

MINUTES OF THE REGULAR MEETING OF THE
ZONING BOARD OF APPEALS

held in Room 569 County Building, on Friday, September 17, 1993

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

The following members were present and constituted a quorum:

Joseph J. Spingola
Chairman
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Gigi McCabe-Miele
Thomas S. Moore

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Member McCabe-Miele moved that the Board approve the minutes of the proceedings of the regular meeting of the Zoning Board of Appeals held on August 20, 1993 (as submitted by the Secretary) as the minutes of said meeting.

The motion prevailed by yeas and nays as follows:

Yeas- Spingola, Fornelli, Martin, McCabe-Miele and Moore. Nays- None.

* * * * *

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

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

APPLICANT: Clarence B. Vogt

CAL. NO. 258-93-Z

APPEARANCES FOR:

MAP NO. 9-K

APPEARANCES AGAINST:

MINUTES OF MEETING
September 17, 1993

PREMISES AFFECTED— 3858 N. Avondale Avenue

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

ACTION OF BOARD—

THE VOTE

Case continued to
December 17, 1993.

Joseph J. Spingola
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Gigi McCabe-Miele
Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

APPLICANT: Estela Garnica
 APPEARANCES FOR: Estela Garnica
 APPEARANCES AGAINST:

CAL. NO. 259-93-Z
 MAP NO. 6-J
 MINUTES OF MEETING
 September 17, 1993

PREMISES AFFECTED— 2620 S. Drake Avenue
 SUBJECT— Application to vary the requirements of the zoning ordinance.

ACTION OF BOARD—

THE VOTE

Variation granted.

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Gigi McCabe-Miele	X		
Thomas S. Moore	X		

THE RESOLUTION:

WHEREAS, Estela Garnica, owner, on July 20, 1993, filed an application for a variation of the zoning ordinance to permit, in a B4-2 Restricted Service District, the erection of an open porch and stairs to the front of a 2-story brick 3-dwelling unit building, with no front yard instead of 15 feet required, on premises at 2620 S. Drake Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered June 30, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, specifically, §7.7-4, §8.3-4."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993 after due notice thereof by publication in the Chicago Sun-Times on August 30, 1993; and

WHEREAS, the district maps show that the premises is located in a B4-2 Restricted Service District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the said use is located in a B4-2 Restricted Service District; that the subject site is a 25' x 125' lot improved with a 2-story with attic brick 3-dwelling unit building with a newly constructed open porch and stairs in the front of the building; that the property in question cannot yield a reasonable nor be put to reasonable use if permitted to be used only under the conditions allowed by the regulations in this district in that the aforesaid open porch and stairs are necessary to provide a second means of ingress and egress for the 2nd floor and attic dwelling units; that the plight of the owner is due to the need to comply with building and fire codes in providing a second means of ingress and egress for 2nd floor and attic dwelling units; that the variation, if granted, will not alter the essential character of the locality in that the said open porch and stairs in the front yard are compatible with other improvements in the area; it is therefore

RESOLVED, that Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that a variation be and it hereby is granted to permit the erection of an open

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porch and stairs to the front of a 2-story brick 3-dwelling unit building, with no front yard instead of the 15 feet required, on premises at 2620 S. Drake Avenue, upon condition that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

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

APPLICANT: Ronald H. Gamble
 APPEARANCES FOR: Ronald H. Gamble
 APPEARANCES AGAINST:

CAL. NO. 260-93-Z
 MAP NO. 20-C
 MINUTES OF MEETING
 September 17, 1993

PREMISES AFFECTED— 8207 S. Paxton Avenue
 SUBJECT— Application to vary the requirements of the zoning ordinance.

ACTION OF BOARD—

THE VOTE

Variations granted.

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	x		
Anthony J. Fornelli	x		
LeRoy K. Martin, Jr.	x		
Gigi McCabe-Miele	x		
Thomas S. Moore	x		

THE RESOLUTION:

WHEREAS, Ronald H. Gamble, owner, on July 26, 1993, filed an application for a variation of the zoning ordinance to permit, in an R2 Single-Family Residence District, the erection of a 2nd story 23' x 35' addition to a 1-story brick single-family dwelling, whose north side yard will be 1.86' and whose south side yard will be 4.42' instead of combined side yards of 9.6 feet and neither side yard less than 3.2 feet, and whose total floor area ratio will be approximately 0.56 instead of 0.50, on premises at 8207 S. Paxton Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered June 21, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, specifically, §7.6-2, §7.8-2."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993 after due notice thereof by publication in the Chicago Sun-Times on August 30, 1993; and

WHEREAS, the district maps show that the premises is located in an R2 Single-Family Residence District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the said use is located in an R2 Single-Family Residence District; that the subject site is a 32' x 125.14' lot improved with a 1-story brick single-family dwelling with an existing 2nd floor 23' x 35' addition built upon the existing side bearing walls; that that the property in question cannot yield a reasonable return nor be put to reasonable use if permitted to be used only under the conditions allowed by the regulations in this district in that the said 23' x 35' 2nd floor addition is necessary to meet the living space requirements of the applicant and his family; that the plight of the owner is due to the need to provide additional bedroom space for the applicant's mother-in-law who will be residing at the subject site with the applicant and his family; that the variations, if granted, will not alter the essential character of the locality in that the said addition follows existing side walls and is set back from the front and rear of the residential structure; it is therefore

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

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upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that a variation be and it hereby is granted to permit the erection of a 2nd story 23' x 35' addition to a 1-story brick single-family dwelling, whose north side yard will 1.86' and whose south side yard will be 4.42' instead of combined side yards of 9.6 feet and neither side yard less than 3.2 feet, and whose total floor area ratio will be approximately 0.56 instead of 0.50, on premises at 8207 S. Paxton Avenue, upon condition that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

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

APPLICANT: Anthony & Angela Sciacotta
 APPEARANCES FOR: Mark Ballard
 APPEARANCES AGAINST:

CAL. NO. 261-93-Z
 MAP NO. 9-P
 MINUTES OF MEETING
 September 17, 1993

PREMISES AFFECTED— 3756 N. Pioneer Avenue
 SUBJECT— Application to vary the requirements of the zoning ordinance.

ACTION OF BOARD—

THE VOTE

Variations granted.

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
x		
x		
x		
x		
x		

THE RESOLUTION:

WHEREAS, Anthony & Angela Sciacotta, owners, on July 14, 1993, filed an application for a variation of the zoning ordinance to permit, in an R2 Single-Family Residence District, the erection of a 2nd story 24.08' x 46.43' addition to a 1-story brick single-family dwelling, whose north side yard will be 2.85' and whose south side yard will be 3.05' instead of combined side yards of 9 feet and neither side yard less than 3 feet and whose total floor area ratio will be 0.65 instead of 0.50, on premises at 3756 N. Pioneer Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered June 2, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, specifically, §7.6-2, §7.8-2(2)."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993 after due notice thereof by publication in the Chicago Sun-Times on August 30, 1993; and

WHEREAS, the district maps show that the premises is located in an R2 Single-Family Residence District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in an R2 Single-Family Residence District; that the subject site is a 30' x 124.09' lot improved with a 1-story brick single-family dwelling situated on the southwest corner of W. Grace Street and N. Pioneer Avenue; that the applicant proposes to erect a 24.08' x 46.43' 2nd story addition to the existing 1-story brick single-family dwelling; that the property in question cannot yield a reasonable return nor be put to reasonable use if permitted to be used only under the conditions allowed by the regulations in this district in that the proposed 24.08' x 46.43' 2nd story addition is necessary to meet additional living space requirements of the applicant and his family; that the plight of the owner is due to the need to provide adequate living space for the applicant's in-laws who will be residing with the applicant and family; that the proposed addition will not impair an adequate supply of light and air to adjacent property; that the proposed addition will be compatible with existing improvements in the neighborhood; it is therefore

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RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that a variation be and it hereby is granted to permit the erection of a 2nd story 24.08' x 46.43' addition to a 1-story brick single-family dwelling, whose north side yard will be 2.85' and whose south side yard will be 3.05' instead of combined side yards of 9 feet and neither side yard less than 3 feet and whose total floor area ratio will be 0.65 instead of 0.50, on premises at 3756 N. Pioneer Avenue, upon condition that the proposed addition shall be for related-family occupation only; that no separate kitchen facility shall be installed within the aforesaid addition; that the rear exterior stairway to the 2nd floor shall be for emergency egress only; and that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

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

APPLICANT: Robin G. Munden
 APPEARANCES FOR: Robin G. Munden, Michael Coan
 APPEARANCES AGAINST:

CAL. NO. 262-93-Z
 MAP NO. 5-G
 MINUTES OF MEETING
 September 17, 1993

PREMISES AFFECTED— 2140 N. Bissell Street
 SUBJECT— Application to vary the requirements of the zoning ordinance.

ACTION OF BOARD—

THE VOTE

Variations granted.

