

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

**APPLICANT:** Salomon Granados Cansino **CAL NO.:** 180-12-S  
**APPEARANCE FOR:** Same **MINUTES OF MEETING:** May 18, 2012  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 6700 N. Clark Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of nine required off-site parking spaces to serve a banquet hall located at 6737 N. Clark street

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

**THE VOTE**

FEB 19 2013  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

JONATHAN SWAIN  
 GIGI McCABE-MIELE  
 LYNETTE SANTIAGO  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		

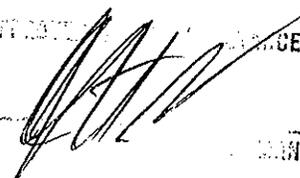
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2012; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish nine required off-site parking spaces to serve a banquet hall located at 6737 N. Clark street; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the proposed off-site parking spaces, provided the development is constructed consistent with the site plan dated May 21, 2012 by group Design Associates, Inc. and in compliance with the letter dated August 21, 2012 also from Group design Associates, Inc.

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

APPROVED:  BOARD  
 JONATHAN SWAIN

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

**APPLICANT:** 8 East Ninth, LLC

**CAL NO.:** 234-12-S

**APPEARANCE FOR:** Adam Penkhus

**MINUTES OF MEETING:**  
September 21, 2012

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1-8 E. 9th Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to allow leasing of 45% of the required 238 parking spaces for non-occupants, within a mix-use 248 dwelling unit building with accessory parking garage which will provide 107 spaces.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

FEB 19 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 5, 2012; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to lease 45% of the required 238 parking spaces for non-occupants , within a mixed-use 248 dwelling unit building with accessory parking garage which will provide 107 spaces; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the proposed leasing of 107 parking spaces with the existing building.

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Khadijah John, Duey International, Inc. **CAL NO.:** 239-12-S

**APPEARANCE FOR:** **MINUTES OF MEETING:**  
July 20, 2012

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 219 E. 31st Street

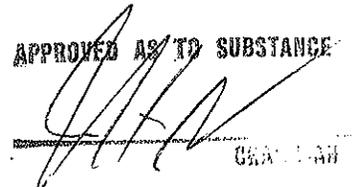
**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a hair salon.

**ACTION OF BOARD-**  
CASE CONTINUED TO DECEMBER 21, 2012

**THE VOTE**

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CRAIG L. GAY

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

**APPLICANT:** Hale 101 LLC **CAL NO.:** 250-12-S  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
September 21, 2012  
**APPEARANCE AGAINST:**  
**PREMISES AFFECTED:** 14 N. Peoria Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of artist live/work space on the ground floor of an existing 45 dwelling unit and 7-story office/commercial building. ( Applicant is required to provide one parking space to serve the new ground floor unit).

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

FEB 19 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

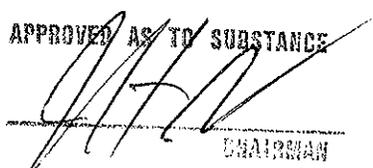
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 5, 2012; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an artist live/work space on the ground floor of an existing 45 dwelling unit and 7-story office/commercial building; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the proposed artist live/ work space, provided the development is constructed consistent with the floor plan dated July 13, 2012 by 2 Point Perspective Inc. .

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

APPROVED AS TO SUBSTANCE  
  
 CHAIRMAN

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

**APPLICANT:** LVL Enterprise Corp.

**CAL NO.:** 283-12-S

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
August 17, 2012

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2135 W. Howard Street

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

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

JUN 17 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
		X
X		
X		
X		

**THE RESOLUTION:**

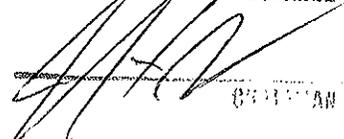
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 19, 2011 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 4, 2011; and

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

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

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

APPROVED AS TO SUBSTANCE



JONATHAN SWAIN

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

**APPLICANT:** 4858-70 N. Clark Street LLC

**CAL NO.:** 314-12-S

**APPEARANCE FOR:** James Banks

**MINUTES OF MEETING:**  
September 21, 2012

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4858-70 N. Clark Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a four-story 15 unit hotel building with 17 detached garage and outdoor spaces.

