persons will be organized in three areas consisting of Grandstand seating, Clubhouse seating and Outdoor or Patio seating; that the facility will be served by approximately 20 pari mutuel windows servicing bettors in both the Grandstand and Clubhouse rooms; that each seating area will be served by bar and grill food service facilities; that the Clubhouse Room will be served by a full service dining room as well; that televisions will be provided throughout the facility for viewing races and other sporting events; that the hours of operation will be between 7:00 A.M. and 12 Midnight; that the

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Cal. No. 263-90-S

proposed facility will be open seven days a week and employ from 120-150 persons; that the facility will have a capacity of approximately 1,000 persons; that the applicant will pay one per cent of the pari mutuel handle (money wagered by the patrons) to the City of Chicago and one per cent of the handle to Cook County; that the proposed facility will provide needed jobs and revenue to the City as well as providing an additional entertainment source to its citizens and tourists and, as such, is necessary for the public convenience at this location; that the public health, safety and welfare will be adequately protected in the design, location and operation of the proposed facility in that security personnel and television security monitors will be provided throughout the premises and that adequate on-site, off-street parking is available for approximately 262 vehicles; and that the proposed use as an entertainment facility, to be established at a cost of approximately 4.8 million dollars and operated under the conditions hereinafter set forth, will be compatible with the existing and developing commercial-manufacturing uses in the area and will not cause substantial injury to the value of other property in the neighborhood; it is therefore

RESOLVED, that the application for a special use be and it hereby is approved and the Zoning Administrator is authorized to permit the establishment of an Inter-Track Wagering Facility in a proposed 1-story 19,491 sq. ft. building on an approximately 4 acre site, on premises at 11203-71 S. Corliss Avenue, upon condition that the hours of operation shall be limited to the hours between 7:00 A.M. and 12 Midnight daily; that security personnel and television security monitors shall be provided throughout the facility; and that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 808

APPLICANT: Midwest Properties
APPEARANCES FOR: None
APPEARANCES AGAINST:

CAL. NO. 264-90-A
MAP NO. 20-E
MINUTES OF MEETING
September 21, 1990

PREMISES AFFECTED— 8058 S. Cottage Grove Avenue
SUBJECT— Appeal from the decision of the Office of the Zoning Administrator.

ACTION OF BOARD—

Appeal dismissed for want of prosecution.

THE VOTE

Joseph J. Spingola
Roula Alakiotou
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 808

APPLICANT: Boguslaw C. Szuszkiewicz
EARANCES FOR: Boguslaw C. Szuszkiewicz
APPEARANCES AGAINST:

CAL. NO. 265-90-2
MAP NO. 15-M
MINUTES OF MEETING
 September 21, 1990

PREMISES AFFECTED— 5792 N. Elston Avenue

SUBJECT— Application to vary the requirements of the zoning ordinance.

ACTION OF BOARD—

Variations granted.

THE VOTE

Joseph J. Spingola
 Roula Alakiotou
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Roula Alakiotou	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Thomas S. Moore	X		

THE RESOLUTION:

WHEREAS Boguslaw C. Szuszkiewicz, owner, on August 17, 1990, filed an application for a variation of the zoning ordinance to permit, in an R3 General Residence District, the erection of a 20' x 20' 2-car garage attached to the northeast side of a 2-story brick single-family residence on a triangular lot, with no front yard along Elston Avenue instead of 13.5 feet and no side yard along N. Mango Avenue instead of 5 feet, on premises at 5792 N. Elston Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered August 15, 1990, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, specifically, §7.7-3, §7.8-3, §11.7-4(1)."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 1990 after due notice thereof by publication in the Chicago Tribune on August 27, 1990; and