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Gigi McCabe-Miele	X		
Thomas S. Moore	X		

THE RESOLUTION:

WHEREAS, Robin G. Munden, owner, on July 8, 1993, filed an application for a variation of the zoning ordinance to permit, in an R4 General Residence District, the erection of a 2-story 9' x 22' addition to the rear of a 2½-story brick single-family dwelling, with no rear yard instead of 30 feet and which addition will result in a 15% (396 sq. ft.) increase in the amount of floor area existing in the building prior to the 1957 comprehensive amendment to the zoning ordinance, on premises at 2140 N. Bissell Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered April 2, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, specifically, §7/6-4. §7.9-4."

and WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993 after due notice thereof by publication in the Chicago Sun-Times on August 30, 1993; and

WHEREAS, the district maps show that the premises is located in an R4 General Residence District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in an R4 General Residence District; that the subject site is a 25' x 75' lot improved with a 2½-story row-style residential building built in the 1870's; that the rear yard of the subject property abutts a C.T.A. elevated rail track; that the applicant proposes to erect a 2-story 396 sq. ft. addition to the rear of the existing 2½-story single-family dwelling which will result in a 15% increase in the amount of floor area existing in the building prior to the 1957 comprehensive amendment to the zoning ordinance; that the property in question cannot yield a reasonable return nor be put to reasonable use if permitted to be used only under the conditions allowed in this district in that the proposed 9' x 22' 2-story addition is necessary to meet the living space needs of the applicant and also to provide a sound buffer between the abutting C.T.A. elevated tracks at the rear of the property and the existing single-family dwelling; that the plight of the owner is due to the shallow 75' lot depth which necessitates the rear yard variation requested; that the proposed 2-story addition will follow existing building lines and will be compatible with

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existing improvements in the area and that the variation, if granted, will not alter the essential character of the locality; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that a variation be and it hereby is granted to permit the erection of a 2-story 9' x 22' addition to the rear of a 2½-story brick single-family dwelling, with no rear yard instead of 30 feet and which addition will result in a 15% (396 sq. ft.) increase in the amount of floor area existing in the building prior to the 1957 comprehensive amendment to the zoning ordinance, on premises at 2140 N. Bissell Street, upon condition that all applicable ordinances of the City of Chicago are complied with before a permit is issued.

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

APPLICANT: Near West Side Community Development Corp, Inc.
 APPEARANCES FOR: Brian C. Shea
 APPEARANCES AGAINST: Jane Lyle

CAL. NO. 263-93-Z
 MAP NO. 2-H
 MINUTES OF MEETING
 September 17, 1993

PREMISES AFFECTED— 2137-45 W. Adams Street
 SUBJECT— Application to vary the requirements of the zoning ordinance.

ACTION OF BOARD—

THE VOTE

Variations granted.

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Gigi McCabe-Miele	X		
Thomas S. Moore	X		

THE RESOLUTION:

WHEREAS, Near West Side Community Development Corp, Inc., for City of Chicago, owner, on July 19, 1993, filed an application for a variation of the zoning ordinance to permit, in an R5 General Residence District, the erection of a 3-story 15-dwelling unit building, whose side yards will be 3.41 feet each instead of 11.5 feet each, and with on-site parking for 12 automobiles instead of 15 required, on premises at 2137-45 W. Adams Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered July 17, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, specifically, §7.8-5, §7.12-2(9)."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993 after due notice thereof by publication in the Chicago Sun-Times on August 30, 1993; and

WHEREAS, the district maps show that the premises is located in an R5 General Residence District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in an R5 General Residence District; that the subject site is a 115.5' x 107' unimproved lot and is located within the City's Near West Side's Strategic Neighborhood Action Program area; that the applicant is an Illinois not-for-profit corporation whose objective is to provide affordable housing for low and moderate-income residents; that the Strategic Neighborhood Action Program area was recently designated as one of several areas in which the City's community development efforts will be concentrated to bring about revitalization; that the applicant proposes to erect a 3-story 15-dwelling unit building at the subject site with on-site parking for 12 automobiles instead of 15 required; that the property in question cannot yield a reasonable return nor be put to reasonable use if permitted to be used only under the conditions allowed by the regulations in this district in that the variations requested are necessary for the developer to obtain the maximum use possible of the subject property for the proposed 15-dwelling unit building; that the plight of the owner is due to unique circumstances in that 15 dwelling units are necessary to make the project viable and that to provide a total of 15 parking spaces would eliminate necessary building space for the dwelling units; that the variations, if granted, will

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not alter the essential character of the locality in that the proposed residential project will be compatible with existing residential improvements in the area which is undergoing rehabilitation and that the waiver of three on-site parking spaces will not materially affect street parking in that testimony was presented indicating that some residents of the proposed 15-dwelling units will not own automobiles and therefore will have no need for an off-street parking space; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that a variation be and it hereby is granted to permit the erection of a 3-story 15-dwelling unit building, whose side yards will be 3.41 feet each instead of 11.5 feet each, and with on-site parking for 12 automobiles instead of 15 required, on premises at 2137-45 W. Adams Street, upon condition that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

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

APPLICANT: Pilgrim Baptist Church of South Chicago
 APPEARANCES FOR: Robert Best
 APPEARANCES AGAINST:

CAL. NO. 264-93-Z
 MAP NO. 22-A
 MINUTES OF MEETING
 September 17, 1993

PREMISES AFFECTED-- 3235-39 E. 91st Street
 SUBJECT-- Application to vary the requirements of the zoning ordinance.

ACTION OF BOARD--

Variations granted.

THE VOTE

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Gigi McCabe-Miele	X		
Thomas S. Moore	X		

THE RESOLUTION:

WHEREAS, Pilgrim Baptist Church of South Chicago, by John Stallworth, for Pilgrim Baptist Church of South Chicago, owner, on July 29, 1993, filed an application for a variation of the zoning ordinance to permit, in an R4 General Residence District, the erection of a 3-story 34' x 74' addition to the rear of a 3-story brick and frame church building, with no rear yard instead of 30 feet, with no front yard instead of 15 feet in order to accommodate 11 on-site parking spaces, and whose total floor area ratio will be approximately 1.8 instead of 1.2, on premises at 3235-39 E. 91st Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered July 9, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, specifically, §7.6-4, §7.7-4, §7.9-4."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993 after due notice thereof by publication in the Chicago Sun-Times on August 30, 1993; and

WHEREAS, the district maps show that the premises is located in an R4 General Residence District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in an R4 General Residence District; that the subject site is a 75' x 135' lot improved with a 3-story brick and frame church building which was built in the early 1900's and which is located on the front of the lot which is additionally improved with a 2-story frame building at the rear of the lot; that the applicant proposes to demolish the rear 2-story building and erect the proposed 3-story 34' x 74' rear addition to the existing church; that the property in question cannot yield a reasonable return nor be put to reasonable use if permitted to be used only under the conditions allowed by the regulations in this district in that the variations requested are necessary to construct an addition sufficient to provide proper facilities for the church's Sunday School activities and to accommodate 11 on-site parking spaces; that the plight of the owner is due to unique circumstances in that it is economically unfeasible for the church to repair the existing rear structure; that although no off-street parking is required under the zoning ordinance,

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the size of the existing lot dictates using the required 15 foot front yard for the desired on-site parking spaces; that the proposed 3-story rear addition will be compatible with the existing improvements in the area and will not alter the essential character of the locality; it is therefore

RESOLVED, that the Zoning Board of Appeals by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that a variation be and it hereby is granted to permit the erection of a 3-story 34' x 74' addition to the rear of a 3-story brick and frame church building, with no rear yard instead of 30 feet and with no front yard instead of 15 feet in order to accommodate 11 on-site parking spaces, and whose total floor area ratio will be approximately 1.8 instead of 1.2, on premises at 3235-39 E. 91st Street, upon condition that the parking area for 11 automobiles abutting the church to the east shall be improved with a compacted macadam base not less than 4 inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material, properly graded to drain to a sewer or sewers located within the lot which shall be connected by drainage tiles to an established City of Chicago sewer; that striping shall be provided; that lighting shall be provided; that concrete wheel stops shall be provided; that ingress and egress shall be via the public alley for which a waiver of the alley barrier was approved by the City Council; and that all other applicable ordinances of the City of Chicago shall be complied with before a permit is issued. It shall be the responsibility of the applicant to improve and maintain the on-site parking area in accordance with the provisions and standards hereby established under this order.

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

APPLICANT: Jan Boratynski

CAL. NO. 265-93-S

APPEARANCES FOR:

MAP NO. 9-M

APPEARANCES AGAINST:

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PREMISES AFFECTED— 6037 W. Addison Street

SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

THE VOTE

Case continued to
November 19, 1993.

Joseph J. Spingola
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Gigi McCabe-Miele
Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Gigi McCabe-Miele	X		
Thomas S. Moore	X		

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

APPLICANT: Christ Center
 APPEARANCES FOR: John Mauck
 APPEARANCES AGAINST: Frank Wrobel

CAL. NO. 266-93-S
 MAP NO. 10-E
 MINUTES OF MEETING
 September 17, 1993

PREMISES AFFECTED— 4445 S. Dr. Martin Luther King, Jr. Drive
 SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

THE VOTE

Application approved.

