

MINUTES OF THE REGULAR MEETING OF THE
ZONING BOARD OF APPEALS

held in Room 569 County Building, on Friday, October 19, 1990

at 9:00 A.M., 2:00 P.M. and 3:00 P.M.

The following members were present for all or part of the meeting
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 September 21, 1990 and the special meeting of the Board held on September 24, 1990 (as submitted by the Secretary) as the minutes of said meetings.

The motion prevailed by yeas and nays as follows:

Yeas- Spingola, Alakiotou, Fornelli, Martin 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 808

APPLICANT: Rusty's, Inc.
 APPEARANCES FOR: Nancy Salamone
 APPEARANCES AGAINST:
 PREMISES AFFECTED— 1700-10 N. Halsted Street
 SUBJECT— Application for the approval of a special use.
 ACTION OF BOARD—

CAL. NO. 266-90-S
 MAP NO. 5-G
 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
Joseph J. Spingola	x		
Roula Alakiotou	x		
Anthony J. Fornelli	x		
LeRoy K. Martin, Jr.	x		
Thomas S. Moore	x		

Application approved.

THE RESOLUTION:

WHEREAS, Rusty's, Inc., for Chicago Title and Trust Co., Tr. #1091344, owner, on August 20, 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 on leased land, in a C1-2 Restricted Commercial District, on premises at 1700-10 N. Halsted Street, to satisfy the parking requirement for a recently constructed restaurant at 1723 N. Halsted Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered July 30, 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(27), §8.11-1(8); §9.4-1."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 1990 after due notice thereof by publication in the Chicago Tribune on October 1, 1990; and

WHEREAS, the district maps show that the premises is located in a C1-2 Restricted Commercial 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 located in a C1-2 Restricted Commercial District; that the subject site is improved with an existing, operating public parking lot located about 100 feet from the recently constructed restaurant at 1723 N. Halsted Street; that the applicant proposes to lease the 27-space parking lot at the subject site under a five-year lease with the 1700-1710 N. Halsted Street Partnership as beneficiary under Chicago Title and Trust Co., Tr. No. 1091344, commencing August 29, 1990 to August 28, 1995; that the proposed use is necessary for the public convenience at this location to satisfy the parking requirement for the recently constructed restaurant at 1723 N. Halsted Street; that the public health, safety and welfare will be adequately protected in the design, location and operation of the off-site accessory parking lot to be improved and operated in accordance with the improvements indicated on the site plan submitted, dated July 7, 1990; that the use of the site as leased off-site accessory parking spaces for the applicant restaurant is consistent with the existing use of the site as a public parking lot; and that the proposed use will not cause

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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 off-site accessory parking lot on leased land, on premises at 1700-10 N. Halsted Street, to satisfy the parking requirement for a recently constructed restaurant at 1723 N. Halsted Street, upon condition that a raised curb shall be provided along the N. Halsted Street frontage, excluding the driveway; that fencing shall be provided on the north and west property lines, as indicated in plans submitted, dated July 7, 1990; and that all other 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 subject parking lot in accordance with the standards provided for under this resolution and §5.8-5 of the zoning ordinance.

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

APPLICANT: Abundant Life Missionary Baptist Church
 APPEARANCES FOR: Rev. William Mitchell, Douglas Schroeder
 APPEARANCES AGAINST:

CAL. NO. 267-90-S
 MAP NO. 16-H
 MINUTES OF MEETING
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PREMISES AFFECTED-- 2300-06 W. 69th 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, Abundant Life Missionary Baptist Church, owner, on August 20, 1990, filed an application for a special use under the zoning ordinance for the approval of the location and the expansion of an existing 1-story church building at 2306, approved by the Board on March 23, 1984 in Calendar No. 72-84-S, by erecting a 1-story 24' x 59' addition to the east connecting the 2-story building at 2300, in a B4-1 Restricted Service District, on premises at 2300-06 W. 69th Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered July 18, 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, §8.4-1. §8.4-4, §11.10-1."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 1990 after due notice thereof by publication in the Chicago Tribune on October 1, 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 March 23, 1984, the Board approved a special use for the establishment of the applicant church in a 1-story brick building at 2306 W. 69th Street, in Calendar No. 72-84-S; that the applicant proposes to erect a 1-story 24' x 59' addition to the east connecting the existing church building to a 2-story building at 2300 W. 69th Street; that the proposed use is necessary for the public convenience at this location to provide additional space for church and related community activities; that the public health, safety and welfare will be adequately protected in the design and operation of the proposed addition which will meet all applicable building code regulations and that adequate on-site parking is provided to the west of the existing church building; that the proposed addition will be compatible with existing improvements in the block 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 expansion of an existing 1-story church building at 2306 W. 69th Street, approved by the Board on March 23, 1984 in Calendar No. 72-84-S, by erecting a 1-story 24' x 59' addition to the east connecting the 2-story building at 2300 W. 69th Street, on premises at 2300-06 W. 69th Street, upon condition that the proposed addition shall be constructed in accordance with applicable code regulations; that no use shall be made of the 2-story building at 2300 W. 69th Street for church activities until the building complies with all applicable code regulations with plans and permits obtained indicating such compliance; and that all other 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: Enterprise Development, Inc.
 APPEARANCES FOR: Gary I. Wigoda
 APPEARANCES AGAINST:
 PREMISES AFFECTED— 937-45 W. Wolfram Street
 SUBJECT— Application for the approval of a special use.

CAL. NO. 268-90-S
 MAP NO. 7-G
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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
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, Enterprise Development, Inc., for Enterprise Development, Inc. and Chicago Transit Authority, owners, on August 22, 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, partly in an R5 General Residence District and partly in a B4-2 Restricted Service District, on premises at 937-45 W. Wolfram Street, to fulfill the parking requirements for proposed retail and office uses in an existing 1 and 4-story and proposed 5th story building located at 2815 N. Sheffield Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered August 22, 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, §7.4-5, §7.7-5, §7.8-5, §7.9-5, §8.11-2."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 1990 after due notice thereof by publication in the Chicago Tribune on October 1, 1990; and

WHEREAS, the district maps show that the premises is partly located in an R5 General Residence District and partly 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 partly in an R5 General Residence District and partly in a B4-2 Restricted Service District; that the applicant proposes to renovate an existing 1 and 4-story brick building located at 2815 N. Sheffield Avenue for retail and office uses, the 1-story portion to be converted to required off-street parking for 32 automobiles; that the applicant proposes to establish 37 parking spaces at the subject site, across the alley from the use served, of which 15 spaces are required for the renovation; that the proposed use is necessary for the public convenience at the subject site to fulfill the parking requirement for the proposed retail and office uses in the renovated 4-story and proposed 5th story building located at 2815 N. Sheffield Avenue; that the public health, safety and welfare will be adequately protected in the design, location and operation of the proposed use to be improved and operated under the conditions hereinafter set forth; that the east portion of the subject site has been used for off-street parking for many years

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and that with landscaping provided, the continued use of the subject site for parking 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 off-site accessory parking lot for the parking of private passenger automobiles, on premises at 937-45 W. Wolfram Street, to fulfill the parking requirement for proposed retail and office uses in an existing 1 and 4-story and proposed 5th story building located at 2815 N. Sheffield Avenue, upon condition that no use shall be made of the site 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 a 6 feet high ornamental iron fence shall be erected near the north lot line, a 7 feet high slatted chain-link fence on the east lot line, and a 7 feet high chain-link fence on the south and west lot lines, excepting the entryways; that a strip of densely planted hedges shall be provided on the north property line outside the aforesaid ornamental iron fence; 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, 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 via the north/south alley abutting the site to the west; that the hours of operation shall be limited to the hours between 8 A.M. and 6 P.M.; that the lot shall be securely locked with an appropriate security device during all hours when not in operation; and that all other 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 §5.8-5 of the zoning ordinance.

