

ZONING BOARD OF APPEALS
CITY OF CHICAGO

City Hall Room 905
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-5777



JUN 07 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

EZPAWN Illinois Inc.
APPLICANT

22-13-S
CALENDAR NUMBER

3318 North Milwaukee Avenue
PREMISES AFFECTED

March 15, 2013
MINUTES OF MEETING

Amy Kurson
APPEARANCE FOR APPLICANT

Objectors
APPEARANCE AGAINST APPLICATION

NATURE OF REQUEST

Application for a special use permit for the establishment of a proposed pawn shop.

ACTION OF BOARD

THE VOTE

The application for special use is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy Martinez-Faye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shiela O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geraldine McCabe-Miele	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

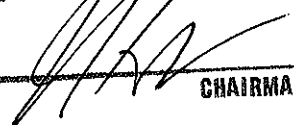
THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2013, after due notice thereof as provided under MCC Section 17-13-0107B and by publication in the Chicago Sun Times; and

WHEREAS, Ms. Harriet Price testified in support of the Application and she stated in her testimony that she owns the property at 3318 North Milwaukee Avenue which is the location where the proposed special use is located (the "Subject Property"); she strongly encourages the Board to grant the Special Use as there are many vacant properties on Milwaukee and the Subject Property has been vacant and losing money for over three years; and

WHEREAS, Jamie Morales testified in support of the application and in that testimony he stated that he is project manager of the applicant; that the applicant corporation both makes loan using property for collateral as well as buys and sells

APPROVED AS TO SUBSTANCE


CHAIRMAN

merchandize from its locations; that the store will offer pawn loans, will not sell guns, will not make payday loans, the applicant will invest over \$350,000.00 in the premises; that the applicant maintains pawnshops throughout the country; and that many security measures are in place to deter theft and fencing of stolen goods in the applicant's pawn shops; and

WHEREAS, Mr. Ed Vers testified in support of the application; Mr. O'Brien stated that he is an appraiser and his credentials as an expert were acknowledged by the Board; he stated that he examined the area for his analysis and ranged over a mile in each direction from the subject property assessing the number and types of businesses, counting the vacant storefronts and that there currently exists some thirty-two vacant storefronts in the surrounding area; he further stated that it is his opinion that the granting of the special use and the resultant pawn shop will have no adverse effect on the surrounding community as the large number of vacant storefronts are a drag on the local economy and that additional businesses such as the pawn shop result in more sales and real estate taxes being generated; and

WHEREAS, Mr. Steve Lennet testified in support of the application; his credentials as an expert urban planner were acknowledged by the Board; his report was submitted and accepted by the Board and he testified to certain pertinent highlights: that currently a improved with a single story building; The applicant proposes to open a pawn shop after renovating the building; that the building and the use complies with all applicable standards of the Zoning Ordinance; that utilizing the storefront is in the interest of the public convenience and such use as a pawnshop will not have a significant adverse impact on the general welfare of the neighborhood or community; that the existing building exterior is not being altered and that exterior is already compatible with the character of the surrounding area in terms of site planning and building scale and project design; that the project is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and as the entrance is not being altered there will be no ill effect on pedestrian safety and comfort; and

WHEREAS, Dr. George Frain testified in opposition to the application; he stated that he owns a dental practice near the subject property that he does not want a pawn shop close to his business; this type of business will detract from development in the neighborhood; and

WHEREAS, the staff report of the Zoning division of the Department of Housing and Economic Development recommended disapproval of the application; therefore,

Pursuant to Section 17-13-905 of the Chicago Zoning Ordinance, the Board makes the following findings with reference to the Applicant's application for a Special use Permit:

1. the application complies with all standards of the Zoning Ordinance;

2. the application is in the interest of the public convenience and will not have an adverse affect on the general welfare of the neighborhood in that the general concerns of the objectors that the pawn shop business which will result upon granting of the Special Use will not be sustainable (in that another pawn shop is located a few blocks west of the subject property) is not substantiated by the evidence presented to the board;
3. as characteristics of the special use such as the building's entrance already exists and will not be altered it is compatible with the character of the surrounding neighborhood in terms of building scale and project design;
4. as the building exists and will not be changed in its dimensions, and as the plan for the pawn shop's operation is reasonable, the proposed use is compatible with the character of the surrounding area in terms of operation, lighting and noise;
5. the proposed project is designed to promote pedestrian traffic; no testimony was presented contraverting the expert testimony in support of the application.

As the standards for granting a special use have been met, the Zoning Board of Appeals hereby approves the requested special use application.

RESOLVED, the Board finds that the applicant has proved a prime facie case by testimony and evidence covering the six specific criteria of Section 17-13-905-A of the Chicago Zoning Ordinance.

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

This is a final decision subject to review under the Administrative Review Law (735 ILCS 5/3).

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

APPLICANT: Inner City Youth and Adult FD.