WHEREAS, the district maps show that the premises is located in an R3 General Residence District; 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 makes the following findings of fact: that the proposed use is to be located in an R3 General Residence District; that the subject site is a 2,422 sq. ft. triangular lot located at the intersection of N. Mango and N. Elston Avenues, improved with a 2-story brick and frame single-family residence; that the applicant seeks to erect a 20' x 20' 2-car garage attached to the northeast side of the existing residential structure; that the property in question cannot yield a reasonable return nor be put to reasonable use if permitted to be used only under the conditions allowed by the regulations in this district in that the proposed garage can not be located in any other part of the subject site lot as designed without the requested variations; that the plight of the owner is due to the configuration of the existing residential building on this irregular lot; that the proposed garage will be compatible with other improvements on this block, many of which do not conform with the side and front yard requirements of the zoning ordinance; and that the variations, if granted, will not alter the essential character of the locality; it is therefore

MINUTES OF MEETING

September 21, 1990

Cal. No. 265-90-Z

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 a variation be and it hereby is granted to permit the erection of a 20' x 20' 2-car garage attached to the northeast side of a 2-story brick single-family residence on a triangular lot, with no front yard along Elston Avenue instead of 13.5 feet and no side yard along N. Mango Avenue instead of 5 feet, on premises at 5792 N. Elston Avenue, upon condition that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: Demetrios Pirpiris
 APPEARANCES FOR: Anna C. Stotis
 APPEARANCES AGAINST:

CAL. NO. 205-90-Z
 MAP NO. 11-H
 MINUTES OF MEETING
 September 21, 1990

PREMISES AFFECTED-- 2000-14 W. Montrose Avenue
 SUBJECT-- Application to vary the requirements of the zoning ordinance.

ACTION OF BOARD--

Variations granted.

THE VOTE

Joseph J. Spingola
 Roula Alakiotou
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Roula Alakiotou	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Thomas S. Moore	X		

THE RESOLUTION:

WHEREAS, Demetrios Pirpiris, owner, on May 22, 1990, filed and subsequently amended, an application for a variation of the zoning ordinance to permit in a B2-1 Restricted Retail District, the erection of an L-shaped 1-story 7-store shopping center building, whose transitional yards will be 4 feet instead of 5 feet on the north side and 16 feet instead of 20 feet on the northeast side, on premises at 2000-14 W. Montrose Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered April 17, 1990, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, specifically, §8.3-2, §8.4-2, §8.8-1(2)(4),"

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 1990 after due notice thereof by publication in the Chicago Tribune on July 2, 1990; and

WHEREAS, the district maps show that the premises is located in a B2-1 Restricted Retail District; 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 makes the following findings of fact: that the subject site is a 92' x 173.5' lot currently improved with a 1-story auto service station building; that the applicant proposes to demolish the existing service station building and remove the existing underground gasoline storage tanks and erect a 1-story 7-retail unit shopping center building at the subject site; that the property in question cannot yield a reasonable return nor be put to reasonable use if permitted to be used only under the conditions allowed by the regulations in this district in that the transitional yard variations are necessary to provide the store depth needed to make the project economically feasible; that the plight of the owner is due to the L-shaped design of the proposed shopping center with provision for more off-street parking than required which necessitates the transitional yard variations requested; that the variations, if granted, will not alter the essential character of the locality in that with provision of a 16 foot landscaped front yard at the northeast corner of the subject site and a 4 foot setback from the north property line, the proposed 7-unit shopping center will be compatible with the existing improvements in the area; it is therefore

MINUTES OF MEETING

September 21, 1990

Cal. No. 205-90-Z

WHEREAS, 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 a variation be and it hereby is granted to permit the erection of an L-shaped 1-story 7-store shopping center building, whose transitional yards will be 4 feet instead of 5 feet on the north side and 16 feet instead of 20 feet on the northeast side, on premises at 2000-14 W. Montrose Avenue, upon condition that the 16 foot setback at the northeast corner of the site shall be landscaped; that the 15-space parking area located on the south portion of the lot shall be improved with a compacted macadam base, not less than 4 inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material, properly graded to drain to a sewer or sewers located within the lot which shall be connected by drainage tiles to an established City of Chicago sewer; that striping shall be provided; that lighting shall be provided; that the driveways shall be constructed in accordance with applicable ordinances; and that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: Demetrios Pirpiris
 APPEARANCES FOR: Anna C. Stotis
 APPEARANCES AGAINST:

CAL. NO. 206-90-S
 MAP NO. 11-H
 MINUTES OF MEETING
 September 21, 1990

PREMISES AFFECTED-- 2000-14 W. Montrose Avenue
 SUBJECT-- Application for the approval of a special use.