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

APPLICANT: Enterprise Development, Inc.
 APPEARANCES FOR: Gary I. Wigoda
 APPEARANCES AGAINST:

CAL. NO. 269-90-Z
 MAP NO. 7-G
 MINUTES OF MEETING
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PREMISES AFFECTED— 937-45 W. Wolfram Street
 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, Enterprise Development, Inc., for Enterprise Development, Inc. and Chicago Transit Authority, owners, on August 22, 1990, filed an application for a variation of the zoning ordinance to permit, partly in an R5 General Residence District and partly in a B4-2 Restricted Service District, the establishment of an automobile parking lot with parking in the required front and east side yards, on premises at 937-45 W. Wolfram Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered August 22, 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, §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 October 19, 1990 after due notice thereof by publication in the Chicago Tribune on October 1, 1990; and

WHEREAS, the district maps show that the premises is partly located in an R5 General Residence District and partly 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 partly located in an R5 General Residence District and partly located in a B4-2 Restricted Service District; that on October 19, 1990, the Board approved a special use application for the establishment of an off-site accessory parking lot for the parking of private passenger automobiles at the subject site, to fulfill the parking requirement for proposed retail and office uses in an existing 1 and 4-story and proposed 5th story building located at 2815 N. Sheffield Avenue, in Calendar No. 268-90-S; 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 front and east side yard variations requested are necessary to fully utilize the site for public parking; that the plight of the owner is due to unique circumstances in that of the two zoning districts in which the subject site is located the more restrictive R5 General Residence zoning applies to the site, which district requires front and side yard setbacks; that with provision for landscaping on the W. Wolfram frontage and screened fencing on the east lot line, the variations, if granted, will not alter the essential character of the locality; it is therefore

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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 establishment of an automobile parking lot with parking in the required front and east side yards, on premises at 937-45 W. Wolfram Street, upon condition that a strip of densely planted hedges shall be provided on the north property line of the site and a 7 feet high slatted chain-link fence shall be erected on the east lot line; and that all other 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: Rothchild, Inc.
 APPEARANCES FOR: Michael A. Pedicone
 APPEARANCES AGAINST:
 PREMISES AFFECTED— 4822-26 S. Ashland Avenue
 SUBJECT— Application for the approval of a special use.

CAL. NO. 270-90-S
 MAP NO. 12-H
 MINUTES OF MEETING
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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
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, Rothchild, Inc., for Barre Rosenstock, owner, on August 24, 1990, filed an application for a special use under the zoning ordinance for the approval of the location and the establishment of a pawn shop in a 1-story brick building, in a B4-2 Restricted Service District; on premises at 4822-26 S. Ashland Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered July 19, 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, §8.4-4."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 1990 after due notice thereof by publication in the Chicago Tribune on October 1, 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 building; that the applicant proposes to establish a pawn shop at the premises; that the proposed use is necessary for the public convenience at this location to serve the residents of the community; that no one appeared in opposition to the proposed pawn shop operation; that the public health, safety and welfare will be adequately protected in the design, location and operation of the proposed use which will comply with all municipal ordinances governing the establishment and operation of pawn shops; that the proposed use will be compatible with the existing business uses on this 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 the Zoning Administrator is authorized to permit the establishment of a pawn shop in a 1-story brick building, on premises at 4822-26 S. Ashland Avenue, upon condition that the operation of the pawn shop shall comply with all municipal ordinances governing the operation of such use; and that all other 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: Porky's, Inc.
APPEARANCES FOR:
APPEARANCES AGAINST:

CAL. NO. 271-90-S
MAP NO. 15-H
MINUTES OF MEETING
October 19, 1990

PREMISES AFFECTED— 5954 N. Paulina Street
SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

Case continued to
December 14, 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: Porky's, Inc.

CAL. NO. 272-90-Z

APPEARANCES FOR:

MAP NO. 15-H

APPEARANCES AGAINST:

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PREMISES AFFECTED— 5954 N. Paulina Street

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

ACTION OF BOARD—

Case continued to
December 14, 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: Heartland Development Company
 APPEARANCES FOR: John J. George, et al
 APPEARANCES AGAINST:

CAL. NO. 273-90-S
 MAP NO. 1-F
 MINUTES OF MEETING
 October 19, 1990

PREMISES AFFECTED— 640 N. LaSalle 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, Heartland Development Company, for Amalgamated Trust and Savings Bank, Tr. #5261, owner, on September 6, 1990, filed an application for a special use under the zoning ordinance for the approval of the location and the establishment of a museum and related facilities in a 6-story building, in a C3-5 Commercial Manufacturing District, on premises at 640 N. LaSalle Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered September 5, 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."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 1990 after due notice thereof by publication in the Chicago Tribune on October 1, 1990; and

WHEREAS, the district maps show that the premises is located in a 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 subject site is a 67,144 sq. ft. parcel of land improved with a 6-story commercial building; that the applicant proposes to establish an 8,000 sq. ft. museum in the lower level of the subject building with additional amenities on the ground floor such as a gift shop, vintage ice cream parlor and food concession, a 1920's vintage photo area and an arcade and amusement area; that it is the intention of the general partners to create a museum/tourist attraction that focuses on Chicago and the Nation's history during the Prohibition years 1919 to 1933; that the proposed use will utilize the display of historical material in chronological sequence beginning in 1919 and ending in 1933 by the use of state-of-the-art special effects in the field of audio, special lighting, holograms, sensory imaging and audio-animatronic figures to create life-like experiences for visitors; that each year from 1919 to 1933 will be examined through the display of historical materials relating to the important economic, political and social events that occurred during each year with special sections designed to elaborate on the events, characters and subject matter unique to the era; that subjects to be covered in the museum's exhibits include early history of the Temperance Movement leading to Prohibition, Chicago's emergence as a leading city after the Fire of 1871,

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the role of women during the 1920's, the beginning of Prohibition and the country's response, national bootleggers, noted law enforcement officials of the time, the growth and decline of the Ku Klux Klan, the birth and growth of jazz in Chicago, and the repeal of Prohibition in 1933; that the museum will additionally focus on the Chicago of today and intends to work closely with city and state tourism organizations to develop this section for the promotion of Chicago's cultural, architectural, economic, ethnic and environmental attributes; that the proposed use is necessary for the public convenience at this location to provide an educational and entertainment facility for the benefit of citizens and tourists; that the public health, safety and welfare will be adequately protected in the design, location and operation of the proposed use which will provide adequate on-site parking within the building and which will be constructed in compliance with all applicable building code regulations; and that the proposed use is located in an area containing other entertainment uses and that the establishment of the proposed museum and related uses at the subject site 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 museum and related facilities in a 6-story building, on premises at 640 N. LaSalle Street, 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: Mark Blasingame
 APPEARANCES FOR: Terry Diamond
 APPEARANCES AGAINST:

CAL. NO. 274-90-Z
 MAP NO. 5-H
 MINUTES OF MEETING
 October 19, 1990

PREMISES AFFECTED— 1934 N. Honore Street

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, Mark Blasingame, owner, on September 6, 1990, filed an application for a variation of the zoning ordinance to permit, in an R3 General Residence District, the erection of attic dormers to the front 2½-story and the rear 1½-story brick buildings both to be converted to single-family residences and the erection of a 2-story 8.17' x 20.58' addition to the rear of the front building, whose front yard will be 6.7' instead of 20', whose north side yard will be 0.33' and whose south side yard will be 3.58' instead of side yards equal to 1/5th of the building height, whose rear yard will be 8.75' instead of 30', and which additions will result in a 13% (513 sq. ft.) increase in the amount of floor area existing prior to the 1957 comprehensive amendment to the zoning ordinance, on premises at 1934 N. Honore Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered July 23, 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, §7.6-3, §7.7-3, §7.8-3(2), §7.9-3, §11.7-4(1)(7)."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 1990 after due notice thereof by publication in the Chicago Tribune on October 1, 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 make 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 24' x 125' lot improved with a 2½-story brick residential building on the front of the lot and a 1½-story residence on the rear of the lot; that on October 30, 1986, the City Council passed an ordinance giving the Zoning Board of Appeals authority under Section 11.7-4(7) of the zoning ordinance "to allow the expansion or enlargement of any permitted residential use in the R3, R4 or R5 General Residence District by an amount not to exceed 15 percent of the floor area existing prior to the effective date of this comprehensive amendment notwithstanding the provisions of Section 6.4-2(1);" that the applicant seeks to convert both residential buildings to single-family residences, to erect attic dormers to both buildings and to erect a 2-story 8.17' x 20.50' addition to the rear of the front

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Cal. No. 274-90-Z

building which additions will exceed by 13% (513 sq. ft.) the amount of floor area existing prior to the 1957 comprehensive amendment to the zoning ordinance; that the rear residential structure is presently located at the alley lot line and that the applicant proposes to remove about 8 feet of the existing building because of its proximity to the rear lot line and its delapidated condition; 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 variations requested are necessary in the conversion of the existing buildings into modern livable single-family residences; that the plight of the owner is due to unique circumstances in that the cost of the renovation work is not economically viable without the variations requested; that the subject site is located in an area where much rehabilitation work is being done; that the variations, if granted, will not alter the essential character of the locality in that the proposed dormer additions and the addition to the front structure will be compatible with existing improvements in the block; 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 a variation be and it hereby is granted to permit the erection of attic dormers to the front 2½-story and rear 1½-story brick buildings both to be converted to single-family residences and the erection of a 2-story 8.17' x 20.58' addition to the rear of the front building, whose front yard will be 6.7' instead of 20', whose north side yard will be 0.33' and whose south side yard will be 3.58' instead of side yards equal to 1/5th of the building height, whose rear yard will be 8.75' instead of 30' and which additions will result in a 13% (513 sq. ft.) increase in the amount of floor area existing prior to the 1957 comprehensive amendment to the zoning ordinance, on premises at 1934 N. Honore Street, upon condition that plans submitted shall designate an area on the rear of the subject site for location of trash receptacles; 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: John E. Harris
 APPEARANCES FOR: Karen Brazil-Brasher
 APPEARANCES AGAINST: Jules R. Packnett, et al.