CAL NO.: 23-13-S

APPEARANCE FOR:

MINUTES OF MEETING:
March 15, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 4500 S. Michigan Avenue


NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of community center within an existing three-story building with basement.

ACTION OF BOARD-
CASE CONTINUED TO APRIL 19, 2013

THE VOTE

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Inner City Youth and Adult FD

CAL NO.: 24-13-S

APPEARANCE FOR:

MINUTES OF MEETING:
March 15, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 4500 S. Michigan Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a transitional residence within an existing three-story building with basement.

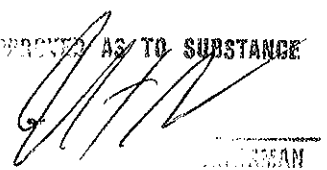
ACTION OF BOARD-
CASE CONTINUED TO APRIL 19, 2013

THE VOTE

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



JONATHAN SWAIN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

City Hall Room 905
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-5777



JUN 07 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Boom Real Estate Development, LLC
APPLICANT

62-13-S
CALENDAR NUMBER

1016-28 W. Wilson Avenue
PREMISES AFFECTED

March 15, 2013
MINUTES OF MEETING

Graham Grady, Shevsky & Froelich
APPEARANCE FOR APPLICANT

Patrick Kanicky
APPEARANCE AGAINST APPLICATION

NATURE OF REQUEST

Application for a special use permit for the establishment of a 2-lane drive through to serve a proposed restaurant (the "Application").

ACTION OF BOARD

THE VOTE

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

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy Martinez-Faye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geraldine McCabe-Miele	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Tora <u>RECUSED</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FACTS

The property which is the subject of the Application, 1016-28 W. Wilson Avenue is located in a B3-2 zoning district. The property is currently improved with a parking lot. Boom Real Estate Development, LLC ("Sonic" also, the "Applicant") proposes to construct a newly constructed restaurant building with two drive-through lanes.

TESTIMONY

Mark Kaneer testified in support of the application. Mr. Kaneer testified that he is the Director of Real Estate for the Applicant and in his testimony he described the site plan, and the planned improvements including the new construction of the restaurant building; and

Mr. Terrence O'Brien testified in support of the Application; in that testimony he stated that he is a licensed real estate appraiser and prepared a report after inspecting the

APPROVED AS TO SUBSTANCE

CHAIRMAN

surrounding area and the **Subject Property**; further he testified that the Application complies with all applicable **standards** of this Zoning Ordinance; that it is in the interest of the public convenience and **will** not have a significant adverse impact on the general welfare of the neighborhood or **community**; that it is compatible with the character of the surrounding area in terms of **site planning** and building scale and project design; that it is compatible with the character of the surrounding area in terms of operating characteristics such as hours of operation, **outdoor** lighting, noise, and traffic generation; and it is designed to promote pedestrian **safety** and comfort; and

Mr. Peter Lemon, traffic **consultant**, testified in support of the application. His report was marked as an exhibit and **accepted** into evidence by the Board. that the traffic site plan was designed to accommodate **pedestrian** and vehicular traffic and that it reduces the negative impact on West-bound **Wilson Avenue**; he also testified that the relevant aspects of the site plan and proposed **construction** were designed specifically for traffic safety and that considering **Sonic's unique** park and eat model that the traffic plan allows specifically for keeping traffic **moving** in the parking lot as well as off the major thoroughfares around this location. He believes that the plan is the best option presented by the available space; and, he **stated** that the Chicago Department of Transportation has approved the traffic plan for the **Application**; and

Mr. Grady moved to introduce into the record five exhibits marked for designation purposes as Exhibits A - E which included the architect's and traffic engineer's reports; two letters of support from the **Alderman** of the ward in which the Subject Property is located; the exhibits were **accepted** by the Chairman into evidence; and

The Zoning Administrator's report recommended approval of the Application for the Special Use but suggests it be **subject** to the conditions that it be conditional upon **DHED** approval of building elevations and building materials and that the Applicant utilize brick and stone on facades of the proposed building; and

Mr. Patrick Kanicky testified in **opposition** to the application; in his testimony he stated that he lives next door to the **Subject Property** in the neighboring apartment building. He is concerned about traffic, crime, vagrancy and loitering around and in the restaurant at the Subject Property as the Applicant's restaurant encourages customers to stay and eat in the restaurant (or in their car in the parking lot); excessive noise and trash accumulation; and

FINDINGS

Pursuant to Section 17-13-905 of the Chicago Zoning Ordinance, the Board makes the following findings with reference to the Applicant's application for a Special use Permit:

1. the application complies with all standards of the Zoning Ordinance;
2. the application is in the interest of the public convenience and will not have an adverse affect on the general welfare of the neighborhood;

3. the proposed building and drive-through lanes are compatible with the character of the surrounding neighborhood in terms of building scale and project design;
4. the proposed project is compatible with the character of the surrounding area in terms of operation, lighting, and noise;
5. the proposed project is designed to promote pedestrian traffic.