ACTION OF BOARD--

Application approved.

THE VOTE

Joseph J. Spingola
 Roula Alakiotou
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, Demetrios Pirpiris, owner, on May 22, 1990, filed an application for the approval of the location and the establishment of a self-service laundrette in a proposed 1-story shopping center building, in a B2-1 Restricted Retail District, on premises at 2000-14 W. Montrose Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered April 17, 1990, reads:

"Application not approved. Requested certification does not comply with the applicable provisions of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, specifically, §8.3-2, §8.4-2, §8.8-1(2)(4)."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 1990 after due notice thereof by publication in the Chicago Tribune on July 2, 1990; and

WHEREAS, the district maps show that the premises is located in a B2-1 Restricted Retail District; 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 makes the following findings of fact: that the proposed use is to be located in a B2-1 Restricted Retail District; that on September 21, 1990, in Calendar No. 205-90-Z, the Board granted a variation to the applicant to permit the erection of an L-shaped 1-story 7-store shopping center building on the subject site, whose transitional yards will be 4 feet instead of 5 feet on the north side and 16 feet instead of 20 feet on the northeast side; that the applicant proposes to establish a self-service laundrette in the proposed retail unit No. 3 as indicated on the revised plans submitted, dated September 20, 1990; that the proposed use is necessary for the public convenience at this location to provide a necessary service for neighborhood residents; that the public health, safety and welfare will be adequately protected in the design, location and operation of the proposed self-service laundrette which will provide two on-site employees during all hours of operation; that the proposed use is a less intensive use than the prior use of the site as an automobile service station and with adequate on-site parking provided, will be compatible with existing improvements in the area and will not cause substantial injury to the value of other property in the neighborhood; it is therefore

MINUTES OF MEETING

September 2, 1990

Cal. No. 206-90-S

RESOLVED, that the application for a special use be and it hereby is approved and the Zoning Administrator is authorized to permit the establishment of a self-service laundrette in a proposed 1-story shopping center building, on premises at 2000-14 W. Montrose Avenue, upon condition that the hours of operation shall be from 6 A.M. to 9 P.M., daily; that employees shall be on-site during all hours of operation; and that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 206

APPLICANT: Heartland Development Company

APPEARANCES FOR:

APPEARANCES AGAINST:

PREMISES AFFECTED— 661 N. LaSalle Street

SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

Application withdrawn upon motion of applicant.

CAL. NO. 217-90-S

MAP NO. 1-F

MINUTES OF MEETING

September 21, 1990

THE VOTE

Joseph J. Spingola
Roula Alakiotou
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 808

APPLICANT: Heartland Development Company

APPEARANCES FOR:

APPEARANCES AGAINST:

PREMISES AFFECTED— 665 N. Wells Street

SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

Application withdrawn upon motion of applicant.

CAL. NO. 218-90-S

MAP NO. 1-F

MINUTES OF MEETING

September 21, 1990

THE VOTE

Joseph J. Spingola
Roula Alakiotou
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: Bill Boards, Inc.
 HEARANCES FOR: Robert W. Fioretti, et al.
 APPEARANCES AGAINST: Barbara Lynne

CAL. NO. 219-90-A
 MAP NO. 2-F
 MINUTES OF MEETING
 September 21, 1990

PREMISES AFFECTED-- 404-12 S. Wells Street

SUBJECT-- Appeal from the decision of the Office of the Zoning Administrator.

ACTION OF BOARD--

Appeal denied and the decision of the Office of the Zoning Administrator affirmed.