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

**THE VOTE**

FEB 19 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA  
LORI HEALEY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 6, 2012; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a four-story 15 room hotel building with 17 detached garage and outdoor spaces; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the proposed 15 unit hotel, provided the development is constructed consistent with the site plan dated August 6, 2012 and building elevations dated July 18, 2012 by Sullivan Goulette Architects.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



DEC 19 2012

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

**315-12-Z**

**Ogden Partners, Inc.**

APPLICANT

**September 21, 2012**

MINUTES OF MEETING

**2711 North Lakewood Avenue**

PREMISES AFFECTED

**Thomas S. Moore**

APPEARANCE FOR APPLICANT

**Elena Gallo**

APPEARANCE FOR OBJECTORS

**NATURE OF REQUEST**

Application for a variation to reduce the required front yard setback from 9.6' to 5', reduce the rear yard setback from 12.67' to 3', reduce the north and south side yard setbacks from 6.4' to 3' and reduce the total side yard combination from 16' to 6' for a proposed three-story family residence.

**ACTION OF BOARD**

**THE VOTE**

The application for a variance to reduce the required front yard from 9.6' to 5', reduce the rear yard setback from 12.67' to 3', reduce the north and south side yard setbacks from 6.4' to 3' and reduce the total side yard combination from 16' to 6' for a proposed three-story family residence is approved.

**AFFIRMATIVE    NEGATIVE    ABSENT**

Jonathan Swain,  
Chair

Sam Toia

Lynette Santiago

Geraldine McCabe-

Miele

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012, after due notice thereof as provided under MCC Section 17-13-0107B and by publication in the Chicago Sun Times; and

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

WHEREAS, Fenton Booth, a partner in Ogden Partners, Inc. ("Applicant") testified in support of its application; he testified that he is the developer of the entire block of

**APPROVED AS TO SUBSTANCE**

CHAIRMAN

North Lakewood Avenue, including 2711 N. Lakewood (the "Subject Property"), that Peerless Candy is the owner of all the property and that the Applicant had contracted with Peerless to develop the property subsequent to the removal of the old factory building, that for two years meetings were conducted with the community and the Alderman in the development of the plans for the housing to replace the factory, that the goal of the planning process was to reflecting the housing in the local community, that pursuant to the consensus of opinion at these meetings the multi-family housing in the proposed development was moved south on the block, closer to Diversey Avenue, and single family housing was planned for the northern part of the block where it intersects Schubert Street, that the Applicant would construct a small park for the residents to use at the northern corner of the block, that the Subject Property borders that planned park and that the application and other applications on the Board's agenda were in furtherance of those plans; that the park land has already been transferred to a City of Chicago ("City") and local citizen operated organization, Neighborspace, and that the land for the park was "carved" out of other lots being developed by the Applicant particularly the Subject Property compelling the need for the reductions in front and side yard setbacks; this is the second time that the Applicant has brought this application to the Board, as an identical project and application were approved by the Board in October, 2009, but different interpretations by plan examiners at the City resulted in the expiration of the Board's previous issued approval compelling Applicant to return with this identical application for identical relief; and, that the variation if granted will not alter the essential character of the surrounding area or neighborhood; and

WHEREAS, Aurlian Simone, testified in support of the application; he testified that he is a licensed architect who works for Booth Hansen Architects; he stated that in his professional opinion strict compliance with the requirements of the Zoning Ordinance created hardships that make it difficult to develop the subject property, that the variance is consistent with the stated goals of the Zoning Ordinance; and

WHEREAS, Brian Goldberg testified in support of the application; he testified that he will be the end purchaser of the improvement and the Subject property; and

WHEREAS, Jennifer Noland testified in support of the application; she testified that she is the end purchaser of the lot immediately next to the Subject Property and that she supports the Application; and

WHEREAS, Mark Kriest testified in support of the application; he testified that he is building on the lot located across the street and is in support of the Application; and

WHEREAS, Counsel for applicant, Mr. Moore, submitted eight letters in support of the application including those from the Alderman and another adjacent neighbor; which letters were accepted by the Board into the record; and

WHEREAS, Ms. Elana Gallo appeared on behalf of the objectors to the application and stated she was appearing on behalf of the Fiasconi Family Limited Partnership which has purchased the lot at 2735 North Lakewood, and once had an option to purchase the

lot at the Subject Property, and that two members of the partnership were present, Ms. Gallo raised three objections: the proposed setbacks partially enclose the park diminishing the view of the green space, that the notice of the hearing was not posted and the park is vital for all of the residents' enjoyment; and

WHEREAS, Mr. Arthur Fiasconi testified in opposition to the application; he stated that he is a general partner of the Fiasconi Family Limited Partnership, that the green space is important to his family and to all of the residents on the block and that the obstructed view of the park is detrimental to his family's enjoyment of their property; and

WHEREAS, Counsel for Applicant, Mr. Moore addressed the objection regarding notice by stating that he had posted the notice at the Subject Property, mailed the notice as required per the ordinance and that affidavits confirming both acts were filed with the Zoning office; and