CONCLUSION

As the standards for granting a special use have been met, the Zoning Board of Appeals hereby approves the requested special use application.

The Board imposes the condition that the grant of Special Use be contingent upon DHED approval of building elevations and building materials and that brick and stone be utilized on the building's facades.

This is a final decision subject to review under the Administrative Review Law (735 ILCS 5/3).

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

APPLICANT: Sarah's Circle **CAL NO.:** 64-13-S
APPEARANCE FOR: David Nodsefsky **MINUTES OF MEETING:**
APPEARANCE AGAINST: None April 19, 2013
PREMISES AFFECTED: 4750 N. Sheridan Road

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of temporary overnight shelter within an existing eight-story building.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUN 07 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
 GIGI McCABE-MIELE
 SAM TOIA
 JUDY MARTINEZ-FAYE
 SHEILA O' GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

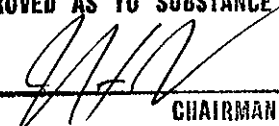
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 4, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant testified that Sarah's Circle will be providing services for women that formerly utilized another shelter in that area that has ceased operating; the applicant shall be permitted to establish a temporary overnight shelter for women that shall be located with an existing eight story building; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; testimony was also offered that the use is only replacing another shelter and not adding an additional shelter to the area; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the temporary overnight shelter, provided the development is constructed consistent with the floor plan dated January 24, 2013 by Perkins + Will.

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT:

George Garcia

CAL NO.: 68-13-S

APPEARANCE FOR:

MINUTES OF MEETING:

May 17, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED:

5091 S. Archer Avenue

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

ACTION OF BOARD-
denied

THE VOTE

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O' GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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JUN 27 2013

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

George Garcia
APPLICANT

68-13-S
CALENDAR NUMBER

5091 S. Archer Avenue
PREMISES AFFECTED

May, 17 2013
MINUTES OF MEETING

Pro Se
APPEARANCE FOR APPLICANT

Thomas Baliga, Michelle Murphy
OBJECTORS

NATURE OF REQUEST

Application for a special use to permit the establishment of a tattoo shop.

ACTION OF BOARD

THE VOTE

The application for a special use is denied.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy Martinez-Faye	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Geraldine McCabe-Miele	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

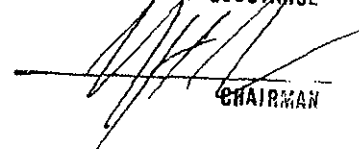
THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. George Garcia, the Applicant, testified in support of the application; that he wishes to establish a tattoo shop on the subject property; that the subject property is located in a general commercial area; that his proposed hours of operation are: Monday through Friday, 11 AM – 9 PM; Saturday, 12 PM – 5 PM; and no hours on Sunday; that he would establish four tattooing stations at the proposed shop; that he plans to have five employees, including himself and his fiancée; that he has all the applicable certifications in bloodborne pathogens; that he has sixteen years experience in the tattoo industry; that he began working in tattoo shops at around fifteen years of age; that he has experience in managing tattoo shops; and

WHEREAS, Mr. Steve Vertin, testified in support of the application; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that his

APPROVED AS TO SUBSTANCE


CHAIRMAN

report on the subject property was submitted and accepted by the Board; that he has physically inspected the subject property and its surrounding area; that the proposed special use would comply with all standards of the Zoning Ordinance; that the proposed special use is in the interest of the public convenience and would not have a significant adverse impact on the general welfare of the neighborhood; that he has no evidence and has never seen any evidence that a tattoo shop causes a devaluation in surrounding property; that the proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design; that the proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; that the special use is designed to promote pedestrian safety and comfort; and

WHEREAS, Mr. Thomas Baliga, President of the Archer Heights Civic Association ("Civic Association"), testified in opposition to the application on behalf of the Civic Association; that the Civic Association represents over 750 families, businesses, and industries in the Archer Heights neighborhood; that Mr. Baliga claimed that the Applicant failed to send the required special use notification to all owners within 250 feet of the subject property; that tattoo shops are not viewed positively by many business owners in Archer Heights; that established businesses in the community will move out if the proposed special use is granted; that business property values will decline as a result; that tattoo shops attract gangs; that the community does not want their children exposed to either the tattoo shop or gang intimidation; that letters of objection have been sent to Alderman Burke by several members of the community; that these letters have been submitted by Alderman Burke to the staff of the Zoning Board of Appeals; and