CAL. NO. 275-90-S
 MAP NO. 20-E
 MINUTES OF MEETING
 October 19, 1990

PREMISES AFFECTED— 712 E. 83rd Street
 SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

Application denied.

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, John E. Harris, owner, on September 6, 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 712 E. 83rd Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered July 23, 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, §8.4-4."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 1990 after due notice thereof by publication in the Chicago Tribune on October 1, 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 store building formerly occupied by a tavern with sale of packaged goods; that the last liquor license for the site, No. 005066, expired May, 1989; that the tavern has been closed in excess of one year; that the applicant has owned the premises since May 31, 1990 and now seeks to re-establish a tavern at the subject site; that there is an established licensed tavern within approximately 147 feet of the subject premises; that no proof was presented that would indicate that the proposed tavern is necessary for the public convenience at this location; that the Board takes judicial notice of Section 4-172-020(b) of the Municipal Code of Chicago which prohibits the establishment of a tavern within 400 feet of any existing licensed tavern in areas designated in the Zoning Ordinance as B4 or B5 Districts; it is therefore

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

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

APPLICANT: Thomas Herzberg
 APPEARANCES FOR: Thomas Herzberg
 APPEARANCES AGAINST:

CAL. NO. 276-90-Z
 MAP NO. 9-K
 MINUTES OF MEETING
 October 19, 1990

PREMISES AFFECTED-- 4128 W. Eddy Street
 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
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, Thomas Herzberg, owner, on September 7, 1990, filed an application for a variation of the zoning ordinance to permit, in an R3 General Residence District, the erection of a dormer addition to the 2nd floor rear portion of a 1½-story brick and frame single-family residence, whose west side yard will be 1.61' instead of 3' and which addition will result in a 15% (352 sq. ft.) increase in the amount of floor area existing in the building prior to the 1957 comprehensive amendment to the zoning ordinance, on premises at 4128 W. Eddy Street; 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, §7.6-3, §7.8-3(1), §11.7-4(1), §11.7-4(7)."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 1990 after due notice thereof by publication in the Chicago Tribune on October 1, 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 30' x 100' lot improved with a 1-story brick single-family residence; that on October 30, 1986, the City Council passed an ordinance giving the Zoning Board of Appeals authority under Section 11.7-4(7) of the zoning ordinance "to allow the expansion or enlargement of a residential use in the R3, R4, or R5 General Residence District by an amount not to exceed 15 percent of the floor area existing prior to the effective date of this comprehensive amendment notwithstanding the provisions of Section 6.4-2(1);" that the applicant seeks to expand the subject site building by erecting a 352 sq. ft. dormer addition to the 2nd floor rear portion of the 1½-story single-family residence at the site, which will result in a 15% increase in the amount of floor area existing in the building prior to the 1957 comprehensive amendment to the zoning ordinance; that the property in question cannot yield a reasonable return nor be put to reasonable use if permitted to be used only under

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the conditions allowed by the regulations in this district in that the proposed dormer addition, consisting of additional bedroom space, is necessary to meet the needs of the applicant; that the plight of the owner is due to unique circumstances in that due to much of the existing building's basement being above grade level, the Office of the Zoning Administrator determined that the proposed dormer addition constitutes a 3rd floor which necessitates the side yard variation; that the proposed dormer addition will not impair an adequate supply of light and air to adjacent properties and that the variation, if granted, will not alter the essential character of the locality and will be compatible with existing improvements on the block; 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 a variation be and it hereby is granted to permit the erection of a dormer addition to the 2nd floor rear portion of a 1½-story brick and frame single-family residence, whose west side yard will be 1.61' instead of 3' and which addition will result in a 15% (352 sq. ft.) increase in the amount of floor area existing in the building prior to the 1957 comprehensive amendment to the zoning ordinance, on premises at 4128 W. Eddy Street, 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: Howard D. Geller
 APPEARANCES FOR: Howard D. Geller
 APPEARANCES AGAINST:

CAL. NO. 277-90-Z
 MAP NO. 15-J
 MINUTES OF MEETING
 October 19, 1990

PREMISES AFFECTED— 6242 N. Lawndale 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
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, Howard D. Geller, for Howard D. and Rita Geller, owners, on September 7, 1990, filed an application for a variation of the zoning ordinance to permit, in an R2 Single-Family Residence District, the erection of a 2-story 532 sq. ft. addition to the rear of a 2-story brick single-family residence, whose side yards will each be 3 feet instead of combined side yards of 9 feet and whose total floor area ratio will be 0.65 instead of 0.50, on premises at 6242 N. Lawndale Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered July 31, 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, §7.8-2(2), §11.7-4(1)(13)."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 1990 after due notice thereof by publication in the Chicago Tribune on October 1, 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 a 30' x 127.06' lot improved with a 2-story brick single-family residence; that the applicant proposes to erect a 2-story 532 sq. ft. addition to the rear of the existing building; 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 2-story addition is necessary to meet the needs of the applicant and his family; that the plight of the owner is due to the necessity of providing additional living space to accommodate in-laws who may be living with the applicant in the future; that the proposed addition will be compatible with existing improvements in the block and that the variations, if granted, will not impair and 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

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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 1-story 532 sq. ft. addition to the rear of a 2-story brick single-family residence, whose side yards will each be 3 feet instead of combined side yards of 9 feet and whose total floor area ratio will be 0.65 instead of 0.50, on premises at 6242 N. Lawndale 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: M-K Signs, Inc.
 APPEARANCES FOR: Pat Mennella
 APPEARANCES AGAINST:

CAL. NO. 278-90-S
 MAP NO. 9-L
 MINUTES OF MEETING
 October 19, 1990

PREMISES AFFECTED— 3235 N. LeClaire 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, M-K Signs, Inc., for Chicago Board of Education, owner, on September 10, 1990, filed an application for a special use under the zoning ordinance for the approval of the location and the erection of a pole-mounted 5.58' x 8' high school bulletin board sign near the southwest corner of the high school premises, in an R3 General Residence District, on premises at 3235 N. LeClaire Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered August 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, §7.4-4."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 1990 after due notice thereof by publication in the Chicago Tribune on October 1, 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 Forman High School; that the applicant proposes to erect a 5.58' x 8' double-face illuminated bulletin board sign on a 10 foot high pole in the southwest corner of the high school site; that the proposed use is necessary for the public convenience at this location to promote school activities to the community; that the public health, safety and welfare will be adequately protected in the design, location and operation of the proposed bulletin board sign which is not located near private residences; that the proposed use, located on school property, is 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 erection of a pole-mounted 5.58' x 8' high school bulletin board sign near the southwest corner of the high school premises, on premises at 3235 N. LeClaire 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: FitzGerald & Associates, Architects

CAL. NO. 279-90-Z

APPEARANCES FOR:

MAP NO. 5-F

APPEARANCES AGAINST:

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PREMISES AFFECTED— 1729 N. Burling Street

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

ACTION OF BOARD—

Application withdrawn upon motion of applicant.

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		

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 608

APPLICANT: James M. Alex & Charlann Wrlak
 APPEARANCES FOR: James M. Alex
 APPEARANCES AGAINST:

CAL. NO. 280-90-Z
 MAP NO. 11-M
 MINUTES OF MEETING
 October 19, 1990

PREMISES AFFECTED— 4424 N. Monitor Avenue
 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, James M. Alex & Charlann Wrlak, owners, on September 11, 1990, filed an application for a variation of the zoning ordinance to permit, in an R2 Single-Family Residence District, the erection of a 2nd story dormer addition to a 1-story brick single-family residence, whose total floor area ratio will be 0.65 instead of 0.50, on premises at 4424 N. Monitor Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered August 30, 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, §7.6-2, §11.7-4(13)."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 1990 after due notice thereof by publication in the Chicago Tribune on October 1, 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 said use is located in an R2 Single-Family Residence District; that the subject site is improved with a 1-story brick single-family residence with a partially constructed 2nd story dormer addition; that the residence on the subject site was struck by lightning in July of 1990 resulting in fire damage; that the applicants hired a contractor who commenced construction work without obtaining necessary building permits; 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 2nd story dormer addition is necessary to replace the fire damaged roof and to increase bedroom space; that the plight of the owner is due to unique circumstances in that the construction of the proposed dormer addition was begun by the contractor with necessary building permits and that the applicants now find themselves in a fait accompli situation; that the 2nd story dormer addition will be compatible with existing improvements in this block, several of which have partial dormers; and that the variation, if granted, will not alter the essential character of the locality; it is therefore

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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 2nd story dormer addition to a 1-story brick single-family residence, whose total floor area ratio will be 0.65 instead of 0.50, on premises at 4424 N. Monitor 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: Premier Ventures Developments
 APPEARANCES FOR: Robert Kenny
 APPEARANCES AGAINST:

