APPLICATION: KFC National Management Company

APPEARANCE FOR: Timothy K. Hinchman

APPEARANCES AGAINST: None

PREMISES AFFECTED: 7445 S. Stony Island Avenue*

NATURE OF REQUEST: Application for a special use under Article 11 of the zoning ordinance for the approval of the location and the establishment of a drive-through facility in conjunction with a proposed Kentucky Fried Chicken restaurant, in a C2-2 General Commercial District.

ACTION OF BOARD-- APPLICATION APPROVED.

THE VOTE

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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the proposed use is necessary for the public convenience at this location; that the proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be adequately protected; and that the proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; 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):

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

That the proposed drive-through facility shall be constructed consistent with the layout and design represented on the site plan and elevation drawings prepared by PFDA Incorporated, dated August 12, 2002, and that the final landscape plan shall be approved by the Department of Planning and Development.

*Amended at the public hearing.
APPLICATION DENIED FOR LACK
THREE AFFIRMATIVE VOTES.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2002, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the proposed use is to be located in a B4-1 Restricted Service District; that the subject site is improved with a multi-unit strip shopping mall; that the applicant proposes to establish a payday loan business in a store at the subject site; that the applicant business offers short-term loans to customers; that in order to obtain a loan the customer provides a post-dated check for the amount of the loan and interest; that the loans are for approximately 30 days; that the average loan is $200; that the proposed use will serve from 2 to 10 customers daily; that Chairman Spingola moved that the application be approved finding that the applicant met the applicable standards for the approval of a special use; that Member Konstantelos concurred in the motion; that Members McCabe-Miele and Crowe found that the applicant did not meet the standards necessary for approval of the request; it is therefore

RESOLVED, that the application for a special use is hereby denied for lack of three affirmative votes.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN
APPLICANT: Gene Stokes  CAL NO.: 285-02-S

APPEARANCE FOR: Margaret Meisner, Gene Stokes  MAP NO.: 13-G

APPEARANCES AGAINST: None  MINUTES OF MEETING:

PREMISES AFFECTED: 1136-38 W. Lawrence Avenue  August 16, 2002

NATURE OF REQUEST: Application for a special use under Article II of the zoning ordinance for the approval of the location and the expansion of an existing legal non-conforming tavern into an adjoining space within the existing 1-story building, in a B5-5 General Service District.

ACTION OF BOARD-- APPLICATION APPROVED.

THE VOTE

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the proposed use is necessary for the public convenience at this location; that the proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be adequately protected; and that the proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; 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):

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 806

APPLICANT: KFC of America, Inc.  CAL NO.: 286-02-S
APPEARANCE FOR: Timothy K. Hinchman  MAP NO.: 5-I
APPEARANCES AGAINST: None  MINUTES OF MEETING:
PREMISES AFFECTED: 2215 N. Washtenaw Avenue  August 16, 2002

NATURE OF REQUEST: Application for a special use under Article 11 of the zoning ordinance for the approval of the location and the establishment of a drive through facility in conjunction with a proposed Kentucky Fried Chicken/Pizza Hut restaurant, in a C3-1 Commercial Manufacturing District.

ACTION OF BOARD--

APPLICATION APPROVED.

THE VOTE

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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the proposed use is necessary for the public convenience at this location; that the proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be adequately protected; and that the proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; 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):

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

That the proposed drive-through facility shall be constructed consistent with the layout and design represented on the site plan and elevation drawings prepared by PFDA Incorporated, dated August 13, 2002, and that the final landscape plan shall be approved by the Department of Planning and Development.

[Approval by Chairman]
APPLICANT: Meier Ben Lulu

APPEARANCE FOR: David Wallach, Meier Ben Lulu

APPEARANCES AGAINST: None

PREMISES AFFECTED: 832 N. Racine Avenue/1210 W. Fry Street

NATURE OF REQUEST: Application for a special use under Article II of the zoning ordinance for the approval of the location and the establishment of an off-site accessory parking lot for the parking of 3 private passenger automobiles, in an R4 General Residence District, to satisfy the parking requirement for an existing building to be converted to 3 dwelling units, at 1210 W. Fry Street.

ACTION OF BOARD--

APPLICATION APPROVED.

THE VOTE

JOSEPH J. SPINGOLA
DEMETRI KONSTANTELOS
GIGI McCABE-MIELE
BRIAN L. CROWE

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2002, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on July 31, 2002; 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; that the proposed use is necessary for the public convenience at this location; that the proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be adequately protected; and that the proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; 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):

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

That the lot shall be used solely for the parking of private passenger automobiles and that no commercial vehicles shall be parked upon said lot at any time;

That the lot shall be improved with a compacted macadam base, not less than four inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material and properly graded to drain to a sewer or sewers located within the lot which shall be connected by drainage tiles to an established City of Chicago sewer;

(Additional conditions follow on page 48a.)
That the applicant shall install fencing and landscaping in compliance with the Chicago Landscape Ordinance;

That striping and lighting shall be provided;

That ingress and egress shall be via the alley abutting the site to the west, provided a waiver of the alley barrier requirement is obtained from the City Council;

That it shall be the responsibility of the applicant to improve and maintain the parking lot continuously in conformance with the provisions and standards hereby established under this order and with Section 5.8-5 of the zoning ordinance.
APPLICANT: Chicago Board of Education

APPEARANCE FOR: Rick Danaher

APPEARANCES AGAINST: None

PREMISES AFFECTED: 4153-59 W. Van Buren Street/407-09 S. Keeler Avenue

NATURE OF REQUEST: Application for a special use under Article 11 of the zoning ordinance for the approval of the location and the establishment of an off-site accessory parking lot for the parking of 25* private passenger automobiles, in an R4 General Residence District, to serve the existing elementary school located at 412 S. Keeler Avenue.