WHEREAS, Ms. Michelle Murphy, Assistant Chief Administrative Officer to Alderman Edward Burke, testified in opposition to the application on behalf of Alderman Burke; that Ms. Murphy represented the Alderman; that the Alderman was in strong opposition to the proposed special use; that the Board had received the Alderman's written statement in regards to this matter; that she then read the Alderman's written statement into the record; that the written statement made the following objections: (1) that Mr. Garcia applied for permission to place a sign in the public way; (2) that the Alderman's staff asked to see Mr. Garcia's business license; (3) that Mr. Garcia stated a business license was not necessary to operate a tattoo shop; (4) that the Alderman's staff refused Mr. Garcia's request; (5) that the Alderman reviewed Mr. Garcia's special use application; (5) that the Alderman believes the information provided on the application shows that Mr. Garcia exaggerated his experience in the tattoo business which casts doubt on Mr. Garcia's ability to successfully own and operate a tattoo shop; (6) that when questioned directly about his experience by the Alderman's staff, Mr. Garcia stated he "used to hang out at his friend's tattoo shop"; (7) that Mr. Garcia has significantly remodeled the interior subject property; and (8) that City records fail to establish that Mr. Garcia obtained the necessary permits from the Department of Buildings to perform this work; and

WHEREAS, Mr. Garcia was granted permission to answer questions raised by the Board and by Objectors' testimonies; Mr. Garcia further testified that on the advice of his

contractors, he did not obtain permits for the remodeling of the interior of the subject property; that at age fifteen, he was allowed to observe tattoo artists; that at age sixteen, he was allowed to tattoo on oranges and fake skin; that at age seventeen, he was allowed to tattoo a person; that it was his understanding this was legal; that his experience in managing a tattoo shop consisted of "sitting in the front and talking to people" as well as "taking appointments"; that this management experience was not full-time; that he has not spent the last sixteen years as a full-time tattoo artist; that he spent eleven of these years in the banking industry; that during those eleven years, he sometimes worked part-time as a tattoo artist; that currently he is not working in the banking industry or as a tattoo artist and is instead a full-time student; that he "did not do [his] homework" in regards to what was required in operating a tattoo shop; and

WHEREAS, the staff of the Department of House and Economic Development recommended denial of the application as not being in the interest of the public convenience; and

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a Special Use:

1. The decision of the Zoning Board of Appeals to approve a special use application must be based solely on the approval criteria enumerated in Section 17-13-0905-A of the Chicago Zoning Ordinance;
2. The Applicant's testimony has been inconsistent and self-contradictory causing doubt on the veracity of his representations. In particular, Mr. Garcia's testimony that he has sixteen years experience in the tattoo industry cannot be reconciled with his admission that "he did not do [his] homework" in regards to what was required to operate a tattoo shop. The Applicant has therefore failed to demonstrate that he has adequate experience and training to operate the proposed tattoo shop in a manner compatible with the character of the surrounding area. As the Applicant did not demonstrate that he has adequate experience and training to operate the proposed tattoo shop in a manner compatible with the character of the surrounding area, the proposed tattoo shop would have a significant adverse impact on the general welfare of the neighborhood.

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

RESOLVED, the aforesaid Special Use application is hereby denied.

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

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

APPLICANT: Salon Elan Vital LLC **CAL NO.:** 70-13-S
APPEARANCE FOR: Barry Ash **MINUTES OF MEETING:**
March 15, 2013
APPEARANCE AGAINST: Tori Wakefield, Teresa Sullinger, Laila Morales
PREMISES AFFECTED: 4737 N. Damen Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

MAY 23 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEX FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

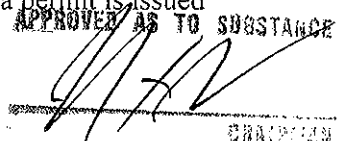
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 28, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant in this matter Mr. Anas Ihmoud is requesting to establish a beauty salon at this location which will offer nail services, hair cutting services and well as laser hair removal; the applicant has testified that his salon will offer services that are not currently offered at the other salons that are located in the area, Tori Wakefield testified in opposition to the special use being granted. She stated that she owns a salon which is located at 4705 N. Damen and that in her opinion, another salon being established would have a detrimental impact on her business. She also testified that parking in the area is already difficult and that another salon would just add to congestion in the area as well as reduce the already limited parking; Kareem Mussawwir ; expert for the applicant testified that although there are other salons in the immediate area they do not offer the types of services that the applicant will offer to the public; Mr. Musawwir testified that the salon would not have a negative impact on the surrounding community and is in character with the neighborhood; he further testified that the special use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the proposed beauty salon.

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

APPROVED AS TO SUBSTANCE

 JONATHAN SWAIN

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

APPLICANT: MK Investment Partners, LLC **CAL NO.:** 79-13-S

APPEARANCE FOR: James Banks **MINUTES OF MEETING:**
April 19, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 858 N. Franklin Street / 300-08 W. Chestnut

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of twenty-two residential parking spaces on the first floor of a proposed twenty-three dwelling unit building.

ACTION OF BOARD-
APPLICATION APPROVED

JUN 07 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

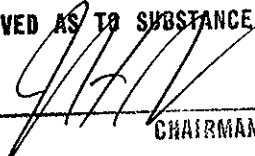
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 28, 2013; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the residential parking spaces, provided the development is constructed consistent with the building elevations and site/ landscape plan dated April 19, 2013 by Sullivan Goulette & Wilson, Ltd. .