WHEREAS, 17-13-1101-B of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation to permit a reduction in any setback; therefore

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

1. The Board finds that proper notice, both by mail and by posting, was effectuated by the Applicant.
2. The Board finds that pursuant to 17-13-1107-A the Applicant has proved a prima facie case by testimony and other evidence that a practical difficulty and particular hardship exists regarding the proposed new construction on the Subject Property should the setback requirements of the Zoning Ordinance be strictly complied with, and, further, the requested variation regarding the setbacks is consistent with the stated purpose and intent of the Zoning Ordinance.
3. The Board finds that pursuant to 17-13-1107-B that the Applicant has established by testimony and other evidence that (1) a hardship exists regarding strict compliance with the setback requirement for the side yards which is the subject of the application; (2) that whether the property can yield a reasonable return is not material as the Applicant has sold the property to an end user who shall reside in the proposed residence and does not seek the variation in furtherance of an investment opportunity; and (3) the proposed construction with the requested setbacks will not alter the essential character of the neighborhood.

4. The Board finds that pursuant to 17-13-1107-C a practical difficulty exists which has been established by testimony and other evidence which has been submitted in that: (1) the proposed construction being predicated upon conformance with the newly created park which has been deeded to an independent not-for-profit organization creates a hardship for the Applicant, (2) the existence of the current non-conforming structure on the property line is a unique situation which would not be found in most other properties which conform to the Zoning Ordinance's setback requirements, (3) as the Applicant has sold to an end user who will live in the newly constructed building, profit is not a motive for the application, (4) the Applicant did not create the situation of the setbacks intentionally as it resulted from the creation of the park, (5) the variation being granted will not be detrimental to the public welfare or injurious to other property as testimony and other submissions to the Board has confirmed; and (6) the variation will not impair an adequate supply of light or air to the neighboring properties as the increase of size of the new construction will be relatively the same and is not objected to by the testimony of the purchasers of the immediate neighboring properties.

RESOLVED, the Board finds that the Applicant has sufficiently established by testimony and other evidence covering the specific criteria for a variation to be granted pursuant to Sections 17-13-1107- A, B and C of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid application for a variation to reduce the required front yard setback from 9.6' to 5', reduce the rear yard setback from 12.67' to 3', reduce the north and south side yard setbacks from 6.4' to 3' and reduce the total side yard combination from 16' to 6' for a proposed three-story family residence and it hereby is approved and the Zoning Administrator is authorized to permit said variation.

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

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

**APPLICANT:** 351 W. Dickens Condominium Association **CAL NO.:** 316-12-Z  
**APPEARANCE FOR:** Allan Goldberg **MINUTES OF MEETING:**  
September 21, 2012  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 351-53 W. Dickens Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required west side yard setback from 5' to zero for four open balconies with a spiral stair (also three open balconies and a rooftop deck on the east elevation) to an existing three-story 8-unit residential building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

FEB 19 2013

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA  
LORI HEALY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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		X

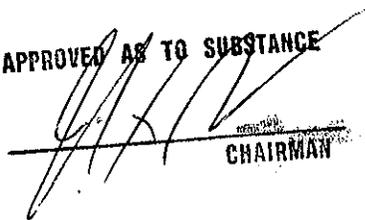
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held September 21, 2012, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on September 6, 2012 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required west side yard setback to zero for four open balconies with a spiral stair (also three open balconies and a rooftop deck on the east elevation) to an existing three-story 8-unit residential building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

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

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

**APPLICANT:** Angela Yorath **CAL NO.:** 317-12-Z  
**APPEARANCE FOR:** Anthony Baskin **MINUTES OF MEETING:**  
September 21, 2012  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4026 W. Patterson Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required west side yard setback from 5' to .92' for a proposed one-story rear addition with an open deck (also a one-story bay window on the east elevation) to an existing three-story single-family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

FEB 19 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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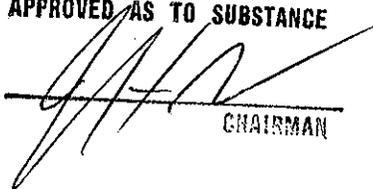
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on September 6, 2012 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required west side yard setback to .92' for a proposed one-story rear addition with an open deck (also a one-story bay window on the east elevation) to an existing three-story single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** 1324 N. Moorman, Inc.

**CAL NO.:** 318-12-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

September 21, 2012

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1320 N. Moorman Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required 11.7' front yard setbacks on a through lot to 5' on N. Moorman St. and zero on N. Hermitage Ave. and to reduce the north and south setbacks from 5' to 3' for a proposed two-story single-family residence.