CAL. NO. 281-90-Z
 MAP NO. 7-G
 MINUTES OF MEETING
 October 19, 1990

PREMISES AFFECTED— 2660 N. Greenview 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, Premier Ventures Developments, for American National Bank, Tr. #107837-02, owner, on September 12, 1990, filed and subsequently amended, an application for a variation of the zoning ordinance, to permit, in an R4 General Residence District, the erection of a 2-story single-family residence, whose front yard will be 7.5 feet instead of 14.7 feet and with no north side yard instead of 2.6 feet, on premises at 2660 N. Greenview Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered September 12, 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, §7.7-4, §7.8-4, §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 October 19, 1990 after due notice thereof by publication in the Chicago Tribune on October 1, 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 proposed use is to be located in an R4 General Residence District; that the subject site is a 26' x 123.23' unimproved lot; that on March 29, 1989, the City Council rezoned the subject site from M1-2 to R4 General Residence specifically for the proposed residence; 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 variations requested are necessary to construct a single-family residence with sufficient interior space; that the plight of the owner is due to unique circumstances in that a zero north side yard is requested due to the subject property being immediately contiguous to a pre-existing tavern on the north lot line and that to provide a north side yard set back as required would only provide a place for garbage, debris and people to congregate in; that the proposed single-family residence will be compatible with existing improvements in the block, all of which do not comply with the yard requirements of the zoning ordinance; and that the variations, if granted, will not alter the essential character of the locality; it is therefore

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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 2-story single-family residence, whose front yard will be 7.5' instead of 14.7' and with no north side yard instead of 2.6', on premises at 2660 N. Greenview Avenue, upon condition that the proposed single-family residence shall be constructed in accordance with the plans submitted; that the plans shall designate an area on the rear of the subject site for location of trash receptacles; 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: Raymond S. Cahnman
 APPEARANCES FOR: Gary I. Wigoda
 APPEARANCES AGAINST:

CAL. NO. 282-90-Z
 MAP NO. 5-F
 MINUTES OF MEETING
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PREMISES AFFECTED— 1937 N. Howe Street
 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
X		
		X
X		
X		
X		

THE RESOLUTION:

WHEREAS, Raymond S. Cahnman, owner, on September 12, 1990, filed an application for a variation of the zoning ordinance to permit, in an R4 General Residence District, the erection of a 2-story with penthouse single-family residence, whose front yard will be 7.5 feet instead of 15 feet, whose north side yard will be 4 feet and with no south side yard instead of 4.1 feet each, and with no rear yard instead of 30 feet, on premises at 1937 N. Howe Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered August 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, §7.7-4, §7.8-4, §7.9-4."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 1990 after due notice thereof by publication in the Chicago Tribune on October 1, 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 proposed use is to be located in an R4 General Residence District; that the subject site property is a 41' x 125' portion of land taken from three 22' lots owned by the applicant; that the applicant proposes to erect a 2-story with penthouse single-family residence on 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 front, rear and side yard variations requested are necessary to construct the proposed 2-story with penthouse single-family residence as designed; that the plight of the owner is due to unique circumstances in that the applicant will construct a single-family residence having approximately the same front yard as existing structures on this block but because of the design of an open yard area and attached garage, the north and south side yards and east rear yard variations are also required; that the open space provided is sufficient so as not to impair an adequate supply of light and air to adjacent properties; that the proposed single-family residence will be compatible with the existing improvements in this block, many of which do not comply with the yard

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requirements of the zoning ordinance; and that the variations, if granted, 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 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 2-story with penthouse single-family residence, whose front yard will be 7.5 feet instead of 15 feet, whose north side yard will be 4 feet and with no south side yard instead of 4.1 feet each, and with no rear yard instead of 30 feet, on premises at 1937 N. Howe Street, upon condition that the plans submitted shall designate an area on the rear of the subject site for location of trash receptacles; and that all applicable ordinances of the City of Chicago shall be complied with before a permit issued.

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

APPLICANT: Deborah's Place
 APPEARANCES FOR: Donna J. Pugh
 APPEARANCES AGAINST: Victor A. Grigas

CAL. NO. 283-90-S
 MAP NO. 3-F
 MINUTES OF MEETING
 October 19, 1990

PREMISES AFFECTED— 1518 N. Sedgwick 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		

THE RESOLUTION:

WHEREAS, Deborah's Place, for Cabrini Green Legal Aid Clinic, owner, on September 11, 1990, filed an application for a special use under the zoning ordinance for the approval of the location and the establishment of a 30-bed temporary overnight shelter facility in a proposed 1-story building, in a C1-3 Restricted Commercial District, on premises at 1518 N. Sedgwick Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered August 30, 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, §9.3-1, §9.4-1(1), §9.11-1(30)."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 1990 after due notice thereof by publication in the Chicago Tribune on October 1, 1990; and

WHEREAS, the district maps show that the premises is located in a C1-3 Restricted Commercial 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 C1-3 Restricted Commercial District; that the subject site is a vacant 25' x 124' lot; that on November 15, 1985, the Board approved a special use application filed by the applicant for the establishment of a temporary overnight shelter facility for 30 women in the basement of a four-story brick store and apartment building on premises at 1404½ N. Sedgwick Street, in Calendar No. 364-85-S; that the proposed shelter facility will contain a maximum of 30 beds and will be located in the basement level of the proposed building which will be occupied by the Cabrini Green Legal Aid Clinic on the 1st floor; that the proposed shelter will operate between the hours of 7 P.M. and 7 A.M.; that handicap access will be provided; that there will be at least three staff persons on the premises to monitor the shelter's activities during all hours of operation; that no drugs or alcohol will be allowed or tolerated on the premises; that the establishment of a temporary overnight shelter for 30 homeless women is necessary for the public convenience at this location to continue to provide in the community the needed shelter operation previously located at 1404½ N. Sedgwick Street; that the public health, safety and welfare will be adequately protected in the design and operation of the proposed use which will be

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operated in the same manner and under the same conditions as at the former location; and that the proposed use is a relocation of an ongoing facility and will be compatible with the mixed business and residential 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 30-bed temporary overnight shelter facility for homeless women in a proposed 1-story building, on premises at 1518 N. Sedgwick Street, upon condition that no drugs or alcohol shall be allowed or tolerated on the premises; 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 any deviation from the specified use of the subject premises as a temporary overnight shelter facility for 30 homeless women, or any increase in the number of beds as delineated herein, shall cause the special use granted herein to immediately become null and void; 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 temporary overnight shelter activity to another group or association, the special use granted herein becomes null and void.

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

APPLICANT: Pilsen-Little Village Community Mental Health Center, Inc.

APPEARANCES FOR:

APPEARANCES AGAINST:

PREMISES AFFECTED— 4115 W. 26th Street

SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

Case continued to
February 15, 1991
for status.

CAL. NO. 284-90-S

MAP NO. 6-K

MINUTES OF MEETING
October 19, 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: Anthony DiCataldo
APPEARANCES FOR: Anthony DiCataldo
APPEARANCES AGAINST:

CAL. NO. 285-90-A
MAP NO. 9-M
MINUTES OF MEETING
 OCTober 19, 1990

PREMISES AFFECTED— 6039 W. Irving Park Road
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, Anthony DiCataldo, for Joe Florio, owner, on September 14, 1990, filed an appeal from the decision of the Office of the Zoning Administrator in refusing to permit wholesaling in conjunction with an existing retail bakery in a 2-story brick building, in a B4-1 Restricted Service District, on premises at 6039 W. Irving Park Road; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered September 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, §8.3-4."

and.

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 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 the subject site is improved with a 2-story brick store and apartment building containing an existing ethnic retail bakery; that the appellant proposes to wholesale ethnic bakery items on a limited basis; that the wholesaling of bakery items on a limited basis may be considered accessory to the principal retail bakery operation; that no violation of the zoning ordinance exists nor is contemplated and that the appellant has established the basis of his 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 wholesaling as an accessory use only in conjunction with an existing retail bakery in a 2-story brick building, on premises at 6039 W. Irving Park Road, 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: Frank J. Gardi
 APPEARANCES FOR: Frank J. Gardi
 APPEARANCES AGAINST: Donald Maas, et al.