THE VOTE

Joseph J. Spingola
 Roula Alakiotou
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
	X	
	X	
	X	
	X	

THE RESOLUTION:

WHEREAS, Bill Boards, Inc., for Murdoch, Coll & Lillibridge, owners, on May 1, 1990, filed an appeal from the decision of the Office of the Zoning Administrator in refusing to permit an advertising sign painted on the south wall of a 1-story building due to its size and being within 500 feet of an expressway, in a C3-7 Commercial-Manufacturing District, on premises at 404-12 S. Wells Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered May 8, 1990, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, specifically, §9.9(5)."

and WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 1990; and

WHEREAS, the district maps show that the premises is located in a C3-7 Commercial-Manufacturing District; 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 makes the following findings of fact: that the proposed use is to be located in a C3-7 Commercial-Manufacturing District; that the appellant is seeking zoning approval for two 20' x 50' "displays" it recently painted on the south wall of a 10-story brick building at the subject site without first securing necessary sign permits; that the displays consist of picture illustrations, the names BANDMEIER and SPRINGSTEEN, and local radio station call letters; that the appellant's subsequent sign permit applications were rejected by the Zoning Administrator as being contrary to the provisions of Article 9.9(5) of the zoning ordinance which prohibits advertising signs within 500 feet of any major route; that the appellant admits that the displays are located actually 175 feet from the Congress Expressway which is part of the Comprehensive Super-highway System of the City of Chicago, but contends that a painted wall display does not constitute a sign as defined in Article 3.2 and therefore it is not subject to Article 9.9(5); that the Board finds the appellant's argument is without merit; that Article 3.2 defines a "Sign" as "a name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business", and that an "Advertising Sign" is defined as "a sign which directs attention to

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September 21, 1990
Cal. No. 219-90-A

a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located, or to which it is affixed"; that the subject painted displays constitute signs as defined due to their being represented directly upon the building and that the message they convey as that of an entertainment service provided by a radio station located elsewhere make them advertising signs and, as such, are prohibited within 500 feet of said Congress Expressway pursuant to said Article 9.9(5); it is therefore

RESOLVED, that the appeal be and it hereby is denied and the decision of the Office of the Zoning Administrator be and it hereby is affirmed, and

WHEREAS, the Board further finds that the provisions of Section 11.7 apply to cases involving billboards or advertising signs. Ad-Ex, Inc. v. City of Chicago, Dkt. Nos. 1-89-1657, 1-89-2737, 1-89-3036, 1-89-3290, 1-90-0348, (Appellate Court, First District, decided September 19, 1990). In addition, the Board notes that an Administrative Review of the decision herein and any subsequent appeals which do not result in a reversal of the decision herein would allow the appellant and the owner to retain illegal revenues from this sign(s) at the expense of the general welfare; it is therefore further

RESOLVED, that in the event of an Administrative Review of the decision herein or other appeal and pursuant to the Board's authority under Section 11.7-3, the appellant, Bill Boards, Inc. and the owner Murdoch, Coll and Lillibridge be and are hereby required to deposit all revenues from the sign(s) herein with the Clerk of the Circuit Court during the pendency of any subsequent actions or to any other account as may be authorized by order of court. If the appellant and/or the owner fail to reverse this decision by any such subsequent actions then the monies deposited to any authorized account so established shall be paid to the City of Chicago.

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: William B. Taylor
APPEARANCES FOR: William B. Taylor
APPEARANCES AGAINST:

CAL. NO. 220-90-A
MAP NO. 17-H
MINUTES OF MEETING
 September 21, 1990

PREMISES AFFECTED— 2039 W. Touhy Avenue

SUBJECT— Appeal from the decision of the Office of the Zoning Administrator.

ACTION OF BOARD—

Appeal partially sustained
 and partially denied.

