

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



APR 20 2015  
CITY OF CHICAGO

**J&S Fitness, LLC**  
APPLICANT

**53-15-S**  
CALENDAR NUMBER

**4526 N. Ravenswood Avenue**  
PREMISES AFFECTED

**March 20, 2015**  
HEARING DATE

**Lawrence Lusk**  
APPEARANCE FOR APPLICANT

**Jeff Fearon**  
OBJECTOR

**NATURE OF REQUEST**

Application for a special use to establish a physical fitness center.

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved.

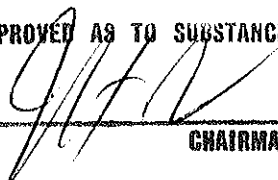
	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Lawrence Lusk, counsel for the Applicant, explained the underlying basis for the relief sought; that the subject property is currently improved with a vacant one story commercial building; that said building has been vacant for over ten (10) years; that the Applicant proposes to refurbish the wide, open interior of the building and install free weights and other the exercise equipment to establish a cross-fit style training facility; that no major modifications will occur to the exterior or the interior of the building; that the interior of the building contains approximately 5,000 square feet of open space which will remain open space except for restrooms and a small office; and

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

WHEREAS, Ms. Sarah Harvey, co-owner of the Applicant, testified on behalf of the Applicant; that the Applicant proposes to open a fitness facility at the proposed location; that she and her husband have previously assisted in management of a cross-fit facility; that she is confident that her previous experience is sufficient training to operate her own facility; that she has met with the Alderman and the community group and has agreed to abide by the certain restrictions regarding noise and hours of operations in a "good neighbor letter;" that the Alderman has no objection to the Applicant's application; that she anticipates the Applicant hiring five (5) or six (6) people for the Applicant's business; that this is a low number of employees because she and her husband will be operating the business together; that at first, she and her husband will hire only one other person and add additional employees as coaches as needed; that the Applicant will hold classes of around six (6) to eight (8) people; that said classes will last one (1) hour each; that including crossover time between classes, there might be a maximum of fifteen (15) people in the facility at any one time; that the Applicant will be open Monday – Friday; that the Applicant will hold classes at 6:00 AM to start and then at 12:00 PM, a couple of days per week; that the Applicant will most likely also have classes 5:00 PM, 6:00 PM, and 7:00 PM; that the class times are due to Applicant anticipating that its clients will come to work out either before or after work; that therefore, during the work day, the Applicant would only have one (1) class two (2) days a week, Tuesdays and Thursdays; that the Applicant feels the proposed special use is necessary at this location because there is an overcrowding at the cross-fit facilities in the area; that the Applicant anticipates most people walking or biking to its cross-fit facility; that the closest cross-fit facility is six (6) blocks away; that said cross-fit facility is overcrowded; that although there are other fitness facilities in the area, they do not provide the same type of training that the Applicant proposes to provide; and

WHEREAS, Mr. John Yelinek testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in this Zoning Ordinance which must be addressed in support of such an application; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance; (2) is in the interest of the public convenience and will not have an adverse impact on the general welfare of the neighborhood; (3) is compatible with the character of the surrounding neighborhood in terms of site planning, building scale and project design; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and (5) is designed to promote pedestrian safety and comfort; and

WHEREAS, Mr. Jeff Fearon, of 4531 N. Wolcott, testified in opposition to the application; that he is concerned with parking for the proposed special use; that the City requires 40 square feet per person per use; that the building on the subject property is 5,000 square feet; that therefore, if the Applicant changed its directions in fitness or sold the business, there could be 125 people per City code; that the City code further says that of the 125 people, there must be 10% off-street parking; that said street parking is not

available for these 125 people; that the parking ratio in the neighborhood is something like 1.7 per dwelling unit; that Ravenswood Avenue has industrial permit parking in this area; that there has never been any retail use on the street whatsoever; that therefore, there are no customers coming in for an hour class and leaving; that parking is by permit from 8:00 AM to 5:00 PM; that therefore, the Applicant's customers will come into the side streets and park; that part of the problem is due to the recent zoning change for the French school; that in the four block area of the neighborhood, there are only between sixteen (16) to twenty-four (24) parking spaces; that he has nothing against the Applicant but is worried about the parking congestion; and

WHEREAS, the Board asked Mr. Lusk to speak to the parking issue; and

WHEREAS, Mr. Lusk explained that the building is a former manufacturing building; that the Applicant is not required to have additional parking due to the previous parking deficiency; that the Applicant does have some parking spaces at the rear of the building but said parking spaces are not considered legal parking spaces under this Zoning Ordinance; and

WHEREAS, the Board asked the Department of Planning and Development to speak to the parking issue; and

WHEREAS, Mr. Steven Valenziano, Assistant Zoning Administrator, testified that this Zoning Ordinance allows for a parking credit for the previous use of a building; that if a building is more than fifty (50) years old, said parking credit is even greater; that the previous use of the building on the subject property would have required parking at a ratio the same as the proposed special use; that the proposed special use is actually a service use for fitness; that the proposed special use is not technically a fitness center as fitness centers are generally 10,000 square feet or more; that the proposed special use is only 5,000 square feet; that this Zoning Ordinance takes the first 4,000 square feet off for this particular use; that the Applicant then has to provide 2.5 spaces for every 1,000 square feet above the first 4,000; that in this case, that is 2.5 spaces which rounds up to 3 spaces; that the required parking for the previous use of the building comes out to be 2.5 parking spaces based on the employees that could have occupied the space; that this Zoning Ordinance states that the Applicant does not have to provide any parking spaces until the new use surpasses the old use by 125%; that in the instant case, the Applicant's use and the old use are even; that therefore, no parking is required under this Zoning Ordinance; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use provided the development is established consistent with the design, layout and plans prepared by BR Design & Architecture and dated September 12, 2014; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings

with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of this Zoning Ordinance as no parking is required under this Zoning Ordinance for the proposed use at this particular location;
2. The proposed special use is in the interest of the public convenience as Ms. Harvey testified there is currently a need for cross-fit facilities in the area and will have a positive impact on the general welfare of the neighborhood as the proposed special use will repurpose a vacant building;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the proposed special use will utilize an existing building;
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation as evidenced by the Applicant's proposed class size and class times; and
5. The proposed special use is designed to promote pedestrian safety and comfort as it will utilize an existing building.

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

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

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

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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APR 20 2015  
CITY OF CHICAGO

**Aid for Women, Inc.**

APPLICANT

**54-15-S**

CALENDAR NUMBER

**3954-58 N. Meade Avenue**

PREMISES AFFECTED

**March 20, 2015**

HEARING DATE

**Lawrence Lusk**

APPEARANCE FOR APPLICANT

**Jason Quaglia & Others**

OBJECTORS

**NATURE OF REQUEST**

Application for a special use to establish a transitional residence for fourteen (14) persons and two (2) additional staff members.

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved.

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

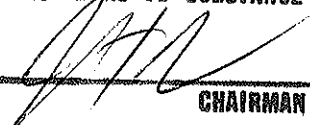
AFFIRMATIVE	NEGATIVE	ABSENT
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**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Lawrence Lusk, counsel for the Applicant, explained the underlying basis for the relief sought; that the Applicant proposes to convert the former convent on the subject property into a transitional residence for single mothers and their newborn children; that the conversion of the convent will be to accommodate fourteen (14) program participants, of which seven (7) will be women and seven (7) will be children; that the conversion will also accommodate two (2) staff members; that the Applicant's transitional residence will operate twenty-four hours a day and will have a strict curfew of 10:00 PM on both weekdays and weekends; and

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

WHEREAS, Ms. Susan Barrett testified on behalf of the Applicant; that she is the Applicant's executive director and has been so for six (6) years; that the Applicant currently operates five (5) pregnancy resource and health centers for women and a residential program called Heather's House, which is located on the Maryville Academy campus in Des Plaines; that with respect to Heather's House, women usually come to the facility when they are pregnant; that the Applicant gives them the life skills, educational opportunities, and job skills to help these women become independent mothers; that women can stay at Heather's House for up to two (2) years but the average length of stay is about three (3) to six (6) months; that currently, seven (7) mothers live at Heather's House; that some of these mothers are still pregnant but some have already had their child; that the Applicant's new facility will be for some of the residents that are currently at Heather's House; that these residents have already met their goals and have shown they are ambitious and are working hard to become independent but need a little extra support; that therefore the Applicant's proposed transitional residence at the subject property is for women who have been in the Applicant's program and are ready for the "next step;" that the people the Applicant is proposing to transfer to the subject property are people familiar to the Applicant as the Applicant has lived with them and come to know them like family; that the Applicant knows the struggles these women face and believes the new facility will promote a healthy lifestyle and encourage and support young women who might otherwise be struggling to get an education and support their newborn children; that the Applicant believes, therefore, the proposed special use would have a positive impact on the general welfare of the neighborhood; that the new use of the convent would not alter the site or building scale or exterior design of the area; that with respect to the Applicant's hours of operations, the proposed special use would be a residence but there would be a 10:00 PM curfew when the doors would be locked; that the Applicant anticipates having two (2) staff members living at the subject property; that there might also be other staff members who would come in during office hours and be on-site; that the Applicant believes the use is compatible with the character of the surrounding area in terms of hours of operation, outdoor lighting, noise and traffic generation; and

WHEREAS, in response to questions by the Board, Ms. Barrett further testified that the 10:00 PM curfew was for every night of the week; that the women at this facility would be those women that the Applicant has determined are eligible to move on to the "next phase" of the Applicant's program; that these would be women who have successfully completed their goals, such as obtaining a full-time job or returning to school; that the women are women with the "right attitude" that want to participate in the program; that the women at this facility would be those that were success stories of the Applicant; that the women have to make their own arrangements for daycare as there will be no daycare at the facility; and

WHEREAS, Mr. Lusk stated that there was a daycare center across the street from the subject property; that the Applicant anticipated utilizing said daycare; and

WHEREAS, in response to further questions by the Board, Ms. Barrett testified that the Applicant had a strike system for how the women must conduct themselves within the

Applicant's facility; that there are major strikes and minor strikes; that major strikes would be breaking curfew or not keeping up with their life plan; that if a woman does not stick to their life plan, the Applicant sits down and discusses with the woman that the Applicant's program may not be the best fit for her; that this is because the Applicant's program requires that women work hard to get on their feet in a limited amount of time; that the Applicant anticipates women staying at the proposed facility for about six (6) months; that the women in the Applicant's program are through referrals, not only from the Applicant's own pregnancy resource centers but also other organizations, such as Catholic Charities; that the women the Applicant takes in are homeless under HUD standards; that the Applicant does not take any domestic abuse victims because the Applicant is not set up to handle that; that none of the women are coming from recovery homes; that the Applicant does drug screening and background checks before women are allowed into its program; that if while in the program, a woman relapses or develops an alcohol or drug abuse issue, the Applicant again sits down with the woman and states that the Applicant's program is not the best place for the woman; that the Applicant has not experienced an issue where a woman was addicted to drugs or alcohol while in its program; and

WHEREAS, in response to further questions by the Board, Ms. Barrett testified that the Applicant's social workers and staff are mandated reporters; that the Applicant gets about fifty (50) calls per month where the callers are looking for programs like Heather's House; that Heather's House has a capacity for eight (8) women; that the Applicant is therefore turning women away every day; that as the Applicant can only take one (1) person every six (6) months, the Applicant is very selective in who it chooses to be in the program; that the women are put through a very rigorous intake process; that the women spend the day at the home and get to know the Applicant's staff; that the Applicant turns away potentially hundreds of women every year for the one (1) woman the Applicant believes really deserves the chance to be in the program; that the Applicant's staff will be CPR and first-aid trained; that the rooms are small at the subject property as it was formerly a convent; that therefore, there will be only one person per room, either a mother or a child; that one of the live-in staff would live on the first floor near the entryway and the other live-in staff would live on the second floor near the stairway; and

WHEREAS, Father Paul Seaman testified on behalf of the Applicant; that he has been the pastor at St. Pascal's Parish for the past nine-and-a-half (9.5) years; that he has worked with a number of different groups over the years to have something like the Applicant's proposed use of the former convent but that none of the plans ever came to fruition; that he believes the Applicant's proposed use of the subject would be the proper use for the former convent, as there are many people in need in our society and the Applicant's proposed use helps single mothers with children; that the former convent is already set up with kitchen and dining facilities making the building very appropriate for the proposed use; that he does not believe the Applicant's proposed use should raise any concerns for safety for children or parishioners, as he has spoken with the police from District 16 about the proposed special use, and they were very supportive of the proposed special use; that the police did not see any particular problems that the proposed special use would raise; that the Applicant has never had to call the police with respect its facility

in Des Plaines; that the Applicant's screening process weighed heavily in his considerations of allowing the Applicant to use the former convent; that if the women in the Applicant's program have shown themselves to be motivated, goal oriented, and having an opportunity to get on their feet, then that is what the church is for; that if the church is not doing that work, the church should close its doors; that the neighborhood has daycare, public transportation, shopping, parks, restaurants and a junior college and therefore is a perfect location for the Applicant's proposed use; that the Applicant's proposed use will be located in an existing building on the parish campus that is underutilized; that formerly, the convent was intended to house eighteen (18) nuns; that no external modifications to the convent are required for the proposed use; that the proposed use will not alter the site or building scale or exterior design in the area; that the proposed use will benefit the parish as the church's mission is follow the words of Jesus in Matthew 25:40; that as the women in the Applicant's program have no one to turn to, they turn to the church; that if the church does not respond to these women, the judgment will be on the church; and

WHEREAS, Mr. John Yelinek testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in this Zoning Ordinance which must be addressed in support of such an application; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance; (2) is in the interest of the public convenience and will not have an adverse impact on the general welfare of the neighborhood; (3) is compatible with the character of the surrounding neighborhood in terms of site planning, building scale and project design; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and (5) is designed to promote pedestrian safety and comfort; and

WHEREAS, Ms. Kathleen Ransford, of 6155 W. Dakin Street, testified in support of the Applicant; that in the interest of disclosure, she was formerly the Chief of the Real Estate Division in the City's Office of the Corporation Council; that the proposed use of the convent, namely the housing of a maximum of seven (7) mothers and their babies plus staff, is very consistent with the standards of this Zoning Ordinance; that the proposed use will not have an adverse impact on the surrounding area as the use of the building will remain residential and is limited to relatively few people; that there is no rational argument that the proposed use would be detrimental to the community; that instead the use will be a benefit to the community because it will repurpose an empty building with an appropriate residential use; that the proposed use will not diminish nearby property owners; that as a nearby property owner, she would rather see the convent repurposed with an appropriate residential use rather than continue to sit vacant; that the Objectors to the proposed use have been saying that the proposed use is going to bring people into the community that are disruptive and will commit criminal acts; that this is totally unfounded; that as a member of the community, she requests the Board approve a special use for the location; and



WHEREAS, the Board caused the record to reflect that there were approximately thirty (30) people standing in the gallery in support of the Applicant; and

WHEREAS, Alderman Cullerton testified in support of the Applicant; that when Father Seaman spoke to him about the Applicant's application last year, he and Father Seaman agreed that there should be a community meeting with respect to the Applicant's proposed special use; that said community meeting was well publicized and well attended; that at said meeting, the Applicant presented an overview of its work and answered all questions regarding its proposed special use; that the vast majority of the members of both the parish and the community either support the Applicant's proposed use or have no concerns after attending said community meeting; that he does not believe men are allowed in the Applicant's facility at any time; and

WHEREAS, Mr. Lusk confirmed that this was accurate; that Father Seaman will need permission from the Applicant to enter the facility; and

WHEREAS, Alderman Cullerton further testified that there is a private daycare operating directly across the street from St. Pascal's School that is patronized by many single, working mothers; that he is not aware of the daycare having any kind of problem or incident in its decades of operation; that the Maryville Center Crisis Nursery is also nearby the subject property, has been in operation for many years and has had no problems or incidents of any kind; that as Alderman, it is his duty to represent the concerns of his community; that in the weeks and months after the community meeting, he received many calls and e-mails in support of the Applicant's proposed special use; that yesterday, he received a call from incoming Alderman-elect Nick Sposato; that Mr. Sposato is also in support of the Applicant; and

WHEREAS, Mr. Jason Quaglia, of 3906 N. Normandy, asked Ms. Barrett a series of questions; that Ms. Barrett further testified that all current residents of Heather's House work in the City; that therefore, the Applicant's new facility at the subject property would be closer to work and child care than the facility in Des Plaines; that the purpose of the Applicant's facility is to allow women who are ready for more independence have that independence although they are not financially able to live on their own; that in this respect, the women are like young college graduates who are trying to save money to put down on a security deposit for their own place; that if the women in the Applicant's program could be on their own, they would be; that there will be no alcohol allowed at the Applicant's facility; and

WHEREAS, Mr. Quaglia then asked Father Seaman a set of questions; that Father Seaman further testified that the convent will need work done prior to the Applicant using the building; that the convent will need to be replastered and repainted; that the kitchen and bathrooms will also need to be upgraded; and

WHEREAS, Mr. Quaglia then asked Mr. Yelinek a series of questions; that Mr. Yelinek further testified that he was a certified general real estate appraiser; that he has

been appraising for twenty (20) years or so; that his opinion that the proposed special use will not have an adverse effect on property sales is based upon his review of both the immediate and broader area and on published sources, such as the University of Pennsylvania's 2008 study on whether transitional residences had negative impact on property values; and

WHEREAS, Mr. Quaglia then asked Ms. Ransford a series of questions; that Ms. Ransford further testified that she is familiar with the subject property as she has lived in the area for twenty-three (23) years and walks by the subject property every day when she walks her dog; that she is a member of St. Pasacal's St. Vincent Depaul Society and all the members have discussed the application informally; that the other members are also in favor of the application; that for ten (10) years, she was chairman of the board of a not-for-profit corporation that ran a homeless shelter in a former convent on the South Side; that she knows that said homeless shelter did not create any kind of detriment to the community; that no police were ever called; that she is familiar with this Zoning Ordinance due to her prior employment with the City; that in her opinion, the proposed special use will not be an issue for the neighborhood or for property values; that she has not had occasion to speak with members of the community that are not part of the parish to ascertain their opinion on the proposed special use; and