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: MK Investment Partners, LLC **CAL NO.:** 80-13-Z

APPEARANCE FOR: James Banks **MINUTES OF MEETING:**
March 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 858-62 N. Franklin Street / 300-08 W. Chestnut

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to reduce the required rear yard setback from 30' to zero for a proposed twenty-three dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JUN 07 2013

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

THE RESOLUTION:

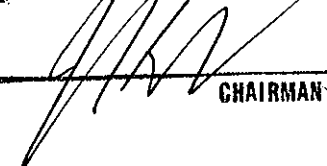
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on February 28, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant was granted a special use to establish twenty-two residential parking spaces at this location (Cal. No 79-13-S); the applicant shall now be permitted to reduce the required rear yard setback from 30' to zero for a proposed twenty-three dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: 2666 N. Orchard Inc.

CAL NO.: 81-13-Z

APPEARANCE FOR:

MINUTES OF MEETING:
May 17, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 2666 N. Orchard Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear yard setback from 43.68' to 35.94' and reduce the rear yard open space from 236.6 sq.ft. to 113 sq.ft. for a proposed three-story three dwelling unit building with a rear detached garage with roof deck.

ACTION OF BOARD-
WITHDRAWN ON MOTION OF THE APPLICANT

THE VOTE

JUN 25 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O' GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Kyle B. Sneed **CAL NO.:** 84-13-S
APPEARANCE FOR: Paul Kolpak **MINUTES OF MEETING:**
APPEARANCE AGAINST: None May 17, 2013
PREMISES AFFECTED: 1239 N. Paulina Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below second floor for a purposed three-story single-family residence with a detached garage.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUN 25 2013

CITY OF CHICAGO
 ZONING BOARD OF APPEALS

JONATHAN SWAIN
 GIGI McCABE-MIELE
 SAM TOIA
 JUDY MARTINEZ-FAYE
 SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 19, 2011 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 4, 2011; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a residential use below the second floor for a three-story single family residence; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; a variation was also granted to the subject site in Cal. No. 192-13-Z to reduce the north side setback to zero; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the residential use below the second floor, provided the development is constructed consistent with the site plan and building elevations dated May 17, 2013.

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

APPROVED AS TO SUBSTANCE

[Handwritten Signature]

 JONATHAN SWAIN

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

APPLICANT: Trust of Gertrude Kerbis,

CAL NO.: 90-13-Z

APPEARANCE FOR:

MINUTES OF MEETING:
March 15, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 55 W. Schiller Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required total side yard combination (with neither less than 2') from 4' to zero, reduce the front yard setback from 20' to 12.5' for a proposed parking space with front driveway access and a rear three-story addition and a fourth floor addition with a front and rear open deck on the fourth level and rear open deck to an existing three-story single family residence.

ACTION OF BOARD-
WITHDRAWN ON MOTION OF THE APPLICANT

THE VOTE

NOV 20 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
SAM TOIA
JUDY MATRINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

[Handwritten Signature]
CHAIRMAN

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

APPLICANT: Francesco Fazio & Loretta Lenzke **CAL NO.:** 92-13-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
 March 15, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1333 W. School Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required west side yard setback from 2' to zero (east side yard to be 3') and reduce the combined side yard setback from 5' to 3' for a proposed three-story single-family residence with a rear open second floor balcony and an attached garage.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

JUN 17 2013
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

JONATHAN SWAIN
 GIGI McCABE-MIELE
 SAM TOIA
 JUDY MARTINEZ-FAYE
 SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

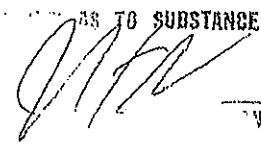
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 15, 2011, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on June 30, 2011 and

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

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

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

AS TO SUBSTANCE


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

APPLICANT: May Street, LLC **CAL NO.:** 95-13-S

APPEARANCE FOR: Graham Grady **MINUTES OF MEETING:**
March 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 216 N. May Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of residential use below the second floor within an existing four-story mixed use building.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

SEP 04 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 28, 2013; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the residential use below the second floor, provided the development is constructed consistent with the site/ landscape plan dated September 17, 2012 by Fitzgerald Associates .

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

AS TO SUBSTANCE
[Signature]

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

APPLICANT: Konstantinos Karamaniolos **CAL NO.:** 96-13-S

APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
March 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4774-76 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of expansion of an existing tavern.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 28, 2013; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the expansion of the existing tavern.

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

TO SUBSTANCE
[Signature]
TAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

City Hall Room 905
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-5777



JUN 7 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Radiant Outdoor, LLC

APPLICANT

97-13-A

CALENDAR NO.

2760 North Pine Grove Avenue

PREMISES AFFECTED

March 15, 2013

MINUTES OF MEETING

Joseph Gattusa, Shesky & Froelich, Ltd.