ACTION OF BOARD--

APPLICATION APPROVED.

APPEAL TO:

THE VOTE

JOSEPH J. SPINGOLA
DEMETRI KONSTANTELOS
LEROY K. MARTIN, JR.
GIGI MCCABE-MIELE
BRIAN L. CROWE

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the proposed use is necessary for the public convenience at this location; that the proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be adequately protected; and that the proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; 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):

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

That the lot shall be used solely for the parking of private passenger automobiles and that no commercial vehicles shall be parked upon said lot at any time;

That the lot shall be improved with a compacted macadam base, not less than four inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material and properly graded to drain to a sewer or sewers located within the lot which shall be connected by drainage tiles to an established City of Chicago sewer;

(Additional conditions follow on page 9a.)
That the applicant shall install fencing and landscaping in compliance with applicable provisions of the Chicago Landscape Ordinance;

That lighting and striping shall be provided;

That ingress and egress shall be from W. Van Buren Street; that the driveway shall be constructed in compliance with applicable ordinances; that there shall be no ingress nor egress from the alley abutting the site to the south;

That 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.

APPROVED AS TO SUBSTANCE

CHAIRMAN
APPLICANT: Chicago Board of Education

APPEARANCE FOR: Rick Danaher

APPEARANCES AGAINST: None

PREMISES AFFECTED: 4153-59 W. Van Buren Street/407-09 S. Keeler Avenue

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in an R4 General Residence District, the establishment of an off-site accessory parking lot for the parking of 25* private passenger automobiles, to serve the existing elementary school located at 412 W. Keeler Avenue, whose front yard will be 8' instead of 15'.

ACTION OF BOARD--

VARIATION GRANTED.

THE VOTE

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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that on August 16, 2002, the Zoning Board of Appeals, approved, in Cal. No! 288-02-S, the establishment of an off-site accessory parking lot for the parking of 25 private passenger automobiles, at the subject site, to serve the existing elementary school located at 412 S. Keeler Avenue; that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; that the plight of the owner is due to unique circumstances; that the variations, if granted, will not alter the essential character of the locality; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that 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.

*Amended at the public hearing.
APPLICANT: Ricardo Garcia

APPEARANCE FOR: James J. Banks

APPEARANCES AGAINST: 

PREMISES AFFECTED: 3016-28 S. Montgomery Avenue

NATURE OF REQUEST: Application for a special use under Article II of the zoning ordinance for the approval of the location and the establishment of an off-site accessory parking lot for the parking of private passenger automobiles, in a C2-2 General Commercial District, to serve the food store located at 4023 S. Archer Avenue.

ACTION OF BOARD-- APPLICATION APPROVED.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 21, 2003, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on August 16, 2002; 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: that the proposed use is necessary for the public convenience at this location; that the proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be adequately protected; and that the proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; 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) agreed to with the Brighton Park Neighborhood Council:

That security in the parking lot shall be increased during nights and weekends;

That the entrance and exit to the parking lot through the alley shall be blocked allowing only pedestrian traffic;

That a solid wall of at least 5 feet shall be constructed along Montgomery Avenue to buffer the parking lot from adjacent residential properties; that landscaping shall be provided in front of the aforesaid wall to deter graffiti;

That if the City permits, the alley exit onto Montgomery Avenue shall be eliminated;

That signs shall be posted on the subject property which indicates that Montgomery Avenue is a one-way street which prohibits right turns;

(Additional conditions follow on page 48a.)

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BAZ 16 PAGE 48 OF MINUTES
That the plastic flags hanging above the parking lot shall be removed;

That the parking lot shall be cleaned daily;

That the parking lot shall be secured by locking gates during all hours when the food store is not open;

That signs in English and Spanish designating a section of the parking lot for “Employee Parking Only” shall be provided;

That lighting shall be provided which is covered and directed away from abutting residential properties; and

further

That the applicant shall install landscaping and fencing in compliance with applicable provisions of the Chicago Landscape Ordinance; and

That all other applicable ordinances of the City of Chicago shall be complied with before a permit is issued.
APPLICANT: John Kreuger  CAL NO.: 291-02-Z

APPEARANCE FOR: Caroline A. Nash, John Kreuger  MAP NO.: 1-H

APPEARANCES AGAINST: Jonathan Leavitt  MINUTES OF MEETING: August 16, 2002

PREMISES AFFECTED: 2025-27 W. Race Street

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in an R4 General Residence District, the erection of a proposed 3-story 4 dwelling unit building, whose front yard will be 1' instead of 11', whose west side yard will be 2'-6" instead of 4'-8", whose east side yard will be 1'-10 3/8" instead of 4'-8", and whose rear yard will be 26'-8" instead of 30'.

ACTION OF BOARD-- VARIATIONS GRANTED.

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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 3, 2002, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on August 16, 2002; 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: that the proposed use is to be located in an R4 General Residence District, that the subject site is a 48' x 92' unimproved lot; that the applicant proposes to erect a 3-story 4 dwelling unit building at the subject site; that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; that the yard variations requested are necessary to provide adequate living space in the proposed 3-story 4 dwelling unit building; that the plight of the owner is due to the dimensions of the existing lot; that the proposed 3-story 4 dwelling unit building will be compatible with the existing residential improvements in the neighborhood, and that the variations, if granted, will not alter the essential character of the locality; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that 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

BAZ 15  PAGE 12 OF MINUTES
APPLICANT: Mario Martinez

APPEARANCE FOR: None

APPEARANCES AGAINST: None

MAP NO.: 4-E

MINUTES OF MEETING: October 18, 2002

PREMISES AFFECTED: 3255 W. Cermak Road

NATURE OF REQUEST: Application for a special use under Article 11 of the zoning ordinance for the approval of the location and the establishment of an off-site accessory parking lot for the parking of 5 private passenger automobiles, in a C1-2 Restricted Commercial District, to serve the grocery store located at 3247 W. Cermak Road.