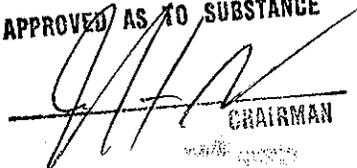
**ACTION OF BOARD-**  
CASE CONTINUED TO NOVEMBER 16, 2012

**THE VOTE**

FEB 19 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** 1324 Moorman, Inc.

**CAL NO.:** 319-12-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
September 21, 2012

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1324 N. Moorman Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required 7.63' front setbacks on a through lot to 5' on N. Moorman St. and zero on N. Hermitage Ave. and to reduce the required 5' unobstructed open space along the side of the property lines to 3' on the south and zero on the north for a proposed two-story single family residence.

**ACTION OF BOARD-**  
CASE CONTINUED TO NOVEMBER 16, 2012

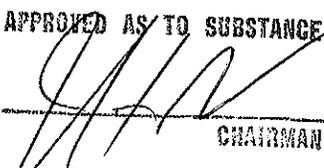
**THE VOTE**

FEB 19 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Michael Theodore Mazonne

**CAL NO.:** 320-12-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
September 21, 2012

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2535 W. North Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a special use to permit the expansion of one residential dwelling unit below the second floor to convert an existing two-unit mixed-use building into a three dwelling unit building with ground floor commercial space.

**ACTION OF BOARD-**  
CASE CONTINUED TO

**THE VOTE**

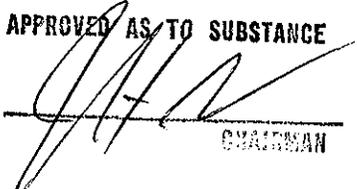
FEB 19 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

**APPLICANT:** MB Financial Bank

**CAL NO.:** 321-12-S

**APPEARANCE FOR:** Jessica Schramm

**MINUTES OF MEETING:**

September 21, 2012

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5930 N. Broadway

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a one-story bank with a two-lane drive-through facility.

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

**THE VOTE**

FEB 19 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN

GIGI McCABE-MIELE

LYNETTE SANTIAGO

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
X		
X		

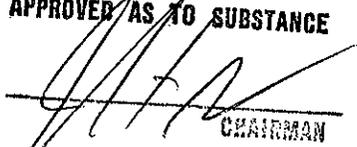
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012 after due notice thereof as provided under Section 17-13-0107-B and by publication in the Chicago Sun-Times on September 6, 2012; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the proposed bank with a drive-through facility, provided the development is constructed consistent with the site and landscape plan and building elevations dated July 9, 2012 by Wight Co.

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Takada Dixon-Epps

**CAL NO.:** 322-12-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
September 21, 2012

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 29 E. 59th Street

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

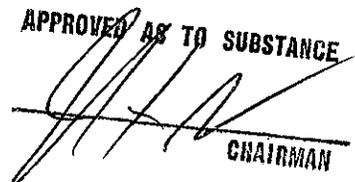
**ACTION OF BOARD-**  
CASE CONTINUED TO OCTOBER 19, 2012

**THE VOTE**

FEB 19 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Jose Santiago **CAL NO.:** 323-12-S  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
September 21, 2012  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3646 W. Lawrence Avenue

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

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

FEB 19 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

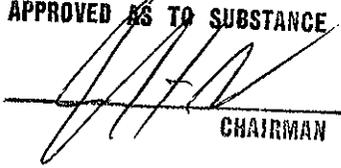
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 6, 2012; and

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

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Sigma Salon & Spa Inc. **CAL NO.:** 324-12-S  
**APPEARANCE FOR:** Thomas Murphy **MINUTES OF MEETING:**  
September 21, 2012  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 5768 N. Lincoln Avenue

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

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

**THE VOTE**

FEB 19 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 6, 2012; and

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

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

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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



DEC 19 2012

CITY OF CHICAGO  
ZONING BOARD OF APPEALS  
325-12-S  
CALENDAR NUMBER

**Davaasuren Jigden**  
APPLICANT

**2041 North Damen Avenue**  
PREMISES AFFECTED

**September 21, 2012**  
MINUTES OF MEETING

John Pikarsky  
APPEARANCE FOR APPLICANT

Won Sun Kim  
APPEARANCE FOR OBJECTORS

**NATURE OF REQUEST**

Application for a special use to for the establishment of a nail salon within 1,000' of another personal use business.