WHEREAS, Mr. Quaglia then asked Mr. Lusk a series of questions; that Mr. Lusk stated that the Applicant went beyond the necessary notice range when sending notices of the community meeting; that he sent out the notice of the Applicant's application as required by law; that he did not specifically do any outreach in Polish or Spanish; and

WHEREAS, Mr. Quaglia then testified in opposition to the application; that the show of supporters for the Applicant's proposed special use is not a true representation of people who, at a minimum, would like more information in regards to the special use; that he is not against helping single mothers but the convent is a community center; that the community is currently using the convent, and the community is underserved; that before the Board reaches a decision, he would like more formalized information regarding the proposed special use so that it could be shared with the community; and

WHEREAS, Dr. Cicero, of 3924 N. Melvina, testified in opposition to the application; that he has lived in the community for twenty-five (25) years; that although Mr. Lusk put out notice as required, the whole community should be involved not just the parish; that the convent is used by the Girl Scouts and the Boy Scouts; that these organizations are being pushed out; that this should be considered; that unwed mothers will be on the same property as the parish preschool; and

WHEREAS, the Board stated that it appeared that there were some differences in opinion within the parish about the use of the building; that such differences of opinion were beyond the purview of the Board; that the Board then asked Dr. Cicero to discuss what he believed the impact of the proposed special use would have on the neighborhood; and

WHEREAS, Dr. Cicero further testified there is a fear of the unknown when there is a transitional residence; that although the Applicant will monitor the women, the City has a great mass transportation system and this will allow the fathers of the children access to the subject property and to the community; that he would like the community to be properly informed; and

WHEREAS, the Board explained that the notice requirements are set forth under this Zoning Ordinance; that said notice requirements had been met; and

WHEREAS, Dr. Cicero further testified that he worried about burglary and garage vandalism; and

WHEREAS, the Board asked if Dr. Cicero was concerned that single mothers with young children were going to be committing burglaries; and

WHEREAS, Dr. Cicero further testified that he was concerned about the fathers of the children committing burglaries; and

WHEREAS, Ms. Luz Rivera, of 6244 West Irving Park Road, testified in opposition to the application; that she has lived in the community for fifteen (15) years; that she is concerned about the children on St. Pascal's school grounds and their exposure to the unwed mothers and the boyfriends of said unwed mothers; that she is concerned about transition in the neighborhood; that there are gangs in the neighborhood; that these unwed mothers are bringing their boyfriends into the neighborhood; that said boyfriends are gangbangers; and

WHEREAS, Mr. Andre Marsante, of 6154 West Grace Street, testified in opposition to the application; that there is a gradual strategy to erode one's civic duty as responsible parents; that Father Seaman will not stop with these mothers; and

WHEREAS, the Board stated that the matter before the Board is the particular application for the proposed special use; that the matter before the Board is not about social issues such as the erosion of the family; that the matter before the Board is about the particular proposed special use at this particular property; and

WHEREAS, in response to the questions raised by the Objectors, Ms. Barrett further testified that with respect to the fathers of the children, the fathers are not in the picture; that this is why the women need the Applicant's help; that she knows of one instance where a father wished to be more involved after the child was born; that due to this, the woman in question left the Applicant's program; that if the father of one of the children came to the Applicant's proposed facility, the Applicant would ask him to leave; that if he decided to loiter on the property, the Applicant would call the police; that again, any woman invited to be in the Applicant's program at the subject property would not have this issue; that the relationship between the mother and the father of the child is a precursor to determining who would move into the Applicant's proposed facility; that the

Applicant does not make women leave its facility during the day, as they might be studying or looking for work; that the proposed facility will be staffed all day; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use provided the development is established consistent with the design, layout and plans prepared by Jaeger, Nickola, Kuhlman & Associates and dated May 27, 2014; now, therefore,

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

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience because: (1) the Applicant's program participants will be closer to their jobs and their child-care facilities; and (2) the proposed special use will repurpose an underutilized building. Further, the proposed special use will not have an adverse impact on the general welfare of the neighborhood because the Applicant has demonstrated to the Board that it will operate the transitional residence in such a way that said transitional residence will not detrimentally affect the neighborhood;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the use will be repurposing an existing residential building and will not alter the exterior of said residential building.
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because it is a residential use with a 10:00 PM curfew operating out of an existing residential building; and
5. The proposed special use is designed to promote pedestrian safety and comfort because it will be entirely contained within an existing building.

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

RESOLVED, the aforesaid special use application is hereby approved.

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

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

**APPLICANT:** TRB Properties, LLC **CAL NO.:** 55-15-S

**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:** March 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3046 N. Clybourn Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor for a proposed three-story, three-unit building with a rear, detached, three-car garage.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

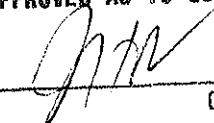
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to establish a residential use below the second floor for a proposed three-story, three-unit building with a rear, detached, three-car garage provided the development is established consistent with the design, layout, materials and plans prepared by MC and Associates and dated September 30, 2014.

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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:**

Geneva Seal, Inc.

**CAL NO.:** 56-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:**

112 E. Oak Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a valuable objects dealer license.

**ACTION OF BOARD-**

CASE CONTINUED TO JUNE 19, 2015

**THE VOTE**

APR 20 2015

CITY OF CHICAGO

JONATHAN SWAIN

CATHERINE BUDZINSKI

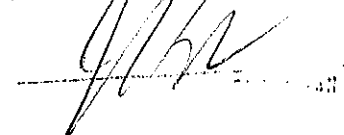
SOL FLORES

SHEILA O'GRADY

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

**APPROVED AS TO SUBSTANCE**



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

**APPLICANT:** Enrica Rossi Kurkulis

**CAL NO.:** 57-15-Z

**APPEARANCE FOR:** Same

**MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1718 N. Hudson Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the pre-existing floor area of 4,928 square feet by no more than 15% (339 square feet) for a proposed, second and third floor, bay addition to an existing three-story, two-unit building.

**ACTION OF BOARD-**  
VARIATION GRANTED

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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X		

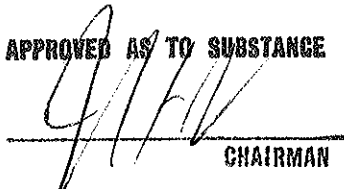
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the pre-existing floor area of 4,928 square feet by no more than 15% (339 square feet) for a proposed, second and third floor, bay addition to an existing three-story, two-unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** 2670 Lincoln, LLC

**CAL NO.:** 58-15-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2670 N. Lincoln Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to reduce the 8,000 square foot minimum lot area by no more than 10% to 7,370 square feet for a proposed four-story, eight-unit building with eight, enclosed, parking spaces and retail space on the ground floor.

**ACTION OF BOARD:**  
CASE CONTINUED TO APRIL 17, 2015

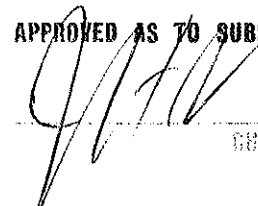
**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN



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

**APPLICANT:** 1620 W. Pierce, LLC

**CAL NO.:** 59-15-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1620 W. Pierce Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 28' to 21.33'; to reduce the east side setback from 2' to 0.83; to reduce the combined side setback from 4.8' to 3.33'; and, to reduce the rear yard open space from 156 square feet to 0 square feet for a proposed, three-story, single-family residence connected to a rear, detached, two car garage with a roof deck and an internal staircase.

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

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

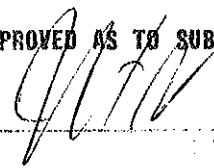
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 21.33'; to reduce the east side setback to 0.83; to reduce the combined side setback to 3.33'; and, to reduce the rear yard open space from 156 square feet to 0 square feet for a proposed, three-story, single-family residence connected to a rear, detached, two car garage with a roof deck and an internal staircase; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

APPROVED AS TO SUBSTANCE  


**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



APR 20 2015  
CITY OF CHICAGO

**Chicago Title Land Trust Co., No. 121100**

APPLICANT

**60-15-S**

CALENDAR NUMBER

**9420 S. Lafayette Ave.**

PREMISES AFFECTED

**March 20, 2015**

HEARING DATE

**Mark J. Kupiec**

APPEARANCE FOR APPLICANT

**NO OBJECTORS**

**NATURE OF REQUEST**

Application for a special use to establish a freestanding, wireless communications tower.

**ACTION OF BOARD**

**THE VOTE**

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Mark J. Kupiec, counsel for the Applicant, explained the underlying nature of the relief sought; that he then asked the Board to take judicial notice of the Federal Telecommunications Act of 1996; and

WHEREAS, the Board stated that it would take judicial notice of the Federal Telecommunications Act of 1996; that the Board then stated it was the Board's understanding that the Applicant had to meet certain standards under this Zoning Ordinance with respect to Applicant's request for a freestanding facility; and

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

WHEREAS, Mr. Kupiec agreed that the Applicant had to meet certain standards under this Zoning Ordinance with respect to the Applicant's request for a freestanding facility; that the unique feature in the present case is that the Applicant already owns property that is currently improved with the cell tower across the expressway from the subject property; and

WHEREAS, Mr. Jerald Much testified on behalf of the Applicant; that the Applicant is a land trust; that the beneficiaries of the land trust are his son, Andrew Much, and his daughter, Karin Shapiro; that the Applicant owns a piece of property already improved with a freestanding cell tower; that said property bears the common street address of 9407-09 South State Street; that in relation to the subject property, 9407-09 South State Street is almost directly across the expressway; that 9407-09 South State Street has been improved with a cell tower since approximately 1996; that currently, three (3) cell phone carriers use the tower: AT&T; Sprint; and Cricket; that the Chicago Transit Authority ("CTA") has filed a law suit to acquire 9407-09 South State Street by eminent domain; that the CTA needs 9407-09 South State Street for a very large project; and

WHEREAS, the Board took judicial notice of the CTA's reconstruction of the 95th Street station; and

WHEREAS, Mr. Much further testified that he looked for alternative sites for the cell tower currently on 9407-09 South State; that along South State Street there were no suitable alternatives; that the entire block north of the CTA project area is the Gillespie Elementary School; that further north of the elementary school is heavily residential; that south of the CTA project area is Abbott Park, which extends from 95<sup>th</sup> Street to 98<sup>th</sup> Street; that the only alternative site, therefore, was across the expressway; that the carriers themselves have geographic limitations as to how far an alternative site can be from the original site; that the subject property is the best alternative site the Applicant could find; that the Applicant's plan is to relocate the existing freestanding cell tower and the existing carriers for said tower onto the subject property; that the CTA has discussed compensation for doing this; there is always the possibility of more carriers using this freestanding cell tower in the future; and

WHEREAS, Mr. David VanLieshout testified on behalf of the Applicant; that he is a senior project manager with W-T Communication Design Group, a firm that specializes in design, infrastructure, and architectural design of cellular facilities; that he then described his background, education, and professional qualifications; that he further testified that his plan for the proposed cell tower is as follows: a 120 foot monopole, cylindrical in shape, stacked, with a wood fence compound and capable of carrying up to four (4) carriers; that the subject property will be brought up to the City's standard landscaping requirements; that the compound itself will be gravel but any areas needed for vehicle access will be paved; that the rest of the subject property will be grass; that the subject property will be enclosed with a decorative metal fence with an anti-climb design; that no existing facility or structure can accommodate the existing carriers that will be accommodated by the proposed facility; that there is no site for the proposed facility on the east side of State Street; that although there are existing cellular facilities

on the east side of State Street, said facilities do not meet the Applicant's engineering requirements; and

WHEREAS, in response to questions by the Board, Mr. VanLieshout further testified that the proposed facility is designed to hold up to four (4) carriers; that four (4) carriers is the current industry standard; that the request for the rear setback is to reduce the visual impact of the cellular tower; that the parcel next south of the subject property is improved with a commercial building; that the parcel next north of the subject property is improved with a residential house; that he has tried to locate the tower on the subject property with respect to both of those buildings and their respective setbacks; that the tower currently on 9407-09 South State Street is 120 feet tall; that it is the Applicant's intent to duplicate the height of said tower on the subject property; that the rule of thumb when building a new tower is to try and keep the current coverage and capacity; that the proposed cellular tower will be designed so that it will collapse into itself and not fall onto neighboring structures; that he has worked with the City on an acceptable landscape plan for the subject property; and

WHEREAS in response to questions by the Board regarding the upkeep of said landscaping, Mr. Much stated he would be glad to take responsibility for the landscaping; that the landscaping would not be overlooked; and

WHEREAS, Mr. Joseph M. Ryan testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in this Zoning Ordinance which must be addressed in support of such an application; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance; (2) is in the interest of the public convenience as cell phones are necessary for public health, safety and welfare and will not have an adverse impact on the general welfare of the neighborhood as cell towers are located across the City and as there is no diminution in property value due to the current cell tower; (3) is compatible with the character of the surrounding neighborhood in terms of site planning, building scale and project design as there are several light fixtures at least 100 feet high in the immediate area; and

WHEREAS, Mr. VanLieshout again testified that on behalf of the Applicant; that the proposed special use is compatible with the character of the surrounding neighborhood in terms of site planning, building scale and project design; that he has visited the site and has seen the light poles Mr. Ryan referred to; that said light poles are about 100 feet above street level; that the proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; that the proposed special use will run twenty-four hours a day, seven days a week but actual access to the property for routine maintenance will occur once a month by a single technician; that once every four (4) to five (5) years, an equipment swap might occur; that this would happen at night; and

WHEREAS in response to questions by the Board, Mr. VanLieshout further testified that equipment is swapped out on cellular towers so that loss of coverage is kept as minimal as possible; that this means equipment swappage occurs between 12:00 AM to 4:00 AM; that this happens all the time and is how carriers typically change equipment; that notice is given to the neighboring properties, and City permits are obtained for this work; that as the cellular tower will be located at the back of the subject property, the proposed special use will not interfere with pedestrian traffic; and

WHEREAS, Alderman Howard Brookins, Jr., testified in support of the application; that although currently the area has residential uses, he anticipates the area becoming commercial as the new CTA 95<sup>th</sup> Station is built; that African Americans mostly use internet service via their cell phone devices; that therefore it is important to his community that cellular coverage is maintained; and

WHEREAS, Mr. Kupiec stated that the property directly next store to the subject property is zoned B1-1 and appears to have commercial use on it; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use; and

WHEREAS, the Applicant has presented evidence that no existing facility or structure can accommodate the Applicant's proposed facility pursuant to Section 17-9-0188-D of the Chicago Zoning Ordinance; and

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

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

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as cell towers are necessary for public health, safety, and welfare. Further, the proposed special use will not have an adverse impact on the general welfare of the neighborhood as cell towers are located across the City and as there is no diminution in property value due to the current cell tower;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because: (1) the Applicant

will set the cell tower to the back of the subject property to minimize the special use's impact; and (2) the area has street lights that are similar in height to the special use;

4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because maintenance of the cell tower only requires once a month maintenance by one technician;

5. The proposed special use is designed to promote pedestrian safety and comfort because it will be located towards the back of the subject property.

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

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said special use subject to the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The Applicant will be responsible for watering the plants at the subject property.

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

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

**APPLICANT:** Chicago Title Land Trust Company , No. 121100 **CAL NO.:** 61-15-Z

**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 9420 S. Lafayette Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 30' to 3.66' for a proposed freestanding, wireless communications tower.

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

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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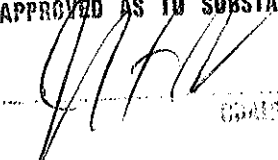
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a special use was granted to the subject site (Cal. No. 60-15-S) , to establish a freestanding wireless communications tower, with the condition that the applicant be responsible for maintaining the landscaping at the site; the applicant shall also be permitted to reduce the rear setback to 3.66' as well as increase the height of the tower to 120' ( Cal. No. 62-15-Z) ; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Chicago Title Land Trust Company, No. 121100 **CAL NO.:** 62-15-Z

**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 9420 S. Lafayette Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to increase the height of a proposed freestanding, wireless communications tower from 75' to 120'.

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

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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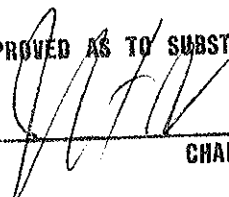
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a special use was granted to the subject site (Cal. No. 60-15-S), to establish a freestanding wireless communications tower, with the condition that the applicant be responsible for maintaining the landscaping at the site; the applicant shall also be permitted to reduce the rear setback to 3.66' (Cal. No. 61-15-Z) as well as increase the height of the tower to 120'; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN



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

**APPLICANT:** Lirim Jacob Tehillim

**CAL NO.:** 63-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2468 N. Clark Street, Suite A

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

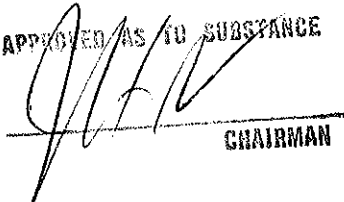
**ACTION OF BOARD:**  
CASE CONTINUED TO MAY 15, 2015

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



APR 20 2015  
CITY OF CHICAGO

**Latinos Barber Shop**

APPLICANT

**64-15-S**

CALENDAR NUMBER

**1701 W. 35th Street**

PREMISES AFFECTED

**March 20, 2015**

HEARING DATE

**Pro Se**

APPEARANCE FOR APPLICANT

**NO OBJECTORS**

**NATURE OF REQUEST**

Application for a special use to establish a barber shop.

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is denied.