APPEARANCE FOR APPLICANT

Steven Valenziano

APPEARANCE FOR ZONING ADMINISTRATOR

NATURE OF REQUEST

Application for an appeal from the decision of the Zoning Administrator to not permit a 1,040 sq. ft./65' height off-premise/advertising sign on a pedestrian street, within the Lake Michigan and Chicago Lakefront Protection District, within 250' of a residential zoning district, and exceeding the maximum total sign area allowed in a B1 District.

ACTION OF BOARD

THE VOTE (A NEGATIVE VOTE DENIED THE APPLICATION)

The Application is denied and the decision of the Zoning Administrator is thereby affirmed.

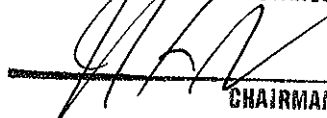
	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy Martinez-Faye	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Geraldine McCabe-Miele	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION OF THE BOARD

Whereas, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2013, after due notice thereof as provided under Chicago Municipal Code ("MCC") Section 17-13-0107-B and by publication in the Chicago *Sun-Times*; and

Whereas, the Zoning Administrator denied the application of Radiant Outdoor, LLC (the "Applicant") for a permit for a 1,040 sq. ft./65' height off-premise/advertising sign on a pedestrian street located at 2760 North Pine Grove Avenue (the "Subject Premises"), which is located within the Lake Michigan and Chicago Lakefront Protection District, and is within 250' of a residential zoning

APPROVED AS TO SUBSTANCE


CHAIRMAN

district, and which exceeds the maximum total sign area allowed in a B1 District (the "Application"); and

Whereas, the Applicant claimed legal non-conforming status for the signs at the Subject Property which would allow the Application to be granted as signs which pre-date 1990 are "grandfathered" and considered legal non-conforming signs and changes of content are permissible and in this instance should be permitted; and

Whereas, Joe Gattusa, counsel for the Applicant, summarized certain aspects of the Applicant's case and stated that although the ownership of the existing signs has changed, no time lag existed in the display of the signs at the Subject Property; in short (1) the sign which is the subject of the Application was legally established, (2) the sign has been in continuous use since being installed, and (3) is, therefore, a legal non-conforming use; hence, the evidence to be presented in support of Applicants' position is that a sign has always without interruption been displayed on the wall of the Subject Premises and that the signage has not changed in any way so as to be prohibited by the Code; and whether a permit was ever obtained, and if so whether such permit could be found; and the Application is only for one sign of two which currently exist on the wall of the Subject Property, the northernmost of the two signs on the west facing wall; and

Whereas, Joe Gattusa, counsel for the Applicant, submitted for introduction Applicant's exhibit book, consisting of some 30 entries including, but not limited to, a survey, the denial letter from the Zoning Administrator, photographs taken of the Subject Property and signs thereon, lease documents, zoning maps, excerpts from the City of Chicago's Zoning Ordinance, qualifications and CV of Mr. Robert Grella, of R. A. Grella & Associates; and counsel requested that the Board accept Mr. Grella's credentials and qualify him as an expert witness; and

Whereas, William Taglia Ferri testified in support of the Application; in that testimony he stated that he is an employee of the Applicant; that it is reasonable to believe that a sign was always displayed in the space as the lessor of the sign was paying rent and wouldn't pay rent for empty space; and

Whereas Mr. Kurt Schaffer testified in support of the Application; in that testimony he stated that he is an employee of Planned Realty Group and serves as its leasing manager; further he stated that the Applicant acquired the Subject Property in 1998, during the entire time since then he has been familiar with the Subject Property; he described the Subject Property as an eleven story brick exterior building with 130 dwelling units and four commercial spaces therein, that the building currently and has always complied with the Zoning regulations of the City of Chicago; and that there is a record of constant leasing of the sign space since 1998; that there is a photographic record of some of the signs that existed at the Subject Property; and that the building is inspected by the City of Chicago and no citation has been issued; and

Whereas Mr. Robert A. Grela testified in support of the Application; in that testimony he stated that he is the principal of Robert A. Grela & Associates and in that capacity he is a building code and zoning consultant and a licensed permit facilitator in Chicago, prior to establishing his company he was an employee of the City of Chicago's Buildings department and that as a permit facilitator he continues to work with the records of the Department of Buildings; further he stated that the City of Chicago often has no record of any permits authorizing construction of a building; in his testimony Mr. Grela identified specific instance when the Department of Buildings could not produce a permit or a permit history; and

Whereas Mr. Steven Valenziano testified on behalf of the Zoning Administrator in opposition to the Application; he stated that signs are often put up without a permit, in fact it is much more common for a sign to be put up without a permit than a building be erected without a permit; a permit would be needed for the installation of a sign other than a painted sign and the sign at the Subject Property has been changed from a painted sign to a vinyl sign without a permit; further Mr. Valenziano stated that (1) a permit should have been issued and that the City has no record of a permit being obtained, (2) it is the Applicant's burden to demonstrate and prove that a sign was lawfully established, (3) it is the burden of the Applicant to demonstrate and prove that a sign has always existed in the location of the sign which is the subject of the Application, (4) the photographs submitted by the Applicant in support of its position clearly depict that the sign has been altered over the years which renders it not the same sign as originally painted and, therefore, is proof of applicant not meeting the requisite criteria established in the City's ordinance controlling in this matter; and