**ACTION OF BOARD**

**THE VOTE**

The application for the establishment of a nail salon within 1,000' of another personal use business is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lynette Santiago	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geraldine McCabe-Miele	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 20, 2012, after due notice thereof as provided under MCC Section 17-13-0107B and by publication in the Chicago Sun Times; and

WHEREAS, the applicant, Davaasuren Jaigden ("Applicant") testified in support of the application for the establishment of a nail salon within 1,000' of another personal use business (the "Application") and in that testimony she stated that she is an experienced operator of nail and beauty salons, she is making no changes to the front of the building, will only offer nail salon and waxing, that all employees will be licensed, that she will employ 8-10 people, hours will be 10-8pm, 7 days a week; 8 tables and waxing area, that she will be manager and will take care of customers, that she has purchased equipment and solicited independent licensed hair dressers to rent space in this shop; and

APPROVED AS TO SUBSTANCE

CHAIRMAN

WHEREAS, Joseph M Ryan testified in support of the application and in that testimony he stated that he is a licensed appraiser in the State of Illinois, that he has testified before this Board on previous occasions and has been qualified as an expert witness and in that capacity can offer competent opinion testimony; that he conducted a site visit and prepared a planner's report which was admitted into evidence in support of his testimony; that the application complies with the standards of the Chicago Zoning Ordinance; that hours of operation, conform with those prevalent in the area; that there are 5 other salons within 1500 feet; that supply and demand should determine whether another salon in this densely populated area undergoing an economic boom and d that there are many other economic uses in the area which has grown dramatically since 2008; the building is compatible with others in terms of scale and design in that it is 70 years old, there is ample parking and the salon will not have a detrimental affect in light of all the other uses in the area, is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation, there is ample parking available, pedestrian safety is not affected in that the space is located in mid block, the proposed use otherwise complies with all other requirements of the Zoning Ordinance; and

Attorney, Won Sun summarized her clients' objections to the Application as (1) the objections are not based in opposition to increased competition, (2) that there is a concentration of nail salons in the area around the subject property and the objectors, Mr. Kim and Mr. Lee, are afraid that the area is becoming "nail salon alley," (3) as more nail salons move into the area other retailers are precluded from opening and customers seeking products other than nail salons will be discouraged from shopping in the area, (4) parking is already limited in the area and the addition of 8-10 staff and customers will add to the burden on the limited parking available; and

Mr. Kim testified in opposition to the Application; in his testimony he stated that he owns another nail salon which has been there for 12 years, that there is a lack of diversity of retail establishments in the area, that there are too many restaurants and nail salons; parking is limited; he took pictures of the area the first depicting which buttressed his testimony regarding concentration of nail salons and limited parking;

WHEREAS, the staff report of the Zoning division of the Department of Housing and Economic Development did recommend approval of the Application.

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

1. The decision of the Zoning Board of Appeals to approve a special use application must be based solely on the approval criteria enumerated in Section 17-13-905-A of the Chicago Zoning Ordinance.
2. The Board finds that the Application:
  - (a) complies with all applicable standards of this Zoning Ordinance;
  - (b) is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community;
  - (c) is compatible with the character of the surrounding area in terms of site planning and building scale and project design;
  - (d) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation;and

(e) is designed to promote pedestrian safety and comfort.

RESOLVED, the aforesaid special use application is hereby approved.

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

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

**APPLICANT:** James Chambers DBA Cory's Barber Shop **CAL NO.:** 326-12-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
September 21, 2012

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 7122 S. Ashland Avenue

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

**ACTION OF BOARD-**  
CASE CONTINUED TO OCTOBER 19, 2012

**THE VOTE**

FEB 19 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** C & G barber Shop and Salon, LLC **CAL NO.:** 327-12-S  
**APPEARANCE FOR:** Cleaven Singleton **MINUTES OF MEETING:**  
September 21, 2012  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 9526 S. Halsted Street

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

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

**THE VOTE**

FEB 19 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

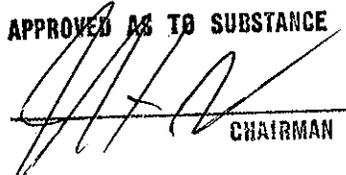
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 6, 2012; and

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

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Guillermia Sanchez

**CAL NO.:** 328-12-Z

**APPEARANCE FOR:** Agnes Plecka

**MINUTES OF MEETING:**  
September 21, 2012

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2500-04 N. Long Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required rear yard setback from 37.96' to 27.2' and reduce the north side yard setback from 5.7' to zero for a proposed one-story addition connecting a front and rear building to be de-converted from six dwelling units to five dwelling units.