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	x		
Anthony J. Fornelli	x		
LeRoy K. Martin, Jr.	x		
Gigi McCabe-Miele	x		
Thomas S. Moore	x		

THE RESOLUTION:

WHEREAS, Christ Center, for LaSalle National Bank as trustee for Alan Edelson IRA #556781201, owner, on July 21, 1993, filed an application for a special use under the zoning ordinance for the approval of the location and the establishment of a 400-seat church in a 2-story brick building, in a B5-3 General Service District, on premises at 4445 S. Dr. Martin Luther King, Jr. Drive; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered July 14, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, specifically, §8.3-5."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993 after due notice thereof by publication in the Chicago Sun-Times on August 30, 1993; and

WHEREAS, the district maps show that the premises is located in a B5-3 General Service District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in a B5-3 General Service District; that the subject site is a 70,684 sq. ft. lot improved with a 2-story brick building occupied by a funeral home with on-site parking; that it is proposed to convert the existing building to a 400-seat church; that the proposed use is necessary for the public convenience at this location to meet the needs of the congregation; that the public health, safety and welfare will be adequately protected in the design, location and operation of the proposed use which will comply with all applicable building code regulations and which will provide adequate off-street parking at the rear of the existing building; that the use of the subject building as a church will be consistent with its historic use as a funeral home and will be compatible with the mixed residential and business improvements in the area and will not cause substantial injury to the value of other property in the neighborhood; it is therefore

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

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and the Zoning Administrator is authorized to permit the establishment of a 400-seat church in a 2-story brick building, on premises at 4445 S. Dr. Martin Luther King, Jr. Drive, upon condition that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

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

APPLICANT: Greater Sweet Home M.B. Church
 APPEARANCES FOR: John Mauck, Jan S. Weinstein, Allan Sucherman
 APPEARANCES AGAINST:

CAL. NO. 267-93-S
 MAP NO. 1-J
 MINUTES OF MEETING
 September 17, 1993

PREMISES AFFECTED— 3245 W. Chicago Avenue
 SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

THE VOTE

Application denied.

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
	X	
	X	
	X	
	X	

THE RESOLUTION:

WHEREAS, Greater Sweet Home M.B. Church, for John Caretti, owner, on July 23, 1993, filed an application for a special use under the zoning ordinance for the approval of the location and the establishment of a 238-seat church in a 1-story brick building, in a C1-2 Restricted Commercial District, on premises at 3245 W. Chicago Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered July 15, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, specifically, §9.3-1."

and
 WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993 after due notice thereof by publication in the Chicago Sun-Times on August 30, 1993; and

WHEREAS, the district maps show that the premises is located in a C1-2 Restricted Commercial District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in a C1-2 Restricted Commercial District; that the subject site is improved with a 1-story brick commercial building; that testimony presented indicates that the building on the subject site is located within 100 feet of an existing licensed business selling packaged liquor, which is a permitted use under the C1 zoning; that the Board takes judicial notice of statutes in effect under which the rights of permitted businesses in the area could be jeopardized by the establishment of a church at this location; that no evidence was presented to indicate that the establishment of a church at this location would not cause substantial injury to the value of other property in the neighborhood; that the proposed use is not in the public interest in that the economic viability and future development of permitted business uses in the district would be restricted; it is therefore

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

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

APPLICANT: Restaurant Management Group, Inc.
 APPEARANCES FOR: Mark J. Kupiec
 APPEARANCES AGAINST:
 PREMISES AFFECTED— 5211 S. Cicero Avenue
 SUBJECT— Application for the approval of a special use.

CAL. NO. 268-93-S
 MAP NO. 12-K
 MINUTES OF MEETING
 September 17, 1993

ACTION OF BOARD—

THE VOTE

Application approved.

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
x		
x		
x		
x		
x		

THE RESOLUTION:

WHEREAS, Restaurant Management Group, Inc., for Citibank, F.S.B., owner, on July 30, 1993, filed an application for a special use under the zoning ordinance for the approval of the location and the establishment of a drive-through facility in conjunction with a proposed restaurant in an existing 1-story brick building, in a B4-1 Restricted Service District, on premises at 5211 S. Cicero Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered July 28, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, specifically, §8.4-4(5)."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993 after due notice thereof by publication in the Chicago Sun-Times on August 30, 1993; and

WHEREAS, the district maps show that the premises is located in a B4-1 Restricted Service District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in a B4-1 Restricted Service District; that the subject site is an irregular shape 24,916 sq. ft. lot on the southeast corner of Archer Avenue and S. Cicero Avenue improved with a 1-story brick restaurant building constructed in 1981 as a Burger King Restaurant with a single-lane drive through; that the subject site premises was operated as a restaurant with a drive-thru facility since its construction until approximately six months ago when the owner filed a foreclosure lawsuit against the former owner and acquired title to the property; that the applicant in this case seeks special use approval to re-establish a Burger King restaurant with single-lane drive-through service at the site; that the proposed use is necessary for the public convenience at this location to provide a service to the public necessary in today's fast food operations; that the public health, safety and welfare will be adequately protected in the design, location and operation of the proposed use to be improved and operated under the conditions hereinafter set forth; that the proposed use will be compatible with the existing improvements in the area and will not cause substantial injury to the value of other property in the neighborhood; it is therefore

MINUTES OF MEETING

September 17, 1993

Cal. No. 268-93-S

RESOLVED, that the application for a special use be and it hereby is approved and the Zoning Administrator is authorized to permit the establishment of a drive-through facility in conjunction with a proposed restaurant in an existing 1-story brick building, on premises at 5211 S. Cicero Avenue, upon condition that ingress and egress to the facility and on-site parking shall be from S. Cicero Avenue via the existing curb cut at the southwest corner of the site and from Archer Avenue via a driveway which is currently shared under an easement agreement with the Midas Muffler Shop located just east of the subject site; that lighted directional signs shall be provided; that a 6 feet high solid wood fence shall be erected at the southeast portion of the site as depicted in the plans marked as Exhibit No. 1 to screen the drive-through lane and pickup window from adjacent property to the south and from property across the alley to the east; that the existing landscaping on the site shall be maintained; and that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

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

APPLICANT: Heritage Realty Services, Inc.
 APPEARANCES FOR: Langdon Neal
 APPEARANCES AGAINST:

CAL. NO. 269-93-S
 MAP NO. 12-G
 MINUTES OF MEETING
 September 17, 1993

PREMISES AFFECTED— 1550-58 W. Garfield Boulevard
 SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

THE VOTE

Application approved.

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
	X	
X		

THE RESOLUTION:

WHEREAS, Heritage Realty Services, Inc., for Marie V. Sanson, F.N.H.C., Inc., owner, on July 28, 1993, filed an application for a special use under the zoning ordinance for the approval of the location and the establishment of drive-through facilities in conjunction with a proposed Rally's Restaurant, in a B4-2 Restricted Service District, on premises at 1550-58 W. Garfield Boulevard; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered July 28, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17, of the Municipal Code of Chicago, specifically, §8.4-4(5)."

and
 WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993 after due notice thereof by publication in the Chicago Sun-Times on August 30, 1993; and

WHEREAS, the district maps show that the premises is located in a B4-2 Restricted Service District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in a B4-2 Restricted Service District; that the subject site is a 12,760 sq. ft. unimproved lot located on the northeast corner of the intersection of S. Ashland Avenue and W. Garfield Boulevard; that the applicant proposes to establish a double-drive through facility in conjunction with a proposed Rally's Restaurant at the subject site; that the proposed use is necessary for the public convenience at this location to provide a service necessary in today's competitive fast food operations; that the public health, safety and welfare will be adequately protected in the design, location and operation of the proposed use to be improved and operated under the conditions hereinafter set forth; and that the proposed use will be compatible with the mixed business and residential improvements in the area and will not cause substantial injury to the value of other property in the neighborhood; it is therefore

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

MINUTES OF MEETING

September 17, 1993

Cal. No. 269-93-S

Zoning Administrator is authorized to permit the establishment of drive-through facilities in conjunction with a proposed Rally's Restaurant, on premises at 1550-58 W. Garfield Boulevard, upon condition that ingress to the drive-through facilities shall be from a driveway located on W. Garfield Boulevard at the southwest corner of the site and from a driveway located on S. Ashland Avenue at the northwest corner of the site; that egress from the drive-through facilities shall be from a driveway on W. Garfield Boulevard located at the southeast corner of the site and from the driveway at the northwest corner of the site; that lighted directional signs shall be provided at the established entrances and exits; that an "Exit Only-Do Not Enter" sign shall be erected at the exit onto Garfield Boulevard located at the southeast corner of the site; that a dumpster enclosure shall be provided at the northeast corner of the site; that a 6 feet high wooden stockade fence shall be erected along the east lot line from the alley line to within 15 feet of the W. Garfield Boulevard line to screen the facility from the abutting residential use; that the balance of the lot shall be enclosed with 2 feet high steel beam guard rails, excepting the driveways; that lighting shall be provided directed away from abutting residential properties; that no music shall emanate from the subject site; that applicable provisions of the Chicago Landscape Ordinance shall be complied with; and that all other applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

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

APPLICANT: Sheffield Properties

APPEARANCES FOR:

APPEARANCES AGAINST:

PREMISES AFFECTED— 1623 N. Sheffield Avenue

SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

Application withdrawn upon motion of the applicant.