CAL NO. 286-90-A
 MAP NO. 17-M
 MINUTES OF MEETING
 October 19, 1990

PREMISES AFFECTED— 6117 W. Touhy Avenue

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, Frank J. Gardi, owner, on August 17, 1990, filed an appeal from the decision of the Office of the Zoning Administrator in refusing to permit a business office in a 1-story brick structure on the rear of the lot additionally improved with a 2-story brick store and apartment building on the front, in an R2 Single-Family Residence District, on premises at 6117 W. Touhy Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered August 27, 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, §7.3-2."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 1990; and

WHEREAS, the district maps show that the premises is located in a 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 in a 1-story accessory garage building on the rear of the lot additionally improved with a 2-story brick store and apartment building on the front; that the subject accessory building was constructed over 100 years ago and had been previously used for garage and agricultural storage purposes, which use ceased many years ago; that the appellant proposes to utilize the subject premises for an insurance business office; that the non-conforming store premises in the building on the front of the lot is used by the appellant's wife as an All-State Insurance office; that the appellant cannot have his proposed business located in the same premises as his wife's because of All-State business regulations; that no evidence was presented to indicate that the subject accessory building was ever occupied by a previous business use; that under §7.3-2 of the zoning ordinance the Board has no authority to permit the establishment of a business in the subject building in a residential district; 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: Winifred Jackson
 APPEARANCES FOR: Winifred Jackson
 APPEARANCES AGAINST:

CAL. NO. 287-90-A
 MAP NO. 4-J
 MINUTES OF MEETING
 October 19, 1990

PREMISES AFFECTED— 1644 S. St. Louis Avenue
 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

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
	X	
	X	
X		
	X	

THE RESOLUTION:

WHEREAS, Winifred Jackson, for Mr. Spencer, owner, on August 19, 1990, filed an appeal from the decision of the Office of the Zoning Administrator in refusing to permit the re-establishment of a grocery store in a store in the basement of a 3-story brick apartment building, in an R4 General Residence District, on premises at 1644 S. St. Louis Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered August 29, 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, §7.3-4."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 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 proposed use is to be located in an R4 General Residence District; that the subject site is improved with a 3-story brick apartment building with a store located in the basement; that testimony presented indicated that the store has been vacant and unoccupied for the past three years; that under §6.4-5 of the zoning ordinance the Board has no authority to permit the re-establishment of a grocery store at the subject site; 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 638

APPLICANT: Dorson Corporation
 APPEARANCES FOR: Gloria A. Fye
 APPEARANCES AGAINST:

CAL. NO. 288-90-A
 MAP NO. 5-M
 MINUTES OF MEETING
 October 19, 1990

PREMISES AFFECTED— 6158½ W. Grand Avenue
 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, Dorson Corporation, for Ed Kadzielawski, owner, on September 19, 1990, filed an appeal from the decision of the Office of the Zoning Administrator in refusing to permit the establishment of a time stamp assembly and wholesale business in a store in a 2-story brick store and apartment building, in a B4-1 Restricted Service District, on premises at 6158½ W. Grand Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered September 13, 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, §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 October 19, 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 the 2-story brick store and apartment building on the subject site contains a printing business and a cleaning and painting contractor business, non-conforming C uses; that the appellant was formerly located at 3101 W. Logan and moved to the subject site in March of 1989; that the appellant testified that they were issued a new business license with the old address indicated on it and that on September 10, 1990 a violation notice was issued due to the incorrect address on the business license; that the appellant's business consists of light assembly of time stamp machines which are sold to schools, businesses, etc.; that the business operation does not involve machinery of any kind; that all shipping is done via UPS in small parcels at an average of 20 pounds a day and is not a typical wholesale operation; that licensing requirements have caused the case to be filed; that §6.4-6 of the zoning ordinance permits the expansion of a non-conforming use throughout the building; that no violation of the zoning ordinance exists nor is contemplated and that the appellant has established the basis of their appeal; it is therefore

MINUTES OF MEETING

October 19, 1990

Cal. No. 288-90-A

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 time stamp assembly and wholesale business in a store in a 2-story brick store and apartment building, on premises at 6158½ W. Grand Avenue, upon condition that the hours of operation shall be limited to the hours between 8 A.M. and 3 P.M., Mondays through Fridays; 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: Christina Szombathy

CAL. NO. 289-90-A

APPEARANCES FOR:

MAP NO. 5-G

APPEARANCES AGAINST:

MINUTES OF MEETING
October 19, 1990

PREMISES AFFECTED-- 1822 N. Sheffield Avenue

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

ACTION OF BOARD--

Case continued to
December 14, 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: George Sirack
 APPEARANCES FOR: John Dabek, George Sirack
 APPEARANCES AGAINST:

CAL. NO. 106-90-S
 MAP NO. 5-H
 MINUTES OF MEETING
 October 19, 1990

PREMISES AFFECTED— 2047-49 W. Dickens 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
Joseph J. Spingola	X		
Roula Alakiotou	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Thomas S. Moore	X		

THE RESOLUTION:

WHEREAS, George Sirack, for Charles Schult and George Sirack, owners, on February 27, 1990, filed an application for a special use under the zoning ordinance for the approval of the location and the establishment of residential use on the ground floor in an existing 1 and 2-story brick building and proposed addition all of which will be used as 3-dwelling units, in a B4-2 Restricted Service District, on premises at 2047-49 W. Dickens Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered February 22, 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, §8.3-4, §8.4-4, §8.11-1(7)."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 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 B4-2 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 and 2-story brick building; that the proposed use is necessary for the public convenience at this location in that there is no demand for business uses in the area and a continuing demand for residential use; that the public health, safety and welfare will be adequately protected in the design and operation of the proposed use which will comply with all applicable building code regulations; and that the proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is located in that the use will be compatible with the improvements in the area which are primarily residential; 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 residential use on the ground floor of an existing 1 and 2-story brick building and proposed addition all of which will be used as 3 dwelling units, on premises at 2047-49 W. Dickens Avenue, upon condition that the building shall be brought into compliance with all applicable building code regulations with plans and permits obtained **PAGE 41 OF MINUTES** indicating such compliance 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: Wilbur and Helen Rogers
APPEARANCES FOR: None
APPEARANCES AGAINST:

CAL. NO. 193-90-A
MAP NO. 10-I
MINUTES OF MEETING
October 19, 1990

PREMISES AFFECTED-- 4537 S. Whipple Street

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 206

APPLICANT: Waste Management of Illinois, Inc.
APPEARANCES FOR: Percy Angelo, Daniel L. Houlihan
APPEARANCES AGAINST:
PREMISES AFFECTED-- Area bounded by E. 130th St. on the north, Little Calumet River on the east, City Limits on the south and the Calumet Expressway on the west, commonly known as 13001-13745 S. Calumet Expressway.
SUBJECT-- Application for the approval of a special use.
ACTION OF BOARD--

CAL. NO. 290-90-S
32-D, 32-C,
MAP NO. 34-C
MINUTES OF MEETING
October 19, 1990

Case continued to
November 16, 1990
for status.

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: Land and Lakes Company
APPEARANCES FOR: Percy Angelo, Daniel L. Houlihan
APPEARANCES AGAINST:

CAL. NO. 291-90-S
MAP NO. 34-D
MINUTES OF MEETING
October 19, 1990

PREMISES AFFECTED— Area bounded by the Little Calumet River on the north and east, City Limits on the south and the extension of S. Cottage Grove Ave. on the west, commonly known as 1000-1220 E. 138th Street.

SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

Case continued to November 16, 1990 for status.

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		

MINUTES OF MEETING

October 19, 1990

Cal. No. 262-89-S

Mr. Richard L. Kruse, for West Side Realty Corporation, presented a written request for an extension of time in which to obtain necessary permits for the erection of a 9-level parking facility, on premises at 1640 W. Jackson Boulevard, to satisfy the parking requirement for a proposed 7-story office building at 1645 W. Jackson Boulevard, which special use was approved by the Board on October 20, 1989 in Calendar No. 262-89-S.

Mr. Kruse stated that due to cost overruns and the redesign of the parking structure, construction of the parking facility has been delayed.

Chairman Spingola moved that the request be granted and the time extended until October 20, 1991.

The motion prevailed by yeas and nays as follows:

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

MINUTES OF MEETING

October 19, 1990

Cal. No. 39-90-Z

Jeff Bowles and Paul McHugh, owners, presented a written request for an extension of time in which to obtain the necessary building permit for the erection of a U-shaped 3-story 16-dwelling unit townhouse building, whose front yard will be 4 feet instead of 12 feet, whose side yards will each be 3 feet instead of 17.5 feet each, whose rear yard will range from 1 foot to 15 feet instead of 30 feet and with 6 parking spaces located in the required front yard, on premises at 923-35 N. Racine Avenue, which variations were granted by the Zoning Board of Appeals on February 16, 1990, in Calendar No. 39-90-Z.

The applicants stated that there was a delay in submitting plans for the development due to limitations of the site which required reworking of the plans.

Chairman Spingola moved that the request be granted and the time extended until February 16, 1991. The motion prevailed by yeas and nays as follows;

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

MINUTES OF MEETING

October 19, 1990

Cal. No. 145-90-Z

Mr. John J. Pikarski, Jr., for George Perinovic, owner, presented a written request for an extension of time in which to obtain the necessary building permit for the erection of a 3-story 2-dwelling unit building, whose front yard will be 5.42 feet instead of 15 feet and with no west side yard instead of 2.5 feet, on premises at 1449 W. Fletcher Street, which variations were granted by the Zoning Board of Appeals on May 18, 1990, in Calendar No. 145-90-Z.