THE VOTE

Joseph J. Spingola
 Roula Alakiotou
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	x		
Roula Alakiotou	x		
Anthony J. Fornelli	x		
LeRoy K. Martin, Jr.	x		
Thomas S. Moore	x		

THE RESOLUTION:

WHEREAS, William B. Taylor, for Nell Taylor, owner, on May 15, 1990, filed an appeal from the decision of the Office of the Zoning Administrator in refusing to permit a 12' x 25' addition to the north side of a 14' x 21' frame garage on the rear of a lot improved with a 2-story frame residence, due to its east side yard being 2 feet instead of 3 feet and the total garage size being 594 sq. ft. instead of the maximum 540 sq. ft., in an R4 General Residence District, on premises at 2039 W. Touhy Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered May 14, 1990, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, specifically, §5.6-2, §7.8-4(1), §11.8-1."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 1990; and

WHEREAS, the district maps show that the premises is located in an R4 General Residence District; 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 makes the following findings of fact: that the said use is located in an R4 General Residence District; that the subject site is a 30' x 183' lot improved with a 2-story frame single-family residence on the front of the lot and a 14' x 21' frame garage with recent 12' x 25' addition at the rear of the lot; that the property is owned by the appellant's mother and both occupy the residence; that the appellant erected the 12' x 25' garage addition without a building permit and upon subsequent application for said permit, was denied zoning certification due to the size of the garage in the required rear yard (Section 5.6-2) and partly being situated within the required side yard (Section 7.8-4); that the garage is used for incidental storage by the occupants of the permitted principal residence on the front of the lot and, as such, is a permitted accessory building, subject to the yard requirements of the code; that Section 5.6-2 provides that no detached accessory building shall occupy more than 60% of the required 30 feet rear yard, in this case 540 sq. ft.; that although the subject accessory building contains 594 sq. ft., only 444 sq. ft. or about 49% occupies the required 30 feet rear yard and therefore does not violate Section 5.6-2, but that the remaining portion of the building which is out of the rear yard does have an encroachment of about 1 foot into the required 3 feet east side

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Cal. No. 220-90-A

yard, which can only be waived by an authorized Exception or Variation; it is therefore

RESOLVED, that the appeal regarding the size of the existing 594 sq. ft. accessory building be and it hereby is sustained and the decision of the Office of the Zoning Administrator regarding this issue be and it hereby is reversed; that the appeal regarding that portion of the accessory building that is located in the required 3 feet east side yard be and it hereby is denied and the decision of the Office of the Zoning Administrator regarding the issue be and it hereby is affirmed; that upon removal of that portion of the subject accessory building that encroaches into the required east side yard, or in lieu thereof, the grant of an authorized Exception or Variation, the Zoning Administrator is authorized to permit the subject accessory building, on premises at 2039 W. Touhy Avenue, upon condition that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued; and that the use of said building is at all times restricted to that of incidental storage by the occupants of the residence on the front of the lot.

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: Community Thrift
APPEARANCES FOR: Christine Taylor
APPEARANCES AGAINST:

CAL. NO. 221-90-A
MAP NO. 16-F
MINUTES OF MEETING
 September 21, 1990

PREMISES AFFECTED— 6713 S. Halsted Street

SUBJECT— Appeal from the decision of the Office of the Zoning Administrator.

ACTION OF BOARD—

Appeal sustained and the decision of the Office of the Zoning Administrator reversed.

THE VOTE

Joseph J. Spingola
 Roula Alakiotou
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Roula Alakiotou	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Thomas S. Moore	X		

THE RESOLUTION:

WHEREAS, Community Thrift, for Henry Thomas, owner, on May 21, 1990, filed an appeal from the decision of the Office of the Zoning Administrator in refusing to permit the establishment of a second-hand store in a 2-story frame building, in a B2-2 Restricted Retail District, on premises at 6713 S. Halsted Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered April 24, 1990, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, specifically, §8.3-2."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 1990; and

WHEREAS, the district maps show that the premises is located in a B2-2 Restricted Retail District; 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 makes the following findings of fact: that the proposed use is to be located in a B2-2 Restricted Retail District; that the subject store in the 2-story frame building on the subject site has been previously occupied by business uses, the last use having been a second-hand store, a B4 use, since September, 1983; that the appellant proposes to establish a second-hand store at the subject site; that licensing requirements have caused the case to be filed; that no violation of the zoning ordinance exists nor is contemplated and that the appellant has established the basis of her appeal; it is therefore

RESOLVED, that the appeal be and it hereby is sustained and the decision of the Office of the Zoning Administrator be and it hereby is reversed and he is authorized to permit the establishment of a second-hand store in a 2-story frame building, on premises at 6713 S. Halsted Street, upon condition that merchandise for sale shall not be displayed on the public sidewalk; and that all applicable ordinances of the City of Chicago shall be complied with before a license is issued.