CAL. NO. 270-93-S

MAP NO. 5-G

MINUTES OF MEETING
September 17, 1993

THE VOTE

Joseph J. Spingola
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Gigi McCabe-Miele
Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

APPLICANT: Juan Valerio
 APPEARANCES FOR: Alfred Wieher, Juan Valerio
 APPEARANCES AGAINST:

CAL. NO. 271-93-S
 MAP NO. 22-B
 MINUTES OF MEETING
 September 17, 1993

PREMISES AFFECTED— 9315-53 S. Baltimore Avenue
 SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

THE VOTE

Application approved.

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, Juan Valerio, owner, on July 19, 1993, filed an application for a special use under the zoning ordinance for the approval of the location and the establishment of a junk yard in an M2-2 General Manufacturing District, on premises at 9315-53 S. Baltimore Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered June 21, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17, of the Municipal Code of Chicago, specifically, §10.3-2."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993 after due notice thereof by publication in the Chicago Sun-Times on August 30, 1993; and

WHEREAS, the district maps show that the premises is located in an M2-2 General Manufacturing District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the said use is located in an M2-2 General Manufacturing District; that the subject site is an irregular shaped 61,460 sq. ft. lot improved with a 1-story commercial building serving as an office of an auto parts business operating at the site; that the subject site has been utilized by the applicant's family auto salvage business for approximately 10 years; that on March 26, 1993 the site was rezoned by the City Council from M1-2 to M2-2 General Manufacturing; that the applicant applied for a junk yard license on April 27, 1993 and was informed that a special use approval would be required before a license would issue; that the said use is necessary for the public convenience at this location to continue to provide a source for used auto parts to community residents; that the public health, safety and welfare will be adequately protected in the design, location and operation of the said use which will be operated in compliance with all applicable regulations of city, state and federal environmental protection agencies and in compliance with the performance standards established under Article 10 of the zoning ordinance; that a 25 feet wide parcel of land is set aside from junk yard use to serve as a separation buffer from non-conforming residential improvements to the south of the subject site; that the said use is compatible with existing

MINUTES OF MEETING

September 17, 1993

Cal. No. 271-93-S

mixed commercial and manufacturing improvements in the area and will not cause substantial injury to the value of other property in the neighborhood; it is therefore

RESOLVED, that the application for a special use be and it hereby is approved and the Zoning Administrator is authorized to permit the establishment of a junk yard, on premises at 9315-53 S. Baltimore Avenue, upon condition that the entire property shall be enclosed with corrugated fencing; that the use shall be operated in compliance with all applicable regulations of city, state and federal environmental protection agencies and shall at all times be operated in compliance with the performance standards established under Article 10 of the zoning ordinance; and that all other applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

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

APPLICANT: Apostolic Church of God

CAL. NO. 272-93-S

APPEARANCES FOR: Barack Obama

MAP NO. 14-D

APPEARANCES AGAINST:

MINUTES OF MEETING
September 17, 1993

PREMISES AFFECTED— 6235-49 S. Kenwood Avenue & 6240-50 S. Dorchester Avenue

SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

THE VOTE

Application approved.

Joseph J. Spingola
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Gigi McCabe-Miele
Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Gigi McCabe-Miele	X		
Thomas S. Moore	X		

THE RESOLUTION:

WHEREAS, Apostolic Church of God, for City of Chicago, owner, on August 2, 1993, filed an application for a special use under the zoning ordinance for the approval of the location and the expansion of an existing off-site accessory parking lot for the parking of private passenger automobiles, in an R5 General Residence District and partly in a B4-3 Restricted Service District, on premises at 6235-49 S. Kenwood Avenue and 6240-50 S. Dorchester Avenue, to serve a church located at 6320 S. Dorchester Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered June 16, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17, of the Municipal Code of Chicago, specifically, §7.12-2, §8.11-2."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993 after due notice thereof by publication in the Chicago Sun-Times on August 30, 1993; and

WHEREAS, the district maps show that the premises is located in an R5 General Residence District and partly in a B4-3 Restricted Service District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in an R5 General Residence District and partly in a B4-3 Restricted Service District; that the subject site is an irregular shaped unimproved 69,110 sq. ft. lot located to the north of and across E. 63rd Street from the applicant church; that on November 13, 1983, the Board approved the establishment of an off-site parking lot for the parking of private passenger automobiles at 1340-80 E. 63rd Street for use by the applicant church; that the testimony presented in Calendar No. 351-82-S is hereby make part of the record in this case; that the proposed expansion of the existing parking lot is necessary for the public convenience at this location to serve the needs of the applicant church's growing congregation; that the public health, safety and welfare will be adequately protected in the design, location and operation of the proposed use to be improved and operated under the conditions hereinafter set forth; that the proposed use will be compatible with existing improvements in the area and will not alter the essential character of the locality; it is therefore

MINUTES OF MEETING

September 17, 1993

Cal. No. 272-93-S

RESOLVED, that the application for a special use be and it hereby is approved and the Zoning Administrator is authorized to permit the expansion of an existing off-site accessory parking lot for the parking of private passenger automobiles, on premises at 6235-49 S. Kenwood Avenue and 6240-50 S. Dorchester Avenue, to serve a church located at 6320 S. Dorchester Avenue upon condition that no use shall be made of the lot for the purpose requested until the following conditions shall have been complied with: that the said lot shall be used solely for the parking of private passenger automobiles and that no commercial vehicles shall be parked upon said lot at any time; that the lot shall be improved with a compacted macadam base, not less than four inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material, properly graded to drain to a sewer or sewers located within the lot which shall be connected by drainage tiles to an established City of Chicago sewer; that a 4 feet high wooden fence shall be erected on the north property line to screen the facility from adjacent residential property; that 4 feet high chain link fencing shall be erected on the east and west property lines; that lighting shall be provided; that striping shall be provided; that ingress and egress shall be from a driveway located on the northwest corner of the subject site from S. Kenwood Avenue and from a driveway located on S. Dorchester Avenue; that there shall be no ingress nor egress from the public alley abutting the site to the north; that the driveways shall be constructed in accordance with applicable ordinances; that security gates shall be provided at the established entrance and exit; that all applicable provisions of the Chicago Landscape Ordinance shall be complied with; and that all other applicable ordinances of the City of Chicago shall be complied with before a certificate of occupancy is issued. It shall be the responsibility of the applicant to improve and maintain the property continuously in conformance with the provisions and standards hereby established under this order.

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

APPLICANT: Apostolic Church of God
 APPEARANCES FOR: Barack Obama
 APPEARANCES AGAINST:
 PREMISES AFFECTED— 6235-49 S. Kenwood Avenue & 6240-50 S. Dorchester Avenue
 SUBJECT— Application to vary the requirements of the zoning ordinance.

CAL. NO. 273-93-Z
 MAP NO. 14-D
 MINUTES OF MEETING
 September 17, 1993

ACTION OF BOARD—

Variation granted.

THE VOTE

AFFIRMATIVE NEGATIVE ABSENT

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
x		
x		
x		
x		
x		

THE RESOLUTION:

WHEREAS, Apostolic Church of God, for City of Chicago, owner, on August 2, 1993, filed an application for a variation of the zoning ordinance to permit, in an R5 General Residence District and partly in a B4-3 Restricted Service District, the establishment of an off-site accessory parking lot whose front yard along Kenwood Avenue will be 10 feet instead of 15 feet required, on premises at 6235-49 S. Kenwood Avenue & 6240-50 S. Dorchester Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered June 16, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17, of the Municipal Code of Chicago, specifically, §7.7-5."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993 after due notice thereof by publication in the Chicago Sun-Times on August 30, 1993; and

WHEREAS, the district maps show that the premises is located in an R5 General Residence District and partly in a B4-3 Restricted Service District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in an R5 General Residence District and partly in a B4-3 Restricted Service District; that on September 17, 1993, the Board approved the expansion of an existing off-site accessory parking lot for the parking of private passenger automobiles at the subject site, to serve the applicant church located at 6320 S. Dorchester Avenue, in Cal. No. 272-93-S; that the property in question cannot yield a reasonable return nor be put to reasonable use if permitted to be used only under the conditions allowed by the regulations in this district in that the proposed parking lot is necessary to meet the needs of the church's growing congregation for additional off-street parking spaces; that the requested 10 feet front yard along Kenwood Avenue will allow for a more efficient and safe traffic flow within the parking lot; that the plight of the owner is due to unique circumstances in that the subject property in partly located in an R5 General Residence District which zoning requires a 15 feet front yard setback; that the variation, if granted, will not alter the essential character of the locality in that the proposed off-site accessory parking lot will be compatible with existing improvements in the neighborhood; and it is therefore

MINUTES OF MEETING

September 17, 1993

Cal. No. 273-93-Z

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that a variation be and it hereby is granted to permit the establishment of an off-site accessory parking lot whose front yard along Kenwood Avenue will be 10 feet instead of 15 feet required, on premises at 6235-49 S. Kenwood Avenue and 6240-50 S. Dorchester Avenue, upon condition that the parking lot shall be improved and maintained under the conditions set forth in Calendar No. 272-93-S; and that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

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

APPLICANT: Mint Pawners & Jewelers, by Susan G. Connelly

CAL. NO. 274-93-S

APPEARANCES FOR:

MAP NO. 19-H

APPEARANCES AGAINST:

MINUTES OF MEETING

September 17, 1993

PREMISES AFFECTED— 1901-09 W. Howard Street

SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

Case continued to
November 19, 1993.