Mr. Pikarski stated that because of the amount of time that was required to obtain final drawings and inability to obtain bids for the proposed development, his client cannot apply for his building permit within the time allowed by the ordinance.

Chairman Spingola moved that the request be granted and the time be extended until May 18, 1991. The motion prevailed by yeas and nays as follows:

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

MINUTES OF MEETING

October 19, 1990

Cal. No. 83-90-S

Mr. Gregory H. Furda, for Marcey Limited Partners, an Illinois Limited Partnership, applicant, and Mr. Martin J. Oberman, on behalf of certain opposition, presented closing arguments in the application for a special use under the zoning ordinance for the approval of the location and the establishment of retail uses in a proposed 2-story building, in the Clybourn Corridor Planned Manufacturing District, on premises at 1780 N. Marcey Street, in Calendar No. 83-90-S, for which public hearings were held on March 16, April 20, June 15, July 20, August 31, September 14, September 24, and October 16, 1990.

Thereupon, the Board took the matter under advisement.

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

APPLICANT: Marcey Limited Partners
PEARANCES FOR: Gregory J. Furda, et al.
APPEARANCES AGAINST: Martin J. Oberman, et al.

CAL. NO. 83-90-S

MAP NO. 5-G

MINUTES OF MEETING

March 16, April 20,
 June 15, July 20,
 August 31, Sept. 14,
 September 24, Oct. 16
 and October 19, 1990.

PREMISES AFFECTED— 1780 N. Marcey 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, Marcey Limited Partners, an Illinois Limited Partnership, for American National Bank & Trust Co.. Tr. #109779-08, owner, on February 1, 1990, filed and subsequently amended an application for a special use under the zoning ordinance and Chapter 194D for the approval of the location and the establishment of retail and service uses in a proposed 2-story building, in the Clybourn Corridor Planned Manufacturing District, on premises at 1780 N. Marcey Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered February 1, 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, §J(3)(b)(20)."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 16, 1990 and special meetings held on April 20, June 15, July 20, August 31, September 14, September 24, and October 16 & 19, 1990 after due notice thereof by publication in the Chicago Tribune on February 26, 1990; and

WHEREAS, the district maps show that the premises is located in the Clybourn Corridor Planned 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 subject site lies within an overall 115 acre area designated as a Planned Manufacturing District and identified in the Staff Report by the Departments of Planning and Economic Development as the Clybourn Corridor Planned Manufacturing District; that the PMD is a balanced approach to industrial policy and land use planning on the city's north side, allowing for continued and coordinated industrial investment within an overall planning context sensitive to area wide commercial and residential needs; that the PMD is split into two sub-districts, "A", the core area, which permits only manufacturing and related uses, and "B", the buffer area, which permits manufacturing and related uses but also allows specified commercial and retail uses when approved by the Board as special uses; that the buffer area is designed and intended to promote development of uses compatible with the manufacturing/ industrial uses existing in the core area; that the subject site is located in the buffer area consisting of 89,805 sq. ft. running north from Willow Street and from Marcey Street west

MINUTES OF MEETING

March 16, April 20, June 15, July 20,
 August 31, September 14, September 24,
 October 16, and October 19, 1990
 Cal. No. 83-90-S

to the 20' Peoples Gas Utility right-of-way fronting on the east side of Kingsbury Street and is improved with the McNulty Brothers contractor and warehouse facility and pump house, with the balance of the block to the north improved by a Commonwealth Edison sub-station and yard; that the other surrounding uses, all in the buffer area, are as follows; to the east, an importer and distributor of giftware and housewares and a retail and service use development at 1800 N. Clybourn, and to the south, a large unimproved parcel of land; that to the west, in the core area, is a yard used for storage of non-ferrous refuse material, a parking lot and an office building; that the applicant's proposal, as originally filed, sought approval for a development that included a new 80,000 sq. ft. structure intended to house retail uses, service uses and a minimum of 8 theaters containing a maximum of 2,500 seats, renovation of the existing pump house structure on the northeast corner of the site with 10,000 sq. ft. of retail and entertainment uses, a pedestrian sky bridge extended across No. Marcey Street connecting the proposed building to the existing retail/entertainment center located at 1800 N. Clybourn and an attached multi-level parking structure; that as a result of meetings held in the community, the applicant filed an amended application in September of 1990 containing the following proposals: a reduced maximum floor area of the proposed new structure to 62,000 sq. ft., retention and renovation of the existing pump house structure, erection of the pedestrian sky bridge, and structured on-site parking with ingress and egress via W. Willow Street; that the uses proposed by the applicant for the site will be limited to permitted uses in the B1 Local Retail, B2 Restricted Retail, B4 Restricted Service, C1 Restricted Commercial and C3 Commercial-Manufacturing Districts, as enumerated in Exhibit "B" and alphabetized in Exhibit "C"; that the applicant will exclude specific uses including the formerly proposed 8 theaters and a day care center use proposed for the pump house structure, as well as adult uses, apartment hotels, automobile repair garages, automobile sales, automobile service stations, banks, churches, colleges, universities and trade schools, crematories and mausoleums, dwelling units and lodging rooms, establishments of the "drive-in" type, fast food establishments, government operated health centers, hospitals, sanitariums, convalescent homes and nursing homes, hotels and motels, motor freight terminals, public libraries, public utility and service uses, stadiums, auditoriums and arenas, taverns, transitional shelters and temporary overnight shelters; that the actual uses in the proposed building will be those uses deemed viable by the marketplace and, as such, the proposed uses are necessary for the public convenience at this location to provide those retail and service uses dictated by the needs of the growing number of people living and working in the area; that the public health, safety and welfare will be adequately protected in the design, location and establishment of the proposed uses for the following reasons; that the surrounding existing uses are non-manufacturing in nature and the potential for land use conflicts and nuisances upon these uses or upon the somewhat distant actual manufacturing uses in the core area is minimal; that there is no evidence that the establishment of the proposed uses would cause any loss of manufacturing jobs in the area; that the development will have no effect on the property values in the core area; that the proposed uses will meet the off-street parking requirements of the PMD ordinance, and with ingress and egress to said parking limited to Willow Street, with provision of "no right turn" when exiting the parking garage during the hours of 7:00 A.M. and 5:00 P.M., will ease potential peak time traffic flow conflicts with the manufacturer's traffic along Kingsbury Street; that the subject property was for sale for 2 years with no competitive offers made by potential manufacturers; that the proposed development will help to enhance the viability of the retail/service uses in the building at 1800 N. Clybourn Avenue and will be compatible with the other uses in the buffer area and with parking limited to ingress and egress off of Willow Street and loading limited to Marcey Street, the establishment of the proposed uses will not cause substantial

MINUTES OF MEETING

March 16, April 20, June 15, July 20,
 August 31, September 14, September 24,
 October 16, and October 19, 1990
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injury to the value of other property in the area and will have no deleterious effect upon the manufacturing uses in the core area; it is therefore

RESOLVED, that the application for special uses be and they are hereby approved and the Zoning Administrator is authorized to permit the establishment of any of the uses listed in Exhibit "B" and alphabetized in Exhibit "C", which are hereby made part of this order, in a proposed maximum 62,000 sq. ft. building and in an existing 10,000 sq. ft. building, on premises at 1780 N. Marcey Street, upon condition that none of the following uses shall be permitted: adult uses, apartment hotels, automobile repair garages, automobile sales, automobile service stations, banks, churches, colleges, universities and trade schools, crematories and mausoleums, day care centers, dwelling units and lodging rooms, establishments of the "drive-in" type, fast food establishments, government operated health centers, hospitals, sanitariums, convalescent homes and nursing homes, hotels and motels, motor freight terminals, public libraries, public utility and service uses, stadiums, auditoriums and arenas, taverns, theaters, transitional shelters and temporary overnight shelters; that the structural parking facility established for the proposed uses shall at all times meet the parking requirements for said uses as provided in the Supplementary Land Use Regulations of the PMD Ordinance, but in no case shall be less than 206 on-site parking spaces; that ingress and egress from the parking facility shall be from W. Willow Street; that a "no right turn" sign shall be placed at the exit from the parking facility during the hours of 7:00 A.M. and 5:00 P.M.; that ingress and egress for the established loading area shall be from N. Marcey Street; and that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

DISSENTING OPINION

This is an Application for a Variation in the Nature of a Special Use filed on behalf of the Applicant, the Marcey Street Limited Partnership which seeks a Special Use to construct a 72,000 s.f. retail shopping center at the intersection of Marcey and Willow Streets in Chicago, Illinois. The site of the proposed development is located within the buffer zone of the Clybourn Planned Manufacturing District which is a special zoning designation established by an Ordinance entitled the Planned Manufacturing District (PMD) Ordinance of the City of Chicago, Chpt. 194D of the Chicago Zoning Ordinance (CZO). A majority of the Zoning Board of Appeals (ZBA) has granted the Application. I dissent from that decision for the reasons set forth hereinafter.