ACTION OF BOARD-- CASE DISMISSED FOR WANT OF PROSECUTION.

THE VOTE

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Mario Martinez, applicant, presented a written request for an extension of time in which to obtain necessary permits for the establishment of an off-site accessory parking lot for the parking of 5 private passenger automobiles, in a C1-2 Restricted Commercial District, on premises to serve the grocery store located at 3247 W. Cermak Road, denied by the Zoning Board of Appeals, on October 18, 2002, in Cal. No. 292-02-S.

Chairman Spingola moved that the request for an extension of time be denied citing that the case was dismissed for want of prosecution. i.e. the applicant did not appear at the public hearing set for this application on October 18, 2002. The motion prevailed by yeas and nays as follows:

Yeas - Spingola, Crowe, Hubert, Konstantelos, McCabe-Miele. Nays - None.
APPLICANT: USA Payday Loans d/b/a Title Lenders, Inc. CAL NO.: 293-02-S

APPEARANCE FOR: Michael E. Fryzel, Jeffrey Silverman MAP NO.: 13-L

APPEARANCES AGAINST: Robert Bank, Greg Sedlacek

MAP NO.: 13-L

PREMISES AFFECTED: 4855A N. Milwaukee Avenue

MINUTES OF MEETING: August 16, 2002

PREMISES AFFECTED: 4855A N. Milwaukee Avenue

NATURE OF REQUEST: Application for a special use under Article 11 of the zoning ordinance for the approval of the location and the establishment of a payday loan facility in a store located in a multi-store strip mall, B5-3 General Service District.

ACTION OF BOARD-- APPLICATION DENIED.

THE VOTE

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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on July 13, 2002; 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; that the proposed use is to be located in a B5-3 General Service District; that the subject site is improved with the Veteran's Square Shopping and Office Mall; that the applicant is moving from its present site at 4070 N. Milwaukee Avenue and seeks to open a payday loan facility at the subject site; that no testimony was presented to indicate that the proposed use is necessary for the public convenience at the subject site; that testimony was presented to indicate that there are five other facilities which provide the same or similar services located within one mile of the proposed site; that no proof was presented to indicate that the establishment of a payday loan facility at the subject site would not cause substantial injury to the value of other property in the neighborhood; that the establishment of a payday loan facility at the subject site is not compatible with the existing business character of the area and would inhibit future business development; it is therefore

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

APPEARANCE FOR: Attila Demeter

APPEARANCES AGAINST: None

PREMISES AFFECTED: 3913 N. Ashland Avenue

NATURE OF REQUEST: Application for a special use under Article 11 of the zoning ordinance for the approval of the location and the establishment of residential use below the 2nd floor in a proposed 4-story 3 dwelling unit townhouse addition to an existing 3-story 2 dwelling unit building, in a B2-2 Restricted Retail District.

ACTION OF BOARD--

APPLICATION APPROVED.

THE VOTE

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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2002, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on August 16, 2002; 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; that the proposed use is necessary for the public convenience at this location; that the proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be adequately protected; and that the proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; 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):

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.
APPLICANT: James and Nancy Dugan
APPEARANCE FOR: Scott R. Borstein, James and Nancy Dugan
APPEARANCES AGAINST: None
PREMISES AFFECTED: 2039 N. Kenmore Avenue

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in an R4 General Residence District, the erection of a proposed 3rd floor addition with a rear 1-story roof deck and a 3-story metal spiral staircase, whose front yard will be 8.07' instead of 14.87', with no north side yard instead of 2'-6", and to increase the floor area by no more than 15% of the floor area in existence prior to the enactment of the 1957 comprehensive amendment to the zoning ordinance.

ACTION OF BOARD-- VARIATION GRANTED.

THE VOTE

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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; that the plight of the owner is due to unique circumstances; that the variations, if granted, will not alter the essential character of the locality; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that 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.
APPLICANT: Mary Beth Hawes

APPEARANCE FOR: None

APPEARANCES AGAINST: None

PREMISES AFFECTED: 456 W. 42nd Street

NATURE OF REQUEST: Objector's Appeal from the decision of the Office of the Zoning Administrator which granted an exception to the property owner of 456 W. 42nd Street, allowing the reduction of the east and west side yards to 1'-3" instead of 2'-6" in order to allow the construction of a 2-story single family residence, in an R3 General Residence District.

ACTION OF BOARD-- CASE DISMISSED FOR WANT OF PROSECUTION.

THE VOTE

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APPLICANT: Homer Denson*  
APPEARANCE FOR: Steven Fink  
APPEARANCES AGAINST: None  
PREMISES AFFECTED: 5533 S. Marshfield Avenue  
NATURE OF REQUEST: 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 RESOLUTION:

WHEREAS, Steven Fink, for Homer Denson, owner and appellant, as amended, on April 31, 2002, filed an appeal from the decision of the Office of the Zoning Administrator in refusing to certify a 2 dwelling unit building, in an R3 General Residence District, on premises at 5533 S. Marshfield Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered April 12, 2002, 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, Section 7.5-3."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002; and

WHEREAS, the district maps show that the premises is located in an R3 General Residence District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the said use is located in an R3 General Residence District; that the subject site is improved with a 2-story masonry residential building; that the instant appeal was originally filed with the Zoning Board of Appeals by Steven Fink, who testified that he is counsel for Homer Denson, the appellant in this case, as amended; that the appellant and counsel seek to appeal the decision of the Office of the Zoning Administrator in his refusal to re-issue or amend a zoning certification for two dwelling units; that the appellant’s counsel testified that due to a typographical error on his part, the zoning certification issued indicated the subject property as one single-family dwelling unit; that the appellant is now seeking to correct this error; that the evidence presented indicates that the subject property is a 2-story 2 dwelling unit gray-stone residential building; that no violation of the zoning ordinance exists nor is contemplated and that the appellant has established the basis of his appeal; that the appellant has a right to continue the occupancy of the subject building as 2 dwelling units; 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 2 dwelling units in the 2-story building on premises at 5533 S. Marshfield Avenue, upon condition that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

*Amended at public hearing.
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: Accurate Scale Company  
APPEARANCE FOR: Caroline Nash  
APPEARANCES AGAINST:  
PREMISES AFFECTED: 1735 W. 38th Street  
NATURE OF REQUEST: Appeal from the decision of the Office of the Zoning Administrator.  
ACTION OF BOARD--  

APPEAL WITHDRAWN UPON MOTION OF APPELLANT.  