FINDINGS AND RESOLUTION

Pursuant to Sections 17-13-1207 and 17-13-1208 of the Chicago Zoning Ordinance, the Zoning Board of Appeals may only sustain an appeal if it finds that the Zoning Administrator erred. The Board must grant a presumption of correctness to the Zoning Administrator's decision, and the burden of persuasion is on the appellant. Having fully heard the testimony and arguments of the parties, and being fully advised in the matter, the Zoning Board of Appeals now makes the following findings regarding the Applicant's appeal:

1. The Applicant provided proper notice, both by mail and by posting.
2. At issue is MCC 17-6.7-1(c) (1990) "A legal non-conforming sign shall not be altered, expanded, or relocated in any way, other than to perform normal and necessary repairs or to change copy of the sign"; Applicant maintains that the signs on the side of the building at the Subject Property have always been present since well prior to 1990

however has failed to prove that the sign was lawfully established nor that it was unchanged over the years. In fact, Applicant's own photos entered into evidence clearly demonstrate that the sign in question changed significantly enough that it can no longer be considered "grandfathered in" as a legal non-conforming use. The Board finds that the Applicant has failed to demonstrate that there has always been a legal non-conforming sign on the side of the building at the Subject Property.

3. The Board finds that the method by which the Applicant did affix a sign to the building at the Subject Property violated MCC 17-15-0504, and that by doing so is not "grandfathered in" nor is the sign legally non-conforming..

Therefore, the Board hereby affirms the decision of the Zoning Administrator and the Application is denied. This is a final decision subject to review under the Illinois Administrative Review Law (735 ILCS 5/3).



JUN 07 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Cornelia Commons Inc.

APPLICANT

665 West Cornelia Avenue

PREMISES AFFECTED

397-12-S

398-12-S

CALENDAR NUMBER

March 15, 2013

MINUTES OF MEETING

Thomas S. Moore
APPEARANCE FOR APPLICANT

Tom Tunney, Jamie Brewer
APPEARING IN OPPOSITION

NATURE OF REQUEST

Applications for a special use to permit the establishment of a vacation rental unit in the second and third floor units of a three dwelling-unit building at 665 West Cornelia Avenue (the "Application").

ACTION OF BOARD

THE VOTE

The applications for a Special Use permit in each matter is denied.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy Martinez-Faye	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Geraldine McCabe-Miele	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2013, after due notice thereof as provided under MCC Section 17-13-0107B and by publication in the Chicago Sun Times; and

WHEREAS, Rhaman Khan testified on behalf of the Application; in his testimony he stated that he is president of the corporation, Cornelia Commons, Inc. which is the applicant in this matter (the "Applicant"); he testified that he is relatively recently retired and needs the income from the proposed vacation rentals; he has implemented various screening methods to protect the neighbors from noise and "rowdy" guests in the

APPROVED AS TO SUBSTANCE

CHAIRMAN

proposed vacation rentals; that he has agreed to conditions to further protect the neighbors quiet enjoyment of their property; and

WHEREAS, Joseph Ryan testified on behalf of the Application; in his testimony he stated that he is the principle of LaSalle Appraisal Group and is an MAI appraiser; he reviewed the Subject Property and its environs; he further testified that the Application: complies with all applicable standards of this Zoning Ordinance, is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community, is compatible with the character of the surrounding area in terms of site planning and building scale and project design, is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation, and, is designed to promote pedestrian safety and comfort; and

WHEREAS Jamie Brewer testified in opposition to the Application and in his testimony stated that the Subject Property is currently operated "like a frat house," the President of the Applicant deserves an "F" for management and in support of his testimony presented to the Board documentation of complaints about the management of the Subject Property from numerous neighbors, that many children live immediately next to the Subject Property and noise, bottles, scuffles outside the building, all of which currently exist at the Subject Property, in totality describe a poorly run operation; and

WHEREAS, Tom Tunney, Alderman of the Ward in which the Subject Property is located testified in opposition to the Application and in his testimony he stated that he and his staff have been unable to arrange an agreement between the Applicant and the neighbors to facilitate the operation of the proposed vacation rentals; that numerous complaints have been received by his office, many "911" calls have been made regarding the Subject Property, that the Applicant has been cited many times for violations of the City's sanitation ordinances, and that the Applicant has been fined thousands of dollars for operating an unlicensed vacation rental business at the Subject Property; and

WHEREAS, the staff report of the Zoning division of the Department of Housing and Economic Development recommended approval of the applications.