Jonathan Swain, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

APPROVE

DENY

ABSENT

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Efrain Galvan testified on behalf of the Applicant; that he is the Applicant's owner; that the Applicant will have five (5) chairs; that the Applicant's proposed hours of operations are: Monday – Saturday, 10:00 AM – 7:00 PM, Sunday, 10:00 AM – 5:00 PM; and

WHEREAS, in response to questions by the Board, Mr. Galvan further testified this is his first business; that he is not a barber; and

WHEREAS, in response to further questions by the Board, Ms. Marciela Cortez testified on behalf of the Applicant; that she is Mr. Galvan's fiancée; that currently, she

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

and Mr. Galvan are operating a cell phone store at the subject property; that she and Mr. Galvan “went with the cellphone” business because they needed a location; that as they were already paying rent at the subject location, they thought they might as well run the cellphone business that already existed at the subject location; that said cellphone business has been operating at the subject location for the past ten (10) years; that Mr. Galvan will run the barber shop; and

WHEREAS, in response to questions by the Board, Mr. Galvan further testified that he does not have any current experience to run a barber shop; that he is going to go to school to study; that his fiancée is also going to school; that Ms. Cortez has experience in running businesses; that he will go to barber school and she will run the shop; that when he finishes with school, he will work the shop and she will go to school; that he and Ms. Cortez have all the equipment necessary to begin the business; and

WHEREAS, in response to further questions by the Board, Ms. Cortez testified that she “just works” for Mr. Galvan; and

WHEREAS, Mr. Patrick Murphey, staff member of the Department of Planning and Development (“Department”) testified that in the opinion of the Department the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance; (2) is in the interest of the public convenience and will not have an adverse impact on the general welfare of the neighborhood; (3) is compatible with the character of the surrounding neighborhood in terms of site planning, building scale and project design; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and (5) is designed to promote pedestrian safety and comfort; now, therefore,

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

1. The decision of the Zoning Board of Appeals to approve a special use application must be based solely on the approval criteria enumerated in Section 17-13-0905-A of the Chicago Zoning Ordinance;
2. The Board finds the proposed special use will have a significant adverse impact on the general welfare of the neighborhood. The Board makes this finding due to the evasive answers and demeanors of Mr. Galvan and Ms. Cortez. Simply put, Mr. Galvan and Ms. Cortez had zero credibility. As Mr. Galvan and Ms. Cortez were the Applicant’s only witnesses, their lack of credibility leaves the Board no choice but to find that the Applicant’s proposed special use will have an adverse impact on the general welfare of the neighborhood. Mr. Murphey’s general testimony that a barbershop at this location would not adversely impact the general welfare of the neighborhood cannot overcome the lack of credible testimony by *the Applicant* that a barbershop operated by the Applicant at this

location would not have a significant adverse impact on the general welfare of the neighborhood.

3. The Board finds the proposed special use is not compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, lighting, noise and traffic generation. Again, the Board finds Mr. Galvan and Ms. Cortez were not credible witnesses with respect to the Applicant's operating characteristics for the same reasons they were not credible witnesses in regards to whether or not the proposed special use will have an adverse impact on the general welfare of the neighborhood. As Mr. Galvan and Ms. Cortez were the Applicant's only witnesses, their lack of credibility leaves the Board no choice but to find the Applicant's proposed special use is not compatible with the character of the surrounding area in terms of hours of operation, lighting, noise and traffic generation. Mr. Murphey's general testimony that a barbershop at this location would be compatible with the character of the surrounding area in terms of operating characteristics cannot overcome the lack of credible testimony by *the Applicant* that a barbershop operated by the Applicant at this location would be compatible with the character of the surrounding area in terms of operating characteristics.

RESOLVED, the Board finds that the Applicant has not proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby denied.

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

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

**APPLICANT:** Manal Marbo/DBA Marbo Corp. **CAL NO.:** 65-15-S  
**APPEARANCE FOR:** Manal Marbo **MINUTES OF MEETING:**  
 March 20, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 5008 N. Lincoln Avenue

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

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

**THE VOTE**

APR 20 2015  
 CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

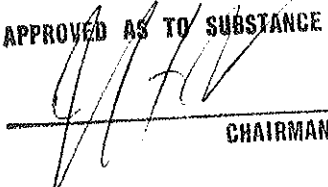
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

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

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

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

APPROVED AS TO SUBSTANCE  
  
 CHAIRMAN

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

**APPLICANT:** 4027 Broadway, LLC

**CAL NO.:** 66-15-Z

**APPEARANCE FOR:** Rolando Acosta

**MINUTES OF MEETING:**  
March 20, 2014

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4025-27 N. Broadway

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 30' to 16.17' and to reduce the north side setback from 5' to 0' for a proposed, six-story, 20-unit building with ground floor commercial space and 16 indoor parking spaces, also located on the ground floor.

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

**THE VOTE**

APR 20 2015

CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
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X		

**THE RESOLUTION:**


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 16.17' and to reduce the north side setback to 0' for a proposed, six-story, 20-unit building with ground floor commercial space and 16 indoor parking spaces, also located on the ground floor; the applicant has also been permitted to reduce the on-site, accessory parking by no more than 20% (four) ( Cal. No. 67-15-Z ) ; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** 4027 Broadway, LLC

**CAL NO.:** 67-15-Z

**APPEARANCE FOR:** Rolando Acosta

**MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4025-27 N. Broadway

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the on-site, accessory parking by no more than 20% (four) for a proposed, six-story, 20-unit building with ground floor commercial space and 16 indoor parking spaces, also located on the ground floor.

**ACTION OF BOARD-**  
VARIATION GRANTED

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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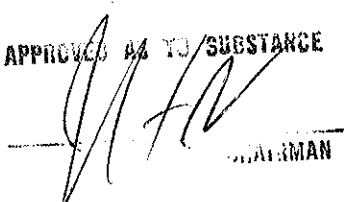
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a variation was granted in Cal. No. 66-15-Z to reduce the rear setback to 16.17' the applicant shall also be permitted to reduce the on-site, accessory parking by no more than 20% (four) for the 20-unit building with ground floor commercial space and 16 indoor parking spaces which shall also be located on the ground floor; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Ericka Lepe **CAL NO.:** 68-15-Z  
**APPEARANCE FOR:** Same **MINUTES OF MEETING:**  
March 20, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1915 W. Larchmont Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 33.85' to 23.6' for a proposed, rear, detached, two-car garage with roof deck access via an external staircase.

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

**THE VOTE**

APR 20 2015  
 CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
X		

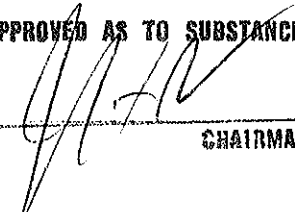
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 23.6' for a proposed, rear, detached, two-car garage with roof deck access via an external staircase; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

**APPROVED AS TO SUBSTANCE**  
  
 CHAIRMAN



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

**APPLICANT:** Nelson and Josephine Salas

**CAL NO.:** 69-15-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2726-28 N. Drake Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to reduce the front setback from 10.92' to 0' for a 7'-tall, wrought iron fence and to increase the 9,687 square feet of combined floor area in existence for more than 50 years in the two buildings at this location by not more than 15% to 9,800 square fee

**ACTION OF BOARD-**

CASE CONTINUED TO APRIL 17, 2015

**THE VOTE**

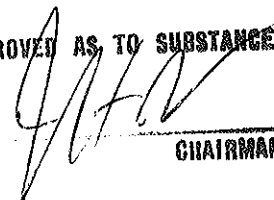
APR 20 2015

CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

**APPLICANT:** Elizabeth Siciliano

**CAL NO.:** 70-15-Z

**APPEARANCE FOR:** Louis Weinstock

**MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1501 W. Grand Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front setback from 13.47' to 11.5'; to reduce the rear setback from 31.42' to 1'; to reduce the west side setback from 2.5' to 1'; and, to reduce the combined side setback from 5' to 1.17' for a proposed, three-story, single-family residence with a rear, attached, two-car garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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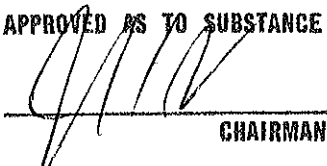
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 11.5'; to reduce the rear setback to 1'; to reduce the west side setback to 1'; and, to reduce the combined side setback to 1.17' for a proposed, three-story, single-family residence with a rear, attached, two-car garage; the applicant has also been permitted to locate the rear yard open space on the roof of the garage in Cal. No. 71-15-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Elizabeth Siciliano **CAL NO.:** 71-15-Z  
**APPEARANCE FOR:** Louis Weinstock **MINUTES OF MEETING:**  
March 20, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1501 W. Grand Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to allow for the 147 square feet of rear yard open space to be established on the roof of a proposed, three-story, single-family residence with a rear, attached, two-car garage.

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

**THE VOTE**

APR 20 2015  
 CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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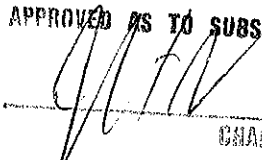
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to locate the 147 square feet of rear yard open space to be established on the roof of a proposed, three-story, single-family residence with a rear, attached, two-car garage; the applicant was also granted yard reductions in Cal. No. 70-15-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

APPROVED AS TO SUBSTANCE  
  
 CHAIRMAN

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

**APPLICANT:** Villa Celeste, LLC

**CAL NO.:** 72-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 67 E. Cedar Street, Lower Level and First Floor

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of one vacation rental unit in the duplex down (lower level and first floor) unit of the existing, three-story, two-unit building.

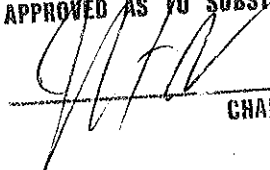
**ACTION OF BOARD:**  
CASE CONTINUED TO APRIL 17, 2015

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Villa Celeste, LLC

**CAL NO.:** 73-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 67 E. Cedar Street, Second and Third Floor

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of one vacation rental unit in the duplex up (second and third floor) unit of the existing, three-story, two-unit building.

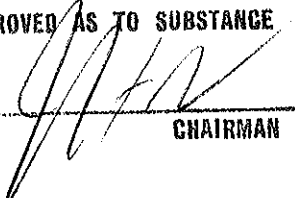
**ACTION OF BOARD-**  
CASE CONTINUED TO APRIL 17, 2015

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:**

Celeste Suites, LLC

**CAL NO.:** 74-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:**

739 N. Wells Street, 2nd Floor, Front Unit

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of one vacation rental unit in the second floor (front) unit, of an existing, three-story, three-unit building with ground floor and basement retail space.

**ACTION OF BOARD-**

CASE CONTINUED TO APRIL 17, 2015

**THE VOTE**

APR 20 2015

CITY OF CHICAGO

JONATHAN SWAIN

CATHERINE BUDZINSKI

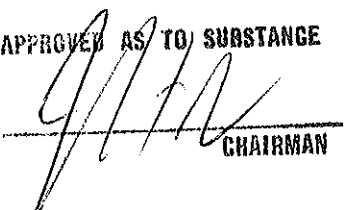
SOL FLORES

SHEILA O'GRADY

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** Celeste Suites, LLC

**CAL NO.:** 75-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 739 N. Wells Street, 3rd Floor

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of one vacation rental unit in the third floor unit, of an existing, three-story, three-unit building with ground floor and basement retail space.

**ACTION OF BOARD.**  
CASE CONTINUED TO APRIL 17, 2015

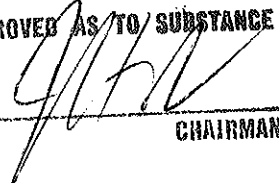
**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

**APPLICANT:** 1442 N. Western Avenue, LLC

**CAL NO.:** 76-15-Z

**APPEARANCE FOR:** Nick Ftikas

**MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1444 N. Western Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 30' to 10' for a proposed four-story, eight-unit building with eight, rear, parking spaces.

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

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

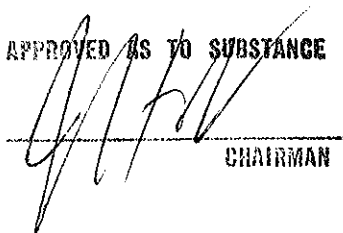
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 10' for a four-story, eight unit building with eight rear parking spaces; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN



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

**APPLICANT:** Concept School, NFP

**CAL NO.:** 77-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 5035-57 W. North Avenue

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

**ACTION OF BOARD:**  
CASE CONTINUED TO APRIL 17, 2015

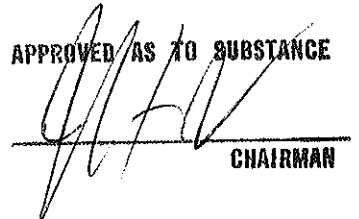
**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

**APPLICANT:** CCI 1338 W. Belmont, LLC **CAL NO.:** 78-15-Z  
**APPEARANCE FOR:** Rolando Acosta **MINUTES OF MEETING:**  
March 20, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1338 W. Belmont Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 30' to 22' for a proposed, four-story, three-unit building with one, rear, surface parking space and two, rear, indoor parking spaces and office space on the ground floor.

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

**THE VOTE**

APR 20 2015  
 CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

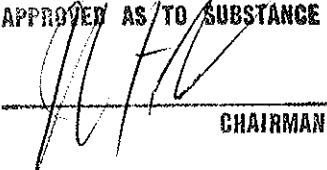
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 22' for a proposed, four-story, three-unit building with one, rear, surface parking space and two, rear, indoor parking spaces and office space on the ground floor; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

APPROVED AS TO SUBSTANCE  
  
 CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



APR 20 2015  
CITY OF CHICAGO

**VP Salon Organic, LLC**  
APPLICANT

**3125 N. Broadway Ave.**  
PREMISES AFFECTED

**79-15-S**  
CALENDAR NUMBER

**March 20, 2015**  
HEARING DATE

**Rolando R. Acosta**  
APPEARANCE FOR APPLICANT

**Dusan Oppelt**  
OBJECTOR

**NATURE OF REQUEST**

Application for a special use to establish a beauty salon.

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Rolando R. Acosta, counsel for the Applicant, explained the underlying basis for the relief sought; that the subject property is in a B3-2 Zoning District; that said property is part of a strip along Broadway Avenue; that the Applicant proposes to lease an existing storefront for its special use; that the proposed special use will require only interior build-out; that a special use is required for the Applicant's business at this location due to other hair salons being within 1000 feet of the subject property; and

WHEREAS, Mr. Vincenzo Papisidero testified on behalf of the Applicant; that he proposed to open a hair salon at the subject property; that he previously had a salon in

APPROVED AS TO SUBSTANCE

CHAIRMAN

Chicago but closed said salon when he moved out of state; that now he would like to reestablish his salon at the subject property; that he has an existing client base that has followed him through the years and is anxious to be served by him at his new location; that the proposed salon would be operated seven days a week, 9:00 AM – 9:00 PM; that the Applicant would operate in accordance with all applicable standards and regulations; that the Applicant's salon would have four (4) chairs as well as two (2) shampoo locations; that the Applicant will use solely organic products so there will be no chemicals; that this makes the Applicant unique in this particular area; that no other hair salon in the area does this; that he has been cutting hair in the area for a long time and so is familiar with the area; and

WHEREAS, Mr. Peter Poulos testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in this Zoning Ordinance which must be addressed in support of such an application; that he then orally testified that the proposed special use: (1) is in the interest of the public convenience and will not have an adverse impact on the general welfare of the neighborhood as it is a commercial use on a commercial street; (2) is compatible with the character of the surrounding neighborhood in terms of site planning, building scale and project design as it will utilize an existing building; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation because the hours are similar to those of other businesses in the area; and (5) is designed to promote pedestrian safety and comfort because there will be no exterior modification of the building; and

WHEREAS, Mr. Dusan Oppelt, of 3021 N. Broadway, testified in opposition to the application; that he is concerned by the density of salons in the subject area; that there are twelve (12) other salons in a three (3) block area; that the Applicant is not unique because his salon also uses organic products; that many salons use organic products; that his salon is located at 3021 N. Broadway; that he is not concerned about loss of business; and

WHEREAS, in response to the concerns raised by the Objector, Mr. Acosta stated that the Applicant already has an existing client base; that the proposed special use will not affect the other salons in the area since the Applicant will be bringing his own client base; that in terms of oversaturation, this is the lakefront of Chicago; that three (3) of the salons in the immediate area are very similar in the sense they are national chains: Supercuts, Hair Cuttery and Great Clips; that these three (3) salons can co-exist in the immediate area; that there are plenty of intervening uses between salons in the area, such as restaurants, record stores, and clothing stores; that the subject area is not continuous blocks and blocks of salons; that the Alderman has issued a letter of support for the proposed special use; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use; and

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

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience and will not have an adverse impact on the general welfare of the neighborhood because the proposed use is a commercial use on a commercial street;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because it will utilize an existing building;
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because said hours are similar to other businesses in the area; and
5. The proposed special use is designed to promote pedestrian safety and comfort because there will be no exterior modifications to the building.

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

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

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

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

**APPLICANT:** Albion Hotel, LLC **CAL NO.:** 80-15-S  
**APPEARANCE FOR:** David Reifman **MINUTES OF MEETING:**  
March 20, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 6566-90 N. Sheridan Road

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a six-story, 145-room hotel with ground floor retail space.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
ABSTAINED		
X		

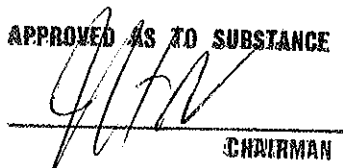
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a six-story, 145-room hotel with ground floor retail space; testimony was offered that there is a need for the hotel in the area; many of the families of students that attend Loyola University have no other lodging options that are near by and that a hotel at the subject site would provide options for those people seeking lodging; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to establish a six-story, 145-room hotel with ground floor retail space provided the development is established consistent with the design, layout, materials and plans prepared by Norr Architects Engineers and Planners and dated February 26, 2015 (site plan) and March 17, 2015 (floor and landscape plans).

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

APPROVED AS TO SUBSTANCE  
  
 CHAIRMAN

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

**APPLICANT:** Albion Hotel, LLC **CAL NO.:** 81-15-S  
**APPEARANCE FOR:** David Reifman **MINUTES OF MEETING:**  
March 20, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 6566-90 N. Sheridan Road

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a rooftop patio on the rooftop of the fifth floor of a proposed, six-story, 145-room hotel with ground floor retail space.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
ABSTAINED		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a special use was granted in Cal. No. 80-15-S to permit the establishment of a six-story 145 room hotel at the subject site; variations were also granted to the subject site (Cal. No. 82-15-Z, 83-15-Z) as well as a special use for the parking lot in Cal. No. 84-15-Z which is located at 1217-39 W. Albion); the applicant shall be permitted to establish a rooftop patio on the rooftop of the fifth floor of a proposed, six-story, 145-room hotel with ground floor retail space ; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to establish a rooftop patio on the rooftop of the fifth floor of a proposed, six-story, 145-room hotel with ground floor retail space provided the development is established consistent with the design, layout, materials and plans prepared by Norr Architects Engineers and Planners and dated February 26, 2015 (site plan) and March 17, 2015 (floor and landscape plans).