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

APPLICANT: William Yoder, Jr.

APPEARANCES FOR: William Yoder, Jr.

APPEARANCES AGAINST: William Yoder, Jr.

PREMISES AFFECTED— 1058 N. Damen Avenue
SUBJECT— Appeal from the decision of the Office of the Zoning Administrator.

ACTION OF BOARD—

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

THE VOTE

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WHEREAS, William Yoder, Jr., for Edward W. Zaremba, owner, filed June 6, 1983, an appeal from the decision of the Office of the Zoning Administrator in refusing to permit the establishment of a second-hand and antiques store in the store on the first floor of a three-story brick store and apartment building, in an R4 General Residence District, on premises at 1058 N. Damen Avenue; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered May 26, 1983 reads:

"Application not approved. Requested certification does not conform with the applicable provisions of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, specifically, Section 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 August 19, 1983; and

WHEREAS, the district maps show that the premises are 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, finds in this case that the proposed use is to be located in a B2-2 Restricted Retail District in one store of a two-store unit in the building on the subject site; that a tavern, a B4 use, is located in the subject site building adjacent to the subject store; that a second hand and antiques store are uses under the B4 and B2 classifications; that the extension of the non-conforming use throughout the building is permitted under Section 6.4-6 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 second-hand and antiques store in the store on the first floor of a three-story brick store and apartment building on premises at 1058 North Damen Avenue, upon condition that the hours of operation shall be limited to the hours between 9 A.M. and 4 P.M., Monday through Saturday; and that all business activities shall be conducted within the premises and that no merchandise shall be displayed outside of the premises on the sidewalk; and that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

PAGE 33 OF MINUTES
APPLICANT: George M. Modzelewski

APPEARANCE FOR: George M. Modzelewski

APPEARANCES AGAINST: None

MINUTES OF MEETING:
October 18, 2002

PREMISES AFFECTED: 1000 N. Wolcott Avenue/1910 W. Augusta Boulevard

NATURE OF REQUEST: 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

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THE RESOLUTION:

WHEREAS, George Modzelewski, owner, on May 13, 2002, filed an appeal from the decision of the Office of the Zoning Administrator in refusing to permit the substitution of a dwelling unit for a former retail use on a lot which will have insufficient lot area and which will lack required parking, in an R4 General Residence District, on premises at 1000 N. Wolcott Avenue/1910 W. Augusta Boulevard.

WHEREAS, the decision of the Office of the Zoning Administrator rendered May 9, 2001, 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, Sections 5.5, 7.5-4, 7.12-2."

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2002; 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 125.17' lot located on the northwest corner of N. Wolcott Street and W. Augusta Boulevard; that the subject site is improved with a 3-story store and 2 dwelling unit building on the front of the lot which is additionally improved with a pre-existing non-conforming 3-story store and 2 dwelling unit building on the rear of the lot having the address of 1910 W. Augusta Boulevard; that the appellant seeks to convert the non-conforming store premises to dwelling units; that the 3-story building on the rear of the lot was constructed prior to the adoption of the 1957 comprehensive amendment to the zoning ordinance which renders the building a legal non-conforming structure; that the change of use from non-conforming store premises to conforming dwelling units 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 conversion of a non-conforming store premises on the first floor of a 3-story store and 2 dwelling unit building to a dwelling unit for a total of 3 dwelling units, and to permit the conversion of a non-conforming store premises in a pre-existing non-conforming 3-story store and 2 dwelling unit building on the rear of the lot to a dwelling unit for a total of 3 dwelling units, with no off-street parking required, on premises at 1000 N. Wolcott Avenue/1910 W. Augusta Boulevard, upon condition that the buildings are brought into compliance with applicable building code regulations with plans and permits obtained indicating such compliance.
WHEREAS, Robert A. Hurston, owner, on May 21, 2002, filed an appeal from the decision of the Office of the Zoning Administrator in refusing to permit the servicing and repair of computer and electronic equipment, in a 3-story brick multi-store and apartment building, in a B2-1 Restricted Retail District, on premises at 421 E. 75th Street; and

WHEREAS, the decision of the Office of the Zoning Administrator rendered April 5, 2002, 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, Section 8.3-2.”

and

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002; and

WHEREAS, the district maps show that the premises is located in a B2-1 Restricted Retail District; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings of fact: that the proposed use is to be located in a B2-1 Restricted Retail District; that the subject site is improved with a 3-story brick multi-store and apartment building; that the appellant proposes to operate a computer and electronic repair and servicing business in a store in the subject building; that the subject store premises has been previously occupied by business uses; that the proposed use is a proper substitution of use under Section 6.4-7 of the zoning ordinance; 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 reversed and he is authorized to permit the servicing and repair of computer and electronic equipment in a 3-story brick multi-store and apartment building, on premises at 421 E. 75th Street, upon condition that the hours of operation shall be limited to the hours between 11 A.M. and 7 P.M. Monday through Saturday; and that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.
APPLICANT: Michael Garrett
APPEARANCE FOR: None
APPEARANCES AGAINST: None
PREMISES AFFECTED: 6012 S. Princeton Avenue
NATURE OF REQUEST: Appeal from the decision of the Office of the Zoning Administrator.
ACTION OF BOARD--

CASE DISMISSED FOR WANT OF PROSECUTION.