The Clybourn PMD is an irregularly shaped area of land described by North Avenue on the south, the Chicago River on the west to Cortland Avenue, then proceeding north along Southport Avenue to Shakespeare at the north end, and then mostly southeasterly along Clybourn Avenue to Sheffield Avenue, then south on Sheffield Avenue to Concord, then east to Clybourn again, and then southeasterly again to North Avenue. The District is described as 115 acres divided into 2 subdistricts called the core area and the buffer area. A staff report to the Chicago Plan Commission dated August 1988 states that the district contains 8 industrial firms in the core area with an additional 24 firms located in

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the buffer zone. Additionally, there are 29 non-industrial firms located in the buffer zone. The significant area of the PMD for the purpose of this case is the area from North Avenue at the south to Cortland at the north. This section of the district is bounded on its easterly side, for all relevant purposes by Clybourn Avenue. To the west from Clybourn is Marcey Street, then Kingsbury Street, and then the Chicago River, the western boundary. Both Marcey Street and Kingsbury Street travel through the district from Cortland Avenue to North Avenue. Along Clybourn, there are several newer retail shopping centers. Some are in newly constructed facilities and some are in renovated older facilities. Some manufacturing uses also exist along Clybourn Avenue. There is one residential development known as PD305, a Planned Unit Development put in place about 1985.

The subject property is bounded by Marcey Street generally to the east, Willow Street generally to the south, and Kingsbury Street generally to the west. This site is one block west of Clybourn Avenue and one block east of the Chicago River. It is also one block north of North Avenue. Kingsbury Street has a single set of railroad tracks that travels down the center of the street. A railroad train travels up and down Kingsbury Street three times daily. The vehicular traffic on Kingsbury Street must share this street with the railroad train. The parcel is characterized by the evidence more as vacant land, but contains an old pump house which the Applicant said it planned to renovate into a restaurant. The pump house contains 10,000 s.f. of the proposed 72,000 s.f. development.

Sally Smith, a realtor for Scribcor testified that she was hired to sell the subject property in 1986. She made a calculation of the value of the subject property at \$25.00 per s.f. minimum to \$31.00 per s.f. maximum. In March, 1989, the Applicant, the Marcey Street Limited Partnership, entered into a contract for the purchase of the subject property at \$25.00 per s.f. The contract was closed in November, 1989. The contract of sale was not subject to contingencies for zoning considerations.

Mr. Martin Murphy, a land planning expert, gave his opinion in conclusionary terms that the proposed retail development would have no detrimental effect upon neighboring properties, would have no detrimental effect upon the public health, safety and welfare, and that the use (retail) was necessary for the public convenience at the particular location. On cross examination, Mr. Murphy testified that he did not know how much of the proposed 72,000 s.f. development would be devoted to retail space or how much square footage would be devoted to office use. It is important to note that at this point in the testimony, the Applicant gave the appearance that it was requesting a special use for retail establishments within a mixed-use building which would be partially office space (a permitted use) and partially retail space (special uses). Mr. Murphy also testified that, in his opinion, railroad tracks going down the center of Kingsbury Street did not present a hazard to the traffic which would be going in and out of the proposed retail development.

Mr. Arthur Murphy, an expert real estate appraiser, testified to comparable sales of properties in the vicinity of the subject property. It was Mr. Murphy's opinion that \$25.00 per s.f. paid by the Applicant was "a little low." Mr. Murphy testified to several properties in the PMD being sold at the same time the subject property was on the market for prices up to \$112.00 per s.f. All of the properties identified by Mr. Murphy were along Clybourn Avenue. Several witnesses testified in opposition that the value of vacant land along Kingsbury was \$10 to \$12 per s.f.

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Mr. Tem Horwitz testified he was a real estate developer and a general partner in the Applicant, the Marcey Street Limited Partnership. He testified he was in negotiations with several parties to lease space within a building to be designed and constructed upon the subject property. Mr. Horwitz initially identified a rendering of a two-story building and then testified that he had rejected that design. However, he then testified that the building he intends to build will probably be somewhat similar to the rendering. Mr. Horwitz admitted that he had no present tenant and therefore does not have an identity of any particular use for this building. He also testified that he would not finalize a design for the building until a major tenant had been secured. Mr. Horwitz did identify a plot plan which shows entrances to a building for parking and delivery purposes. However, Mr. Horwitz did not testify to the number of parking spaces that would be provided for the development. When asked on cross examination if the entire project was purely hypothetical at this time, Mr. Horwitz admitted that it was.

Mr. Vitash Maciukevius, a traffic engineer, testified for the Application regarding traffic impact. Mr. Nicholas Trkla testified to traffic impact on behalf of the opponents. Both of the witnesses were in basic accord over the amount of traffic which would be generated by a 72,000 s.f. retail shopping center. Mr. Maciukevius admitted that in formulating his opinion he was not provided with any specific uses with which to develop his data and opinion. Mr. Trkla gave his opinion that it was not the volume of traffic that was important, but the conflict created between passenger automobiles going to and from a retail shopping center and trucks traveling to and from the various industrial firms. Mr. Maciukevius testified that an all retail development would require 206 parking spaces.

The term "use" is defined in the CZO as the purpose or activity for which land or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance or such activity with respect to the performance standards of this comprehensive amendment. Section 11.10-1 goes on to provide that a variation in the nature of a special use is one in which a use is deemed special because of its unique characteristics which cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. The Chicago City Council has chosen to specify particular special uses within each zoning classification. Section 11.10-4 of the CZO provides that no special use shall be granted by the ZBA unless the special use is necessary for the public convenience at that location, is so designed, located and proposed to be operated so that the public health, safety and welfare will be protected, will not cause substantial injury to the value of other property in the neighborhood in which it is to be located, is within the provisions of special uses as set forth in the applicable sections, and shall conform to the applicable regulations of the district in which it is to be located. The same Section further provides that in a PMD, special uses shall also conform to all applicable regulations and standards set forth in the CZO and also shall conform to supplemental use regulations as set forth in Chapter 194D-5(a-e).

The standards set forth in Section 11.10-4 have been defined as guidelines so that compliance with all of the standards does not mean that a denial of a variation in the nature of a special use is unreasonable. LaSalle National Bank v. County of Lake (1975) 27 Ill. App. 3d 10,325 NE 2d 105. To hold the guidelines as absolute requirements would rob the flexibility which is inherently necessary for a special use. Id. Therefore, compliance with all standards does not compel a granting of a variation in the nature of a special use.

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Conversely, failure to prove one or more of the standards does not render the granting of a special use unreasonable. This becomes important when one examines the requirements of the PMD Ordinance.

In order to fully analyze the Application here, it is necessary to first examine the PMD Ordinance and its purpose, and then apply it to the facts presented in this case. Initially, it should be noted that the word "industrial" was used extensively throughout the testimony and appears in the PMD Ordinance. However, the term "industrial" is not defined in the relevant ordinances, and therefore, will be presumed herein to be synonymous with the term "manufacturing" as used in the CZO.

The opponents offered into evidence their Exhibit #12 without objection. Therefore, the opinions, conclusions, and recommendations contained therein are not disputed. That Exhibit is entitled Staff Report to The Chicago Plan Commission, August 12, 1988. The report purports to outline the need for a Planned Manufacturing District for the purpose of protecting manufacturing businesses. Chapter 3 of the Report states that the north branch river corridor of which the Clybourn corridor is a part, contains a concentration of industrial companies, due to the corridor's advantageous location, transportation accessibility, industrial infrastructure, access to Chicago's skilled workforce, and viable industrial businesses and buildings. At page 5, the Report identifies the Chicago north side, of which the Clybourn corridor is a part, as one of the five most active industrial real estate markets in the entire Chicago Metropolitan area. It also states that demand for increasingly scarce industrial space in areas like Chicago's north side is expected to continue in the near future. It further states that the potential for the area to accommodate further industrial development is enhanced by the underlying zoning of the district. Land in the PMD core area is zoned entirely M2-2, M2-3 and M3-3. The stability of this unique north side zoning is critical if businesses (manufacturing) in the area are to be encouraged to remain and expand (pg. 6). The Report goes on to provide in Chapter 5 that the continuing viability of the Clybourn corridor industrial district is threatened by conflicts with non-industrial uses in the district. It states that the residential development and retail developments have caused increased problems for industrial firms in the area. It states that parking and truck access problems have increased and that real estate speculation is pushing up land prices beyond the reach of many industrial firms, thus limiting their ability to expand.

Chapter 194D of the CZO entitled Planned Manufacturing Districts was passed April 13, 1988. In 194D-1 it states that this Ordinance consists of Part A & Part B. Only Part A was passed on April 13, 1988 which is the enabling ordinance allowing the adoption of Part B with respect to specific areas.

Paragraph 194D-1.1 states that it is a policy of the City of Chicago to foster the city's industrial base, to strengthen existing manufacturing areas, to encourage industrial investment, modernization, and expansion by providing for stable and predictable industrial environments, to designate specific manufacturing districts of five or more contiguous acres in order for the city to better plan and direct programs and initiatives to promote growth and development, and to encourage the designation of districts to be known as Planned Manufacturing Districts. The Staff Report to the Chicago Plan Commission (Opp. Ex. #12) laid the foundation for the creation of the Planned Manufacturing District to be known as the Clybourn Corridor. Subsequently, the Chicago City Council passed Part B being a specific recital of permitted and special uses and other standards for the area now designated the

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Clybourn Corridor Planned Manufacturing District. The District is divided into what is called a core area with delineated permitted and special uses. The District also has what is called a buffer area with its own permitted and special uses.

Section 194D-4 of the PMD, Part A, provides that where an applicant seeks a variation in the nature of a special use, the applicant shall demonstrate that any proposed use will be compatible with the provisions of this Chapter 194D and, in particular, the supplemental use regulations applicable to the affected Planned Manufacturing District (Part B). In acting on any such application, the Chicago ZBA shall consider, in addition to those factors set forth in Chapter 194A, the probable effects of any proposed use on: (a) existing manufacturing activities, including the potential for land use conflicts and nuisance complaints; (b) the number and types of jobs in the district; (c) real estate values and taxes; (d) traffic flow and parking; (e) efforts to market the property for industrial use; and it shall make specific findings with respect to each of these considerations. However, it is important to note that the language used in 194D-4 is that the ZBA shall "consider". This section does not state whether the enumerated categories are to be requirements, standards, or mere guidelines. Since the courts have determined the standards set forth in Chapter 194A, 11.10-4 to be guidelines, the factors set forth in 194D-4 should be treated only as relevant factors. The language of 194A, 11.10-4 is that no special use shall be granted unless... The latter is mandatory and specific. The former is mandatory only with respect to the directive to consider. However, "consider" is a vague directive. Therefore, a decision in this case can be reached by applying the facts presented by the evidence to the standards set forth in Chapter 194A, Section 11.10-4.

The language of Section 11.10-4 is conjunctive. An applicant for a special use has the burden of proving that the proposed use meets all of the standards required by the Ordinance. However as noted above, failure of the applicant to produce sufficient evidence to fulfill one or more requirements of the Ordinance will not necessarily result in a denial of the proposed use if it does not bear a real and substantial relation to the public health, safety, morals or general welfare and if there is no adverse effect to adjacent properties. Racith Corporation v. Zoning Board of Appeals (1981), 95 Ill. App. 3d 716, 420 NE 2nd 630. In this case, the Applicant testified that it has no current design or plan for the building or buildings to be erected at the subject property. In addition, the Applicant has no lease with any tenant. Therefore, the Applicant has no identifiable use which will exist within the building or buildings to be erected. As a result, the Applicant is unable to demonstrate any necessity for the public convenience resulting from a use. Without a designed building, it is impossible for the ZBA to make a finding that a building and its use is designed and will be operated in such a way that the public health, safety and welfare will be protected. Further, without the identity of a specific use and its ability to function within a specific structure, it is impossible for the ZBA to make a finding that the proposed use will not cause substantial injury to the value of other property. Therefore, the applicant has failed to prove any of the first three requirements of Section 11.10-4.

The question then turns to whether there is an overwhelming public necessity which would justify granting the application herein in the absence of proof of the specific standards. Public necessity is relevant to determining the gain or detriment to the public caused by the development. LaSalle National Bank v. County of Lake, supra. A special use may have certain adverse effects on the surrounding area, but these effects may be outweighed by the public necessity for the use so that there will be a relative gain to the public by allowing the special use. Id. Here, the Applicant made no effort to demonstrate a public necessity

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for a retail shopping center at this particular location. Its only evidence was a conclusionary statement of Mr. Martin Murphy. When given that the Applicant has no designed building and no anticipated uses there is no factual basis for the opinion rendered by Mr. Murphy, and therefore, his opinion of public necessity has little credence.

Finally, Section 11.10-4 provides that a special use shall be one which is within the provisions of special uses set forth in the appropriate zoning district. Here, the applicant seeks its special use pursuant to the language of Chapter 194D, Part B which provides that special uses within the buffer area shall included B1 to B7 and C1 to C4 permitted and special uses per Articles 8 & 9 of the CZO. This section should not be read as a non-specific general category as it relates specifically to those special uses enumerated in Articles 8 & 9 of the CZO. The uses listed therein are specific in their identity. Nowhere within Chapter 194D or those special uses listed in Articles 8 & 9 of the CZO is there a special use identified as a retail shopping center, a retail entertainment center or any other such designation that the applicant may place upon its proposed development. At best, the Applicant's project is only a concept at this time. By Mr. Horwitz's own admission the entire development is entirely hypothetical. The ZBA cannot render opinions or grant variations based upon hypothetical facts. See Dee-El Garage, Inc. v. Korzen (1972), 53 Ill. 2d 1, 289 NE 2d 431. See also, People of the State of Illinois v. Murphy (1990), 113 Ill. 2d 402, 550 NE 2d 998. In. Re the Marriage of Wright (1982), 89 Ill. 2d 498, 434 NE 2d 293. Underground Contractor's Assn. v. City of Chicago (1977), 66 Ill. 2d 371, 362 NE 2d 298. People Ex Rel. Black v Dukos (1983), 96 Ill. 2d 273, 449 NE 2d 856. Therefore, the Applicant has produced no evidence upon which this Board can grant its application for a special use.

The Applicant raises two other issues for consideration. First, is that the ZBA has granted a similar application for a special use for a strip retail shopping center located at 2029-2081 North Clybourn Avenue in Calendar Number 61-89-S dated March 17, 1989. The property involved also lies within the buffer area of the Clybourn PMD. The Resolution provides for a special use for non-specific and unidentified business uses which are permitted uses under the CZO in the B and C zones with the exception of specifically enumerated uses identified therein. Applicant claims that this Board is bound to follow its decision in this prior case. However, the Applicant failed to identify any authority for this argument, and the Board finds no such authority. Therefore, this argument of the Applicant is without merit.

Secondly, the Applicant claims that the Board has the authority to grant a blanket approval for a number of special uses where specific special uses are incapable of identity prior to construction. In this regard, the Applicant filed an Amended Application to which it attached a long list of identifiable special uses for which it seeks blanket approval. Again, the applicant provided no authority for its argument. Section 11.10-4 refers to a special use with the word "it". "It" is a specific term relating to a singular item. The singular item is an activity: namely, the use. Since the Applicant has failed to demonstrate any specific use, it has failed in its burden of proof. If Applicant's property were located in a B or C district, instead of within a PMD, it would not have this problem.

In addition, to grant a blanket special use would, in effect, delegate the Board's responsibility to determine the owner of the particular use, the hours of operation, and its probable effect upon surrounding streets and properties to the Applicant, unless the ZBA were to retain jurisdiction of the cause. To grant a blanket special use for a list of identifiable uses without the Board retaining jurisdiction of the matter, would be tantamount to a

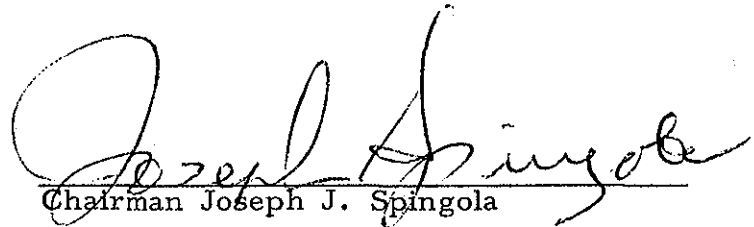
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zoning amendment. However, the authority for any amendment or re-zoning rests with the Chicago City Council, not the ZBA.

If the ZBA could retain jurisdiction, an application for a special use in a PMD would become a two-step process. After a blanket special use for a list of individual uses, the Board would have to hear applications for special uses for each and every tenant. It would then become necessary for the ZBA to maintain jurisdiction indefinitely for the purpose of reviewing each and every use as the applicant finalized every lease. This process would have to continue ad infinitum as the various leases terminated and new tenancies were negotiated. Apparently, the Applicant is of the opinion that this Board has such authority. To the contrary, the decisions of the Chicago ZBA are final decisions that are appealable to the Circuit Court. CZO, Section 11.3-4. There is no authority for this Board to retain jurisdiction over a matter once it has rendered a decision. This procedure differs from those zoning boards whose decisions are merely recommendations to their governing bodies. In a city like Chicago, such a procedure would create an interminable burden.

For all of the above and stated reasons, I voted to deny the Application herein for a Special Use.


Chairman Joseph J. Spingola

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Member Fornelli moved that the Board do now adjourn.

The motion prevailed and the Board adjourned to meet in regular meeting on November 16, 1990.

Marian Rest
Secretary