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

APPROVED AS TO SUBSTANCE

  
\_\_\_\_\_

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

**APPLICANT:** Albion Hotel, LLC **CAL NO.:** 82-15-Z  
**APPEARANCE FOR:** David Reifman **MINUTES OF MEETING:**  
March 20, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 6566-90 N. Sheridan Road

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the length of the off-street loading space from 10' x 50' x 14' to 10' x 30' x 14' for a proposed, six-story, 145-room hotel with ground floor retail space.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
ABSTAINED		
X		

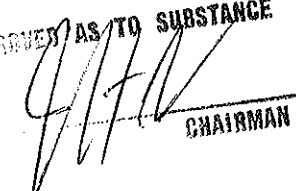
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a special use has been granted to the subject site ( Cal. No. 80-15-S) to establish a hotel; (81-15-S) to establish a roof top patio for the hotel; (84-15-S) to establish off-site parking which shall be located at 1217-39 W. Albion as well as a variation (83-15-Z) to reduce the parking requirement from 31 spaces to 20 spaces; the applicant shall also be permitted to reduce the length of the off street loading space to 10' x 30' x 14'; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

APPROVED AS TO SUBSTANCE  
  
 CHAIRMAN



**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



APR 20 2015

CITY OF CHICAGO

**Albion Hotel, LLC**

APPLICANT

**83-15-Z**

CALENDAR NUMBER

**1217-30 West Albion Avenue**

PREMISES AFFECTED

**March 20, 2015**

HEARING DATE

**David Reifman**

APPEARANCE FOR APPLICANT

**Ignacio Garcia**

OBJECTOR

**NATURE OF REQUEST**

Application for a variation to reduce the accessory vehicular parking requirement from 31 to 20 spaces for a proposed, six-story, 145-room hotel with ground floor retail space due to the proximity of the subject property to the Chicago Transit Authority Loyola Red Line Station.

**ACTION OF BOARD**

**THE VOTE**

The application for the variation is approved.


	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady (abstain)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. David Reifman, counsel for the Applicant, explained the underlying basis for the relief sought; that the subject property is located immediately behind and across the public alley from the proposed six-story, 145-room hotel development site; that the subject parking lot is currently zoned RT-4 and currently improved with a lawfully established off-site accessory and non-accessory parking lot pursuant to a special use approved by the Board on June 15, 2012; that Loyola University (the "University") owns the subject property; that with respect to the subject property, the

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

Applicant has entered into a permanent easement for twenty (20) parking spaces with Loyola University; that the Zoning Administrator has issued a letter than the Applicant's required parking is thirty-one (31) spaces; that he then entered said letter into the record; and

WHEREAS, Mr. Tim McGuriman testified on behalf of the Applicant; that he is the Associate Vice President of Capital Planning for the University; that the University will remain the owner of the subject property; that the University is desirous for the proposed six-story, 145 room hotel development; and

WHEREAS, Mr. Sanjeev Misra testified on behalf of the Applicant; that he is the president and owner Atira Hotels which through its affiliates currently operates a Day's Inn in Lincoln Park and also through its affiliates operates the proposed hotel; that the proposed six-story, 145 room hotel has been carefully developed for the needs of the neighborhood; and

WHEREAS, Mr. Luay Aboona testified on behalf of the Applicant; that his credentials an expert in traffic engineering were acknowledged by the Board; that Mr. Aboona's traffic study was submitted to the Board; that Mr. Aboona then testified that his traffic study has been reviewed and approved by the City's Department of Transportation ("CDOT"); that the site plan for the proposed development has also been approved by CDOT; that given the location of the site and close proximity to the University's campus and to the CTA train station, it is expected that traffic generated by the project will be reduced; that as a result, when the traffic that currently travels through the main intersection serving the project, that is to say the intersection of Sheridan Road and Albion Avenue, is compared with the traffic expected to be generated by the project, the increase in traffic will be very minimal; that he would expect said increase to be less than two percent (2%); that as a result, the impact of traffic will be minimal as well; that all drop-off and pick-up for the proposed project will occur on Albion Avenue; that no drop-off and pick-up activities will occur on Sheridan Road; that the Applicant proposes to convert Albion Avenue into a two-way street between Sheridan Road and the alley; that the project's proposed porte-cochere will have with the turnaround located on the subject property; that taking all of this combined, it is his professional opinion that the proposed development's impact on traffic will not be significant; that he has analyzed the requested variation for twenty (20) spaces of parking on the subject property; that these twenty (20) spaces are sufficient to accommodate the proposed development's needs due to the proposed development's proximity to the CTA train station and to the University's campus; that due to the foot traffic in the area, it is anticipated that twenty (20) spaces will be sufficient; that in the event there is extra demand for parking, there is available public parking in the area, particularly in the Morgan Street garage; and

WHEREAS, in response to questions by the Board, Mr. Reifman stated that the proposed spaces would be used primarily by guests; that there will also be valet parking available for guests; and

WHEREAS, Mr. Lawrence Orkrent testified on behalf of the Applicant; that his credentials as an expert in land planning were acknowledged by the Board; that his planning report for the proposed development was submitted and accepted by the Board; that he then testified that in terms of land use, almost everything to the east side of Sheridan Road is the University's central campus; that starting at Devon, Sheridan Road has a lot of walk-in retail; that the establishment of the proposed development is consistent with the scale of the block and the established retail character of the block, especially as the proposed hotel will have ground floor retail; that with respect to the requested variation, parking at the subject property already exists and will not change the topography of the neighborhood; that therefore the requested variation is consistent with the character of the neighborhood; that the proximity of the proposed development to the CTA station justifies the reduction of the required parking to twenty (20) spaces; and

WHEREAS, Mr. Ignacio Garcia, of 6661 N. Sheridan, testified in opposition to the application; that he resides directly across the street from the proposed hotel and has lived there for fourteen (14) years; that lack of adequate parking is already an issue in this neighborhood; that he has experienced the frustration of driving around for forty-five (45) minutes looking for street parking; that surely a significant portion of the proposed hotel's guests will arrive by car and will require parking; that providing inadequate off-street parking will create a spill-over of cars onto neighborhood streets, exacerbating the existing parking problem; that he gave up his own car a few years ago in part because of the price of parking in his building; that although he would like to own a car again, the requested variation will make finding street-parking next to impossible; that this variation, if approved, would make future car ownership unreasonably difficult due to his proximity to the proposed development; that he is also concerned about the variation's effect on the elderly and disabled living in the community; that parking a block or more from one's residence, when one is elderly or disabled, might make leaving the house impossible; that off-street parking is expensive, and often the elderly and disabled struggle to make ends meet; that for some, street parking is the only option; that further reducing street parking will negatively impact the most vulnerable members of the community; that the Applicant has not shown practical difficulties or particular hardships to justify granting the variation; that the subject parking lot is not underutilized because if it were, the Applicant could provide the required thirty-one (31) parking spaces in said parking lot; that the Morgan Street public parking garage is not a circumstance unique to the Applicant to allow justifying the variation; and

WHEREAS, Mr. George Blakemore testified in opposition to the application; and

WHEREAS, Alderman Joe Moore testified in support of the application; that the Applicant's close proximity to the CTA station will accommodate the large numbers of people that will take public transportation to the Applicant's proposed hotel; that there is ample parking in the area should the twenty (20) spaces not prove sufficient; that in the unlikely event that street parking becomes an issue, there is presently limited permit street-parking in place which should discourage most people visiting the Applicant's proposed hotel from parking on the street; that if in fact people visiting the Applicant's

proposed hotel do park on the street during the hours the limited permit street-parking is not in place, the Alderman reserves the right to address this issue; and

WHEREAS, Section 17-13-1003-EE of this Zoning Ordinance grants the Zoning Administrator authority to grant an administrative adjustment reducing off-street parking requirements for non-residential uses from the otherwise applicable standards by more than 50%; and

WHEREAS, Section 17-13-1101-A of this Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation for any matter expressly authorized as an administrative adjustment; now, therefore,

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

1. The Board finds that pursuant to 17-13-1107-A that the Applicant has proved its case by testimony and other evidence that a practical difficulty and particular hardship exists regarding the proposed use of the property should the requirements of this Zoning Ordinance be strictly complied with, and, further, the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance;

2. The Board finds that pursuant to 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) whether or not the property can yield a reasonable return is not material as the University intends to continue to own and use the subject property; (2) the practical difficulty or particular hardship is due to the Applicant's proposed hotel development being in such close proximity to the CTA station that the Applicant qualifies for a reduction in its required parking under an administrative adjustment; and (3) the variation, if granted, will not alter the essential character of the neighborhood as the proposed hotel development will not substantially increase traffic generation in the neighborhood and as a parking lot already exists at the subject property; and

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship exists, took into account that evidence was presented that: (1) that the proximity of the Applicant's proposed hotel development to the CTA station results in particular hardship upon the Applicant as the Applicant qualifies for a reduction in its required parking under an administrative adjustment; (2) that Applicant's ability to qualify for a reduction in its required parking under an administrative adjustment is not a condition generally applicable to RT-4 Zoning District; (3) profit is not the sole motive for the application as the Applicant is making a significant investment with its proposed hotel development; (4) the Applicant did not create the hardship in question as this Zoning Ordinance – not the Applicant – created the Applicant's ability to

qualify for a reduction in its required parking under an administrative adjustment; (5) the variation being granted will not be detrimental to the public welfare or injurious to other property at a parking lot already exists on the subject property; and (6) the variation will not impair an adequate supply of light or air to the neighboring properties, or substantially increase the congestion in the public streets as very credibly testified to by both Mr. Aboona and Mr. Okrent, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values. The Board further finds that any comments made by Mr. Ignacio regarding possible congestion of the public streets by the proposed variation are purely speculative and therefore not credible.

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

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

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

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

**APPLICANT:** Albion Hotel, LLC **CAL NO.:** 84-15-S  
**APPEARANCE FOR:** David Reifman **MINUTES OF MEETING:**  
March 20, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1217-39 W. Albion Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of 20, off-site, required, accessory parking spaces to serve a proposed, six-story, 145-room hotel with ground floor retail space located at 6566-90 North Sheridan Road.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
ABSTAINED		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant has been permitted to establish a hotel ( Cal. No. 81-15-S); to establish a roof top patio for the hotel; a variation (83-15-Z) to reduce the parking requirement from 31 spaces to 20 spaces; the applicant shall also be permitted to reduce the length of the off street loading space to 10' x 30' x 14' ( Cal. No. 82-15-Z) ; in addition to the other relief granted the applicant shall also be permitted to establish an accessory required parking lot at the subject time, with 20 parking spaces to serve the hotel located at 6566-90 N. Sheridan; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to establish 20, off-site, required, accessory parking spaces to serve a proposed, six-story, 145-room hotel with ground floor retail space located at 6566-90 North Sheridan Road provided the development is established consistent with the design, layout and plans prepared by Solomon Cordwell Buenz and dated March 17, 2015.

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Howard Brown Health Center, Inc.

**CAL NO.:** 85-15-S

**APPEARANCE FOR:** Lawrence Drumm

**MINUTES OF MEETING:**

March 20, 2015

**APPEARANCE AGAINST:** George Blakemore

**PREMISES AFFECTED:** 615 W. Wellington Avenue

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

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

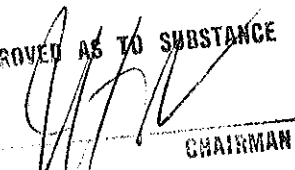
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; Mr. George Blakemore appeared to voice his concerns about the application for the special use; the applicant was previously granted a special use in Cal. No. 3-14-S; the applicant was required to return after one year to re-apply for a special use at the subject site; the applicant testified that the organization has been operating at the location without incident for a year and is requesting to extend their special use for another year; the Board will grant the applicant their special use for an additional year; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s):

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

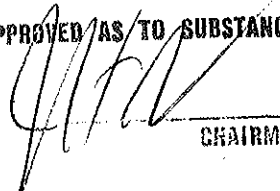
**CAL NO.: 85-15-S (cont'd)**  
**MINUTES OF MEETING:**  
March 20, 2015

1. The Special Use is granted subject to the terms of the lease between the Applicant and the property owner. That as such lease is for one year and begins April 1, 2015, the Applicant's Special Use shall expire on April 1, 2016. Prior to April 1, 2016, the Applicant must reapply for a Special Use if it wishes to continue its operation of the Broadway Youth Center at this location beyond April 1, 2016;

2. The Applicant's hours of operation shall be posted on the exterior of the church. The Applicant's contact information and the property owner's contact information shall also be posted on the exterior of the church. These postings shall be visible to pedestrians along West Wellington Avenue.

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

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

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**



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

**APPLICANT:** BCL, 2344 Shakespeare, LLC

**CAL NO.:** 254-14-Z

**APPEARANCE FOR:**

**DATE OF MEETING:**

March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2344 W. Shakespeare

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to reduce the west side yard setback from 2' to 0 and to reduce the combined side yard setback from 4.8' to 2' for a proposed three-story, three unit building with three rear, surface parking spaces.

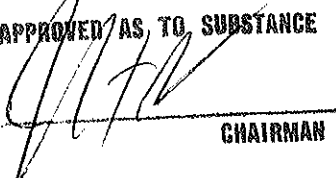
**ACTION OF BOARD-**  
WITHDRAWN ON MOTION OF THE APPLICANT

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** 3506 Hospitality, LLC

**CAL NO.:** 303-14-S

**APPEARANCE FOR:**

**DATE OF MEETING:**

March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 3506-14 N. Clark Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 3,052 square foot, outdoor, rooftop patio on the second floor of an existing restaurant.

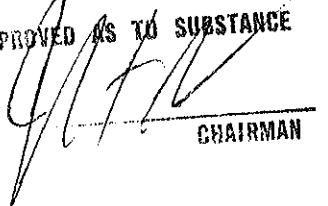
**ACTION OF BOARD-**  
CASE CONTINUED TO JUNE 19, 2015

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** 3606 Hospitality LLC

**CAL NO.:** 304-14-S

**APPEARANCE FOR:**

**DATE OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 3466 N. Clark Street

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

**ACTION OF BOARD-**  
CASE CONTINUED TO JUNE 19, 2015

**THE VOTE**

APR 20 2015

CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

**APPLICANT:** 3506 Hospitality LLC

**CAL NO.:** 305-14-S

**APPEARANCE FOR:**

**DATE OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 3458 N. Clark Street

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

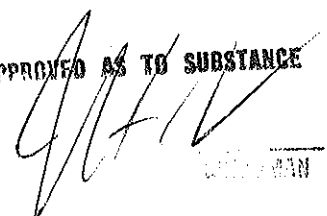
**ACTION OF BOARD-**  
CASE CONTINUED TO JUNE 19, 2015

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
SECRETARY

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

**APPLICANT:** Chicago Land Montessori Academy

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

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 5624-34 N. Pulaski Road

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

**ACTION OF BOARD-**  
**DISMISSED FOR WANT OF PROSECUTION**

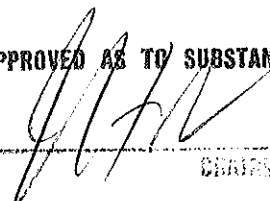
**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

**APPLICANT:**

Pathways in Education-Illinois

**CAL NO.:** 370-14-S

**APPEARANCE FOR:**

**DATE OF MEETING:**

March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:**

4816 N. Western Avenue

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

**ACTION OF BOARD-**

CASE CONTINUED TO MAY 15, 2015

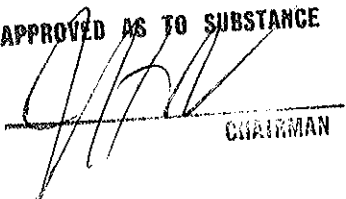
**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



APR 20 2015  
CITY OF CHICAGO

**MedMar, Inc.**  
APPLICANT

**399-14-S**  
CALENDAR NUMBER

**2843 North Halsted Street**  
PREMISES AFFECTED

**February 20, 2015**  
HEARING DATE

**Katriina McGuire & Bernard Citron**  
APPEARANCE FOR APPLICANT

**Thomas Moore**  
APPEARANCE FOR OBJECTORS

**NATURE OF REQUEST**

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

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is denied.