THE VOTE

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JOSEPH J. SPINGOLA
DEMETRI KONSTANTELOS
LEROY K. MARTIN, JR.
GIGI McCABE-MIELE
BRIAN L. CROWE
APPLICANT: Guadalupe Castrejon

CAL NO.: 303-02-A

MAP NO.: 3-H

APPEARANCE FOR: None

APPEARANCES AGAINST:

PREMISES AFFECTED: 933 N. Wolcott Avenue

NATURE OF REQUEST: Appeal from the decision of the Office of the Zoning Administrator,

ACTION OF BOARD-- CASE DISMISSED FOR WANT OF PROSECUTION.

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LEROY K. MARTIN, JR.
GIGI McCABE-MIELE
BRIAN L. CROWE

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PAGE 24 OF MINUTES
APPLICANT: Anthony Ruh

APPEARANCE FOR: James J. Banks, Anthony Ruh

APPEARANCES AGAINST: None

PREMISES AFFECTED: 5401-05 W. Addison Street

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in a B2-2 Restricted Retail District, the erection of a proposed 3-story 8 dwelling unit building, whose north front yard will be 7'-6" instead of 15'.

ACTION OF BOARD--

VARIATION GRANTED.

THE VOTE

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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2002, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that on September 20, 2002, the Zoning Board of Appeals approved, in Cal. No. 305-02-S, the establishment of residential use below the 2nd floor in a proposed 3-story 8 dwelling unit building at the subject site; that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; that the plight of the owner is due to unique circumstances; that the variations, if granted, will not alter the essential character of the locality; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that 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.
APPLICATION: Anthony Rub

APPEARANCE FOR: James J. Banks, Anthony Rub

APPEARANCES AGAINST: None

PREMISES AFFECTED: 5401-05 W. Addison Street

NATURE OF REQUEST: Application for a special use under Article II of the zoning ordinance for the approval of the location and the establishment of residential use below the 2nd floor in a proposed 3-story 8 dwelling unit building, in a B2-2 Restricted Retail District.

ACTION OF BOARD--

APPLICATION APPROVED.

THE VOTE

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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 20, 2002, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the proposed use is necessary for the public convenience at this location; that the proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be adequately protected; and that the proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; 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):

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued;
APPLICATION:
Fredrick Bates & Ellen Benjamin

CAL NO.: 306-02-Z

APPEARANCE FOR:
James J. Banks, Fredrick Bates, Ellen Benjamin

MAP NO.: 7-F

APPEARANCES AGAINST:
None

MINUTES OF MEETING:
August 16, 2002

PREMISES AFFECTED:
622 W. Briar Place

NATURE OF REQUEST:
Application for a variation under Article 11 of the zoning ordinance to permit, in an R5 General Residence District, the erection of a 5th floor addition to an existing 4 and 5 story 4 dwelling unit building, whose front yard will be 7'-6" instead of 15', whose west side yard will be 1'-11" instead of 3.75', and whose building height will be 49' instead of 45'.

ACTION OF BOARD--

VARIATION GRANTED.

THE VOTE

JOSEPH J. SPINGOLA
X

DEMETRI KONSTANTELOS
X

LEROY K. MARTIN, JR.
X

GIAMICCCABLE-MIELE

BRIAN L. CROWE
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 16, 2002, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; that the plight of the owner is due to unique circumstances; that the variations, if granted, will not alter the essential character of the locality; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that 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
APPLICANT: KFC of America, Inc.  CAL NO.: 307-02-S
APPEARANCE FOR: Timothy K. Hinchman  MAP NO.: 18-H
APPEARANCES AGAINST: None  MINUTES OF MEETING: August 16, 2002
PREMISES AFFECTED: 1914-18 W. 79th Street
NATURE OF REQUEST: Application for a special use under Article 11 of the zoning ordinance for the approval of the location and the establishment of a drive through facility in conjunction with a proposed fast food restaurant in a B4-1 Local Retail District.

ACTION OF BOARD-- APPLICATION APPROVED.

THE VOTE

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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the proposed use is necessary for the public convenience at this location; that the proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be adequately protected; and that the proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; 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):

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

That the proposed drive-through facility shall be constructed consistent with the layout and design represented on the site plan and elevation drawings prepared by PFDA Incorporated, dated August 13, 2002, and that the final landscape plan shall be approved by the Department of Planning and Development.

Approved as to substance

CHAIRMAN
APPLICATION: United Neighborhood Organization

APPEARANCE FOR: Ronald J. McDermott, Holly Denniston

APPEARANCES AGAINST: None

PREMISES AFFECTED: 1024 W. 19th Street

NATURE OF REQUEST: Application for a special use under Article 11 of the zoning ordinance for the approval of the location and the establishment of an accessory off-site parking lot for the parking of 9 private passenger automobiles, in an R5 General Residence District, to serve an existing office and 8 dwelling unit building located at 1839-41 S. Carpenter Street.

ACTION OF BOARD--

APPLICATION APPROVED.

THE VOTE

| JOSEPH J. SPINGOLA | AFFIRMATIVE | X |
| DEMETRI KONSTANTELOS | X |
| LEROY K. MARTIN, JR. | X |
| GIGI McCABE-MIELE | X |
| BRIAN L. CROWE | Recused |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the proposed use is necessary for the public convenience at this location; that the proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be adequately protected; and that the proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; 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):

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

That the lot shall be used solely for the parking of private passenger automobiles and that no commercial vehicles shall be parked upon said lot at any time;

That the lot shall be improved with a compacted macadam base, not less than four inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material and properly graded to drain to a sewer or sewers located within the lot which shall be connected by drainage tiles to an established City of Chicago sewer;

(Additional conditions follow on page 29a.)
That fencing and landscaping shall be provided in compliance with applicable provisions of the Chicago Landscape Ordinance;

That striping and lighting, which shall be directed away from abutting residential property, shall be provided;

That ingress and egress shall be via the public alley abutting the site to the west, provided a waiver of the alley is obtained from the City Council;

That 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.