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

**THE VOTE**

FEB 19 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

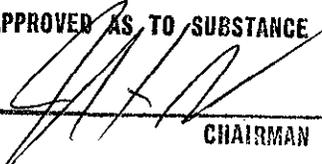
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on September 6, 2012 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required rear yard setback to 27.2' and reduce the north side yard setback to zero for a proposed one-story addition connecting a front and rear building to be de-converted from six dwelling units to five dwelling units; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Heffernan Builders LLC **CAL NO.:** 330-12-Z  
**APPEARANCE FOR:** James Banks **MINUTES OF MEETING:**  
September 21, 2012  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3844 N. Marshfield Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required front yard setback from 18' to 14' and reduce the total side yard combination from 5', with neither less than 2', to zero and the north and 3' on the south for a proposed two-story single-family residence.

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

**THE VOTE**

FEB 19 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

**THE RESOLUTION:**

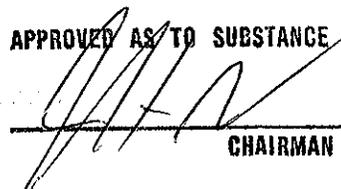
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on September 6, 2012 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required front yard setback to 14' and reduce the total side yard combination from to zero on the north and 3' on the south for a proposed two-story single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

**APPLICANT:** The Northside Community Church

**CAL NO.:** 331-12-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

September 21, 2012

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 7335-41 N. Western Avenue

**NATURE OF REQUEST:** Application for a under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 70-seat religious assembly within an existing one-story building.

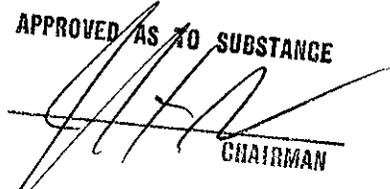
**ACTION OF BOARD-**  
CASE CONTINUED TO OCTOBER 19, 2012

**THE VOTE**

FEB 19 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** TBS African Restaurant

**CAL NO.:** 332-12-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
September 21, 2012

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2541 W. Lawrence Avenue

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

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

**THE VOTE**

FEB 19 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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RECUSED		

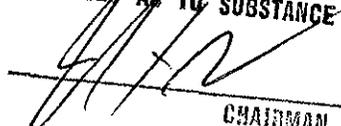
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on September 6, 2012 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a public place of amusement license for an existing restaurant which is located within 125' of a residential zoning district; the Board will permit the license to be established provided that the back wall of the building is sound-proofed and that parties must not go beyond 2:00A.M during the week and 3:00 a.m Friday and Saturday; and m the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** JCA Fund 11 LLC, Series 2338 **CAL NO.:** 333-12-S  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
 September 21, 2012  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2338 N. Leavitt Street

**NATURE OF REQUEST:** Application for a under Chapter 17 of the Zoning Ordinance for the approval of the expansion of an existing single-family residence with a rear two-story addition

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

**THE VOTE**

FEB 19 2013

CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

**THE RESOLUTION:**

JONATHAN SWAIN  
 GIGI McCABE-MIELE  
 LYNETTE SANTIAGO  
 SAM TOIA

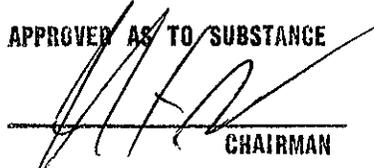
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 6, 2012; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the proposed expansion of the single-family residence, provided the development is constructed consistent with the site plan and building elevations dated June 19, 2012 by Kenneth Edwin Casey.

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

**APPROVED AS TO SUBSTANCE**  
  
 CHAIRMAN

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

**APPLICANT:** Bryan Tomany

**CAL NO.:** 334-12-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
September 21, 2012

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1942 N. Cleveland Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of

**ACTION OF BOARD-**  
CASE CONTINUED TO NOVEMBER 16, 2012

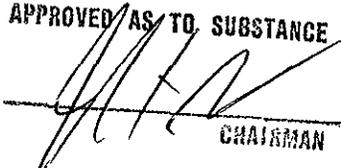
**THE VOTE**

FEB 19 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** New Cingular Wireless PCS, LLC **CAL NO.:** 335-12-S  
**APPEARANCE FOR:** Edward Kus **MINUTES OF MEETING:**  
September 21, 2012  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4726 N. Clark Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 95' tall wireless communication facility ( free standing monopole tower) with nine antennas and an equipment shelter within a public park.

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

FEB 19 2013

**THE VOTE**

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

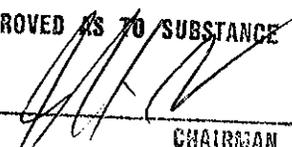
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 6, 2012; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a 95' tall wireless communication facility ( free standing monopole tower) with nine antennas and an equipment shelter within a public park; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the proposed wireless communication facility, provided the development is constructed consistent with the site plan dated September 21, 2012 by Bechtel Communications, Inc.