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 808

APPLICANT: Todos Amigos, Ltd., Inc.
APPEARANCES FOR: Leoneid Zamora
APPEARANCES AGAINST:

CAL. NO. 224-90-A
MAP NO. 4-G
MINUTES OF MEETING
 September 21, 1990

PREMISES AFFECTED— 1036 W. 21st Street

SUBJECT— Appeal from the decision of the Office of the Zoning Administrator.

ACTION OF BOARD—

Appeal sustained and the decision of the Office of the Zoning Administrator reversed.

THE VOTE

Joseph J. Spingola
 Roula Alakiotou
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
x		
x		
x		
x		
x		

THE RESOLUTION:

WHEREAS, Todos Amigos, Ltd., Inc., for Justino Vera, owner, on June 7, 1990, filed an appeal from the decision of the Office of the Zoning Administrator in refusing to approve a music and dance license for an existing restaurant and bar in a 1 and 2-story brick and frame building, in an M1-2 Restricted Manufacturing District, on premises at 1036 W. 21st Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered June 6, 1990, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, specifically, §10.3-1."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 1990; and

WHEREAS, the district maps show that the premises is located in an M1-2 Restricted Manufacturing District; 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 makes the following findings of fact: that the proposed use is to be located in an M1-2 Restricted Manufacturing District in an existing restaurant/tavern in a 1 and 2-story frame building on the subject site; that the tavern/restaurant operation is a permitted use in the M1-2 zoning district; that the appellant is seeking a license to provide music and dancing on Friday and Saturday nights to the restaurant/tavern customers; that music and dancing on said limited basis may be considered accessory to the principal restaurant/tavern operation at the site; that no violation of the zoning ordinance exists nor is contemplated and that the appellant has established the basis of its appeal; it is therefore

RESOLVED, that the appeal be and it hereby is sustained and the decision of the Office of the Zoning Administrator be and it hereby is reversed and he is authorized to permit a music and dance license, as an accessory use only, for an existing restaurant and bar in a 1 and 2-story brick and frame building, on premises at 1036 W. 21st Street, upon condition that all applicable ordinances of the City of Chicago shall be complied with before a license is issued.

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 808

APPLICANT: Stanislaw Lew
APPEARANCES FOR: Stanislaw Lew, Joseph Kosinski
APPEARANCES AGAINST:

CAL. NO. 254-90-A
MAP NO. 9-L
MINUTES OF MEETING
 September 21, 1990

PREMISES AFFECTED— 5414 W. Melrose Street

SUBJECT— Appeal from the decision of the Office of the Zoning Administrator.

ACTION OF BOARD—

Appeal denied and the decision of the Office of the Zoning Administrator affirmed.

THE VOTE

Joseph J. Spingola
 Roula Alakiotou
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
X		
	X	
	X	
X		

THE RESOLUTION:

WHEREAS, Stanislaw Lew, owner, on July 6, 1990, filed an appeal from the decision of the Office of the Zoning Administrator in refusing to permit the partitioning and remodeling of the basement of a 2-story brick 2-dwelling unit building due to its belief that the basement will be used as a 3rd dwelling unit and not for recreational and storage use as contended by the appellant, in an R3 General Residence District, on premises at 5414 W. Melrose Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered June 28, 1990, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, specifically, §7.5-3, §7.12-1(4), §11.8-1."

and WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 1990; and

WHEREAS, the district maps show that the premises is located in an R3 General Residence District; 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 makes the following findings of fact: that the proposed use is to be located in an R3 General Residence District; that the subject site is improved with a 2-story with basement 2-dwelling unit building; that on June 28, 1990, the applicant was issued a denial of zoning certification for 3-dwelling units with insufficient lot area at the subject site; that the appellant filed an appeal with this Board contending that the renovated basement space was intended to be a family room and recreational area for the owner of the premises who resides in the second-floor dwelling unit and not for use as a rentable dwelling unit; that plans submitted indicate that the renovation of the basement provides for a game room, two storage rooms, a large family room, a bathroom with shower stall and a "warming room" with provision for microwave and bar sink area, in addition to existing laundry and furnace rooms and entrance/exits; that the appellant contends that the Zoning Department was presumptuous in assuming that the proposed renovation was for the purpose of providing a third dwelling unit on the premises; that the Board finds that the proposed basement floor plan having six partitioned rooms and two exits does resemble a potential dwelling unit inasmuch as the only thing missing to make it officially a dwelling unit is a kitchen facility which could easily be installed; that the Board feels that

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the architect could modify the floor plan in a manner acceptable to the Zoning Administrator and still provide an adequate recreational/family area for the appellant; it is therefore

RESOLVED, that the appeal be and it hereby is denied and the decision of the Office of the Zoning Administrator be and it hereby is affirmed.

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 808

APPLICANT: Lively Stone M.B. Church
APPEARANCES FOR: Stephen J. Walcutt
APPEARANCES AGAINST:

CAL. NO. 109-90-S
MAP NO. 1-L
MINUTES OF MEETING
 September 21, 1990

PREMISES AFFECTED— 4911-13 W. Chicago Avenue
SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

Application approved.

THE VOTE

Joseph J. Spingola
 Roula Alakiotou
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, Lively Stone M.B. Church, for William Jenkins, Sr., owner, on March 7, 1990, filed an application for a special use under the zoning ordinance for the approval of the location and the establishment of an off-site accessory parking lot for the parking of private passenger automobiles, in a B4-1 Restricted Service District, on premises at 4911-13 W. Chicago Avenue, to satisfy the parking requirement for a church located at 4938 W. Chicago Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered March 7, 1990, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, specifically, §10.3-1."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 1990 after due notice thereof by publication in the Chicago Tribune on March 26, 1990; and

WHEREAS, the district maps show that the premises is located in a B4-1 Restricted Service District; 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 makes the following findings of fact: that the proposed use is to be located in a B4-1 Restricted Service District; that on May 18, 1984, the Board approved the leasing by the applicant of 29 automobile parking spaces at 4921-35 W. Chicago Avenue to satisfy the parking requirement for the church at 4938 W. Chicago Avenue, in Calendar No. 151-84-S; that the applicant has lost the use of the 29 parking spaces at 4921-35 W. Chicago Avenue and that the establishment of the proposed parking lot at the subject site is necessary for the public convenience at this location to satisfy the parking requirement for the applicant church located at 4839 W. Chicago Avenue; that the public health, safety and welfare will be adequately protected in the design, location and operation of the proposed parking lot to be improved and operated under the conditions hereinafter set forth; that the proposed parking lot will be compatible with the existing improvements in the block and will not cause substantial injury to the value of other property in the neighborhood; it is therefore

RESOLVED, that the application for a special use be and it hereby is approved and

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the Zoning Administrator is authorized to permit the establishment of an off-site accessory parking lot for the parking of private passenger automobiles, on premises at 4911-13 W. Chicago Avenue, to satisfy the parking requirement for a church located at 4938 W. Chicago Avenue, upon condition that no use shall be made of the lot for the purpose requested until the following conditions shall have been complied with: that the lot shall be used solely for the parking of private passenger automobiles and that no commercial vehicles shall be parked upon said lot at any time; that the lot shall be improved with a compacted macadam base, not less than four inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material; that a 2-foot high steel beam guard rail shall be provided on the periphery of the lot excepting the driveway; that striping shall be provided; that lighting shall be provided; that ingress and egress shall be via W. Chicago Avenue; that the driveway shall be constructed in accordance with applicable ordinances; that the parking lot shall be securely locked during all hours when not in use by the applicant; and that all applicable ordinances of the City of Chicago shall be complied with before a certificate of occupancy is issued. It shall be the responsibility of the applicant to improve and maintain the property continuously in conformance with the provisions and standards hereby established under this order and Section 5.8-5 of the zoning ordinance.