APPROVED AS TO SUBSTANCE

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

APPLICANT: United Neighborhood Organization

CAL NO.: 309-02-Z

APPEARANCE FOR: Ronald J. McDermott, Holly Denniston

MAP NO.: 4-G

APPEARANCES AGAINST: None

MINUTES OF MEETING:
August 16, 2002

PREMISES AFFECTED: 1024 W. 19th Street

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in an R5 General Residence District, the establishment of an accessory off-site parking lot for the parking of 9 private passenger automobiles, whose front yard will be 7' instead of 11.64'.

ACTION OF BOARD--

VARIATION GRANTED.

THE VOTE

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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that on August 16, 2002, the Zoning Board of Appeals, approved, in Cal. No. 308-02-S the establishment of an accessory off-site parking lot for the parking of 9 private passenger automobiles at the subject site to serve an existing office and 8 dwelling unit building located at 1839-41 S. Carpenter Street; that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; that the plight of the owner is due to unique circumstances; that the variations, if granted, will not alter the essential character of the locality; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that 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

BAZ 15 PAGE 30 OF MINUTES
APPLICANT: Jerry Messner

APPEARANCE FOR: James J. Banks, Jerry Messner

APPEARANCES AGAINST: None

PREMISES AFFECTED: 3028 N. Leavitt Street

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in an R3 General Residence District, the erection of a 3rd floor dormer addition, a new front porch and an attached 1-car private garage, whose no front yard instead of 10.96', no north side yard instead of 5', whose rear yard will be 1' instead of 30', and to increase the floor area by no more than 15% of the floor area existing in the building prior to adoption of the 1957 comprehensive amendment to the zoning ordinance.

ACTION OF BOARD--

VARIATION GRANTED.

THE VOTE

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; that the plight of the owner is due to unique circumstances; that the variations, if granted, will not alter the essential character of the locality; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that 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
APPLICANT: Chris Karbowski

APPEARANCE FOR: James J. Banks, Chris Karbowski

APPEARANCES AGAINST: None

PREMISES AFFECTED: 1132-34 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in a B4-2 Restricted Service District, the erection of a proposed 4-story 6 dwelling unit building with commercial space and with a waiver of the one 10' x 24' required loading berth.

ACTION OF BOARD-- VARIATION GRANTED.

THE VOTE

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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; that the plight of the owner is due to unique circumstances; that the variations, if granted, will not alter the essential character of the locality; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that 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
APPLICANT: Dr. Melvin D'Souza

APPEARANCE FOR: John J. Pikarski, Jr., Dr. Melvin D'Souza

APPEARANCES AGAINST: None

PREMISES AFFECTED: 804 W. 31st Street

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in a C1-2 Restricted Commercial District, the erection of a new 2-story addition to an existing 2-story office and 1 dwelling unit building, whose rear yard at the 2nd floor level will be 15' instead of 30', and an appeal from the decision of the Office of the Zoning Administrator to waive the required on-site parking.*

ACTION OF BOARD--

VARIATION GRANTED AND AN APPEAL SUSTAINED AND THE DECISION OF THE OFFICE OF THE ZONING ADMINISTRATOR REVERSED, AS AMENDED.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section II. 7-2 and by publication in the Chicago Sun-Times on July 31, 2002; and

WHEREAS, at the public hearing held by the Zoning Board of Appeals on August 16, 2002, the Board, on its own motion, amended the subject variation application to include an appeal from the decision of the Office of the Zoning Administrator to waive the on-site parking requirement; 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: that the proposed use is to be located in a C1-2 Restricted Commercial District; that the subject site is a 25' x 105.44' lot with no alley access and is improved with a 2-story office and 1-dwelling unit building; that the applicant proposes to erect a new 2-story addition to the existing 2-story office and 1 dwelling unit building in which the applicant medical offices are located; that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; that the plight of the owner is due to unique circumstances; that the variations, if granted, will not alter the essential character of the locality; and

WHEREAS, that the testimony presented indicates that the subject property has never had a legal method of ingress and egress from the rear of the site due to it being landlocked with no rear alley; that the subject building with the proposed 2-story rear addition cannot provide a required parking space on site; that no violation of the zoning ordinance exists nor is contemplated and that the applicant has provided the basis of his appeal; 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; and be it further

*Amended at hearing.
Continued on page 33a.

PAGE 33 OF MINUTES
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 waiver of the required on-site parking in conjunction with the erection of a 2-story addition to an existing 2-story office and 1 dwelling unit building, on premises at 804 W. 31st Street, upon condition that all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

[Signature]
CHAIRMAN

APPROVED AS TO SUBSTANCE
APPLICANT: Chicago Charter School Foundation

APPEARANCE FOR: Scott R. Borstein

APPEARANCES AGAINST: None

PREMISES AFFECTED: 1800 W. Garfield Boulevard

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in an R4 General Residence District, the establishment of proposed 1 and 2-story additions to the existing 2 and 3-story Benjamin E. Mays Academy whose front yard will be between 4.88' to 10.07' instead of 15', and to increase the floor area ratio from 1.37' to 1.54'.

ACTION OF BOARD--

VARIATION GRANTED.

THE VOTE

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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; that the plight of the owner is due to unique circumstances; that the variations, if granted, will not alter the essential character of the locality; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that 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

[Signature]
CHAIRMAN
APPLICANT: Mulcair Construction Company
CAL NO.: 314-02-Z

APPEARANCE FOR: Mark J. Kupiec, Oliver J. Richardson
MAP NO.: 10-I

APPEARANCES AGAINST: None

MINUTES OF MEETING: August 16, 2002

PREMISES AFFECTED: 2817-19 W. 40th Street

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in an R3 General Residence District, the division of an improved zoning lot located at 2817-19 W. 40th Street with the lot at 2817 W. 40th Street improved with an existing 2-story single family residence, whose rear yard will be 1' instead of 30'.

ACTION OF BOARD--

VARIATION DENIED.

THE VOTE

JOSEPH J. SPINOLOA
DEMETRI KONSTANTELOS
LEROY K. MARTIN, JR.
GIGI McCABE-MIELE
BRIAN L. CROWE

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the proposed use is to be located in an R3 General Residence District; that the subject site is a 48' x 125' zoning lot improved with a 2-story single-family dwelling located at the rear of the lot with the address of 2817 W. 40th Street; that the appellant seeks to subdivide the subject property in order to erect a new single-family dwelling on resulting lot at 2819 W. 40th Street; that the applicant in the instant case is the construction company authorized by the owner of the property, Terrence Pickens, to pursue the zoning variation requested for the subject property; that the owner of the subject property did not appear at the scheduled public hearing to present testimony and evidence that the property in question could not yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the R3 General Residence zoning district nor that the variation requested was due to unique circumstances; that the Board opined that the testimony presented by the applicant in the instant case was insufficient to determine whether any hardship existed that necessitated the variation requested; it is therefore

RESOLVED, that the application for a variation be and it hereby is denied.
APPLICANT: Mulcair Construction Company

APPEARANCE FOR: Mark. J. Kupiec, Oliver J. Richardson

APPEARANCES AGAINST: None

PREMISES AFFECTED: 2819 W. 40th Street

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in an R3 General Residence District, the erection of a proposed 2-story single family residence whose east and westside yards will be 2.5' instead of 5'.

ACTION OF BOARD--

VARIATION DENIED.

THE VOTE

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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the proposed use is to be located in an R3 General Residence District; that the applicant proposes to erect a 2-story single-family dwelling at the subject site; that on August 16, 2002, the Zoning Board of Appeals, denied, in Cal. No. 314-02-Z, the applicant's variation request to permit the division of a zoning lot located at 2817-19 W. 40th Street which is improved with an existing 2-story single-family residence at 2817 W. 40th Street, and whose rear yard will be 1' instead of 30', finding that no evidence was presented, owing to the absence of the owner of the subject property, Terrence Pickens, of any hardship existing that would prevent a reasonable return on the property under the conditions allowed by the zoning regulations of the R3 General Residence District; that the denial of the variation request in Cal. No. 314-02-Z, hereby negates the variations requested in the instant case; it is therefore

RESOLVED, that the variation be and it hereby is denied.
APPLICANT: Bronzeville Children's Museum
APPEARANCE FOR: Paul J. Montes II
APPEARANCES AGAINST: 
PREMISES AFFECTED: 9301 S. Stony Island Avenue
NATURE OF REQUEST: Application for a special use under Article 11 of the zoning ordinance for the approval of the location and the establishment of a 2-story Children's Museum, in a B4-2 Restricted Service District.

ACTION OF BOARD--
CASE CONTINUED TO SEPTEMBER 20, 2002.

THE RESOLUTION:
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the proposed use is necessary for the public convenience at this location; that the proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be adequately protected; and that the proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; 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):

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

THE VOTE

| JOSEPH J. SPINGOLA | AFFIRMATIVE | X |
| DEMETRI KONSTANTELOS | AFFIRMATIVE | X |
| LEROY K. MARTIN, JR. | AFFIRMATIVE | X |
| GIGI McCABE-MIELE | ABSENT | X |
| BRIAN L. CROWE | ABSENT | X |
APPLICANT: The Salvation Army
APPEARANCE FOR: Robert Beilfuss
APPEARANCES AGAINST: None
PREMISES AFFECTED: 901-21 W. 69th Street

NATURE OF REQUEST: Application for a special use under Article 11 of the zoning ordinance for the approval of the location and the establishment of an off-site accessory parking lot to serve a proposed community center to be located at 933-49 W. 69th Street in an R5 General Residence District.

ACTION OF BOARD--
APPLICATION APPROVED.

THE VOTE

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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.10-3, and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the proposed use is necessary for the public convenience at this location; that the proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be adequately protected; and that the proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; 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):

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

That the lot shall be used solely for the parking of private passenger automobiles and that no commercial vehicles shall be parked upon said lot at any time;

That the lot shall be improved with a macadam base, not less than four inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material and properly graded to drain to a sewer or sewers located within the lot which shall be connected by drainage tiles to an established City of Chicago sewer; and

(Additional conditions follow on page 38a.)
That landscaping and fencing shall be installed in compliance with applicable provisions of the Chicago Landscape Ordinance;

That striping and lighting shall be provided;

That ingress and egress shall be from S. Sangamon Street; that there shall be no ingress nor egress via the public alley abutting the site to the south; that the driveway located on S. Sangamon Street shall be constructed in accordance with applicable ordinances;

That 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.
APPLICANT: The Salvation Army

APPEARANCE FOR: Robert Beilfuss

APPEARANCES AGAINST: None

PREMISES AFFECTED: 933-49 W. 69th Street

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in an R5 General Residence District, the erection of a community center, whose north front yard will be 10' instead of 13.08', and with no east side yard instead of 7.5'.

ACTION OF BOARD--

VARIATION GRANTED.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that on August 16, 2002, the Zoning Board of Appeals approved, in Cal. No. 319-02-S, the establishment of a proposed 1 and 3-story community center at the subject site; that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; that the plight of the owner is due to unique circumstances; that the variations, if granted, will not alter the essential character of the locality; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that 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
APPLICANT: Freeman Jewelers Inc.

CAL NO.: 376-01-S

MAP NO.: 20-H

APPEARANCES AGAINST:

MINUTES OF MEETING:
January 18, 2002

PREMISES AFFECTED: 8130 S. Ashland Avenue

NATURE OF REQUEST: Application for a special use under Article 11 of the zoning ordinance for the approval of the location and the establishment of a pawn shop in a 1-story masonry commercial building in a B4-2 Restricted Service District.

ACTION OF BOARD--

APPLICATION WITHDRAWN UPON MOTION OF APPLICANT.

THE VOTE

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JOSEPH J. SPINGOLA
DEMETRI KONSTANTELOS
LEROY K. MARTIN, JR.
GIGI McCabe-Miele
BRIAN L. CROWE
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: Patricia M. Calabrese

CAL NO.: 322-02-Z

APPEARANCE FOR: Patricia M. Calabrese

MAP NO.: 9-H

APPEARANCES AGAINST: Patti Quilling

MINUTES OF MEETING: August 16, 2002

PREMISES AFFECTED: 3440 N. Bell Avenue

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in an R3 General Residence District, the erection of a 3rd floor dormer addition to an existing 2 dwelling unit building, whose north side yard will be 0.76' instead of 6.06', whose front yard will be 18'-4" instead of 19'-8", and to increase the floor area by not more than 15% of the floor area existing in the building prior to adoption of the 1957 comprehensive amendment to the zoning ordinance.

ACTION OF BOARD--

VARIATION GRANTED.

THE VOTE

JOSEPH J. SPINGOLA
DEMETRI KONSTANTELOS
LEROY K. MARTIN, JR.
GI GI McCabe-Miele
BRIAN L. CROWE

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2002, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on July 31, 2002; 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: that the proposed use is to be located in an R3 General Residence District; that the subject site is a 25' x 125' lot improved with a frame 2-story with basement 2 dwelling unit building; that the applicant proposes to erect a 3rd story dormer addition to the north side of the existing building which will yield approximately 70 square feet of additional living space; that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located in that the proposed dormer addition is necessary to provide additional living space to meet the needs of the applicant and her family; that the plight of the owner is due to unique circumstances in that the applicant's elderly mother may need to move in and the applicant's second floor dwelling unit is not presently designed to accommodate an additional family member; that the proposed dormer addition will be compatible with existing residential improvements in the neighborhood and that the variations, if granted, will not alter the essential character of the locality; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that 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

BAZ 15 PAGE 43 OF MINUTES
APPLICANT: Adam Carlson for Quad City, Inc.

APPEARANCE FOR: Gerard Stocco

APPEARANCES AGAINST:

PREMISES AFFECTED: 6711 N. Northwest Highway

NATURE OF REQUEST: Application for a special use under Article 11 of the zoning ordinance for the approval of the location and the establishment of a tattoo and body piercing facility in a 1-story brick store building, in a B4-1 Restricted Service District.

ACTION OF BOARD-- CASE CONTINUED TO OCTOBER 18, 2002/

THE VOTE

JOSEPH J. SPINGOLA
DEMETRI KONSTANTELOS
LEROY K. MARTIN, JR.
GIGI McCABE-MIELE
BRIAN L. CROWE

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APPLICATION: Chuck Markopoulos
APPEARANCE FOR: James J. Banks, Chuck Markopoulos
APPEARANCES AGAINST: None
PREMISES AFFECTED: 6528-34 W. North Avenue

NATURE OF REQUEST: Application for a special use under Article 11 of the zoning ordinance for the approval of the location and the establishment of a drive through facility in conjunction with a Krispy Kreme restaurant/bakery, in an M1-1 Restricted Manufacturing District.

ACTION OF BOARD--

APPLICATION APPROVED.

THE VOTE

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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2002, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on August 16, 2002; 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: that the proposed use is necessary for the public convenience at this location; that the proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be adequately protected; and that the proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; 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):

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

That the proposed drive-through facility shall be constructed consistent with the layout and design represented on the site plan prepared by Elias G. Pappageorge Architects, dated August 12, 2002, and elevation drawings prepared by Fox Architects, dated August 15, 2002; that the final landscape plan shall be approved by the Department of Planning and Development.
APPLICANT: Attila Demeter

APPEARANCE FOR: Attila Demeter

APPEARANCES AGAINST: None

PREMISES AFFECTED: 3913 N. Ashland Avenue

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in a B2-2 Restricted Retail District, the erection of a 3 unit town home addition to an existing 3-story 2 dwelling unit building, whose rear yard will be 12'-6" instead of 30'.

ACTION OF BOARD--

VARIATION GRANTED, COPY

THE VOTE

JOSEPH J. SPINGOLA
DEMETRI KONSTANTELOS
GIGI McCABE-MIELE
BRIAN L. CROWE

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2002, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on August 16, 2002; 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: that on November 15, 2002, the Zoning Board of Appeals, approved, in Cal. No. 294-02-S, the establishment of residential use below the 2nd floor in a proposed 4-story 3 dwelling unit townhouse addition to a 3-story 2 dwelling unit building at the subject site; that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; that the plight of the owner is due to unique circumstances; that the variations, if granted, will not alter the essential character of the locality; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that 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.
APPLICANT: Attila Demeter

APPEARANCE FOR: Attila Demeter

APPEARANCES AGAINST: 

PREMISES AFFECTED: 3913 N. Ashland Avenue

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in a B2-2 Restricted Retail District, the erection of a 3 unit town home addition to an existing 3-story 2 dwelling unit building, whose rear yard will be 12'-6" instead of 30'.

ACTION OF BOARD--

CASE CONTINUED TO NOVEMBER 13, 2002

THE VOTE

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JOSEPH J. SPINGOLA
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BRIAN L. CROWE