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



DEC 19 2012

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Lakewood Avenue, LLC**

APPLICANT

**336-12-Z**

**337-12-Z**

**2743-2745 North Lakewood Avenue**

PREMISES AFFECTED

**September 21, 2012**

MINUTES OF MEETING

**Thomas S. Moore**

APPEARANCE FOR APPLICANT

**Elena Gallo**

APPEARANCE FOR OBJECTORS

**NATURE OF REQUEST**

Application for a variation to reduce the required north side yard setback from 14.91' to 8.58' for a proposed three-story, three dwelling unit building with a detached garage and rooftop deck.

**ACTION OF BOARD**

**THE VOTE**

The application for a variation to reduce the required front yard setback from 14.91' to 8.58' for a proposed three-story, three dwelling unit building with a rooftop deck and detached garage is approved.

AFFIRMATIVE    NEGATIVE    ABSENT

Jonathan Swain,  
Chair  
Sam Toia  
Lynette Santiago  
Geraldine McCabe-  
Miele

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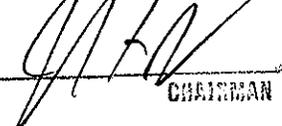
**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012, after due notice thereof as provided under MCC Section 17-13-0107B and by publication in the Chicago Sun Times; and

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

WHEREAS, Gregory Scott Bates, a member of the Lakewood Avenue, LLC ("Applicant") testified in support of its application; he stated that it is the owner of the property located at 2743-45 North Lakewood Avenue (together, the "Subject Property"),

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

that its application seeks a variation to reduce the required front yard setback from 14.91' to 8.58' is to allow for construction of a three-story three dwelling unit building with a rooftop deck and a detached garage (the "Application"), that he paid one million two hundred-fifty thousand dollars and that strict compliance with Zoning Ordinance without the variation the Applicant will not be able to develop the Subject Property and will fail to realize a sufficient return on it's investment; that the need for the variation is not a problem created by the Applicant; and that the variation, if granted, will not alter the character of the surrounding area; and

WHEREAS, Mr. Fenton Booth testified in support of the Application; he testified that he is a licensed architect, that this development is on the site of the Peerless Candy Company factory, that the plan for the development of the block was the result of a two year collaboration with the local Alderman and the Wrightwood Neighborhood Conservation Association (the "Association") and after a series of meetings the agreement of the developer, the Association and the Alderman was memorialized in a Restrictive Covenant which was recorded against each of the parcels being developed upon the site of the Peerless factory, that one goal of the design was to not have a monolithic appearance of uniform setbacks but instead a "feathered" look of varying setbacks along the block, and further, that the agreed plan was to alternate single family residences with three-unit buildings, which goal is being furthered by the Application, that the plans for the proposed construction including those at the Subject Property were similar to a planned community but none of the parties wanted a planned development so one was not created in accordance with the City's wishes that a planned development not be created so as to avoid second phase approvals for the construction of the residences; and

WHEREAS, Mr. Jack Hanna testified in support of the Application; he testified that he is the President of Jack Hanna Architects, Inc., that he designed the two 3- flats which are to be built on the Subject Property; that strict compliance with the Zoning regulations will not allow for a return on the investment; that the development will fit the character of the surrounding neighborhood; that the development otherwise complies with all of the requirements of the Zoning Ordinance as well as the Restrictive Covenant; that letters of support have been received from the neighbors on either side of the Subject Property as well as the Alderman; and

WHEREAS, Ms. Elena Gallo submitted written objections and appeared on behalf of the Fiascone Limited Family Partnership (together with members of the Partnership who testified, the "Objectors"), which were acknowledged by the Board; Ms. Gallo presented a summary of the points in opposition to the Application wherein she stated: (1) the proposed variations are not based on the original site plan and that the plan does not adequately consider other options for the use of the land such as using more of the rear yard and thereby not needing the variation for the front yard, that if constructed the Objectors will have to look at an additional 6' of brick wall, thereby "ruining the view from [Objectors'] property; (2) the proposed construction is not a hardship for the developer as he will just "flip it" and Objectors will have to "live with it [view of the 6' or 8' brick wall] for many years," that the development is not aesthetically pleasing and

will have a negative impact on the nearby properties, especially in that Objectors paid in excess of a \$1,500,000.00 for its lot and “the developer has paid substantially less for the lots” constituting the Subject Property; (3) the proposed construction will not have uniformity in home size, style or frontage; (4) no hardship is involved here for the Applicant as it has many options to re-configure the site plan to make it better conform with the surrounding area including options which would not require a variation; and