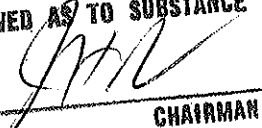
	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

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

WHEREAS, the Board stated that it was the Board's impression that zoning approval was a condition precedent to being awarded a state license under the Act; that the Board has come to understand this is not the case; that the Board then asked the Applicant's counsel to clarify the point; and

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

WHEREAS, Ms. Katriina McGuire, co-counsel for the Applicant, explained that zoning approval was not a condition precedent to being awarded a state license under the Act; and

WHEREAS, Mr. Thomas Moore, counsel for the Objectors, stated that the Objectors did not in any way oppose medical cannabis; that the Objectors only objection is their objection to the Applicant's proposed location; that if the Applicant chose another location, that would be wonderful; and

WHEREAS, Ms. McGuire introduced her co-counsel, Mr. Bernard Citron; that she then began her case-in-chief, introducing the Applicant's witnesses and shareholders; that she explained the underlying basis for the relief sought; that the subject property is located in a B3-2 Zoning District; that the City's Department of Planning and Development ("Department") has confirmed that the subject property is correctly zoned, is not within a 1000 feet of an established daycare, and not within a building that has any dwelling units; that during the course of the Applicant's investigation into the subject property, it initially appeared that there was a home daycare based within a 1000 feet; that the Applicant approached the owner of that property; that said owner provided an affidavit that she had abandoned the home daycare at that location and instead rented out the unit; that said affidavit is in the Applicant's application; and

WHEREAS, Mr. Moore stated that the Objectors had an issue with said affidavit; that the home daycare license was active until December 2014; that the Applicant was therefore ineligible to file for its state license as there was an active daycare within 1000 feet of the proposed special use; and

WHEREAS, Ms. McGuire stated the affidavit was submitted as part of the Applicant's state application; that the state reviewed said affidavit and still granted the Applicant its state license; that there was no pre-existing daycare at that location at the time the Applicant made its state application; that the subject property is currently improved with an old vacant building; that said vacant building is a former bar that had quite a bit of criminal activity; that the Applicant mailed notice of its application to property owners within 250 feet of the subject property; that the Applicant also posted notice on the door of the subject property; that some people raised concerns that the said posted notice was too far away to see so the Applicant added an additional notice sign to the window; that the Applicant had an updated set of plans; that Ms. McGuire then tendered said updated plans to the Board; and

WHEREAS, Mr. T.J. Johnsrud testified on behalf of the Applicant; that he is the chairman of the Applicant's board; that he has been a licensed pharmacist since 1966; that he has a substantial ownership interest in twenty-three (23) independent pharmacies and home medical equipment locations in Illinois and four (4) other states; that one of his company's owns the only specialty pharmacy in Iowa that treats HIV as part of a state program; that his role with regard to the Applicant is to provide broad experience in the management of pharmacy-type operations; that in many ways, the Applicant is a highly



regulated, specialized pharmacy; that he has particular interest in patient care and is instrumental in establishing patient care policies and protocols for the Applicant; and

WHEREAS, Ms. Luba Andrus testified on behalf of the Applicant; that she has been a licensed pharmacist in the state of Illinois for over forty-two (42) years; that she has a master of jurisprudence (M.J) in health law from Loyola University School of Law; that she has owned her own pharmacies in Illinois; that she has served as pharmacist-in-charge at several pharmacies, including a former clinic at 660 West Diversey; that for the last several years, she has been involved in several roles dealing with long-term care, both as a director of pharmacy services and as an educator for a long-term care company; that she will be the Applicant's agent-in-charge; that an agent-in-charge is very similar to how pharmacist-in-charge is defined by the state of Illinois; that her role at the Applicant will be day-to-day operation or oversight of the Applicant's facility; that this role will include training and management of other agents-in-charge, managers, and patient consultants; that all patient consultants for the Applicant will likely be pharmacists, pharmacy technicians, or registered nurses; that she will handle inventory control and compliance for the Applicant; that she will supervise safe labeling and distribution and control of the medical cannabis; that she will oversee the patient profile system relative to illness and cannabis usage; that she will establish and manage protocols for patient care; that she will ensure that state regulations relative to the dispensary are met; that she will work very closely with the Applicant's security team; and

WHEREAS, Mr. John Sullivan testified on behalf of the Applicant; that he is a licensed attorney; that he served for ten (10) years as a former prosecutor with the Cook County State's Attorney's Office; that he has particular experience with complex gang narcotics investigations and prosecutions as he spent the last four (4) years at the State's Attorney's Office in the gangs crime unit; that he will serve as the Applicant's executive vice president of security; that in this capacity, he will have a substantial day-to-day role at the facility; that the Applicant's operation requires him to frequently be at the facility and handle any problems that may arise in the security plan; that in developing the security plan, the Applicant worked with Bruce Johnson, a former Illinois State Police master sergeant who currently owns his own security company that specializes in high-value transport and warehousing; that the Applicant also worked with Steve Biensky from Tavcom Security; that Mr. Biensky specializes in bank security, such as bank alarm systems and bank vaults; that after he, Mr. Johnson, and Mr. Biensky developed the initial security plan, the Applicant brought in Jim Smith, a former U.S. Marshall, and asked him to vet said security plan and develop any enhancements that were needed; and

WHEREAS, Mr. Sullivan then testified that the Applicant intends to have an appointment-based system, much like a doctor's office; that when a scheduled patient arrives at the Applicant's facility, he will be met by valet; that said valet service will take the patient's car; that the patient will be met by a security guard who will bring the patient into the vestibule of the building; that the vestibule of the building is a mantrap; that another security guard is within the mantrap, behind bulletproof glass; that this security guard will vet the patient's credentials and ensure that the patient is a licensed patient or licensed caregiver before the patient may be admitted into the dispensary; that

inside the dispensary there will be four (4) agents/patient consultants; that all of these four (4) employees will be licensed pharmacists, registered nurses, or pharmacy technicians; that only if an employee is available will a patient be allowed back into the facility's limited access area; that otherwise, the patient will have to wait in the secured waiting area; that when an employee is available for patient consultation, the patient will be buzzed into the limited access area; that the Applicant has comprehensive video surveillance of the entire dispensary; that the Applicant will have facial recognition video equipment that will document exactly who the person is that is entering the dispensary; that once a patient is in the limited access area, a patient can have private consultation if the patient desires; that there will also be a sales counter in the limited access area for patient purchases; that once a patient has made his choice as to type of product, the employee will go through the security office and into the product vault to retrieve prepackaged product; that the employee will give said product to the patient and the patient will exit the Applicant's facility through the mantrap; that the patient will be met by the security guard who will bring the patient to his car; that if the valet is busy, the security guard will take the patient back into the secured waiting area until the valet pulls up and the patient can be escorted to his car; and

WHEREAS in response to questions by the Board, Mr. Sullivan further testified that the Applicant is using Diamond Valet; that said company is a qualified vendor and licensed in the City and several other states; that the valets are not acting as security guards; that valets will not be able to go inside the Applicant's facility; that under current state guidelines, only licensed caregivers, patients or agents of the dispensary may enter dispensaries; that therefore, the valet service will not be allowed into the facility; and

WHEREAS, Mr. Sullivan then testified that the Applicant has a secured loading bay in the alley at the back of the Applicant's facility; that said secured loading bay will have a locked security door at the back part of the delivery bay; that during product delivery, both the security agent and the security office will watch via video; that once the delivery van enters the secured loading bay, the locked security door will shut; that then and only then will the door to the loading bay be opened and the delivery team be allowed to make the delivery; that currency drop and pick-up will be handled the same way; that the Applicant will utilize a kiosk machine for patient purchase so that employees will not handle any cash; that said kiosk machine can accept a prepaid debit card, credit card or cash; that once said kiosk machine hits a certain limit, the security team will be notified to come and pick-up the cash; that the Applicant can also have the security team do daily pick-ups; that there will be an extensive network of security cameras on top of the building, in front of the building, and in the back of the alley; that the Applicant is going to use a special type LED lighting in the back of the alley that is called low-impact or dark-sky so that it will not affect the neighbors; that the Applicant's security cameras will be top-of-the-line and will work in low light and infrared; that the security systems will be backed up in the event of power failure; and

WHEREAS, in response to questions by the Board, Ms. McGuire explained that the valet company has identified several potential parking lots for valet parking; that loading

will occur in the front of the building on the subject property; that the Applicant will seek a standing zone to facilitate the patient unloading; and

WHEREAS, in response to further questions by the Board, Mr. Sullivan testified that there is some residential housing on the other side of the alley; that the LED lighting is called dark-sky technology as it does not shine up and out; that the lighting can be focused in on the areas where lighting is needed and designed so it does not hit residential windows; that the Applicant's proposed hours of operation are: Monday – Saturday, 8:00 AM to 8:00 PM; Sunday, 12:00 PM – 6:00 PM; and

WHEREAS, Mr. Moore was given leave to cross-examine Mr. Sullivan; that Mr. Sullivan further testified that there is no arrangement for the Applicant to use the parking lot next door to the Applicant's facility; that there are no specific places for the valet company to park cars as no deal has yet been signed; that he assumes some patients might park in the neighborhood and walk to the facility; that patients might park in the residential neighborhood as well as on Halsted Street itself though as the valet service is free, it is much more convenient for patients to be valeted; that the Applicant will accept cash and prepaid debit cards; that customers who do not use valet will be bringing their cash through the neighborhood; that the security cameras will extend up and down Halsted Street and up and down the alley; that the security of the surrounding area is very important, especially for deliveries; that he does not believe the cameras will see anything on Wolfram or George Streets; that all estimates suggest forty (40) to fifty (50) patient appointments per day; that theoretically a patient could show up at the Applicant's facility without an appointment; that the fifty (50) patients per day number is an estimate of patients numbers when the Applicant's facility is up and running; that he is uncertain as to the maximum number patients per day the Applicant's facility could handle; that based on the statistics of other medical cannabis dispensaries, the numbers are forty (40) to fifty (50) patients per day; that when the program initially starts, there will be ten (10) patients per day; that the first security guard that is outside the building and by the front initial door will do an initial identification check to ensure that the patient has legitimate business at the Applicant's facility; that the identification check where the Applicant will scan in patient identification into the computer will happen at the bulletproof mantrap; that he does not know if an armed robber would get past the first security guard; that the first security guard is at the very first entry door of the Applicant's facility; that there is one guard in the mantrap behind bulletproof glass; and

WHEREAS, Mr. James Smith testified on behalf of the Applicant; that he has appeared before the Board before; that he was previously in the US Marshall Service and served as senior inspector for the Seventh Circuit Court of Appeals and was responsible for the security of federal appellate court judges; that he was also responsible for safety and security of US Supreme Court justices when they traveled throughout the US; that he has extensive experience in medical cannabis dispensaries in other states; that he also has extensive experience in crime issues that may or may not be related to the lack of security; that in his experience, there are minimum security protocols in place at medical cannabis dispensaries in Colorado and California; that security protocols in Colorado are "coming around;" that his company, Blue Line Protection Group, is contracted with

several of the largest dispensary and growth sites in Colorado; that he became involved in this case as a result of the concerns raised by the neighbors of the subject property; that he essentially conducted a peer review of the Applicant's security plan; that in his opinion, the Applicant has exceeded the security requirements required by the state of Illinois; that the Applicant has continually looked to enhance its security and compliance programs, even after submitting its security plan to the state; that he then described the various ways the Applicant's protocols regarding currency compliance, employee training and asset management exceeded other dispensaries in Illinois; and

WHEREAS, in response to questions by the Board, Mr. Smith testified that the Applicant would provide a security officer to escort a patient to his car, no matter how far away in the neighborhood said patient had parked; that even if a patient had parked a block and a half away, the Applicant would provide said patient with an escort to his car; that the Applicant is committed to patient safety; that this is why the Applicant has committed to having two (2) security personnel on-site at all times; that Blue Line Protection Group ("Blue Line") is the only security company experienced in medical cannabis security in the state; that said security will be on-site twenty-four hours a day, seven days a week (24/7); that best practices in the security industry is crime prevention through environmental design; that the Applicant will therefore be preventing crime at its facility through its enhanced camera and alarm system; that Blue Line has met with the Chicago Police Department and will work hand-in-hand to provide transparent security processes; that again, all deliveries will take place in a secure garage, out of sight from the public; that the Applicant will provide training for their employees not only in the cannabis industry but also in the security industry; that people will be screened to ensure that they are patients of the proposed dispensary and have not gone over their cannabis allotment; that cash management is very important; that when one of the Applicant's payment kiosk is seventy-five percent (75%) full it will send an alarm to Blue Line; that when that happens, Blue Line comes in and takes the kiosk to a cash vault to separate and count the money; that this is similar to other regular armored car pick-up; and

WHEREAS, in response to direct questioning by Ms. McGuire, Mr. Smith further testified that based on what he has seen in Colorado, the average purchase price at a cannabis dispensary is between seventy and one hundred dollars (\$70-100); that large amounts of cash are not being carried around; and

WHEREAS, in response to questions by the Board, Mr. Andrew Williams, the Applicant's cannabis business expert, testified that in his store in Colorado, he sells medical cannabis at eighty-five dollars (\$85) per purchase; that in Colorado, eighty-five dollars (\$85) will be buy a quarter (1/4) to three-eighths (3/8) of an ounce; that in Illinois, eighty-five (\$85) will probably buy an eighth (1/8) of an ounce; that some people do need the two and a half (2.5) ounces allowed under the Act but most people buy only a small amount of cannabis; and

WHEREAS, the Board then stated that for the allotted two and a half (2.5) ounces of cannabis, a patient would pay two thousand dollars (\$2000) every two weeks; and

WHEREAS, Mr. Williams further testified on behalf of the Applicant; that in his experience, the average purchase price of cannabis clearly reflects the average need of a patient; and

WHEREAS, in response to questions by the Board, Mr. Williams further testified that even during patient escort, there is always a security officer present at the front door; that the secondary officer is there mainly for relief and for perimeter checks; that the secondary officer would take the spot at the front door if the primary security officer was escorting patients; that patients might be in the limited access area but said area is secured; that the security station in the front has security monitors so that the officer is able to monitor what is going in the facility; and

WHEREAS, in response to further direct questioning by Ms. McGuire, Mr. Smith further testified that the purpose of valet parking is so that the security guards only have to escort patients to the loading area; and

WHEREAS, Mr. Moore was then given leave to cross-examine Mr. Smith; that Mr. Smith then testified that the Applicant will provide a security escort for an individual to a location where said individual is safe; that the Applicant's valet service is so that patients can securely arrive to and depart from the Applicant's facility; that said valet service is voluntary; that if one security officer is escorting a patient, there is one person checking patients' identification and monitoring all the security monitors; that the Applicant will not accept deliveries at this time; that the biggest safety issue with the Colorado cannabis industry is its banking; that in Illinois, there are no gray areas as to how the cannabis business may be run; that Illinois is very black and white in regards to a dispensary's security and protocols; that the Applicant is going above the requirements of the state; that therefore, the Applicant's facility will be secure not only for its patients but for the community; that if the Applicant had fifty (50) patients per day and they all purchased their maximum amount, the Applicant would take in \$50,000; that the cash would be taken off-site to a cash vault center not a bank; that the Applicant has two (2) letters of intent with Illinois banks; that these banks are federally insured and know they are doing business with a medical cannabis dispensary; and

WHEREAS, Mr. Bernard Citron, Ms. McGuire's co-counsel, was given leave to re-direct the witness; that Mr. Smith further testified that a person cannot walk into the Applicant's facility unless the front security guard ascertains that said person has both state issued identification and a medical cannabis card; that an "armed robber" would not be able to get into the front door; that once a person is in the mantrap, said person is scanned into the Applicant's system; that without identification, a person cannot get into the facility; that the Applicant's security is above and beyond what the Board has previously approved; that there is nothing in the neighborhood that gives him pause for concern from a security standpoint; that the neighborhood is a low-crime neighborhood; that no one would know that a person leaving the L would have a hundred dollars (\$100) to purchase medical cannabis; that said person could have that hundred dollars (\$100) for other reasons, such as going to a restaurant, a drug store, or a liquor store; that once a person has left the Applicant's facility, no one would know that said person had been to

the Applicant's facility; that someone would need to constantly surveil the Applicant's facility to know that a person was a patient of the facility; that if someone was constantly surveilling the facility, the Applicant's security personnel would notice and call the police; that there are several ATMs in the neighborhood; that he has never seen any studies where ATMs in neighborhoods raised crime rates; and

WHEREAS, Mr. Richard Whitney testified on behalf of the Applicant; that he is an architect licensed in the state of Illinois; that he has vast experience in the Lakeview neighborhood; that the existing building will have substantial improvements to both its interior and exterior; that the subject property is located in a B3-2 Zoning District; that the neighborhood is mixed-use; that the improvements to the existing building will comply with all applicable standards of this Zoning Ordinance; that the improvements to the existing building will be compatible with the neighborhood in terms of site planning, building scale and project design; that in the neighborhood, streets are improved with businesses on the ground floor; that there are some residential units above the ground floor; that the neighborhood to the east is primarily residential as is the neighborhood to the west beyond Halsted Street; that the improvements to the existing building are designed to promote pedestrian safety and comfort; that the proposed special use will not be a heavy traffic generator; that there will be a loading zone in front of the building for valet parking; and

WHEREAS, Mr. Moore was given leave to cross-examine Mr. Whitney; that Mr. Whitney further testified the building is approximately 6,000 square feet in total; that 4,000 square feet does not require parking in a B3-2 Zoning District; that 6,000 square feet would require parking; that all the neighbors to the east and to the west off of Halsted Street are residential; that on Halsted Street itself, there is some retail on the ground floor but said retail is in condo buildings three to four (3-4) stories high; that above the first floor, Halsted Street at this location is heavily residential; that from a strict zoning point of view, the second floor of the existing building is available for residential use; that the Applicant is not required to have parking; and

WHEREAS, Ms. McGuire was given leave to re-direct Mr. Whitney; that Mr. Whitney testified that there were no plans whatsoever for the second floor of the existing building; and

WHEREAS, in response to questions by the Board, Ms. McGuire stated that the Applicant did not presently have a loading zone; that the Alderman had indicated to the Applicant he would support a loading zone; and

WHEREAS, Mr. Steve Lenet testified on behalf of the Applicant; that he is a professional land planner; that Halsted Street at this location is a mixed-use land use area consistent with the intended purpose of a B-3 Zoning District; that areas to the east and west are substantially residential properties; that north and south of the subject property is the continuation of the commercial and mixed-use nature of the area; that there are also institutional uses in the immediate area, including Illinois Masonic Hospital and a Chicago Fire Department substation; that Halsted Street is very typical of the north/south,

half mile/mile arterial streets that run through the City; that Halsted Street has experienced substantial redevelopment since 2004 due to the manner envisioned by the 2004 rewrite of this Zoning Ordinance; that it is very common to have various commercial and institutional uses share the street alongside residential uses in the City; that this is what the B-3 Zoning District contemplates as B-3 Zoning Districts are contemplated as community shopping areas and function as a transition from residential areas to mixed-use areas; that medical cannabis dispensaries are allowed in B Zoning Districts; that the City could have chosen to limit medical cannabis dispensaries to C or M Zoning Districts; that the proposed special use is compatible with the surrounding area's hours of operation, lighting, noise and traffic congestion; that this is because the surrounding area is a mixed-use district with other pharmacies in the immediate area as well as a number of other uses; that the existing building is dilapidated and has been vacant for five (5) years and therefore is a significant adverse impact on the neighborhood; that the proposed redevelopment of the subject property – in addition to all the security – is not only an appropriate use of the subject property but will also not have any adverse impact on the recent development of the area or usage of other properties of the area; that the proposed special use is also compatible with the surrounding area in terms of planning and building scale and design; that the proposed special use is necessary for the public convenience as the state has determined that dispensaries should be evenly distributed and as Lakeview is a much larger area than people sometimes appreciate; that without the Applicant's facility at the subject location, there would be a substantial unserved portion of the City's population; that he then showed the unserved area of the City on a map; that the Board has approved other dispensary locations in B-3 or C Zoning Districts; that the Board has approved other dispensary locations that are in close proximity to residential uses, such as across the street or directly behind and across an alley; that the proposed special use is consistent with this Zoning Ordinance and the state statute; that from a land use zoning standpoint, there would be no adverse impact on the use and enjoyment of other properties in the area; and

WHEREAS, Mr. Moore was given leave to cross-examine Mr. Lenet; that Mr. Lenet further testified that when the 2004 rewrite of this Zoning Ordinance was done, no one knew the state would legalize medical cannabis; that the City Council determined that the B-3 Zoning District was the appropriate district for a medical cannabis dispensary due to a medical cannabis dispensary being specifically enumerated as a special use in B-3 Zoning District; that provided the Applicant meets the standards for a special use, the Applicant is entitled to relief; that the Board's function is determine that the Applicant's witnesses are telling the truth; that without the Applicant's facility at the subject property, there would be a substantial geographic hole; that there is currently a Board approved cannabis dispensary at 949 Lake Street, approximately 3.3. miles away from the subject property; that there is also a Board approved cannabis dispensary at 2723 N. Elston, which is 1.7 miles away from the subject property; and

WHEREAS, in response to Mr. Moore's questions regarding the Applicant choosing an alternative location, Ms. McGuire stated she was not aware of the opportunity to file new applications at the state level; that she is aware of one state application where the

applicant had been approved at the state level but has not been approved by this Board; that the Applicant does not know how the state is reviewing said state application; and

WHEREAS, in response to further questions by Mr. Moore, the Board opined that these were questions of law better answered by the state as neither Ms. McGuire nor the Board knew the answers; and

WHEREAS, Mr. Joe Wilcox testified on behalf of the Applicant; that he is a certified residential real estate appraiser and has testified before the Board before; and

WHEREAS, Mr. Moore objected to Mr. Wilcox and his testimony; that as a residential real estate appraiser, he is only qualified to testify to residences from one to four (1-4) units; that he is not qualified to discuss mixed-use or appraise as to commercial use; and

WHEREAS, the Board stated Mr. Moore was welcome to bring this up on cross-examination; that Mr. Wilcox would be allowed to testify; and

WHEREAS, Mr. Wilcox continued to testify that the Board had recognized him as an expert in real estate appraisal before; that he has testified before the Board on medical cannabis dispensaries and their impact on the surrounding areas, specifically their impact on the surrounding residential real estate; that he agrees with Mr. Lenet's testimony about the area; that he has inspected the subject property, the immediate area, and the overall neighborhood; that he has reviewed the appraisal reports that were submitted for the various dispensaries approved by the Board and has reviewed additional studies related to the impact of cannabis dispensaries on neighborhood crime; that the character of this neighborhood is equal to the character of other neighborhoods where the Board has approved cannabis dispensaries; that each approved site had residential uses in close proximity; that the appraisal reports for each site found no adverse impact; that this is consistent with his finding that the proposed special use will not have a significant adverse impact on the general welfare of the residential property values within the neighborhood; and

WHEREAS, Mr. Moore renewed his objection to Mr. Wilcox's testimony; and

WHEREAS, the Board reminded Mr. Moore that Mr. Moore was free to bring this up on cross-examination; and

WHEREAS, Mr. Wilcox further testified that there were studies readily available to show that there is no relationship between cannabis dispensaries and increased crime; that he had reviewed the three (3) major university-sponsored studies on the impact of medical cannabis dispensaries and crime; that these studies stated that although there was predisposition to believe there was an increase in crime, there was no evidence that there was any increase of crime whatsoever; that the three universities that had sponsored said studies were: (1) University of South Florida at Tampa; (2) the University of Texas at Dallas; and (3) the University of California at Los Angeles; and



WHEREAS, Ms. McGuire introduced these three studies into evidence; and

WHEREAS, Mr. Wilcox further testified that it was his conclusion, after reviewing said studies, that there was no relationship between cannabis dispensaries and increased crime; that the existing building on the subject property is dilapidated and has been so for five (5) years; that in its current state, it is impacting values of residential properties in the neighborhood as a whole because it is an eyesore and is at higher risk for crimes such as vandalism, burglary, and arson; that the investment of rehabbing the property and changing its status from a vacant property to an occupied space with a legal and well-managed business will be a positive impact on the neighborhood; and

WHEREAS, Ms. McGuire then asked for Mr. Wilcox's professional opinion on the proposed special use's impact on neighboring property values; and

WHEREAS, Mr. Moore objected; and

WHEREAS, the Board overruled Mr. Moore's objection; and

WHEREAS, Mr. Wilcox testified that it was his professional opinion that there will be no impact on the neighboring properties should the proposed special use be approved; and

WHEREAS, Mr. Moore was given leave to cross-examine Mr. Wilcox; that Mr. Wilcox then testified that the existing building currently had two (2) floors; that when the existing building was a bar, both levels were finished and used; that currently, this is not the case; that he is a certified residential appraiser; that he is familiar with the state law governing appraisers; that he is not a MAI; that a MAI is not a licensed profession but a designation for an appraiser; that the state has two categories of appraisers: (1) state certified general real estate appraiser; and (2) state certified residential appraiser; that as a state certified residential appraiser, he can appraise only residential units and give values for residential properties up to four (4) units; that although he cannot appraise or value commercial properties, he can analyze the neighborhood and the zoning as required for all property appraisals; that he has been brought in as the Applicant's residential specialist to tell the Board the impact of the proposed special use on values of the residential properties in the area; that he cannot talk about the impact of commercial properties on the area; that the subject property is a commercial property not a mixed-use property; that the area surrounding the subject property is mixed-use on the main streets and residential on the interior streets; that on Halsted Street, there are more residential levels on the block than commercial levels, although the main floors are mostly commercial; that he has no expertise in criminology; and

WHEREAS, Mr. Moore then asked Mr. Wilcox about a portion of the University of Southern California Study; and

WHEREAS, Mr. Citron objected that Mr. Moore was picking one paragraph out of the entire report and that said paragraph was not the conclusion of the report; and

WHEREAS, the Board allowed Mr. Moore to ask his question, provided that it was restated; and

WHEREAS, Mr. Moore then asked Mr. Wilcox as to various other portions of the University of Southern California study; that he then asked him about various other reports; that Mr. Wilcox testified that from the reports he read, the belief that crime increases around dispensaries is a common misconception, even with law enforcement; and

WHEREAS, Mr. Citron again objected to the nature of the questioning; that evidence had to first be put into evidence before Mr. Wilcox could accept it as a premise and opine on it; and

WHEREAS, the Board observed that Mr. Moore had already asked Mr. Wilcox if he were a criminologist; that Mr. Wilcox had said no; that therefore, Mr. Wilcox could not answer the question currently posed by Mr. Moore; and

WHEREAS, Mr. Citron was given leave to re-direct Mr. Wilcox; that Mr. Wilcox further testified that while state law does not allow him to issue an appraisal report for commercial properties or rental apartment buildings containing more than four (4) units, there is nothing in the state statute that states he cannot render opinions as to whether or not something will have an impact on value; that all appraisers share the responsibility of being able to look at neighborhood impact, both on the residential and commercial side; that he has been accepted as an expert as to the types of special uses for both commercial and residential properties; that Mr. Wilcox then read certain portions of the University of Southern California's study into the record; that he then read certain portions of the University of South Florida study into the record; and

WHEREAS, Ms. McGuire stated that there were several supporters of the Applicant in attendance; and

WHEREAS, Ms. Carrie McAteer, of 5831 N. Kirby, testified in support of the Applicant; that she is the president of the board of directors of the Danny Did Foundation, an epilepsy awareness and epileptic seizure prevention organization; that in Illinois, epilepsy is a qualifying condition for medical cannabis treatment; that she therefore supports the Applicant; and

WHEREAS, Mrs. Maggie Koehler, of 3751 N. Halsted, testified in support of the Applicant; that she is part of the Lakeview Chamber of Commerce; that she then read into the record a statement from the Lakeview Chamber of Commerce's board of directors; and

WHEREAS, Dr. Goldberg, address unknown, testified in support of the Applicant; that he is the chief medical officer at Howard Brown Health Center; that Howard Brown Health Center has locations at both 3245 N. Halsted and 4025 N. Sheridan Road; that Howard Brown Health Center's many patients would benefit from the treatment the Applicant's special use would provide; and

WHEREAS, Mr. Rob Svendsen, of 1043 W. Wolfram, testified in support of the Applicant; and

WHEREAS, Mr. George Blakemore, address unknown, testified in objection to the Applicant; and

WHEREAS, Mr. Moore began his case-in-chief; that he had with him letters from three (3) principals of local grammar schools; that two (2) of these principals were at the hearing to testify; and

WHEREAS, the Board inquired as to whom, technically, was Mr. Moore's client; and

WHEREAS, Mr. Moore stated that he represented concerned neighbors of the subject property; that his clients included most of the condo owners up and down Halsted Street and the surrounding streets; and

WHEREAS, Mr. Elias Estrada testified in opposition to the application; that he is the principal of Alcott College Prep which is approximately 1500 feet away from the subject property; that he is in charge of 600 children, aged pre-kindergarten through eighth grade; that the area surrounding the subject property is heavily saturated with traffic even without the proposed special use; that the proposed special use will be a security issue for the children; that the proposed special use will bring additional harm and additional crime; and

WHEREAS, Ms. Melissa Dan testified in opposition to the application; that she is a the principal of St. Clement's school; that St. Clement's school is located about 2000 feet from the subject property; that she supports medical cannabis but with all the children that walk to school everyday, she is concerned about the location of the proposed special use; that the subject property is an inappropriate location for the proposed special use, with its bulletproof glass and armed guards, especially as there are three (3) elementary schools nearby that serve 1500 children; and

WHEREAS, Mr. David Ullrich, of 852 W. Wolfram, testified in opposition to the application; that he has resided at 852 W. Wolfram for the past thirty-eight (38) years and has watched the neighborhood change for the better; that with the proposed special use and its bulletproof glass and armed guards, he cannot imagine letting his son go out on the street and sell lemonade; that obviously the patients will be well-protected inside the special use, but he is concerned about those outside in the neighborhood; that Halsted Street is primarily a residential area; that although there are a few commercial operations at the ground level, quite a few of them are not viable; that it is the people in the

residential units above the ground floor that make the neighborhood what it is; that the proposed special use is totally inconsistent with this neighborhood; and

WHEREAS, Mr. James Varga, of 838 W. George Street, testified in opposition to the application; that his home is approximately 492 feet away from the subject property; that he has lived in the Lakeview neighborhood for over twenty-one (21) years; that he is concerned about the impact of a medical cannabis dispensary on the safety of the neighborhood; that he is also concerned about the negative impact on property values; that this portion of Halsted Street has changed over the years and is now primarily residential; that he then showed the Board pictures and maps that clearly and accurately depicted the neighborhood as it currently exists; that he then showed the Board pictures that clearly and accurately depicted the neighborhoods of the medical cannabis dispensaries at 2723 N. Elston and 949 W. Lake; that the 2723 N. Elston site is primarily commercial with only thirty (30) condo units nearby; that the 949 W. Lake site is in a very industrial area; that the subject property is a “different story” as there are 394 residences in the neighborhood; that there are safe passage issues as there are 138 children in the neighborhood; that Weisman Park, Burling Playlot, and the home day care previously mentioned are all within 1000 feet of the proposed facility; that it is not inconvenient for people to go to the 2723 N. Elston dispensary; and

WHEREAS, Ms. McGuire was given leave to cross-examine Mr. Varga; that Mr. Varga further testified that there were ample locations throughout the City for medical cannabis dispensaries; that locations in Lakeview had been approved, one less than two (2) miles away from the subject property; that he stood by what was depicted on his maps; that the neighborhood was ninety-five percent (95%) residential and five percent (5%) retail; and

WHEREAS, Mr. Benjamin Thulin testified in opposition to the application; that his business is located on the ground floor of the condominium building next-door to the subject property; that he owns a franchise business that gives golf lessons; that he caters to local residents, especially children as junior golf is his passion; that he and fourteen (14) other neighborhood business owners feel that the proposed special use would be a detriment; that at his franchise at this location, he has had break-ins, had windows broken, had graffiti, and had shootings; that all of this occurred when the previous bar was operating at the subject property; that there has been no crime in the area since the bar has been closed; that he is concerned and frightened by some of the robberies that take place at medical cannabis dispensaries; that he does not want to be part of an experiment; that he does not want a robbery to occur next-door; and

WHEREAS, Mr. Nazar Kashuba testified in opposition to the application; that he is one of the principals of 2825 Halsted LLC, which is the owner of several parcels of property next to the proposed dispensary; that although he plans to develop these parcels into a thirty (30) unit building, with six (6) commercial and twenty-four (24) residential units, if Board approves the proposed special use, he will have to delay this proposed development; that he intends to sell each residential unit for \$800,000 but does not believe it will be possible to sell the units if the proposed special use is approved; that he

will invest in other projects as the investment would be too risky; that he believes the proposed special use will have a negative impact on his proposed development; that this is because his targeted customers are young families with children; and

WHEREAS, Mr. Arda Katlu, of 2859 N. Halsted, Apt. 201, testified in objection to the application; that he then read portions of the studies previously read by Mr. Wilcox into the record; and

WHEREAS, Ms. McGuire objected; and

WHEREAS, the Board stated that Mr. Katlu was free to state what he wanted but anything he read into the record were hearsay; and

WHEREAS, Mr. Katlu then read more portions of the study into the record; and

WHEREAS, Mr. Joe Eskey testified in opposition to the application; that he lived across the street from the subject property; that he has lived there for twelve (12) years; that he began to testify regarding the history of the building and the unreliability of the landlord; and

WHEREAS, Ms. McGuire objected as to relevance; and

WHEREAS, the Board sustained the objection; and

WHEREAS, Ms. Deepa Garg, of 2847 N. Halsted, testified in opposition to the application; that the wall of the existing building on the subject property is part of the wall to her balcony; that she therefore shares the north wall of the proposed facility; that in her personal opinion, she believes there will be a security risk sharing a wall with the proposed facility; that there is a vestibule that exists in the front of her condo building; that said vestibule is the perfect hiding spot for someone looking to target patients exiting the proposed facility; that on behalf of her condo association, she and others have consulted with some of the security companies listed on the Marijuana Business Daily website; that on the first phone call, the security companies agreed that her condo association would need to upgrade the security of her building; that she is concerned as it is a quick jump over from the proposed facility's roof to her roof; and

WHEREAS, in response to questions by the Board, Ms. Garg further testified that she has had no security issues while the building has been vacant; that numerous neighbors are concerned about security; that she and others have been collecting signatures for petitions of those opposed to the application; that she had with her hand-signed letters from 200 individuals, 160 of whom live within 1000 feet of the subject property; that she believes the subject property is an inappropriate location; that if not for the proposed location, she would be in support of the application; and

WHEREAS, Ms. Galina Kapustina, of 2850 N. Burling, testified in opposition to the application; that she shares an alley with the proposed delivery access area for the

proposed facility; that she is concerned for neighborhood safety as the area is mostly mothers and children; and

WHEREAS, Mr. Seymour Turner, of 849 W. George, testified in opposition to the application; that he wanted to share with the Board certain articles he had found; and

WHEREAS, Mr. Citron objected; and

WHEREAS, the Board allowed Mr. Moore to lay a foundation for said articles; that Mr. Moore then laid a foundation; and

WHEREAS, Mr. Turner then read into the record portions of an article stating that cannabis use may double accidents for drivers; that medical cannabis dispensaries leads to high traffic, loitering, and smoking cannabis near said dispensaries; that there is vandalism; that safety is a concern as the proposed special use is primarily a cash business; and

WHEREAS, Mr. Citron stated that the Applicant would stipulate that a person should not drive after smoking cannabis; and

WHEREAS, Mr. Turner then testified that the intent of the Act was safe passage; that with all the children and playlots in the neighborhood, the intent of the Act was not being met; and

WHEREAS, the Board inquired of counsel if any of them had any kind of documentation with regards to legislative intent of the Act; and

WHEREAS, Mr. Citron objected to all the articles Mr. Turner had entered into the record; and

WHEREAS, the Board overruled his objection; and

WHEREAS, Mr. Alan Zenoff, of 802 W. Wolfram, testified in opposition to the application; that his balcony overlooks the proposed dispensary site; that he has lived in the neighborhood for twelve (12) years; that he has been a practicing attorney for thirty-seven (37) years; that he has many years experiencing interpreting statutes; and

WHEREAS, Mr. Citron objected as Mr. Zenoff had not been qualified as an expert to render an opinion; that any testimony is also irrelevant because the state has interpreted the Act by granting the Applicant's license; and

WHEREAS, Mr. Moore stated that he was offering Mr. Zenoff as a lawyer who has taken statutes and facts and applied them; and

WHEREAS, the Board instructed Mr. Moore to go into Mr. Zenoff's background; and

WHEREAS, Mr. Zenoff testified to his legal background; that he then testified that, in his opinion, the Applicant's application was not legally made because there was a licensed daycare existing within 1000 feet of the subject property; that per the Act, a physician may not have a direct or indirect interest in an applicant if said physician prescribes medical cannabis; that Dr. Katherine Katsoyannis stated in public that she will be prescribing medical cannabis; that her statements are in the minutes of a community meeting and that he was personally in attendance at said meeting; that Dr. Katsyoannis was introduced by Ms. McGuire as a shareholder of the Applicant; that there is a playground within 1000 feet of the subject property; that the Act prohibits residences in the building where a medical cannabis facility is located; that the Cook County Assessor assesses the building as part residential and part commercial; that therefore the subject property cannot be used for the proposed special use; and

WHEREAS, Mr. John Ketchum, of 828 West Wolfram, Unit B, testified in opposition to the application; that if he were shopping for a house, he would not choose to live next to the proposed facility; and

WHEREAS, Mr. Tom Boland, of 2853 N. Halsted, testified in opposition to the application; that he believed the notice provisions of this Zoning Ordinance had been violated; and

WHEREAS, Mr. Citron objected to any testimony regarding notice; and

WHEREAS, the Board inquired as to why Mr. Moore was offering Mr. Boland's testimony on the issue of notice as a person's presence at a Board hearing generally waived any notice defect; and

WHEREAS, Mr. Boland testified he was concerned that other people did not get notice of the hearing; and

WHEREAS, Mr. Joseph Wallace testified on behalf of the Objectors; that he is a MAI certified appraiser; that he is also licensed by the state as a general appraiser; that the MAI certification is the highest designation for appraisers and is given to appraisers that have met four (4) criteria: (1) a college education; (2) passing of a comprehensive, two-day test; (3) a peer reviewed demonstration report; and (4) 500 hours of specialized experience; that of the 4500 licensed appraisers in the state, less than five percent (5%) have a MAI certification; that as a state licensed general appraiser, he is allowed to appraise commercial, industrial, and residential property; that certified residential appraisers are only able to appraise property from one to four (1-4) residential units; that a certified residential appraiser cannot appraise mixed-use property even if it is only two (2) units; that both state law and the Uniform Standards of Professional Appraisal Practice ("USPAP"), which applies to appraisers across the country, prohibit certified residential appraisers from appraising or opining beyond their competency; that in his opinion, Mr. Wilcox is not qualified to render a conclusion as to impact of the proposed special use on the community as a whole; and

WHEREAS, Mr. Wallace then testified that he looked at all five criteria necessary for the proposed special use; that the proposed special use dispensary is not compatible with the surrounding neighborhood in terms of site planning, building scale and project design; that ninety-five percent (95%) of the real property on Halsted Street is residential; only five percent (5%) is commercial; that if approved, the Applicant's facility would be the only single retail use on the block on Halsted Street from Wolfram, George, Oakdale up to Wellington; that directly across the street from the proposed special use are sixteen (16) residential condos; that these people would look directly out of their living rooms to the Applicant's facility; that the proposed special use is not in character with the neighborhood; that this is shown by the three (3) buildings north of the subject property that were built in 2010, 2011, and 2014; that in these three (3) buildings there are twenty-five (25) residential units with three (3) retail units; that these retail units consist of a golf shop and family dentistry; that south of the subject property is the planned development of twenty-four (24) residential units discussed earlier; that the proposed special use will have a negative, adverse impact on the general welfare of the surrounding area; that the proposed special use will lower the property value for both residential and commercial properties in the area because it is not compatible with the area and the native externalities; that this is because Halsted Street is ninety-five percent (95%) residential units; that even on the first floor of these buildings there are more residential units facing Halsted Street than there are retail; that because the residential area is a native externality, people unhappy with the proposed special use will elect to move; that this will increase the supply of product on the market and there will be less demand because of the proposed facility; that because there will be an increased supply of condos but a decreased demand, prices on Halsted Street and the surrounding areas will lower; that owners of commercial properties will have a different challenge; that as people move out of these areas, business owners will be able to sell less goods or pay less in revenue; that therefore there will be a degradation or negative impact to commercial properties; and

WHEREAS, Mr. Wallace further testified that if the second floor of the existing building on the subject property were used, the Applicant would be required to provide five (5) off-street parking spaces; that the special use would then be in violation of this Zoning Ordinance; that the proposed special use is also not in character with the surrounding area in terms of operating characteristics, such as hours, lighting, and traffic generation; that going back to Halsted Street being ninety-five (95%) percent and five percent (5%) commercial, the Applicant would be the only single retail site on Halsted between Wolfram and Wellington; that with all the children in the neighborhood, 275 children would walk past the site on the way to and from school; that the Applicant's hours of operation will be 8:00 AM – 8:00 PM; that therefore, these children would be walking back and forth in front of the facility twice a day; that the proposed use is not designated for safety use and therefore would not be consistent with pedestrian safety; that all of his opinions and qualifications are contained in his report; and

WHEREAS, Mr. Citron was given leave to cross-examine Mr. Wallace; that Mr. Wallace further testified the George Street Pub consists of two retail units at the front of the property and a residential unit at the back of the property; that it is a mixed-use



property; that the liquor license use for the pub is incidental; that with respect to the proposed special use, noise is not a concern nor is smell; that there is a negative externality to the rear of the property because all of the property on Burling Street immediately behind is all residential; that the externality is the supply and demand in the market; that people that live on these blocks will see the proposed special use as a negative externality because of the type of business that it is; that the externality is that the proposed use is not compatible with the neighborhood; that the Department's recommendation for the proposed special use does not change his opinion; that he is very familiar with the businesses on Halsted Street from Wolfram, George, Oakdale, and Wellington; that there are eleven (11) storefronts; that of these eleven (11) storefronts, there are eight (8) businesses, of which there is an optometrist, a dentist, the golf store which takes up two (2) storefronts, the George Street Pub, a boutique, a Mandarin restaurant, and an electronic repair shop; that these eleven (11) storefronts are a minority of first-floor space because the majority of Halsted on the first floor is residential; that above the first floor on Halsted Street is all residential; that Diversey Avenue is a commercial street; that he had always thought of Halsted as a commercial street until he came to review the area; that he was surprised to find that Halsted Street is a residential street; that he has a broker's license but that is not his profession; that his opinion is based on being a commercial appraiser for fifteen (15) years; and

WHEREAS, Mr. Leroy Johnson, of 2448 N. Burling, testified in opposition to the application; that he is a member of Park West Community Association; that the official position of both the Park West Community Association and the Wrightwood Neighbors Association is to ask the Board to vote against the application; and

WHEREAS, Mr. Jason Osborne, of 845 W. Wolfram Street, testified in opposition of the application; that he is an executive board member of the Central Lakeview Neighbor Association ("Association"); that the Association asks the Board to vote against the application; that personally he also cannot support the application; and

WHEREAS, Mr. Timothy Barton testified on behalf of the Objectors; that he is a zoning and land use consultant and has appeared before the Board; that he previously worked for the Board for seven (7) years and was involved in the 2004 rewrite of this Zoning Ordinance; that when working for the Board, he drafted the Department's recommendations on each special use; that in his opinion, the proposed special use does not meet any of the five criteria; that the subject property is a two-story, 6000 square foot structure; that it is a 120 year old brick building that is highly rundown; that there is a parking lot south of the subject property; that north of the subject property is a mixed-use building with two (2) commercial storefronts; that there are residential units above; that there are 136 residential units in the blocks on Halsted Street between Wolfram and Oakdale; that the area is predominately residential; that based on publicly available tax information, the proposed special use violates this Zoning Ordinance because it is in a building with a dwelling unit; that if the Applicant does not use the upstairs unit as residential, then according to this Zoning Ordinance, the proposed special use is deficient in parking; that a 6000 square foot business would require five (5) parking spaces; that the proposed special use will have an adverse impact on the surrounding neighborhood;

that the neighborhood is a B3-2 Zoning District that allows for mixed-use; that therefore there are about 136 residential units above street level and immediately across the street there are two (2) eight (8) flats in a RM-5 Zoning District; that in terms of the existing businesses, said businesses are very low-impact in that they consist of a pub, an eyeglass boutique, a hair salon, and a golf school; that these kinds of businesses have a modest effect on the neighborhood; that the proposed special use is a cash-basis business that deals with a controlled substance; that said business has a high security element to it; that this particular area is completely different from the sites where the Board has approved other medical cannabis dispensaries; and

WHEREAS, Mr. Barton further testified that the proposed special use does not meet the third necessary criteria; that the location of this kind of cash-only business which deals in controlled substance, being directly adjacent to residential property across an alley, is highly unusual; that the deliveries made to the rear of the proposed special use are of a different nature than deliveries to other businesses on the street; that there is also a high security element for the proposed special use that is not consistent with any of the other uses in the area; that with regards to criteria number four, the proposed special use is under-parked; that per this Zoning Ordinance, the proposed special use requires five (5) spaces; that in regards to the fifth criteria, the pedestrian character of the block is incompatible with the extreme amounts of security inside the building; that most of the security discussed by the Applicant, there is no provision made for pedestrians who walk by this facility; that if someone is not a customer of the facility, he or she is not protected; and

WHEREAS, Mr. Citron was given leave to cross-examine Mr. Barton; that Mr. Barton further testified that he is not an ICC licensed planner; that he is not a licensed land planner in the state; that he previously has been qualified as an expert in land planning before the Board; and

WHEREAS, Mr. Moore stated that he was presenting Mr. Barton as an expert in land planning before the Board; and

WHEREAS, the Board stated that it recognized Mr. Barton as an expert in land planning before the Board; and

WHEREAS, in response to Mr. Citron's questions, Mr. Barton further testified that the existing building on the subject property is a mixed-use building; that there is no front-end setback; that there are no side-yard setbacks; that the building is both residential and commercial; that currency exchanges – also cash-only businesses – are permitted as of right in B-3 Zoning Districts; that currency exchanges utilized bulletproof glass; that alcohol is a controlled substance; that alcohol is permitted as of right in B-3 Zoning Districts; that currently there is no residential use of the subject property; and

WHEREAS, the Board asked a series of questions to the Department; that Mr. Patrick Murphey, staff member of the Department, testified that if the subject property is residential, it could not house a medical cannabis dispensary; that if a special use comes

before the Board, the special use is held to a specific design or a specific plan; that the specific plan for the proposed special use sets out a certain amount of square footage which is limited to the first floor; that if the Applicant's use expands or if a second use goes into the vacant space on the second floor, parking spaces would have to be provided; that it is the vacancy or the lack of the proposed special use expanding into the second floor that makes said second floor non-existent for purposes of the proposed special use's parking requirements; that for the purposes of the special use, the second floor is non-existent; and

WHEREAS, Ms. Clare Campbell, of 839 W. George Street, testified in objection to the application; that 839 W. George Street is approximately forty (40) feet from the proposed location; that initially she supported medical cannabis; that due to overwhelmingly residential nature of the neighborhood, she cannot support the application; and

WHEREAS, Alderman Tunney testified in objection to the application; that he has to support his constituents; that while there is support for the proposed special use, there is overwhelming opposition; that this case has not risen to the level where he could disagree with the overwhelming majority of the people that were given notice to the project; and

WHEREAS, Mr. Allen Mellis, address unknown, testified in opposition to the application; that he would ask the Board to allow the Alderman to allow the Applicant to find a more suitable location in the 44th Ward; and

WHEREAS, Ms. McGuire was given leave to recall Mr. Lenet; that Mr. Lenet further testified that state regulations specifically state that in regards to municipalities with more than 2 million, only areas zoned for residential or for residential planning developments are to be excluded under the Act; that B3-2 Zoning Districts are not zoned for residential use under the Act; that this has clearly been codified by the City by allowing the proposed special use in the B-3 District; and

WHEREAS, Ms. Katherine Katsoyannis testified on behalf of the Applicant; that it is her intention to be purely an investor in the Applicant; that she will not be prescribing any medical cannabis; that she knows that to prescribe medical cannabis while she is an investor in the Applicant would be in violation of the Act; and

WHEREAS, Ms. McGuire then made her closing remarks; and

WHEREAS, the staff of the Department recommended approval of the proposed medical cannabis dispensary provided the development is established consistent with the design, layout and plans prepared by Fitzgerald & Associates and dated December 18, 2014; and

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings

with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The decision of the Zoning Board of Appeals to approve a special use application must be based solely on the approval criteria enumerated in Section 17-13-0905-A of the Chicago Zoning Ordinance;
2. The proposed special use will have a significant adverse impact on the general welfare of the neighborhood as the proposed special use is not in character with the primarily residential nature of the neighborhood and will cause residents to leave the neighborhood, thereby lowering property values on both residential properties and the few commercial properties that cater to said residents. The Board makes this finding due to the expert testimony of certified general real estate appraiser Mr. Joseph Wallace. Mr. Wallace's very strong grasp of the neighborhood surrounding the subject property, as well as his MAI certification, make him an extremely credible witness. Mr. Wallace's testimony is buttressed by the testimony of Mr. Nazar Kashuba. Mr. Kashuba, as one of the owners of the property next south of the subject property and therefore one of the people most affected by the proposed special use, testified that should the proposed special use be granted, he would delay the residential development of his property because he did not believe that he would be able to sell the resulting residential units. The Board found Mr. Kashuba a very credible witness. Although the Applicant offered the testimony of Mr. Joe Wilcox in its case-in-chief, the Board finds Mr. Wilcox to be a less credible witness than Mr. Wallace as Mr. Wilcox is only a certified residential real estate appraiser and does not have a MAI certification. In addition, Mr. Wilcox's testimony regarding medical cannabis dispensaries must be discounted due to a medical cannabis dispensary being a commercial use and thus beyond the scope of Mr. Wilcox's expertise.
3. The proposed special use is not compatible with the character of the surrounding area in terms of site planning and building scale and project design because ninety-five (95%) of the real property on Halsted Street at this location is residential. The Board finds that the proposed special use would be the only single retail use on this block of Halsted Street from Wolfram, George, Oakdale up to Wellington. Again, the Board bases this finding on the very credible testimony of certified general real estate appraiser Mr. Joseph Wallace. Mr. Wallace was incredibly knowledgeable about the character of the surrounding area, much more so than Mr. Wilcox, as Mr. Wallace did not have to refer to his notes when he opined as to the character of the surrounding area and could easily testify as to the buildings and uses of the surrounding area.

RESOLVED, the Board finds that the Applicant has not proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby denied.

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

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

**APPLICANT:** Good Earth Solutions, LLC

**CAL NO.:** 404-14-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1954-68 W. Peterson Avenue

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

**ACTION OF BOARD-**  
WITHDRAWN ON MOTION OF THE APPLICANT

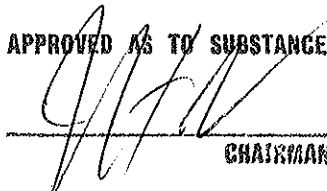
**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

**APPLICANT:** Midwestern Wellness Group of Illinois, Inc.

**CAL NO.:** 408-14-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 3118 N. Harlem Avenue

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

**ACTION OF BOARD-**  
WITHDRAWN ON MOTION OF THE APPLICANT

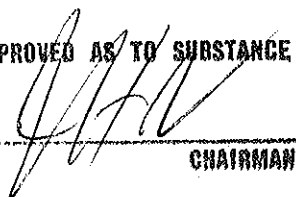
**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

**APPLICANT:** S. Bar Sinister, LLC

**CAL NO.:** 15-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1238-1300 N. Kostner Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to expand an existing Class IV-B recycling facility.

**ACTION OF BOARD-**  
CASE CONTINUED TO MAY 15, 2015

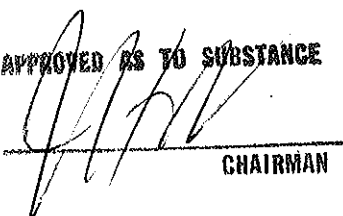
**THE VOTE**

APR 20 2015

CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN



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

**APPLICANT:**

POGN, LLC

**CAL NO.:** 17-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

January 16, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:**

220 S. Green Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a non-accessory parking garage for 24 spaces in a proposed 156-space parking garage at this location; the remaining 132 spaces will serve for the exclusive use of the 60 units to be located in this proposed 10-story building.

**ACTION OF BOARD-**

CASE CONTINUED TO FEBRUARY 20, 2015

**THE VOTE**

APR 20 2015

CITY OF CHICAGO

JONATHAN SWAIN

CATHERINE BUDZINSKI

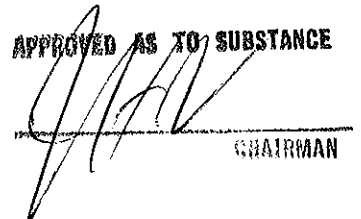
SOL FLORES

SHEILA O'GRADY

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

**APPLICANT:** POGN, LLC

**CAL NO.:** 18-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 220 S. Green Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 30' to 15'; to reduce the rear setback off of the alley for a garage entrance from 2' to 0'; and, to eliminate the one required, off-street 10' x 14' x 25' loading berth for a proposed, 10-story, 60-unit building with a 156- space parking garage located on the first three floors.

**ACTION OF BOARD-**  
CASE CONTINUED TO MAY 15, 2015

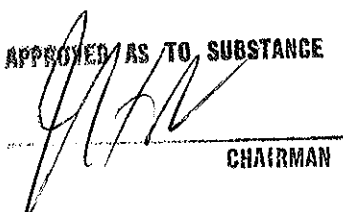
**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

**APPLICANT:** Kent Watkins

**CAL NO.:** 35-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

March 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 935 W. Diversey Parkway

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

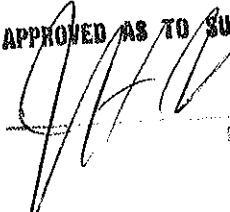
**ACTION OF BOARD-**  
WITHDRAWN ON MOTION OF THE APPLICANT

**THE VOTE**

APR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



APR 20 2015  
CITY OF CHICAGO

**Hookah Palace, Inc.**  
APPLICANT

**50-15-S**  
CALENDAR NUMBER

**4614 W. Lawrence Ave.**  
PREMISES AFFECTED

**March 20, 2015**  
HEARING DATE

**Sara Barnes**  
APPEARANCE FOR APPLICANT

**Ryan Duplack & Others**  
OBJECTORS

**NATURE OF REQUEST**

Application for a special use to establish a hookah bar.

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is denied.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

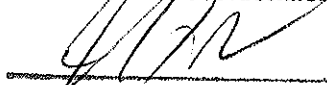
**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on March 20, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Sara Barnes, counsel for the Applicant, explained the underlying basis for the relief sought; that the Applicant owns the subject property; that the Applicant would like to establish a hookah lounge at the subject property; that since the subject property is located in a C1-1 Zoning District, the Applicant requires a special use; and

WHEREAS, Mr. Waseem A. Hashlamoun testified on behalf of the Applicant; that he is the Applicant's vice president; that the Applicant recently purchased the subject property which is improved with a one-story, commercial standalone building; that the Applicant wishes to establish a hookah lounge within said building; that because the

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CHAIRMAN

subject property is located in a C1-1 Zoning District, the Applicant requires a special use; that he then began to describe the origins of hookah; and

WHEREAS, the Board stated it would take judicial notice of the background of hookah; and

WHEREAS, Ms. Barnes explained that this particular hookah lounge is different from other hookah lounges as Mr. Hashlamoun is from Jordan, and he brings particular cultural beliefs with him; and

WHEREAS, Mr. Hashlamoun then testified that hookah is a social event that family and friends enjoy; that hookah is a very large part of his cultural traditions; that he was born and raised in Jordan and came to the United States when he was twenty-one (21) with his brothers; that he and his brothers immediately began working to raise money to bring the rest of their family over from Jordan; that towards that end, he has owned, managed, and operated several businesses throughout the City; that he currently owns, manages, and operates five (5) successful businesses in the 39<sup>th</sup> Ward; that he has invested over \$2 million in real estate alone; that he and his family currently own a currency exchange and grocery store located at Pulaski and Montrose; that they own and operate an H&R Block franchise and a UPS store located at Lawrence and Kedzie; that they also own and operate a mobile phone store at Elston and Montrose; that he is an entrepreneur and being an entrepreneur is one of the motivations that led to his newest venture of a hookah lounge on the subject property; that this is inspired by his religious and cultural beliefs; that his intent in opening the hookah lounge is to provide a quiet, relaxing atmosphere for friends and family to share hookah and conversation together; that he is targeting a more mature crowd for his hookah lounge; that all of the hookah lounges in the area cater towards a younger, more boisterous clientele and have a club-like atmosphere; that these other hookah lounges allow loud music, dancing, and alcohol; that his hookah lounge will be more intimate and operate like a café; that there will be no serving or allowing any alcoholic beverages at the proposed hookah lounge due to his strict religious and cultural beliefs and due to his desire to maintain a peaceful atmosphere for the customers; and

WHEREAS, Mr. Hashlamoun further testified that the Applicant will have fresh, pure hookah tobacco for its customers; that many of the flavors will be wholly organic; that after the customer chooses his tobacco, an employee of the Applicant will bring a hookah pipe to the customer's table; that each customer will have a new hose for the hookah pipe; that an average hookah smoking sessions lasts about an hour; that the Applicant plans on selling each tobacco serving between seven and eight dollars (\$7-8); that after the customer is finished, an employee will take the pipe and clean it for another customer's use; that people are not intoxicated in any way after smoking hookah tobacco; that the Applicant will not serve anyone under eighteen; that the Applicant will also not serve anyone who appears to be under the influence of drugs or alcohol; that this is state law; that the Applicant will check identification at the time of tobacco purchase; and

WHEREAS, in response to questions by the Board, Mr. Hashlamoun testified that the hookah lounges available in the area have loud music; that said hookah lounges are targeting a younger crowd; that the Applicant's hookah lounge is designed to have low music and no drinking, as no alcohol will be allowed on the premises; and

WHEREAS, Mr. Hashlamoun then testified that in the ten (10) years of operating his grocery store, he has not been ticketed for selling tobacco to minors; that because the Applicant will be classified as a retail tobacco store, it will not prepare food or sell alcohol in the lounge; that the Applicant will sell bottled and canned beverages, such as soda, water, and juice; that the Applicant intends to hire six (6) employees; that three (3) to four (4) of these employees will be working at any given time; that the Applicant will also hire a full-time manager for the lounge; that said manager will be on site every day during regular business hours; that he himself will also be present on-site or available on a 24/7 basis; that the Applicant has already identified a person to be the manager of the hookah lounge; that said person has over twenty (20) years in retail and restaurant management, with a particular familiarity with hookah, and is fluent in English, French, and Arabic; that the lounge's proposed hours of operation are: Sunday-Thursday, 3:00 PM – 11:00 PM; Friday-Saturday, 3:00 PM – 12:00 AM; that the Applicant is not required to provide parking as the building contains less than 4000 square feet; that nevertheless, the Applicant intends to make available off-site parking for up to forty (40) vehicles in a parking lot directly across the street from the subject property; that there is also ample street parking; that the subject property's location on Lawrence Avenue made it an attractive space for the Applicant; that the building is standalone which enables the Applicant to meet the requirements of the Chicago Clean Air Ordinance; that he owns and operates several other businesses in the immediate area and so he knows that this particular neighborhood is made up of people from a mix of cultural backgrounds; that many of these people may have a personal connection to hookah; that as he mentioned earlier, there are no hookah lounges in the neighborhood that appeal towards a more mature and family oriented clientele; that said clientele is the customer base he is trying to cultivate; and

WHEREAS, in response to further questions by the Board, Mr. Hashlamoun testified he has lived in the community for over twenty (20) years; that all the other hookah places in or around the area target a different crowd; that his crowd has no where to go; that if the Applicant is not profitable targeting the market he wants to target, he does not know what he will do; that he would close down the Applicant; and

WHEREAS, Mr. Hashlamoun then testified that in the twenty (20) years he has been owning, operating, and managing businesses in the area, he has never had a business fail to be profitable; that the proposed location is perfect for the proposed use; that he purchased the subject property for \$250,000; that he has budgeted another \$300,000 towards renovating and rehabilitation of the existing building; that he has made a significant investment at this location; and

WHEREAS, in response to questions by the Board, Mr. Hashlamoun testified that the interior redesign of the building has not been done yet; and

WHEREAS, Mr. Kareem Musawwir testified on behalf of the Applicant; that his credentials as an expert in land planning were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that he then testified that the surrounding area is a mix of small stores and business offices; that there is a large residential property directly across the street from the subject property; that there is a cell phone store with the large parking lot Mr. Hashlamoun spoke of; that the area around the commercial street is single-family homes and smaller residential buildings; that the strip of Lawrence where the subject property is located is zoned C1-1; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance; (2) is in the interest of the public convenience and will not have an adverse impact on the general welfare of the neighborhood as there is a population in the neighborhood that uses this type of product as a cultural relaxation; that because the Applicant will not be serving alcohol the proposed special use will be quite attractive to the religious population in the area; (3) is compatible with the character of the surrounding neighborhood in terms of site planning, building scale and project design as it will be using an existing building; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation because most of the businesses in the area close at 5:00 PM, so street parking will be available to people who come to use this facility; and (5) is designed to promote pedestrian safety and comfort; and

WHEREAS, the Board again asked what the Applicant's proposed hours of operation were; and

WHEREAS, Ms. Barnes stated that the Applicant's proposed hours of operation were: Sundays – Thursdays, 3:00 PM – 11:00 PM; Fridays – Saturdays, 3:00 PM – 12:00 AM; and

WHEREAS, Mr. Ron Duplack, of 4371 North Knox, testified in opposition to the application; that he is the President of the Mayfair Civic Association (“Association”); that the Association objects to the proposed use; that the Applicant began construction at the subject property without first approaching the Association, the Alderman, or anyone else; that the subject property previously was a carpet store with hours of operation between 9:00 AM – 5:00/6:00 PM, which is substantially different from the proposed hours of operation and which will, therefore, have a substantially different impact on the surrounding neighbors; and

WHEREAS, Mr. Kevin Stringer, of 4880 North Kilpatrick, testified in opposition to the application; that he has been a resident of the area for twenty-three (23) years; that there is not ample parking in the area; that on the contrary, there is always contentious parking; that at 3:00 PM there might be ample parking but starting at about 5:30 PM, there is no parking in the area as it is a residential area and people are home from work; that he would like to hear more about the parking agreement with the business across the street as that agreement seems to be “if needed or if parking become a problem;” that parking will be a problem from day one; that part of Lawrence Avenue is metered and

part of it is not; that he is talking more about the residential side streets, such as Kentucky; that these streets have no available parking once people come home from work; that if the proposed special use opens at 3:00 PM, and patrons are parking on the side streets, people are going to come home from work and not have a place to park; that he does not believe any of the side streets have permit parking; that there is no permit parking on Kilpatrick; and

WHEREAS, Mr. Walter Eliason, of 4637 North Kostner, testified in opposition to the application; that there is litter all over the place due to the other bars on Lawrence; that he takes care of the streetscape gardens on Lawrence Avenue and therefore cleans up most of the litter; that the subject property is filthy; and

WHEREAS, Ms. Anne Poley, of 4814 North Kentucky, testified in opposition of the application; that she resides directly behind the proposed project; that she is concerned with noise; that the back of the building on the subject property is underneath her bedroom window; that when people leave the proposed use at 11:00 PM or 12:00 AM, they are going to be walking down the street to get to their cars; that they will be walking out onto her lawn as there is a proposed side door that will be facing her property; that she is afraid this door will become a huge issue and will therefore have no recourse for the noise once the proposed use is up and running; that she is also concerned about security as she does not know how much experience the Applicant has in security; that although the Applicant plans to cater to a more mature crowd, this may not be the case; that she does not wish to call the police all the time for noise complaints; that she is also concerned about parking and litter; and

WHEREAS, Ms. Lisa Haufchild, of 5029 North Kilbourn, testified in opposition to the application; that she is concerned because there were some discussions regarding an outdoor café in the back of the building; that said outdoor café would face right onto a residential street; that although Lawrence Avenue looks very commercial, this particular stretch of Lawrence Avenue has homes in close proximity behind; that she has not seen a template for a hookah bar that the Applicant proposes; that most hookah bars are not quiet or family-orientated; that she is not aware of a large Jordanian community in the area; that she does not believe hookah bars are as culturally welcoming like coffee shops or cafés; that Mr. Hashlamoun's other businesses are not in the area; that the Applicant is not taking care of the property; that the Applicant began remodeling the property without a permit; and

WHEREAS, Ms. Jane Hu, of 4833 North Kentucky, testified in opposition to the application; that this a neighborhood of young families and children; that the proposed business is incompatible with the character of the neighborhood; that the nature of the hookah business attracts certain crowds; that these certain crowds are not in the interest of the neighborhood; and

WHEREAS, Mr. Ray Sanders, of 4641 North Kostern, testified in opposition of the application; and



WHEREAS, Mr. Jerome Zacharia, of 4634 North Lowell, testified in opposition to the application; and

WHEREAS, Mr. John Reardon testified in opposition to the application; that he serves as director of economic development for Alderman Margaret Laurino; that the Applicant purchased the subject property in the first half of 2014 and began demolition and build-out without a permit; that a stop work order was issued; that this is a troubling development as it leads one to believe that there is a not a good operator for the Applicant; that the existing hookah bars in the area are pretty consistent complaint generators; that the Alderman would therefore like a very good relationship with any hookah bar operator as well as a preexisting understanding as to how conflicts between the hookah bar and the neighborhood would be resolved; that the neighborhood is not really a nightlife area; that the neighborhood is pretty much dead around 6:00 PM every day; that the proposed special use would be a pretty unique spot in this stretch of single-family homes and two-flats; and

WHEREAS, the Board stated that this particular stretch of Lawrence was zoned C1-1; and

WHEREAS, Mr. Reardon furthered testified that that this particular stretch of Lawrence was zoned C1-1; that however, a good deal of wholesaling goes on on Lawrence Avenue; that most of the C1-1 zoned properties in the area are of much larger square footage; that RS-2 or RS-1 is directly behind the C1-1 zones of Lawrence; and

WHEREAS, in response to questions by the Board, Mr. Reardon further testified that this is not so different than other commercial and residential areas in Chicago; that in a C1-1 Zoning District, a tavern is allowed by right; that the ward has a moratorium in place so the Applicant could not open a tavern at the subject property; that there is no moratorium on hookah bars; that the Alderman would be open to discussions of any type of business here; that in this situation, the problem is the Applicant has not had any discussions regarding a business at the subject property; that the Alderman has had bad experiences with the Applicant; that the Alderman now has the community asking the Alderman to oppose the proposed use; that the Alderman's first interaction with the Applicant was when its representative came to the Alderman's office to discuss the stop work order; and

WHEREAS, in response to the concerns raised by the Objectors, Ms. Barnes stated that initially work was done at the subject property without a permit; and

WHEREAS, Mr. Hashlamoun testified that as the existing building had a leaking roof and some problems with the brick on the side of the building; that the Applicant therefore started repairing; that the work done was just general repairs; that the Applicant has since applied for a permit; that the permitted work will just be general repairs as there is no approval for the proposed use; that the proposed use will require a lot of changes to the building; and

WHEREAS, in response to questions by the Board, Mr. Hashlamoun further testified that the Applicant received a stop work order; that he owns between five to seven (5-7) businesses; that most of these other businesses do not require a building; that he has always gotten work permit when he has done build-outs before; that he knows he is supposed to get a permit; that he has never been fined by the City for any violations with regard to any of his other businesses; and

WHEREAS, Mr. Hashlamoun then testified that the Applicant will not have any loud music at its establishment; that all the other hookah places do have loud music; that he needs a place that does not have loud music; that this is why the Applicant is proposing this type of business; that there are no other hookah bars in Chicago like the one the Applicant is proposing; that hopefully, the Applicant's hookah bar will be the first; and

WHEREAS, the Board stated that Mr. Hashlamoun is a business person and an entrepreneur; that if the Applicant's proposed hookah bar does not work out, there is a possibility that the Applicant will do what the other hookah bars do throughout the City; that this is what an entrepreneur would do; and

WHEREAS, Mr. Hashlamoun testified that the Applicant would convert to another type of business; that the subject property could become a warehouse or a retail store; and

WHEREAS, the Board stated that once the Applicant had the special use, the Applicant could operate as all the other hookah bars up and down Lawrence Avenue operate; and

WHEREAS, Mr. Hashlamoun stated that eighty to ninety percent (80-90%) of the problem with the existing hookah bars is due to the noise and the serving or allowing of alcohol; that for religious reasons, there will be no liquor on the premises; that the Applicant will close at 11:00 PM or 12:00 AM; and

WHEREAS, the Board stated that it understood the Applicant is making a commitment to the Board that it would have a different model of hookah bar, very different from the four or five (4 or 5) hookah bars in the surrounding area; that once the Board granted the special use, there is no guarantee or control that the Board could put in place to make sure that the Applicant's hookah bar does not turn into the other hookah bars; that the Board is not trying to question the Applicant's intentions; that the Board is concerned because if the Applicant's model of hookah bar does not make money, the Applicant will change said business model; that this is what entrepreneurs do; that the Board needs clarity that this will not happen here; and

WHEREAS, Mr. Hashlamoun testified that he will have at least one (1), if not more, employees dedicated solely to both checking identification and ensuring that there are no alcohol or drugs on the subject property; that for religious reasons, he had never had any alcohol; that coming from this background, he would not open a business just to serve and enjoy liquor; that he does not believe in enjoying liquor himself; and

WHEREAS, the Board stated that while it appreciated Mr. Hashlamoun's integrity, the Board's experience is that many people would cross the line of integrity for monetary gain; and

WHEREAS, Mr. Hashlamoun testified that there were a lot of things one could make money from; that he did not go into business to make money off of something that is not acceptable to him; and

WHEREAS, the Board stated that as an entrepreneur, Mr. Hashlamoun might flip the property to someone else or sublease it; that the next operator of the special use might not have Mr. Hashlamoun's views and that the hookah bar could become loud; and

WHEREAS, Ms. Barnes stated the Applicant would be happy to have any condition the Board might choose to impose on third-party usage of the proposed special use regarding alcohol on the subject property; and

WHEREAS, Mr. Hashlamoun testified that there will be security cameras in place at the subject property; that all ingress and egress to the proposed use will be through the front door not any side door; that the proposed parking lot is located directly across the street; that the Applicant will have an employee on-site responsible for watching patrons come and go as well as checking identification; and

WHEREAS, Mr. Musawwir testified that there are other businesses on this strip of Lawrence Avenue that are open later than 6:00 PM, such as a Dunkin Donuts; that there are also four (4) restaurants along this strip of Lawrence that are also open later; that there are also approximately five (5) bars located in the area, some of which are open until 4:00 AM; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use; now, therefore,

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

1. The decision of the Zoning Board of Appeals to approve a special use application must be based solely on the approval criteria enumerated in Section 17-13-0905-A of the Chicago Zoning Ordinance;
2. The proposed special use will have an adverse impact on the general welfare of the neighborhood. In particular, the Board finds that the neighborhood is mostly made up of either commercial wholesale use or residential use. Although Mr. Hashlamoun testified that his hookah bar would be more mature and more family-oriented than other hookah bars in the area, the fact remains that the proposed special use is in very close proximity to residential use, as credibly testified to by

Ms. Poley, and will be a different type of commercial use than the commercial use that previously occupied the subject property. The previous commercial use of the subject property did not conflict with the nearby residential use as the previous commercial use did not operate at night. The Applicant's proposed special use will conflict with the nearby residential use as it will operate at night. This conflict between the Applicant's proposed special use and the nearby residential use will have an adverse impact on the general welfare of the neighborhood.

3. The proposed special use is not compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation. In particular, the Board finds that although the subject property is zoned C1-1, the surrounding area is mostly single-family residential or two-flat residential use. The other C1-1 zoned property on this stretch of Lawrence Avenue is mostly wholesale commercial use with hours of operation from 9:00 AM to 5:00 or 6:00 PM. The Board notes that the former carpet store that operated on the subject property conformed to these hours of operation. The Board finds that these hours of operation ensures that the commercial use of the area remains compatible with the area's residential use, especially in regards to noise and traffic generation. The Applicant's proposed special use, with hours of operation that extend to 11:00 PM or 12:00 AM, is therefore not compatible with the residential use of the area. Although Mr. Musawwir did testify that some businesses in the area had hours of operation that extended past 6:00 PM, he did not testify that these particular businesses were as close to residences as the proposed special use. This particular special use is directly beneath the bedroom window of a residence, as Ms. Poley very credibly testified. In addition, Mr. Musawwir's testimony that there would be street parking for the proposed special use due to most businesses in the area closing at 5:00 PM is cast into doubt by Mr. Kinzer's testimony. Mr. Kinzer very credibly testified that street parking in the area becomes contentious after 5:30 PM when the area's residents arrive home from work.

RESOLVED, the Board finds that the Applicant has not proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby denied.

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

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

**MINUTES OF MEETING:**

Date: March 20, 2015

Sanford Stein Attorney for the applicant, presented a written request for an extension of time in which to establish an expansion and reconstruction of an existing CTA station on premises located at 14 and 15 W. 95<sup>th</sup> Street. The special use was approved on January 17, 2014 in Cal. No. 16-14-S.

Mr. Steei stated that his client is in the process of obtaining permits to renovate and expand the existing station and will not be able to obtain the necessary permits within the one year validity period.

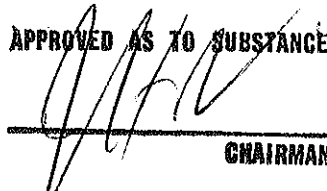
Jonathan Swain moved the request be granted and the time for obtaining the necessary permit be extended to March 14, 2016.

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

APR 20 2015

CITY OF CHICAGO

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