THE VOTE

Joseph J. Spingola
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Gigi McCabe-Miele
Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Gigi McCabe-Miele	X		
Thomas S. Moore	X		

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

APPLICANT: Thomas A. Slamecka & Gerald Rogers, d/b/a Kedzie Pawn
 APPEARANCES FOR: William J. Hennessey
 APPEARANCES AGAINST: Norma J. Hook, Ann Kaner
 PREMISES AFFECTED— 6315-29 S. Kedzie Avenue
 SUBJECT— Application for the approval of a special use.

CAL. NO. 275-93-S
 MAP NO. 16-I
 MINUTES OF MEETING
 September 17, 1993

ACTION OF BOARD—

THE VOTE

Application approved.

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, Thomas A. Slamecka & Gerald Rodgers, d/b/a Kedzie Pawn, for American National Bank & Trust Company, Tr. #61089, owner, on June 30, 1993, filed an application for a special use under the zoning ordinance for the approval of the location and the establishment of a pawn shop in conjunction with a proposed jewelry store in a store (6323) on the ground floor of a 3-story brick store and apartment building, in a B4-1 Restricted Service District, on premises at 6315-29 S. Kedzie Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered June 30, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17, of the Municipal Code of Chicago, specifically, §8.4-4(8)."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993 after due notice thereof by publication in the Chicago Sun-Times on August 30, 1993; and

WHEREAS, the district maps show that the premises is located in a B4-1 Restricted Service District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in a B4-1 Restricted Service District; that the subject site is improved with a 1 and 3-story brick multi-store and apartment building; that on August 4, 1993, the City Council rezoned the subject site from B2-1 to B4-1 Restricted Service specifically for the proposed use; that the applicant's propose to establish a pawn shop in conjunction with a proposed jewelry store in the subject store premises numbered 6323 in the building at the subject site; that the proposed pawn shop operation will constitute approximately 50 percent of the total business operation at the site; that the proposed use is necessary for the public convenience at this location to provide a service to the residents of this community; that testimony presented indicates that there are no pawn shops located within this community, which is specifically south of 55th Street to the City Limits; that the public health, safety and welfare will be adequately protected in the design, location and operation of the proposed pawn shop in that daily reports of all merchandise received are filed with the district police command to insure against receipt of stolen property; that the proposed hours of operation of the business will be limited to the hours between 9 A.M. and 5:30 P.M., Monday through Saturday; that the proposed use at the subject site

MINUTES OF MEETING

September 17, 1993

Cal. No. 275-93-S

is compatible with other existing business improvements in the area and that the establishment of the proposed use at the subject site will not cause substantial injury to the value of other properties in the neighborhood; it is therefore

RESOLVED, that the application for a special use be and it hereby is approved and the Zoning Administrator is authorized to permit the approval of the establishment of a pawn shop in conjunction with a proposed jewelry store in a store (6323) on the ground floor of a 3-story brick store and apartment building, on premises at 6315-29 S. Kedzie Avenue, upon condition that the pawn shop operation shall be operated in compliance with all city and state ordinances governing the establishment and operation of pawn shops; that the hours of operation shall be limited to the hours between 9 A.M. and 5:30 P.M., Monday through Saturday; and that all other applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

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

APPLICANT: Goldstar Jewelry & Collateral Co., by Bruce Lewis, President CAL. NO. 276-93-S

APPEARANCES FOR:

MAP NO. 11-H

APPEARANCES AGAINST:

MINUTES OF MEETING

September 17, 1993

PREMISES AFFECTED-- 1930 W. Irving Park Road

SUBJECT-- Application for the approval of a special use.

ACTION OF BOARD--

Case continued to
November 19, 1993.

THE VOTE

Joseph J. Spingola
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Gigi McCabe-Miele
Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Gigi McCabe-Miele	X		
Thomas S. Moore	X		

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

APPLICANT: Marian Szponar
 APPEARANCES FOR: Robert Ryczek
 APPEARANCES AGAINST: Edward J. Fitzgerald

CAL. NO. 277-93-A
 MAP NO. 13-L
 MINUTES OF MEETING
 September 17, 1993

PREMISES AFFECTED— 5342 N. Latrobe Avenue

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

ACTION OF BOARD—

THE VOTE

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

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, Marian Szponar, for Marian Szponar & Krzysztor, owners, on July 1, 1993, filed an appeal from the decision of the Office of the Zoning Administrator in refusing to certify the use of a 2-story brick building as 2-dwelling units, in an R2 Single-Family Residence District, on premises at 5342 N. Latrobe Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered June 30, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17, of the Municipal Code of Chicago, specifically, §7.3-2, §7.5-2."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993; and

WHEREAS, the district maps show that the premises is located in an R2 Single-Family Residence District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the said use is located in an R2 Single-Family Residence District; that the subject site is a 30' x 125' lot improved with a 2-story frame residential building; that evidence presented indicates that permits were issued by the City of Chicago for a 1-story residential building in 1924 (No. 10861) and for a 2nd dwelling unit in the attic of the building in 1937 (No. 238415), prior to the passage of the 1942 comprehensive amendment to the zoning ordinance which rezoned the area zoning from apartments to single-family zoning; that the appellant has a right to continue the occupancy of the 2-story building at the subject site as 2-dwelling units only, provided the building is brought into compliance with building code regulations; it is therefore

RESOLVED, that the appeal be and it hereby is sustained and the decision of the Office of the Zoning Administrator be and it hereby is reversed and he is authorized to certify the use of a 1-story brick building as 2-dwelling units only, on premises at 5342 N. Latrobe Avenue, upon condition that no additional dwelling unit or separate kitchen facility shall be located in the basement of the subject building; and that the building shall be brought into compliance with building code regulations for two dwelling units only with plans and permits obtained indicating such compliance and that all other applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

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

APPLICANT: Katherine Fahey

CAL. NO. 278-93-A

APPEARANCES FOR: None

MAP NO. 10-I

APPEARANCES AGAINST:

MINUTES OF MEETING

September 17, 1993

PREMISES AFFECTED— 4351 S. Rockwell Street

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

ACTION OF BOARD—

Case dismissed for
want of prosecution.

THE VOTE

Joseph J. Spingola
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Gigi McCabe-Miele
Thomas S. Moore

AFFIRMATIVE NEGATIVE ABSENT

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

APPLICANT: Floriece Franklin and Deborah D. Thomas
 APPEARANCES FOR: Floriece Franklin and Deborah D. Thomas
 APPEARANCES AGAINST:

CAL. NO. 279-93-A
 MAP NO. 17-G
 MINUTES OF MEETING
 September 17, 1993

PREMISES AFFECTED— 6960 N. Sheridan Road

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

ACTION OF BOARD—

THE VOTE

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

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Gigi McCabe-Miele	X		
Thomas S. Moore	X		

THE RESOLUTION:

WHEREAS, Floriece Franklin and Deborah D. Thomas, for Northern Trust Company, Tr. #2-72558, owner, on July 20, 1993, filed an appeal from the decision of the Office of the Zoning Administrator in refusing to permit the establishment of a resale and consignment store specializing in slightly used clothing and accessories in a 3-story brick store and apartment building, in an R4 General Residence District, on premises at 6960 N. Sheridan Road; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered July 19, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17, of the Municipal Code of Chicago, specifically, §7.3-4."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in an R4 General Residence District; that the subject site is improved with a 3-story brick multi-store and apartment building; that the subject building is presently occupied by a dry cleaners, makeup artist store, a vacant store, and the subject clothing resale store; that the subject store premises was previously occupied by a beauty salon; that the change of use to a resale and consignment store specializing in slightly used clothing and accessories is a proper substitution of use under Section 6.4-7 of the zoning ordinance; it is therefore

RESOLVED, that the appeal be and it hereby is sustained and the decision of the Office of the Zoning Administrator be and it hereby is reversed and he is authorized to permit the establishment of a resale and consignment store specializing in slightly used clothing and accessories in a 3-story brick store and apartment building, on premises at 6960 N. Sheridan Road, upon condition that the hours of operation shall be limited to the hours between 11 A.M. and 6 P.M., Monday through Saturday and 12 Noon and 5 P.M., Sunday; and that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

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

APPLICANT: John N. Nitti
 APPEARANCES FOR: John N. Nitti
 APPEARANCES AGAINST:

CAL. NO. 280-93-A
 MAP NO. 1-G
 MINUTES OF MEETING
 September 17, 1993

PREMISES AFFECTED— 1321 W. Grand Avenue
 SUBJECT— Appeal from the decision of the Office of the Zoning Administrator.