FINDINGS

Pursuant to Section 17-13-905-A of the Chicago Zoning Ordinance, the Board makes the following findings with reference to the Application for a Special Use:

1. The decision of the Zoning Board of Appeals to approve a special use application must be based solely on the approval criteria enumerated in Section 17-13-905-A of the Chicago Zoning Ordinance.
2. The application does not comply with all standards of the Zoning Ordinance.
3. The vacation rentals will should the application be approved have an adverse effect on the general welfare of the neighborhood in that the President of the Applicant corporation has not demonstrated sufficient control over the premises to

ensure that the Subject Property and the guests therein will not be a disruptive influence in the neighboring community.

RESOLVED, the Board finds that the applicant has failed to prove a prime facie case by testimony and evidence covering the six specific criteria of Section 17-13-905-A of the Chicago Zoning Ordinance.

The aforesaid special use application be and it hereby is denied.

This is a final decision subject to review under the Administrative Review Law (735 ILCS 5/3).

ZONING BOARD OF APPEALS
CITY OF CHICAGO

City Hall Room 905
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-5777



JUN 07 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Terrence Lyons
APPLICANT

403-12-Z
CALENDAR NUMBER

1619-1625 West Irving Park Road
PREMISES AFFECTED

March 15, 2013
MINUTES OF MEETING

John Pikarski
APPEARANCE FOR APPLICANT

Objectors
OBJECTOR

NATURE OF REQUEST

Application for a special use to permit the establishment of a proposed rooftop patio on an existing restaurant (the "Application").

ACTION OF BOARD

THE VOTE

The application for a variation is approved subject to conditions.

Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy Martinez-Faye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shiela O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geraldine McCabe-Miele	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia RECUSED	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AFFIRMATIVE NEGATIVE ABSENT

THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2013, after due notice thereof as provided under MCC Section 17-13-0107 B and by publication in the Chicago Sun Times; and

WHEREAS, the applicant presented its case and an objector testified in opposition; and

WHEREAS, Jim Banks, counsel for the applicant, summarized the Applicant's case; and

WHEREAS, Mr. Terry Lyons (the "Applicant") testified in support of the Application; he stated that he is the owner of 1619-1625 West Irving Park Road (the "Subject Property") formerly has owned and operated a restaurant at the Subject Property, that after a fire he has decided to expand the restaurant, add a rooftop patio, and

APPROVED AS TO SUBSTANCE

CHAIRMAN

offer a different and expanded menu; that he has reached an agreement with the Alderman under which the restaurant will operate for the first Summer to be re-visited by the Alderman and the community in consultation with the witness; and

WHEREAS, Mr. Jonathan Split testified in support of the application; he stated that he is a licensed architect and in his testimony he stated that the Application: complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; and

WHEREAS, Mr. Joseph Ryan testified in support of the application; he stated that he is a licensed appraiser, President of LaSalle Partners; that he has prepared a report which was introduced into evidence, that he surveyed the area and that there are many rooftop being used as restaurants in the community; and

WHEREAS, the staff report of the Zoning division of the Department of Housing and Economic Development recommended approval of the application providing that the development be constructed consistent with the rooftop plan dated March 6, 2013, and architectural drawings and building elevations submitted March 13, 2013 by Jonathan Split, architects Ltd., and subject to all rooftop patio restrictions and requirements; and

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 with reference to the Applicant's application for a Special Use:

1. The decision of the Zoning Board of Appeals to approve a special use application must be based solely on the approval criteria enumerated in Section 17-13-905-A of the Chicago Zoning Ordinance.

2. The Board finds that the applicant has proved a prime facie case by testimony and evidence covering the five specific criteria of 17-13-905-A. (1) it complies with all applicable standards of the Zoning ordinance; (2) evidence was presented that the use will not cause substantial injury to the value of other property in the neighborhood in that the building shell already exists and will not be altered if the special use is granted, and it will be beneficial to the surrounding area in that additional parking will be a boon for the neighborhood; (3) the proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design in that the structure is already build and externally is consistent with the surrounding buildings; (4) is designed to promote pedestrian safety and comfort in that parking is needed in the area to accommodate visitors and residents

RESOLVED, the Board finds that the aforesaid special use application is hereby approved and the Zoning Administrator is authorized to permit said special use subject to the conditions that .

This is a final decision subject to review under the Administrative Review Law (735 ILCS 5/3).

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

APPLICANT: Terrence Lyons **CAL NO.:** 404-12-Z
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
March 15, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1619-25 W. Irving Park Road

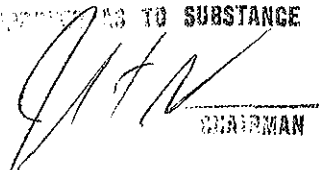
NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of public place of amusement license for an existing restaurant located within 125' of an RS zoning district.

ACTION OF BOARD-
WITHDRAWN ON MOTION OF THE APPLICANT

THE VOTE

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN