MINUTES OF THE REGULAR MEETING OF THE

ZONING BOARD OF APPEALS

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

held in the Council Chambers, City Hall, 121 N. LaSalle Street, on Friday, February 21, 2003

The following members were present for all or part of the meeting and constituted a quorum:

Joseph J. Spingola          Chairman
Brian Crowe
Donald Hubert
Demetri Konstantelos
Gigi McCabe-Micle
Member McCabe-Miele moved that the Board approve the minutes of the proceedings of the regular meeting held on January 17, 2003 (as submitted by the Secretary) as the minutes of said meeting.

The motion prevailed by yeas and nays as follows:

Yeas- Spingola, Crowe, Hubert, Konstantelos, McCabe-Miele. Nays- None.

* * * * * * * * * * *

The Board thereupon held its regular meeting.
APPLICANT: Tonnnette Williams  CAL NO.: 48-03-S

APPEARANCE FOR: Michael Gilbert, Tonnnette Williams  MAP NO.: 20-I

APPEARANCES AGAINST: None  MINUTES OF MEETING: February 21, 2003

PREMISES AFFECTED: 7944-46 S. Western 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 private passenger automobiles, in a B2-1 Restricted Retail District, to satisfy the parking requirement for a day care center located at 7958 S. Western Avenue.

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 February 21, 2003, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on January 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 shall 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 fencing and landscaping shall be installed in compliance with applicable provisions of the Chicago Landscape Ordinance.
APPLICATION: C. Peter Ashi

APPEARANCE FOR: Mark J. Kupiec, C. Peter Ashi

APPEARANCES AGAINST: None

PREMISES AFFECTED: 1649 N. Winchester 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 2-story rear addition to an existing 2-story single-family dwelling, whose rear yard will be 20.4' instead of 30', and whose south side yard will be 1.1' instead of 2.5'.

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 February 21, 2003, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on January 31, 2003; 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: Labor Ready Inc. CAL NO.: 50-03-S

APPEARANCE FOR: James J. Banks, Patrick O'Grady

MAP NO.: 10-1

APPEARANCES AGAINST: Darek Kosikowski

MINUTES OF MEETING: February 21, 2003

PREMISES AFFECTED: 4421 S. Kedzie 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 day laborer employment agency in a C1-1 Restricted 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 February 21, 2003, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on January 31, 2003; 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 subject site is improved with an existing day labor employment office operating under a general business license; that the City now requires all day labor employment agencies to obtain an Employment Agency business license; that the new licensing requirements have caused this application to be filed; 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 there shall be no loitering outside the premises; that adequate washroom facilities for employees and clients shall be provided on site.
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: Viking Labor Services, Inc.  CAL NO.: 51-03-S

APPEARANCE FOR: James J. Banks, Mark Ramos  MAP NO.: 6-I

APPEARANCES AGAINST: None  MINUTES OF MEETING: February 21, 2003

PREMISES AFFECTED: 2538 S. California Boulevard

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 day labor employment agency, in a B4-2 Restricted Service District.

ACTION OF BOARD-- APPLICATION APPROVED.

THE VOTE

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WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 21, 2003, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on January 31, 2003; 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 subject site is improved with an existing day labor employment office operating under a general business license; that the City of Chicago now requires all day labor employment agencies to obtain an Employment Agency business license; that the new license requirement has caused the application to be filed; 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 there shall be no loitering outside the premises; that washroom facilities shall be provided for employees and for clients.
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICATION: Allan E. Bulley, Jr. CAL NO.: 52-03-S

APPEARANCE FOR: John A. Fritchey, Allen E. Bulley MAP NO.: 5-H


PREMISES AFFECTED: 1944 N. Hermitage 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 private passenger automobiles, in an R3 General Residence District, to serve a commercial use building located at 1755 W. Armitage Avenue.

ACTION OF BOARD--

APPLICATION APPROVED.

THE VOTE

JOSEPH J. SPINGOLA
DEMETRI KONSTANTELOS
DONALD HUBERT
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 February 21, 2003, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on January 31, 2003; 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 currently improved with a 2-story single-family dwelling; that the applicant proposed to demolish the existing residential building and establish an off-site 11-space parking lot; that the proposed use is necessary for the public convenience at this location to provide parking for employees of a commercial use build located at 1755 W. Armitage Avenue; that the public health, safety and welfare will be adequately protected in the design and operation of the proposed parking lot to be improved and operated under the standards and conditions hereinafter set forth and that the proposed use with privacy fencing and landscaping will be compatible with existing residential improvements in the block and 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 parking 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;

(Additional conditions follow on page 7a of minutes.)
That the lot shall be improved with a compacted macadam base, not less than four inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material properly graded to drain to a sewer or sewers located within the lot which shall be connected by drainage tiles to an established City of Chicago sewer; and

That the applicant shall maintain a 20 foot landscaped front yard setback; and

That the applicant shall install a wrought-iron front fence even with the front of the house to the south;

That the applicant shall install a board-on-board fence 3" from its south side yard, with no intervening landscaping and a 6' curb along its length; and

That the applicant shall provide a locked gate at the rear of the fenced areas; and

That ingress and egress shall be via the alley, providing a waiver of the alley barrier is obtained from the City Council.
APPLICANT: Pete Spyropoulos

APPEARANCE FOR:

APPEARANCES AGAINST:

PREMISES AFFECTED: 4825 W. Devon 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 private passenger automobiles, in a B4-1 Restricted Service District, to serve a commercial use located at 6348 N. Cicero Avenue.

ACTION OF BOARD--

CASE CONTINUED TO APRIL 25, 2003

THE VOTE

AFFIRMATIVE  NEGATIVE  ABSENT

JOSEPH J. SPINGOLA  X
DEMETRI KONSTANTELOS  X
DONALD HUBERT  X
GIGI MCCABE-MIELE  X
BRIAN L. CROWE  X
APPLICANT: Nick Karitsiotis

APPEARANCE FOR: John A. Fritchey, Nick Karitsiotis

APPEARANCES AGAINST: None

PREMISES AFFECTED: 2775 N. Elston 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 an existing restaurant, in a B4-2 Restricted Service District.

ACTION OF BOARD--

APPLICATION APPROVED.

THE VOTE

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 21, 2003, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on January 31, 2003; 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 final landscape plan shall be approved by the Department of Planning and Development.
APPLICANT: Colony All Nations Pentecostal Church

APPEARANCE FOR: Richard C. Baker

APPEARANCES AGAINST: None

PREMISES AFFECTED: 2035 E. 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 174 seat church and rectory, in a B4-2 Restricted Service 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 February 21, 2003, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on January 31, 2003; 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: KFC National Management Company
CAL NO.: 56-03-S
APPEARANCE FOR: Timothy K. Hinchman
MAP NO.: 16-H
APPEARANCES AGAINST: None
MINUTES OF MEETING: February 21, 2003
PREMISES AFFECTED: 1600 W. Marquette 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 a 2-window drive-through facility in conjunction with a proposed Kentucky Fried Chicken/Long John Silver’s restaurant, in a C3-2 Commercial-Manufacturing District.

ACTION OF BOARD--
APPLICATION APPROVED.

THE VOTE

JOSEPH J. SPINGOLA
X

DEMETRI KONSTANTELOS
X

DONALD HUBERT
X

GIGI McCABE-MIELE
X

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 February 21, 2003, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times January 31, 2003; 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 January 13, 2003; and that the final landscape plan shall be approved by the Department of Planning and Development.
APPLICANT: Express Personnel Services

APPEARANCE FOR:

APPEARANCES AGAINST:

PREMISES AFFECTED: 5526 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 day labor employment agency, in a B4-1 Restricted Service District.

ACTION OF BOARD--

CASE CONTINUED TO APRIL 25, 2003.

THE VOTE

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APPLICANT: U Pull It                         CAL NO.: 58-03-S

APPEARANCE FOR: James J. Banks

APPEARANCES AGAINST: None

PREMISES AFFECTED: 4544-60 W. Division Street/4541-59 W. North 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 a self-service automobile junk yard, in an M2-2 General Manufacturing District.

ACTION OF BOARD--

APPLICATION APPROVED.

THE VOTE

JOSEPH J. SPINGOLA
DEMETRI KONSTANTELOS
DONALD HUBERT
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 February 21, 2003, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on January 31, 2003; 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 self-service automobile junk yard shall be constructed consistent with the layout and design represented on the site plan prepared by Sonoc Architects & Associates, dated February 20, 2003; and that the final landscape plan is approved by the Department of Planning and Development.

*Amended at the public hearing.
APPLICANT: Joe Youkhana  CAL NO.: 59-03-S

APPEARANCE FOR: James J. Banks  MAP NO.: 11-J

APPEARANCES AGAINST: None  MINUTES OF MEETING: February 21, 2003

PREMISES AFFECTED: 3637 W. Montrose 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 automobile laundry in a one-story commercial building, in a C1-1 Restricted 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 February 21, 2003, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on January 31, 2003; 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 all queuing, parking and cleaning of automobiles shall occur within the subject building.
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: Gonzales Construction Co.

CAL NO.: 60-03-S

PEARANCE FOR: Robert Slobig, Alphonse Gonzalez

MAP NO.: 10-K

APPEARANCES AGAINST: None

MINUTES OF MEETING: February 21, 2003

PREMISES AFFECTED: 4626 W. 42nd 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 waste transfer station in an M2-3 General Manufacturing District.

ACTION OF BOARD--

APPLICATION APPROVED.

THE VOTE

JOSEPH J. SPINGOLA 
X

DEMETRI KONSTANTELOS 
X

DONALD HUBERT 
X

GIGI McCabe-Miele 
X

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 February 21, 2003, after due notice thereof as provided under Section 11.0-3 and by publication in the Chicago Sun-Times on January 31, 2003; 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 21, 1998, the Zoning Board of Appeals approved the applicant's special use application for the establishment of a waste transfer station in a proposed 1-story 12,000 square foot building at the subject site; that the validity period of the applicant's previously approved special use expired; that the testimony presented in Cal. No. 300-98-S is hereby made part of the record in this case; 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 the applicant shall install an 8 foot tall solid metal fence and landscaping along the north property line as illustrated on the site plan prepared by Camiros, Inc, dated February 20, 2003; that all waste handling operations shall be conducted within enclosed premises; that no hazardous wastes shall be received or handled at the subject site; that a rodent control plan shall be filed by the applicant with the Bureau of Rodent Control; that the applicant shall comply with all terms and conditions of permits issued by the Department of Environment.

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued;
APPLICANT: New Covenant Missionary Baptist Church

APPLICATION FOR: 

APPEARANCES AGAINST: 

PREMISES AFFECTED: 7607 S. Cottage Grove 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 42 private passenger automobiles, in a C2-2 General Commercial District, to partially fulfill the parking requirements for a proposed church to be located at 754 E. 77th Street.

ACTION OF BOARD--

CAASE CONTINUED TO APRIL 25, 2003.

THE VOTE

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

APPLICANT: New Covenant Missionary Baptist Church  CAL NO.: 62-03-S

APPEARANCE FOR:  MAP NO.: 18-D

APPEARANCES AGAINST: MINUTES OF MEETING:

PREMISES Affected: 7710 S. Cottage Grove Avenue  February 21, 2003

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 65 private passenger automobiles, in a C2-2 General Commercial District, to partially fulfill the parking requirement for a proposed church to be located at 754 E. 77th Street.

ACTION OF BOARD--

CASE CONTINUED TO APRIL 25, 2003.

THE VOTE

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APPLICANT: New Covenant Missionary Baptist Church  CAL NO.: 63-03-S

APPEARANCE FOR:  MAP NO.: 18-E

APPEARANCES AGAINST: MINUTES OF MEETING:

PREMISES AFFECTED:  February 21, 2003

754 E. 77th 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 proposed 1,128 seat church in a B4-2 Restricted Service District.

ACTION OF BOARD--

CASE CONTINUED TO APRIL 25, 2003.

THE VOTE

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APPLICANT: New Covenant Missionary Baptist Church

APPEARANCE FOR:

APPEARANCES AGAINST:

PREMISES AFFECTED: 740 E. 77th 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 for the parking of 18 private passenger automobiles, in an R3 General Residence District, to partially fulfill the parking requirement for a proposed church to be located at 754 E. 77th Street.

ACTION OF BOARD--

CASE CONTINUED TO APRIL 25, 2003.

THE VOTE

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APPLICANT:  Cardinal Liquors

APPEARANCE FOR:  James J. Banks

APPEARANCES AGAINST:  None

PREMISES AFFECTED:  3457 N. Central 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 accessory off site parking lot for the parking of 18 private passenger automobiles, in a B4-1 Restricted Service District, to serve an existing liquor store located at 3501 N. Central Avenue.

ACTION OF BOARD--

APPLICATION APPROVED.

THE VOTE

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 21, 2003, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on January 31, 2003; 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 fencing shall be installed; and that all applicable provisions of the Chicago Landscape Ordinance shall be complied with.
APPLICANT: TCF National Bank  CAL NO.: 66-03-S

APPEARANCE FOR: 

APPEARANCES AGAINST: 

MAP NO.: 7-G  MINUTES OF MEETING: February 21, 2003

PREMISES AFFECTED: 1400-12 W. Fullerton 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 drivethrough facility in conjunction with a proposed bank facility in a B4-2 Restricted Service District.

ACTION OF BOARD--

CASE CONTINUED TO APRIL 25, 2003.

THE VOTE

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</table>
APPLICATION: Gendell Partners Harlem & Foster, LLC
CAL NO.: 67-03-S

APPEARANCE FOR: Jeff Lerner
MAP NO.: 13-N

APPEARANCES AGAINST: Bob Ognar
MINUTES OF MEETING:
February 21, 2003

PREMISES AFFECTED: 7147-57 W. Foster Place/5111-23 N. Harlem 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 Walgreens retail pharmacy, a B4-1 Restricted Service District.

ACTION OF BOARD--

APPLICATION APPROVED.

THE VOTE

JOSEPH J. SPINGOLA  X  ABSENT
DEMETRI KONSTANTELOS  X
DONALD HUBERT  X
GIGI MCCABE-MIELE  X
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 February 21, 2003, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on January 31, 2003; 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 an irregular 97' x 48' x 296' lot presently improved with a 1-story shopping center; that the applicant proposes to demolish the existing shopping center building and establish a Walgreens retail drug store with a drive-through facility; that the proposed use is necessary for the public convenience at this location to enable the elderly, sick or disabled and those persons with young children to conveniently obtain their prescriptions; that the public health safety and welfare will be adequately protected in the design, location and operation of the proposed drive-through facility in that an entrance to the site, the proposed drive-through and an exit are located at the rear of the proposed building so that pedestrians entering the store will be less likely to encounter vehicles using the drive-through; and that the proposed use will be compatible with existing business improvements in the area and will not cause substantial injury to the value of other property in the neighborhood 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 final landscape plan shall be approved by the Department of Planning and Development.
ZONING BOARD OF APPEALS,
CITY OF CHICAGO,
CITY HALL,
ROOM 806

MINUTES OF MEETING
February 21, 2003

APPELLANT
Anthony Bray

CASE NO.: 68-03-A

ATTORNEY FOR:
John J. Pikarski, Jr., Anthony Bray

MAP NO.: 14-G

CALL NO.: 68-03-A

ACTION OF BOARD

APPEAL OF BOARD

APPELLANTS: ANTHONY BRAY

NATURE OF REQUEST:
5605-07 S. Green Street

PREMISES AFFECTED:
None

APPEAL:

APPEAL FOR:
Anthony Bray

ATTORNEY FOR:
John J. Pikarski, Jr., Anthony Bray

APPEALS AGAINST:
?

RESOLVED, that the appeal be and hereby is sustained and the decision of the Office of the Zoning Administrator is reversed.

RESOLVED, that the Office of the Zoning Administrator is authorized to certify a 3 1/2 story brick building as 9 dwelling units, on premises at 5605-07 S. Green Street, on condition that the building is brought into compliance with all applicable building code regulations, including but not limited to obtaining and obtaining all necessary permits and licenses.

RESOLVED, that the Zoning Board of Appeals 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 3 1/2 story brick residential building; that City of Chicago records indicate that the subject building was occupied by 9 dwelling units since prior to the adoption of the 1995 Zoning Ordinance of Chicago, Section 7.3.2.7.

RESOLVED, that the Zoning Board of Appeals hereby makes the following findings of fact: that the said building was occupied by 9 dwelling units since prior to the adoption of the 1995 Zoning Ordinance of Chicago, Section 7.3.2.7.

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APPLICANT: Mohammad S. Shah

APPEARANCE FOR: John J. Pikarski, Jr.

APPEARANCES AGAINST: 

PREMISES AFFECTED: 4900 N. Ridgeway Avenue

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

ACTION OF BOARD--

CASE CONTINUED TO APRIL 25, 2003.

THE VOTE

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JOSEPH J. SPINGOLA
DEMETRI KONSTANTELOS
DONALD HUBERT
GIGI McCABE-MIELE
BRIAN L. CROWE
APPLICANT: Brian Nelson

APPEARANCE FOR: Brian Nelson

APPEARANCES AGAINST:

PREMISES AFFECTED: 936-36 1/2 W. 79th Street

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

ACTION OF BOARD--

CASE CONTINUED TO MARCH 21, 2003.

THE VOTE

JOSEPH J. SPINGOLA
DEMETRI KONSTANTELOS
DONALD HUBERT
GIGI MCCABE-MIELE
BRIAN L. CROWE

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APPLICANT: Jay Shierok

APPEARANCE FOR: John J. Pikarski, Jr.

APPEARANCES AGAINST: 

PREMISES AFFECTED: 1741 N. Spaulding Avenue

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

ACTION OF BOARD--

CASE CONTINUED TO APRIL 25, 2003.

THE VOTE

JOSEPH J. SPINGOLA
DEMETRJ KONSTANTELOS
DONALD HUBERT
GIGI McCabe-Miele
BRIAN L. CROWE

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MINUTES OF MEETING: February 21, 2003

CAL NO.: 71-03-A

MAP NO.: 5-J
APPLICANT: John M. Lawrence

PEARANCE FOR: None

APPEARANCES AGAINST:

PREMISES AFFECTED: 2828 S. Wallace Street

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
DONALD HUBERT
GIGI McCABE-MIELE
BRIAN L. CROWE
APPLICATION: Yuval Degani

APPEARANCE FOR: Thomas M. Pikarski, Yuval Degani

APPEARANCES AGAINST: None

PREMISES AFFECTED: 1700-16 W. Warren Boulevard

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 proposed 4-story 27 dwelling unit building with no front yard on Paulina Street instead 15'.

ACTION OF BOARD--

VARIATION GRANTED.

THE VOTE

AFFIRMATIVE NEGATIVE ABSENT
JOSEPH J. SPINGOLA X
DEMETRI KONSTANTELOS X
DONALD HUBERT X
GIGi McCABE-MIELE X
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 February 21, 2003, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on January 31, 2003; 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: New Harrison Hotel Corp.  

CAL NO.: 74-03-S

MAP NO.: 2-E

MINUTES OF MEETING: February 21, 2003

PREMISES AFFECTED: 65 E. Harrison 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 attached roof business identification sign which is located more than 50 feet above the grade in a B6-7 Restricted Central Business District.

ACTION OF BOARD--

CASE CONTINUED TO APRIL 25, 2003.

THE VOTE

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APPLICANT: Grazyna & Zbigniew Galazka

CAL NO.: 75-03-Z

PEAPPEARANCE FOR: James J. Banks, Grazyna Galazka

MAP NO.: 11-M

APPEARANCES AGAINST: None

MINUTES OF MEETING:
February 21, 2003

PREMISES AFFECTED: 6337-41 W. Cuyler Avenue*

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in an R2 Single Family Residence District, the division of an improved 60' x 125' zoning lot, with the lot at 6341 W. Cuyler Avenue containing an existing 2-story single family residence whose east side yard will be 2.23', and whose west side yard will be 1.57' for a total of 3.8' combined side yards instead of 9.0' combined side yards.

ACTION OF BOARD--

VARIATIONS GRANTED.

THE VOTE

| JOSEPH J. SPINGOLA |affirmative | X |
| DEMETRI KONSTANTELOS |negative | X |
| DONALD HUBERT | absent | |
| GIGI McCABE-MIELE | affirmative | X |
| BRIAN L. CROWE | absence | X |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 21, 2003, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on January 31, 2003; 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.

*Amended at the public hearing.
APPLICANT: De La Salle Institute

APPEARANCE FOR: Richard E. Zulkey

APPEARANCES AGAINST: None

PREMISES AFFECTED: 1042 W. 32nd Place

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in an R3 General Residence District, the construction of a 4-story addition to an existing 4-story high school building, with no front yard instead of 20'.

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 February 21, 2003, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on January 31, 2003; 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: Karl Noeberg

CAL NO.: 77-03-Z

APPEARANCE FOR: Thomas S. Moore, Karl Noeberg

MAP NO.: 5-F

APPEARANCES AGAINST: None

MINUTES OF MEETING: February 21, 2003

PREMISES AFFECTED: 1960 N. Burling Street

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in an R4 General Residence (SD#19) District, the erection of a proposed 3-story single family residence, whose front yard will be 8'-4 3/4" instead of 14.80', whose north side yard will be 1'-4" instead of 2'-6", and with no rear yard instead of 30'.

ACTION OF BOARD--

VARIATIONS GRANTED,

THE VOTE

JOSEPH J. SPINGOLA X
DEMETRI KONSTANTELOS X
DONALD HUBERT X
GIGI McCABE-MIELE X
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 February 21, 2003, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on January 31, 2003; 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: Michael Filmowicz

APPEARANCE FOR: Michael Filmowicz

APPEARANCES AGAINST: None

PREMISES AFFECTED: 4806 N. Milwaukee Avenue

NATURE OF REQUEST: *Application for a variation under Article II of the zoning ordinance to permit, in a B3-2 General Retail District, the erection of a 3rd story addition to create a 3rd dwelling unit located in an existing 2-story 2 dwelling unit brick commercial and residential building, whose rear yard will be 11'-82" instead of 30'.

ACTION OF BOARD-- VARIATIONS PARTLY GRANTED AND PARTLY DENIED.

THE VOTE

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RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 21, 2003, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on January 31, 2003; 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 the rear yard variation is granted provided the applicant maintains three maneuverable parking spaces as shown in the plans; and

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

*Amended at the public hearing.
APPLICATION: McHugh White, LLC  

APPEARANCE FOR: James J. Banks  

APPEARANCES AGAINST: None  

PREMISES AFFECTED: 1614 N. Leavitt Street  

CAL NO.: 79-03-Z  

MAP NO.: 5-H  

MINUTES OF MEETING: February 21, 2003  

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 1/2-story single family residence, whose front yard will be 15.77' instead of 19.96', whose south side yard will be 1.0' instead of 6.08', with no north side yard instead of 6.08', and to increase the percentage of rear yard coverage from 60% to 68.9% for a proposed 2 car garage.

ACTION OF BOARD--  

THE VOTE

JOSEPH J. SPINGOLA  
DEMETRI KONSTANTELOS  
DONALD HUBERT  
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 February 21, 2003, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on January 31, 2003; 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: McHugh White, LLC
CAL NO.: 80-03-Z

APPEARANCE FOR: James J. Banks
MAP NO.: 5-H

APPEARANCES AGAINST: None
MINUTES OF MEETING:
February 21, 2003

PREMISES AFFECTED: 1618 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 establishment of a proposed 2 ½-story single family residence, whose front yard will be 15.77' instead of 19.96", whose south side yard will be 1.5' instead of 6.08', with no north side yard instead of 6.08'; and to increase the percentage of rear yard coverage from 60% to 68.6% for a proposed 2 car garage.

ACTION OF BOARD--

VARIATIONS GRANTED.

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 February 21, 2003, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on January 31, 2003; 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: McHugh White, LLC

APPEARANCE FOR: James J. Banks

APPEARANCES AGAINST: None

PREMISES AFFECTED: 1620 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 deconversion of an existing 2 dwelling unit building into a single family residence, with no north side yard instead of 3', and to increase the percentage of rear yard coverage from 60% to 68.9% for a proposed 2 car garage.

ACTION OF BOARD--

VARIATIONS 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 February 21, 2003, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on January 31, 2003; 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.
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: Peter Bukowski

APPEARANCE FOR: Thomas M. Pikarski, Peter Bukowski

APPEARANCES AGAINST: None

PREMISES Affected: 2461 N. Geneva Terrace

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 single family residence, whose front yard will be 3.5' instead of 9.6', and whose rear yard will be 5' instead of 30'.

ACTION OF BOARD--

VARIATIONS 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 February 21, 2003, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on January 31, 2003; 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.
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: Primary Staffing Inc.  
CAL NO.: 83-03-S

PEARANCE FOR: Louis Prempas  
MAP NO.: 10-I

APPEARANCES AGAINST: None  
MINUTES OF MEETING: February 21, 2003

PREMISES Affected: 4247 S. Kedzie 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 day labor employment agency, in a B4-2 Restricted Service 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 February 21, 2003, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on January 31, 2003; 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 there shall be no loitering by clients outside the subject premises; that adequate washroom facilities shall be provided for employees and clients.
APPLICANT: Brad Schreiber

PEACE FOR: James J Banks, Brad Schreiber

APPEARANCES AGAINST: Ken Brunke

PREMISES AFFECTED: 2256 N. Magnolia 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 3-story masonry single family residence whose front yard shall be 9' instead of 14.89', with no south side yard instead of 2.4', and whose rear yard will be 21.4' instead of 30'.

ACTION OF BOARD-- VARIATIONS GRANTED.

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 February 17, 2003, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on January 31, 2003; 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 24' x 124.15' lot currently improved with a building foundation; that the applicant proposes to erect a single-family dwelling with attached 2-car garage and an enclosed breezeway; 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 variations requested are necessary to erect a single-family dwelling with garage and enclosed breezeway which will meet the needs of the applicant and his family; that the plight of the owner is due to unique circumstances in that the applicant's wife is a physician with late working hours which necessitates, for safety reasons, the attached garage and breezeway; that the proposed 3-story single-family residence will not impair an adequate supply of light and air to abutting properties; 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.

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

APPLICANT: Panagiotis Paraskevoulakos

CAL NO.: 85-03-S

MAP NO.: 17-G

PREMISES AFFECTED: 1310 W. Devon Avenue

MINUTES OF MEETING:
February 21, 2003

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 3-story 8 dwelling unit building a B4-2 Restricted Service District.

ACTION OF BOARD— CASE CONTINUED TO APRIL 25, 2003.

THE VOTE

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JOSEPH J. SPINGOLA
DEMETRI KONSTANTELOS
DONALD HUBERT
GIgi McCabe-Miele
BRIAN L. CROWE
APPLICANT: Panagiotis Paraskevoulakos  CAL NO.: 86-03-Z

APPEARANCE FOR:  MAP NO.: 17-G

APPEARANCES AGAINST:  MINUTES OF MEETING: February 21, 2003

PREMISES AFFECTED: 1310 W. Devon 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 3-story 8 dwelling unit building, with no front yard instead of 12', whose east and west side yards will be 20' each instead of 30' each, with a waiver of the one required 10' x 24' loading berth, and to reduce the require minimum lot area from 1,000 sq. ft. to 937.5 sq. ft. per unit (93.75%).

ACTION OF BOARD--

CASE CONTINUED TO APRIL 25, 2003.

THE VOTE

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JOSEPH J. SPINGOLA
DEMETRI KONSTANTELOS
DONALD HUBERT
GIGI MCCABE-MIELE
BRIAN L. CROWE
APPLICANT: Richard Hunter

CAL NO.: 87-03-Z

MAP NO.: 11-K

NATURE OF REQUEST: Application for a variation under Article II of the zoning ordinance to permit, in an R3 General Residence District, the division of an improved zoning lot measuring 49' x 125' into a lot improved with the existing 2 ½-story two dwelling unit building to be deconverted to a single family residence and located at 4441 W. Leland Avenue, whose west side yard will be 1.9' instead of 5', whose east side yard will be 3' instead of 5', and a 28.5' x 125' lot.

ACTION OF BOARD--

CASE CONTINUED TO APRIL 25, 2003.

THE VOTE

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APPLICANT: Richard Hunter

APPEARANCE FOR:

APPEARANCES AGAINST:

PREMISES AFFECTED: 4437 W. Leland Avenue

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 measuring 49' x 12' into a vacant lot measuring 28.04' x 125' at 4437 W. Leland Avenue for the erection of a proposed 2-story single family residence whose west side yard will be 3'-1" instead of 7.3', and whose east side yard will be 3'-11" instead of 7.3".

ACTION OF BOARD--

THE VOTE

CASE CONTINUED TO APRIL 25, 2003.

JOSEPH J. SPINGOLA
DEMETRI KONSTANTELOS
DONALD HUBERT
GIGI McCABE-MIELE
BRIAN L. CROWE
APPLICANT: Bill Senne

APPEARANCE FOR: James J. Banks

APPEARANCES AGAINST: 

PREMISES AFFECTED: 2814-20 W. Armitage 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 drug store, in a C1-2 General Commercial District.

ACTION OF BOARD--

CASE CONTINUED TO MAY 16, 2003.

THE VOTE

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JOSEPH J. SPINGOLA
DEMETRI KONSTANTELOS
DONALD HUBERT
GIGI McCabe-Miele
BRIAN L. CROWE
APPLICANT: Bill Senne

APPEARANCE FOR: James J. Banks

APPEARANCES AGAINST:

PREMISES AFFECTED: 2016-22 N. California 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 C2-1 General Commercial District.

ACTION OF BOARD--

APPLICATION WITHDRAWN UPON MOTION OF APPLICANT.

THE VOTE

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APPLICANT: 17th Indiana L.L.C.  

PEACEANCE FOR: Thomas S. Moore  

APPEARANCES AGAINST: None  

PREMISES AFFECTED: 7944-46 S. Western 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 6-town home dwelling unit building, in a B4-5 Restricted Service District.

ACTION OF BOARD--  
APPLICATION APPROVED.

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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 February 21, 2003, after due notice thereof as provided under Section 11.10-3, and by publication in the Chicago Sun-Times on October 2, 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 ground floor dwelling units shall be constructed consistent with the layout and design represented on the site plan and elevation drawings prepared by Bauhs, Dring, Main, Ltd., dated February 7, 2003.

*Amended at the public hearing.
APPLICANT: 17th Indiana L.L.C.  
CAL NO.: 386-02-Z

APPEARANCE FOR: Thomas S. Moore  
MAP NO.: 4-E

APPEARANCES AGAINST: None

PREMISES AFFECTED: 1638 S. Indiana Avenue

NATURE OF REQUEST: Application for a variation under Article II of the zoning ordinance to permit, in a B4-2 Restricted Service District, the erection of a proposed 4-story 6* town home dwelling unit development, with no front yard instead of 10" for an end wall facing a public street, with no north side yard instead of 10' for a rear wall facing a side lot line and with balconies projecting 3' into the south side yard.

ACTION OF BOARD--

VARIATIONS 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 February 21, 2003, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on October 2, 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 February 21, 2003, the Board approved, in Cal. No. 385-02-S, the establishment of residential use below the 2nd floor in a proposed 4-story 6 town home dwelling unit development 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.
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: Shiloh Apostolic Lighthouse Church

CAL NO.: 460-02-S

APPEARANCE FOR: James J. Banks

MAP NO.: 14-G

APPEARANCES AGAINST: None

MINUTES OF MEETING: February 21, 2003

PREMISES AFFECTED: 6026-36 S. Racine 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 1-story 184-seat church, in a B2-1 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 February 21, 2003, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on October 2, 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.

*Amended at the public hearing.

BAZ 16

PAGE 49 OF MINUTES
APPLICANT: Gads Hill Center Corporation

PEARANCE FOR: James J. Banks

APPEARANCES AGAINST: None

PREMISES AFFECTED: 1919 W. Cullerton 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 community center in an existing 4-story building in a C1-2 Restricted Commercial District.

ACTION OF BOARD--

APPLICATION WITHDRAWN UPON MOTION OF APPLICANT.

THE VOTE

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APPLICANT: Blue Ribbon Construction, Inc. CAL NO.: 466-02-Z

APPEARANCE FOR: Scott R. Borstein MAP NO.: 4-E

APPEARANCES AGAINST: None MINUTES OF MEETING: February 21, 2003

PREMISES AFFECTED: 3740 N. Lincoln 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 proposed 4-story 13 dwelling unit building with commercial space, with no rear yard instead of 30', with no south side yard instead of 30', with no 17.28' x 20' front transitional yard at Lincoln and Wolcott, and with a waiver of the one required 10' x 24' loading berth.

ACTION OF BOARD--

THE VOTE

VARIATIONS GRANTED,

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 21, 2003, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on November 27, 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: PA Staffing

APPEARANCE FOR:

APPEARANCES AGAINST:

PREMISES AFFECTED: 3508 W. Fullerton 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 day labor employment agency, in a B4-1 Restricted Service District.

ACTION OF BOARD--

CASE CONTINUED TO MAY 16, 2003.

THE VOTE

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APPLICANT: Eugene Bereza

APPEARANCE FOR: Thomas M. Pikarski

MAP NO.: 3-1

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 3rd floor addition to an existing 2-story residential building, whose north side yard will be 1'2" instead of 2'6", and to increase the floor area by no more than 14% of the floor area existing in the building prior to the adoption of the 1957 comprehensive amendment to the zoning ordinance.

ACTION OF BOARD--

CASE CONTINUED TO APRIL 25, 2003.

THE VOTE

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APPLICATION: Henry T. Borczyk

APPEARANCE FOR: Henry T. Borczyk

APPEARANCES AGAINST: 

PREMISES AFFECTED: 1732 W. Gregory 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 3-story frame rear porch to an existing 3-story 3 dwelling unit building with no east side yard instead of 5'.

ACTION OF BOARD--

VARIATION GRANTED.

THE VOTE

JOSEPH J. SPINGOLA X
DEMETRI KONSTANTELOS X
DONALD HUBERT X
GIGI McCABE-MIELE X
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 February 21, 2003, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on November 27, 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.
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: McDonald's Corporation

PEOPLE FOR: Joseph P. Gattuso

APPEARANCES AGAINST: None

PREMISES AFFECTED: 2241 S. Pulaski 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 a drive-through facility in conjunction with a proposed McDonald's restaurant, in a BS-2 General Service 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 February 21, 2003, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on November 27, 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 the proposed drive-through facility shall be constructed consistent with the layout and design represented on the site plan and elevation drawings prepared by McDonald's Corporation, dated July 3, 2002; that the final landscape plan shall be approved by the Department of Planning and Development; and

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued;
APPICANT: GDH Investments, L.L.C.

APPEARANCE FOR: Gary I. Wigoda

APPEARANCES AGAINST: William P. Boznos

PREMISES AFFECTED: 4944-46 N. Damen Avenue

NATURE OF REQUEST: Remand from the Appellate Court of Illinois, Fourth Division

ACTION OF BOARD-- APPLICATION DISMISSED IN ACCORDANCE WITH THE FINDINGS OF THE ILLINOIS APPELLATE COURT, FOURTH JUDICIAL DIVISION.

THE VOTE

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THE RESOLUTION:

WHEREAS, GDH Investments, L.L.C., owner, on July 21, 1997, filed an application for a special use under Article 11 of the zoning ordinance for the approval of the location and the establishment of retail uses in a proposed 2-story building, in Planned Manufacturing District #1, on premises at 934-44 W. North Avenue; and

WHEREAS, that on December 19, 1997, the Zoning Board of Appeals, in Cal. No. 374-97-S, approved the establishment of the aforesaid retail uses in a proposed 2-story building, on premises at 934-44 W. North Avenue, upon condition that 34 leased off-site parking spaces were to be located at 955 W. Weed Street, as provided for in companion application No. 375-97-S; and

WHEREAS, that a summons in administrative review was subsequently filed in the Circuit Court of Cook County, as 98 CH 9802069; that the Circuit Court of Cook County subsequently upheld the findings and resolution of the Zoning Board of Appeals; and

WHEREAS, that the Circuit Court findings were appealed to the Appellate Court of Illinois, Fourth Judicial Division, for consideration upon the merits that the Zoning Board of Appeals' grant of a special use approval was against the manifest weight of the evidence; and

WHEREAS, that on February 10, 2000, the Appellate Court of Illinois, Fourth Judicial Division, issued a ruling that reversed the findings of the Circuit Court; set aside the Zoning Board of Appeals' decision granting GDH Investments, L.L.C. application for the special use; and remanded the matter back to the Zoning Board of Appeals; and

WHEREAS, that in the opinion of the Appellate Court, the Zoning Board of Appeals' findings that the proposed retail use of the subject property would furnish adequate off-street parking and that the off-street parking provided met the requirements of the Planned Manufacturing District ordinance, were against the manifest weight of the evidence; and

(continued on page 56a of minutes.)
WHEREAS, that on September 15, 2000, a hearing was held on the aforesaid remand order by the Zoning Board of Appeals at its regularly scheduled meeting; that the special use was thereupon vacated and held for naught; and

WHEREAS, that on February 21, 2003, a hearing was held on the aforesaid remand by the Zoning Board of Appeals at its regularly scheduled meeting; and

WHEREAS, that the special use heretofore granted in Cal. No. 374-97-S be and is hereby dismissed in accordance with the findings of the Appellate Court of Illinois, Fourth Judicial Division, dated February 10, 2000.
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: GHD Investments, L.L.C.  CAL NO.: 375-97-S
APPEARANCE FOR: Gary I. Wigoda  MAP NO.: 5-G
APPEARANCES AGAINST: William P. Boznos
PREMISES AFFECTED: 955 W. Weed Street
NATURE OF REQUEST: Remand from the Appellate Court of Illinois, Fourth Division

ACTION OF BOARD--
APPLICATION DISMISSED IN.
ACCORDING WITH THE FINDINGS OF
THE ILLINOIS APPELLATE COURT,
FOURTH DIVISION.

THE VOTE

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

WHEREAS, GHD Investments, L.L.C., for Mid-City Parking, Inc., owner, on July 21, 1997, filed an application for a special use under Article 11 of the zoning ordinance for the approval of the location and the leasing of 34 parking spaces in an existing parking lot, in an M2-5 General Manufacturing District, to fulfill the parking requirement for a proposed retail store to be located at 934-44 W. North Avenue; and

WHEREAS, on December 19, 1997, the Zoning Board of Appeals approved, in Cal. No. 375-97-S, the leasing of 34 parking spaces in an existing parking lot located at 955 W. Weed Street to fulfill the parking requirement for a proposed retail store to be located at 934-44 W. North Avenue, which retail use was approved by the Zoning Board of Appeals, on December 19, 1997, in Cal. No. 374-97-S; and

WHEREAS, that a summons in administrative review was subsequently filed in the Circuit Court of Cook County, as 98 CH 9802069; that the Circuit Court subsequently upheld the findings and resolution of the Zoning Board of Appeals; and

WHEREAS, that the Circuit Court findings were appealed to the Appellate Court of Illinois, Fourth Judicial Division for consideration upon the merits that the Zoning Board of Appeals' grant of a special use approval was against the manifest weight of the evidence; and

WHEREAS, that on February 10, 2000, the Appellate Court of Illinois, Fourth Judicial Division, issued a ruling that reversed the findings of the Circuit Court; set aside the Zoning Board of Appeals' decisions granting GHD Investments, L.L.C. application for a special use; and remanded the matter back to the Zoning Board of Appeals; and

WHEREAS; that in the opinion of the Appellate Court the parking agreement entered into between GHD Investments L.L.C. and Mid-City Parking, Inc., the owner of the 955 W. Weed Street property, was not definite as to which 34 parking spaces were to be reserved for use by the tenants, employees, invitees, customers, and other persons affiliated with the property, and, importantly, it did not transfer possession of the parking spaces to GHD Investments, L.L.C.; that the parking agreement merely entitled certain persons affiliated with the property to use 34 parking spaces, subject to rules and regulations promulgated by the owner of the property and that the parking agreement was a license rather than a lease; and

(Continued on page 57a of minutes.)
WHEREAS, that on September 15, 2000, a hearing was held on the aforesaid Remand by the Zoning Board of Appeals at its regularly scheduled meeting; that the special use was thereupon vacated and held for naught; and

WHEREAS, that on February 21, 2003, a hearing was held on the aforesaid Remand by the Zoning Board of Appeals at its regularly scheduled meeting; and

WHEREAS, that the special use hereby approved in Cal. No. 375-97-S be and is hereby dismissed in accordance with the findings of the Appellate Court of Illinois, Fourth Division, dated February 10, 2000.
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: Erin Properties Corp.

APPEARANCE FOR: Bernard J. Citron

APPEARANCES AGAINST: H. Reed Harris

PREMISES AFFECTED: 3260 N. Clark Street

NATURE OF REQUEST: Remand from the Appellate Court of Illinois, First Judicial Division.

ACTION OF BOARD--

APPLICATION DISMISSED IN ACCORDANCE WITH THE FINDINGS OF THE ILLINOIS APPELLATE COURT, FIRST JUDICIAL DIVISION.

THE VOTE

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THE RESOLUTION:

WHEREAS, Erin Properties Corp, owner, on March 29, 2000, filed an 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 space, on premises at 3260 N. Clark Street, in a B4-2 Restricted Service District, to satisfy the off-street parking requirement for Unit B of a 6-dwelling unit building located at 3215 N. Wilton Avenue; and

WHEREAS, on June 16, 2001, in Cal. No. 193-00-S, the Zoning Board of Appeals approved the aforesaid special use application with the condition that the parking space located at 3260 N. Clark Street shall be designated by name plate as reserved parking for the tenant of Unit B located in the residential building at 3215 N. Wilton Avenue and that a restrictive covenant shall be filed with the Recorder of Deeds of Cook County Illinois limiting the use of said parking space at 3260 N. Clark Street from the use of said Unit B at 3215 N. Wilton Avenue; and

WHEREAS, that a summons in administrative review was subsequently filed in the Chancery Division of the Circuit Court of Cook County as 00 CH 12401; that the Circuit Court subsequently upheld the findings and resolution of the Zoning Board of Appeals; and

WHEREAS, that on August 17, 2001 the Zoning Board of Appeals granted the applicant an extension of time to June 16, 2002, in which to establish the aforesaid off-site parking space; and

WHEREAS, the Circuit Court findings were appealed to the Illinois Appellate Court, First Judicial Division, not supported upon the merits that the Zoning Board of Appeals' grant of a Special Use approval was warranted by the record; and

WHEREAS, that on November 26, 2002, the Appellate Court of Illinois, First Judicial District, issued a decision reversing the findings of the Circuit Court, and the Zoning Board of Appeals, and remanded the matter to the Zoning Board of Appeals; and

and on page 58a of minutes.)

PAGE 58 OF MINUTES
WHEREAS; that in the opinion of the Appellate Court it appears that the petitioner, Erin Properties Corp., failed to present testimony or documented evidence in the record which establishes the two properties, 3260 N. Clark Street and 3215 N. Wilton Avenue, were in the "same possession" by deed or long term lease as required by Section 17-5-8.5 of the Municipal Code; and

WHEREAS, that on November 26, 2002, the Appellate Court remanded the matter back to the Zoning Board of Appeals for rehearing to determine whether Erin Properties Corp. held title to the two properties by deed or long term lease; and

WHEREAS on February 21, 2003, a hearing was held on the aforesaid Remand by the Zoning Board of Appeals at its regularly scheduled meeting; 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 Zoning Board of Appeals finds that no new evidence was presented at the February 21, 2003 hearing by Erin Properties Corp. to prove that the garage property at 3260 N. Clark Street and the 6 dwelling unit building at 3215 N. Wilton Avenue were in the same possession by Erin Properties Corp. at the time of the June 16, 2000 Zoning Board of Appeals hearing; it is therefore

RESOLVED; that the remanded case is dismissed in accordance with the findings of the Appellate Court of Illinois, First Judicial District, dated November 26, 2002.