ACTION OF BOARD—

THE VOTE

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

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

AFFIRMATIVE NEGATIVE ABSENT

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, John N. Nitti, owner, on August 2, 1993, filed an appeal from the decision of the Office of the Zoning Administrator in refusing to permit wholesaling in conjunction with retail food sales in a 3-story brick store and apartment building, in an R4 General Residence District, on premises at 1321 W. Grand Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered July 19, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17, of the Municipal Code of Chicago, specifically, §7.3-4."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993; and

WHEREAS, the district maps show that the premises is located in an R4 General Residence District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in an R4 General Residence District; that the subject site is improved with a 4-story brick store and apartment building; that the appellant has operated a retail food store with some wholesale activity at the subject site for approximately 30 years; that on February 29, 1980 the City Council rezoned the subject site from M1-2 General Manufacturing to R4 General Residence; that the appellant did not renew the necessary business licenses for a few years because of family difficulties but is now seeking the necessary licenses to continue his previous business operations; that the wholesaling of imported Italian food items to restaurants which is subordinate in scope to the retail food sales activity may be considered an accessory use to the principal retail operation; that no violation of the zoning ordinance exists nor is contemplated and that the appellant has established the basis of his appeal; it is therefore

RESOLVED, that the appeal be and it hereby is sustained and the decision of the Office of the Zoning Administrator be and it hereby is reversed and he is authorized to permit wholesaling as an accessory use only in conjunction with retail food sales in a 3-story brick store and apartment building, on premises at 1321 W. Grand Avenue, upon condition that all applicable ordinances of the City of Chicago shall be complied with before a license is issued.

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

APPLICANT: Victor Sign Corporation
 APPEARANCES FOR: Gerald Nova
 APPEARANCES AGAINST:

CAL. NO. 281-93-A
 MAP NO. 9-J
 MINUTES OF MEETING
 September 17, 1993

PREMISES AFFECTED— 3619 W. Irving Park Road
 SUBJECT— Appeal from the decision of the Office of the Zoning Administrator

ACTION OF BOARD—

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

THE VOTE

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, Victor Sign Corporation, for Oscar Torres, owner, on June 25, 1993, filed an appeal from the decision of the Office of the Zoning Administrator in refusing to permit a 340 sq. ft. advertising sign painted on the south wall and a 450 sq. ft. advertising sign painted on the east wall of a 2-story brick building, in a B3-2 General Retail District, on premises at 3619 W. Irving Park Road, due to said signs being located within 250 feet of a residential district; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered June 9, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17, of the Municipal Code of Chicago, specifically, §8.9(7)."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993; and

WHEREAS, the district maps show that the premises is located in a B3-2 General Retail District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the said use is located in a B3-2 General Retail District; that the subject site is improved with a 2-story commercial building with a 340 sq. ft. painted advertising sign on the south wall and a 450 sq. ft. painted advertising sign on the east wall; that evidence was presented indicating that the two subject signs existed on the walls of the subject building since at least June 30, 1981, prior to the July 12, 1990 sign amendment to the zoning ordinance that increased the distance from 75 feet to 250 feet that an advertising sign can be from a residential district; that the 10-year advertising agreement lease between the subject building's owner and Irving Federal Savings & Loan Association recently expired; that upon entering into a new lease agreement and repainting the subject signs, the appellant was denied zoning certification for the signs; that the Board finds that the existing non-conforming painted advertising signs have existed at the site since prior to the July 12, 1990 sign amendment to the zoning ordinance and are therefore legal non-conforming uses; that no violation of the zoning ordinance exists nor is contemplated and that the appellant has established the basis of its appeal; it is therefore

MINUTES OF MEETING

September 17, 1993

Cal. No. 281-93-A

RESOLVED, that the appeal be and it hereby is sustained and the decision of the Office of the Zoning Administrator be and it hereby is reversed and he is authorized to permit a 340 sq. ft. advertising sign painted on the south wall and a 450 sq. ft. advertising sign painted on the east wall of a 2-story brick building, on premises at 3619 W. Irving Park Road, due to said signs being located with 250 feet of a residential district, upon condition that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued; and be it further

RESOLVED, that the subject signs herein approved as non-conforming uses shall at all times be subject to the conditions imposed under Section 6.7-1 of the zoning ordinance.

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

APPLICANT: Jeffery R. Lohmeyer
 APPEARANCES FOR: Jeffery R. Lohmeyer
 APPEARANCES AGAINST: Donald J. Vogel

CAL. NO. 282-93-A
 MAP NO. 7-G
 MINUTES OF MEETING
 September 17, 1993

PREMISES AFFECTED— 1250 W. Draper Street

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

ACTION OF BOARD—

THE VOTE

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

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
	X	
	X	
X		
	X	

THE RESOLUTION:

WHEREAS, Jeffery R. Lohmeyer, owner of the property at 1246 W. Draper Street, on June 30, 1993, filed an appeal from the decision of the Office of the Zoning Administrator which granted an Exception permitting the erection of a 2-story single-family dwelling whose front yard will be 3.62' instead of 7.23', whose side yards will be 4' each instead of 5.6' each, and whose rear yard will be 15' instead of 30' except the west 25' of the lot must contain a rear yard of 30' above the 1st story, in an R4 General Residence District, on premises at 1250 W. Draper Street; and

WHEREAS, on May 19, 1993 the Department of Zoning granted an Exception for the erection of a 2-story single-family dwelling whose front yard will be 3.62' instead of 7.23', whose side yards will be 4' each instead of 5.6' each, and whose rear yard will be 15' instead of 30' except the west 25' of the lot must contain a rear yard of 30' above the 1st story; and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993; and

WHEREAS, the district maps show that the premises is located in an R4 General Residence District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in an R4 General Residence District; that the subject site is a 56.88' x 60.28' lot presently used as a parking lot; that on May 19, 1993, the Zoning Administrator granted an Exception to the contract purchaser, David Schwartz, to permit the erection of a 2-story with basement single-family dwelling at the subject site, whose front yard will be 3.62' instead of 7.23', whose side yards will be 4' each instead of 5.6' each, and whose rear yard will be 15' instead of 30', except the west 25' of the lot must contain a rear yard of 30' above the 1st story; that the subject site lot has a 9' x 14' turn-around easement at the southwest corner of the lot per a 1990 agreement; that the proposed building will be built outside of said easement; that the appellant lives in a 2-story building adjoining the subject site to the east; that the appellant testified that he believes the Zoning Administrator erred in granting the Exception for the subject site because the present yard regulations should be maintained, that a 4 foot setback instead of 5.6 feet from the east property line will cause a fire hazard to his building, and that W. Draper

MINUTES OF MEETING

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Cal. No. 282-93-A

Street is a narrow dead-end street and that without sufficient area to turn around in, which he believes the 9' x 14' easement at the subject site to be, emergency vehicles will have to back out east on Draper Street thereby creating an unsafe situation; that the Board finds that the City's Sanborn Map for this block of W. Draper Street depicts that most of the improvements have front, side and rear yards similar to the yards granted by the Zoning Administrator; that no reasonably sized dwelling could be erected at the subject site without the grant of an Exception or a Variation due to the easement and size of the lot; that the easement imposed at the southwest corner of the subject lot allows for vehicles to turn around and exit east on W. Draper Street; that it would seem that the appellant wants nothing built at the subject site so that the lot can continue to be used as a cul-de-sac; that the building as proposed at the subject site will not be out of character with the existing configuration and pattern of improvements in the block, including the appellant's improvement; that no evidence was presented that would indicate that the Zoning Administrator did not use proper judgement in granting the aforesaid Exception for the proposed building at the subject site; it is therefore

RESOLVED, that the appeal be and it hereby is denied and the decision of the Zoning Administrator which permitted the erection of a 2-story single-family dwelling whose front yard will be 3.62' instead of 7.23', whose side yards will be 4' each instead of 5.6' each, and whose rear yard will be 15' instead of 30' except the west 25' of the lot must contain a rear yard of 30' above the 1st story, on premises at 1250 W. Draper Street, be and it hereby is affirmed.

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

APPLICANT: Dr. Gail Grossman, by David Rubman
 APPEARANCES FOR: David Rubman
 APPEARANCES AGAINST: Donald J. Vogel

CAL. NO. 283-93-A
 MAP NO. 7-G
 MINUTES OF MEETING
 September 17, 1993

PREMISES AFFECTED— 1250 W. Draper Avenue
 SUBJECT— Appeal from the decision of the Office of the Zoning Administrator.

ACTION OF BOARD—

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

THE VOTE

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
	X	
	X	
X		
	X	

THE RESOLUTION:

WHEREAS, Dr. Gail Grossman, owner of a dwelling unit at 1267 W. Wrightwood Avenue, on July 1, 1993, filed an appeal from the decision of the Office of the Zoning Administrator which granted an Exception permitting the erection of a 2-story single-family dwelling whose front yard will be 3.62' instead of 7.23', whose side yards will be 4' each instead of 5.6' each, and whose rear yard will be 15' instead of 30' except the west 25' of the lot must contain a rear yard of 30' above the 1st story, in an R4 General Residence District, on premises at 1250 W. Draper Avenue; and

WHEREAS, on May 19, 1993, the Department of Zoning granted an Exception for the erection of a 2-story single-family dwelling whose front yard will be 3.62' instead of 7.23', whose side yards will be 4' each instead of 5.6' each, and whose rear yard will be 15' instead of 30' except the west 25' of the lot must contain a rear yard of 30' above the 1st story; and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993; and

WHEREAS, the district maps show that the premises is located in an R4 General Residence District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in an R4 General Residence District; that the subject site is a 56.88' x 60.28' lot presently used as a parking lot; that on May 19, 1993, the Zoning Administrator granted an Exception to the contract purchaser, David Schwartz, to permit the erection of a 2-story with basement single-family dwelling at the subject site, whose front yard will be 3.62' instead of 7.23', whose side yards will be 4' each instead of 5.6' each, and whose rear yard will be 15' instead of 30', except the west 25' of the lot must contain a rear yard of 30' above the 1st story; that the subject site lot has a 9' x 14' turn-around easement at the southwest corner of the lot per a 1990 agreement; that the proposed building will be built outside of said easement; that the appellant lives in a large 1-story condominium building just west of the subject site; that said building at this point is built from the front lot line on W. Draper Street to about 60 feet north and that the appellant's unit is in the rear 30 feet and has all of its windows in the east wall facing the subject site; that the appellant's unit has a 10 foot garden area to the east enclosed with an 8 feet high solid fence; that the original plan for a 2-story building at the subject site was changed to

MINUTES OF MEETING

September 17, 1993

Cal. No. 283-93-A

reflect a 1-story portion at its northwest corner; that the appellant's objection to the granting of the Exception by the Zoning Administrator is because of the unstated height of the 1-story portion of the proposed building which they believe, if it exceeds 10 feet in height, will have a detrimental effect upon the view from their bedroom windows; that the Board finds that the City's Sanborn Map for this block of W. Draper Street depicts that most of the improvements have front, side and rear yards similar to the yards granted by the Zoning Administrator; that no reasonably sized dwelling could be erected at the subject site without the grant of an Exception or Variation due to the easement and size of the lot; that the original plan for the building at the subject site was changed to reflect only 1-story at its northwest corner in deference to the appellant; that the proposed building will be at least 14 feet distant from the appellants' windows; that no matter what height the 1-story portion of the proposed building will be, the appellants will still have the balance of the building in view from their windows; that no evidence was presented that would indicate that the Zoning Administrator did not use proper judgement in granting the aforesaid Exception for the proposed building at the subject site; it is therefore

RESOLVED, that the appeal be and it hereby is denied and the decision of the Zoning Administrator which permitted the erection of a 2-story single-family dwelling whose front yard will be 3.62' instead of 7.23', whose side yards will be 4' each instead of 5.6' each, and whose rear yard will be 15' instead of 30' except the west 25' of the lot must contain a rear yard of 30' above the 1st story, on premises at 1250 W. Draper Street, be and it hereby affirmed.

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

APPLICANT: Archie Humbert

CAL. NO. 32-93-S

APPEARANCES FOR:

MAP NO. 14-F

APPEARANCES AGAINST:

MINUTES OF MEETING

September 17, 1993

PREMISES AFFECTED— 6100-6258 S. State Street

SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

THE VOTE

Case continued to
January 21, 1994.

Joseph J. Spingola
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Gigi McCabe-Miele
Thomas S. Moore

AFFIRMATIVE NEGATIVE ABSENT

AFFIRMATIVE	NEGATIVE	ABSENT
x		
x		
x		
x		
x		

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

APPLICANT: Wolcott Rescue Mission, by Bernard I. Citron

CAL. NO. 197-93-S

APPEARANCES FOR:

MAP NO. 14-H

APPEARANCES AGAINST:

MINUTES OF MEETING
September 17, 1993

PREMISES AFFECTED— 5711 S. Wolcott Avenue

SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

Application withdrawn
upon motion of applicant.

THE VOTE

Joseph J. Spingola
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Gigi McCabe-Miele
Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Gigi McCabe-Miele	X		
Thomas S. Moore	X		

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

APPLICANT: Frank J. Ochal/Just Pawn

CAL. NO. 198-93-S

APPEARANCES FOR:

MAP NO. 7-J

APPEARANCES AGAINST:

MINUTES OF MEETING
September 17, 1993

PREMISES AFFECTED— 3325 W. Belmont Avenue

SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

THE VOTE

Application withdrawn upon motion of applicant.

Joseph J. Spingola
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Gigi McCabe-Miele
Thomas S. Moore

AFFIRMATIVE NEGATIVE ABSENT

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

APPLICANT: Old Reliable Pawnbrokers, Inc.
 APPEARANCES FOR: William Hennessey
 APPEARANCES AGAINST:
 PREMISES AFFECTED— 330 E. 47th Street
 SUBJECT— Application for the approval of a special use.

CAL. NO. 199-93-S
 MAP NO. 10-E
 MINUTES OF MEETING
 June 18, 1993 and
 September 17, 1993

ACTION OF BOARD—

Application approved.

THE VOTE

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Gigi McCabe-Miele	X		
Thomas S. Moore	X		

THE RESOLUTION:

WHEREAS, Old Reliable Pawnbrokers, Inc., for Bank of Ravenswood, Tr. #259424, owner, on May 4, 1993, filed an application for a special use under the zoning ordinance for the approval of the location and the re-establishment of a pawn shop in a 1-story brick building, in a B4-3 Restricted Service District, on premises at 330 E. 47th Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered April 27, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17, of the Municipal Code of Chicago, specifically, §8.4-4(8)."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 18, 1993 and September 17, 1993 after due notice thereof by publication in the Chicago Sun-Times on June 1, 1993; and

WHEREAS, the district maps show that the premises is located in a B4-3 Restricted Service District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in a B4-3 Restricted Service District; that the subject site is improved with a 1-story brick commercial building; that the applicant proposes to re-establish a pawn shop at the subject site; that the subject premises has been continuously occupied by a licensed pawnshop for approximately 40 years; that the proposed use is necessary for the public convenience at this location to continue a necessary service in this community; that the public health, safety and welfare will be adequately protected in the design, location and operation of the proposed use which will be operated in compliance with all applicable city and state ordinances governing the establishment and operation of pawn shops; that the proposed use will be compatible with existing business improvements in the area and will not cause substantial injury to the value of other property in the neighborhood; it is therefore

RESOLVED, that the application for a special use be and it hereby is approved and the Zoning Administrator is authorized to permit the re-establishment of a pawn shop in a 1-story brick building, on premises at 330 E. 47th Street, upon condition that all applicable city and state ordinances governing the establishment and operation of pawn shops shall be complied with; and that all other applicable City of Chicago ordinances shall be complied with before a permit is issued.

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

APPLICANT: Chicago Double Drive-Thru, Inc.

CAL. NO. 200-93-S

APPEARANCES FOR:

MAP NO. 11-M

APPEARANCES AGAINST:

MINUTES OF MEETING

September 17, 1993

PREMISES AFFECTED— 5958 W. Montrose Avenue

SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

THE VOTE

Application withdrawn upon motion of applicant.

Joseph J. Spingola
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Gigi McCabe-Miele
Thomas S. Moore

AFFIRMATIVE	NEGATIVE	ABSENT
x		
x		
x		
x		
x		

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

APPLICANT: Chicago Double Drive-Thru, Inc.
 APPEARANCES FOR: Nicholas M. Spina
 APPEARANCES AGAINST:

CAL. NO. 201-93-S
 MAP NO. 11-G
 MINUTES OF MEETING
 September 17, 1993

PREMISES AFFECTED— 1144-48 W. Wilson Avenue
 SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

THE VOTE

Application approved.

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Gigi McCabe-Miele	X		
Thomas S. Moore	X		

THE RESOLUTION:

WHEREAS, Chicago Double Drive-Thru, Inc., for Midwest Bank & Trust Co., Trust No. 86-01-4916, owner, on April 30, 1993, filed an application for a special use under the zoning ordinance for the approval of the location and the establishment of a drive-through facility in conjunction with a proposed Checkers restaurant, in a B4-3 Restricted Service District, on premises at 1144-48 W. Wilson Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered April 15, 1993, reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Title 17, of the Municipal Code of Chicago, specifically, §8.3-4."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 17, 1993 after due notice thereof by publication in the Sun-Times on June 1, 1993; and

WHEREAS, the district maps show that the premises is located in a B4-3 Restricted Service District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in a B4-3 Restricted Service District; that the applicant proposes to establish a single-lane drive-through facility in conjunction with a proposed Checkers restaurant at the subject site, as indicated in revised site plans submitted, dated July 6, 1993; that the proposed use is necessary for the public convenience at this location to provide a service necessary in today's fast food operations; that the public health, safety and welfare will be adequately protected in the design, location and operation of the proposed use to be improved and operated under the conditions hereinafter set forth; that the proposed use which will be located on a corner lot will be compatible with existing business improvements in the area and will not cause substantial injury to the value of other property in the neighborhood; it is therefore

RESOLVED, that the application for a special use be and it hereby is approved and the Zoning Administrator is authorized to permit the establishment of a single-lane drive-through facility in conjunction with a proposed Checkers restaurant, on premises at 1144-48 W.

MINUTES OF MEETING

September 17, 1993

Cal. No. 201-93-S

Wilson Avenue, upon condition that the aforesaid single-lane drive-through facility shall be constructed in accordance with plans submitted, dated July 6, 1993; that ingress to the drive-through facility shall be from N. Racine Avenue; that egress from the drive-through facility shall be onto W. Wilson Avenue; that lighted directional signs shall be erected at the established entrance and exit; that a "Stop-Do Not Enter" sign shall be erected at the W. Wilson Avenue exit; that a 6 feet high wood screening fence shall be erected on the north and east property lines; that there shall be no music speakers on the premises; that the hours of operation of the facility shall be limited from a normal starting time until 2 A.M. Monday through Thursday and until 3 A.M. Friday through Sunday; that all applicable provisions of the Chicago Landscape Ordinance shall be complied with; and that all other applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

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

APPLICANT: International Double Drive Thru, Inc.

CAL. NO. 202-93-S

APPEARANCES FOR:

MAP NO. 15-I

APPEARANCES AGAINST:

MINUTES OF MEETING
September 17, 1993

PREMISES AFFECTED— 3041-49 W. Peterson Avenue/5973-81 N. Lincoln Avenue

SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

THE VOTE

Case continued to
December 17, 1993.

Joseph J. Spingola
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Gigi McCabe-Miele
Thomas S. Moore

AFFIRMATIVE NEGATIVE ABSENT

AFFIRMATIVE	NEGATIVE	ABSENT
x		
x		
x		
x		
x		

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

APPLICANT: Piser Weinstein Menorah Chapels

CAL. NO. 203-93-S

APPEARANCES FOR:

MAP NO. 15-I

APPEARANCES AGAINST:

MINUTES OF MEETING

September 17, 1993

PREMISES AFFECTED— 3035-39 W. Peterson Avenue/5948-58 N. Whipple Street

SUBJECT— Application for the approval of a special use.

ACTION OF BOARD—

Case continued to
December 17, 1993.

THE VOTE

Joseph J. Spingola
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Gigi McCabe-Miele
Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Gigi McCabe-Miele	X		
Thomas S. Moore	X		

MINUTES OF MEETING
September 17, 1993

Member Fornelli moved that the Board do now adjourn.

The motion prevailed and the Board adjourned to meet in special meeting on September 24, 1993.

Marian Reeb

Secretary

MINUTES OF THE SPECIAL MEETING OF THE
ZONING BOARD OF APPEALS

held in Room 569 County Building, on Friday, September 24, 1993

at 9:00 A.M.

The following members were present and constituted a quorum:

Joseph J. Spingola
Chairman
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Gigi McCabe-Miele
Thomas S. Moore

MINUTES OF MEETING
September 24, 1993

Member McCabe-Miele moved that the Board approve the record of the proceedings of the regular meeting of the Zoning Board of Appeals held on August 20, 1993 (as submitted by the Secretary) as the minutes of said meeting.

The motion prevailed by yeas and nays as follows;

Yeas- Spingola, Fornelli, Martin, McCabe-Miele and Moore. Nays- None.

* * * * *

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

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

APPLICANT: Paxton Landfill Corporation

APPEARANCES FOR: Thomas S. Murphy

APPEARANCES AGAINST:

CAL. NO. 168-98-S

MAP NO. 28-C

MINUTES OF MEETING
September 24, 1993

PREMISES AFFECTED— Area bounded by E. 116th Street, S. Oglesby Avenue, E. 117th Street,
SUBJECT— S. Yates Avenue, E. 119th Street and S. Paxton Avenue, commonly known
as 11601 S. Paxton Avenue.

Application for the approval of a special use.

ACTION OF BOARD—

Application withdrawn,
without prejudice.

THE VOTE

Joseph J. Spingola
Anthony J. Fornelli
LeRoy K. Martin, Jr.
Gigi McCabe-Miele
Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Gigi McCabe-Miele	X		
Thomas S. Moore	X		

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

APPLICANT: Marcey Limited Partners, an Illinois Limited Partnership **CAL. NO.** 83-90-S
APPEARANCES FOR: Gregory H. Furda **MAP NO.** 5-G
APPEARANCES AGAINST: Martin J. Oberman **MINUTES OF MEETING**
 September 24, 1993

PREMISES AFFECTED— 1780 North Marcey Street
SUBJECT— Circuit Court Remand: Re: Finkl & Sons, Inc., et al. v. ZBA
 No. 90 CH 12650 - Application for the approval of a special use.

ACTION OF BOARD—

Issues raised by the Court found not having any effect or impact on decision granting a special use.

THE VOTE

Joseph J. Spingola
 Anthony J. Fornelli
 LeRoy K. Martin, Jr.
 Gigi McCabe-Miele
 Thomas S. Moore

	AFFIRMATIVE	NEGATIVE	ABSENT
Joseph J. Spingola	X		
Anthony J. Fornelli	X		
LeRoy K. Martin, Jr.	X		
Gigi McCabe-Miele	X		
Thomas S. Moore	X		

THE RESOLUTION:

WHEREAS, Marcey Limited Partners, an Illinois Limited Partnership, for American National Bank & Trust Co., Tr. #109779-08 (the owner, also known as the "Applicant-Defendant") on February 1, 1990, filed and subsequently amended an application for a special use under the Chicago Zoning Ordinance and Chapter 194D for the approval of the location and establishment of retail and service uses in a proposed 2-story building, in the Clybourn Corridor Planned Manufacturing District, on premises located at 1780 N. Marcey Street; and

WHEREAS, on December 6, 1990, the Zoning Board of Appeals approved the special use application authorizing specific enumerated uses in a proposed maximum 62,000 sq. ft. building and in an existing 10,000 sq. ft. building subject to certain restrictions governing authorized uses, traffic and parking; and

WHEREAS, on December 31, 1990, a lawsuit (90 CH 12650) was filed by A. Finkl & Sons Company, General Iron Industries, Inc., Republic Pipe & Supply Company and the LEED Council (collectively known as the "Objectors-Plaintiffs") in the Circuit Court of Cook County ("Court") challenging the Zoning Board of Appeals decision approving the special use application; and

WHEREAS, on June 28, 1991, the Court remanded this matter to the Zoning Board of Appeals to examine two issues: First, the impact of traffic generated by the proposed project on surrounding existing businesses; and second, the effect of dust and pollution currently in the area on shopping mall workers and customers to the mall; and

WHEREAS, on October 25, 1991, in response to the Court's directive, the Zoning Board of Appeals held a special hearing to receive testimony and examine evidence introduced to address these two issues, and found that the evidence with respect to these issues favored the Applicant-Defendant, Marcey Limited Partners; and

WHEREAS, on April 9, 1992, the Court again issued an order remanding the matter to the Zoning Board of Appeals for hearing on the effect on the application for special use for 1780 N. Marcey Street of: First, the failure to pay real estate taxes with respect to the 1800 N. Clybourn property; and second, all issues relating to the filing of a foreclosure action, any disposition thereof, and the appointment of a receiver for the 1800 North Clybourn property; and

MINUTES OF MEETING

September 24, 1993

Cal. No. 83-90-S

WHEREAS, on September 24, 1993, in response to the Court's direction, the Zoning Board of Appeals held a special hearing to receive testimony and examine evidence introduced to address these issues; and

WHEREAS, at the special hearing, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact regarding the issues in the Court's April 9, 1992 remand order; that the 1800 N. Clybourn property in zoned Commercial Planned Development and is situated in the buffer area of the Planned Manufacturing District No. 1; that at the time of the grant of a special use application in December, 1990 for the establishment of retail uses at 1780 N. Marcey Street, the applicant, Marcey Limited Partners, also controlled the ownership of the 1800 N. Clybourn property which contained retail/service uses; that subsequent to the special use grant, the Applicant lost their ownership of the 1800 N. Clybourn property due to foreclosure; that the real estate taxes for the property became delinquent, but were eventually paid prior to the transfer of title to the mortgagee; that the now proposed owner/developer of 1800 N. Clybourn will continue to use the property for retail use, although a smaller development than the previous use; that the Board's resolution states that a pedestrian sky bridge would extend across N. Marcey Street connecting the proposed building to the existing retail/entertainment center located at 1800 N. Clybourn Avenue; that no agreement presently exists between the Applicant-Defendant and the proposed developer/owner of the 1800 N. Clybourn property for the erection of said sky bridge; that the Board's resolution also states that the proposed Marcey Street development will help enhance the viability of the retail/service uses in the building at 1800 N. Clybourn Avenue and will be compatible with the other uses in the buffer area; and

WHEREAS, the Board finds that none of the events regarding the Applicant-Defendant's loss of ownership of the 1800 N. Clybourn property have any effect or impact on the Board's grant of the special use for the establishment of retail uses at 1780 N. Marcey Street; that the proposed developer of the 1800 N. Clybourn property will continue to use the property for retail purposes; that the Board's grant of a special use for the establishment of retail uses at 1780 N. Marcey Street was based upon the applicant satisfactorily meeting the many standards required for the establishment of retail uses in the buffer area of the Planned Manufacturing District; and that while there was consideration regarding the possible "synergy" between the proposed retail uses at the subject site and the retail/service uses at 1800 N. Clybourn Avenue, this was not the determinative factor in the granting of the special use; it is therefore

RESOLVED, that on remand by the order of the Court, with respect to the issues raised by the Court, the Zoning Board of Appeals finds that none of the events regarding the Applicant-Defendant's loss of ownership of the 1800 N. Clybourn property have any effect or impact on the Board's decision granting a special use for the establishment of retail uses at 1780 N. Marcey Street.

MINUTES OF MEETING
September 24, 1993

Member Moore moved that the Board do now adjourn.

The motion prevailed and the Board adjourned to meet in regular meeting on October 15, 1993.

Mariani Ruet

Secretary