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Mr. Daniel L. Houlihan, for Land and Lakes Company and the co-attorney with Roger J. Kiley for Waste Management of Illinois, Inc., presented a written request for an extension of the current use termination date of September 20, 1990 applicable to the Land and Lakes Company sanitary landfill on premises at 1000-1220 E. 138th Street and the Waste Management Company of Illinois, Inc. sanitary landfill on premises at 13001-13745 S. Calumet Expressway encompassed in the respective applications filed with the Zoning Board of Appeals on July 26, 1990.

Mr. Houlihan states that given the advise that the scheduling process of the Zoning Board of Appeals will not accommodate the docketing of these applications until an October date and in consideration of the fact that the threshold issue of the amended applicability of the siting criteria of the Chicago Zoning Ordinance as respects an operating landfill has been raised by written notice in each application and will necessarily require a determination by the Board prior to an evidentiary hearing, it is respectfully requested on behalf of each applicant that the Board enter an order in each case authorizing existent operations at each of these fully permitted facilities to continue during the pendency of these applications before the Board and subject to all applicable governmental regulations which apply to the conduct of business at each location.

Chairman Spingola moved that the requests be granted and that the current use termination date of September 20, 1990 be extended to January 1, 1991 to allow the existing Land and Lakes Company sanitary landfill facilities at 1000-1220 E. 138th Street and the Waste Management of Illinois, Inc. sanitary landfill facilities at 13001-13745 S. Calumet Expressway to continue operation during the pendency of their applications before the Board, subject to all applicable governmental regulations applying to the conduct of business at each location. The motion prevailed by yeas and nays as follows:

Yeas- Spingola, Martin, Alakiotou, Fornelli and Moore. Nays- None.

MINUTES OF MEETING

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Cal. No. 63-89-Z

Mr. John F. Pollick, on behalf of American National Bank and Trust Co. of Chicago as trustee under Tr. No. 108042-01 and its beneficiary, Lawrence I. Schulman, presented a written request for an additional extension of time in which to permit construction of a residence on the property at 2028-36 N. Magnolia Avenue for which a variation was granted by the Zoning Board of Appeals on March 17, 1989 to permit the erection of a 2½-story single-family residence whose front yard will be 7.5 feet instead of 10.85 feet, whose north side yard will be 3 feet instead of 9.3 feet, and whose rear yard will be 1.5 feet instead of 30 feet, in Calendar No. 63-89-Z, and for which an extension of time was granted to March 17, 1990 to allow Mr. Schulman the time necessary to develop plans and secure permits for its construction.

Mr. Pollick states that his client decided to build his home elsewhere and now is trying to sell the subject lot pursuant to an offer received in August, 1990, which is conditional upon the variation granted in Calendar No. 63-89-Z being reinstated and its benefits extended. He requests that the Board reinstate the Variation and extend its benefits to March 21, 1991 in order to give the prospective purchaser adequate time to pull his permits.

Chairman Spingola determined that the granting of a variation is based upon findings of fact that the owner has a particular difficulty or hardship in complying with the district regulations for a specific project and that should the owner decide not to proceed with the project, then the rights granted in the variation should lapse and not be transferred to a new party without benefit of new testimony and findings as provided in Section 11.7-3. Chairman Spingola then moved that said request for reinstatement and extension of time in Calendar No. 63-89-Z be denied. The motion prevailed by yeas and nays as follows:

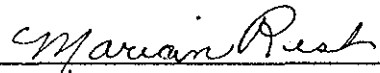
Yeas- Spingola, Martin, Alakiotou, Fornelli and Moore. Nays- None.

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Member Martin moved that the Board do now adjourn.

The motion prevailed and the Board adjourned to meet in special meeting on September 24, 1990.


Secretary

October