WHEREAS, Ms. Tina Fiascone testified in opposition to the Application; she stated that her family purchased the lot relying on the plans as had been shown to them, and that the Alderman and the developer should have known what the variables were in designing the lots “such as the 5’ sized lot and the 8’ addition to the wall” at the Subject Property and that the plans should not be changed after her family purchased its lot; and

WHEREAS, Attorney Moore was granted permission to recall Mr. Hanna to answer questions raised by the Objectors’ testimony; Mr. Hanna further testified that the parkway is extraordinarily large in that it is 16’8” green-space whereas the average parkway in Chicago is 8’ and the sidewalk is 5’ and the building is set back 4’ from the edge of the sidewalk and the front of the three-flats will be 4’7” behind the townhouses; that as the balconies in the rear of the buildings are set at the exact limit of the rear yard setback and considering the limitations imposed by the Restrictive Covenant, it wasn’t possible to move the building back as suggested by Objectors’ counsel; and

WHEREAS, Attorney Moore was granted permission to recall Mr. Bates to answer questions raised by Board and the Objectors’ testimony; Mr. Bates addressing the question of why the buildings cannot be built smaller so that no variation would be needed testified that the challenge of building within the parameters of the Restrictive Covenant was responsive to what the Alderman and the Association wanted such as the feathering of the setbacks, that there is not much room to shrink the building plan as the rear bedroom is already at the minimum acceptable 10’ and that the rate of return will not be sufficient on the investment with the rooms shrunk to accommodate the smaller building footprint which would result if the variation were not granted; and

WHEREAS, 17-13-1101-B of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation to permit a reduction in any setback; therefore

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby makes the following findings with reference to the Applicant’s Application for a Variation:

1. The decision of the Zoning Board of Appeals to approve a variation application must be based solely on the approval criteria enumerated in Section 17-13-1107-A through C of the Chicago Zoning Ordinance.
2. The Board finds that pursuant to 17-13-1107-A the applicant has proved a prima facie case by testimony and evidence that a practical difficulty and particular hardship

exists regarding the proposed new construction on the Subject Property should the setback requirement of the Zoning Ordinance be strictly complied with, and, further, the requested variation regarding the setbacks is consistent with the stated purpose and intent of the Zoning Ordinance.

3. The Board finds that pursuant to 17-13-1107-B that Applicant has established that: (1) a hardship exists regarding strict compliance with the setback requirement for the front yard which is the subject of the application; (2) that the investment in the Subject Property is such that it cannot yield a reasonable return as the Applicant is developing property which is subject to a Restrictive Covenant which developer, Bates, did not participate in its creation and which imposes certain limitations on the way buildings can be built on the block, and, further, should the buildings be re-designed to negate the need for the variation, the resultant rooms would be shrunk in such a way that the buildings would be more difficult to market and which would not generate a sufficient rate of return; and (3) the variation would not result in the construction of buildings which would alter the essential character of the surrounding area.

5. The Board finds that pursuant to 17-13-1107-C a practical difficulty exists which has been established by evidence which has been submitted in that: (1) the proposed construction being predicated upon conformance with the Restrictive Covenant's requirement regarding setbacks is a hardship upon the owner, (2) the construction otherwise is in accordance with the requirements of the Zoning Ordinance, (3) the Applicant has established that the rate of return is insufficient without the setback being granted and that the parkway between the curb and the sidewalk is twice as large as the average parkway width in Chicago that the hardship articulated by the Objectors is somewhat lessened, (4) the Applicant did not create the situation requiring the Application for the setbacks, (5) the variation being granted will not be detrimental to the public welfare or injurious to other property and (6) the variation will not impair an adequate supply of light or air to the neighboring properties as the increase of the setback is sufficient to not impair the supply of light or air to the property of the immediate neighbors to the Subject Property, and those immediate neighbors have tendered letters of support to the Application.

RESOLVED, the Board finds that the Applicant has proved a prima facie case by testimony and evidence covering the specific criteria for a variation to be granted pursuant to Sections 17-13-1107- A, B and C of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid Application for a variation to reduce the required front yard setback from 14.91' to 8.58' for a proposed three-story, three dwelling unit building with a rooftop deck and detached garage is approved and the Zoning Administrator is authorized to permit said variation.

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

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

**APPLICANT:** 1738 N. Mohawk Condominium Association **CAL NO.:** 338-12-S

**APPEARANCE FOR:** Jessica Schramm **MINUTES OF MEETING:**  
September 21, 2012

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1736 N. Mohawk Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a proposed off-site accessory parking within a three car garage to serve an existing three-unit residential building located at 1738 N. Mohawk Street (garage predominately on 1738 Mohawk with 10" on 1736 N. Mohawk)

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

FEB 19 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

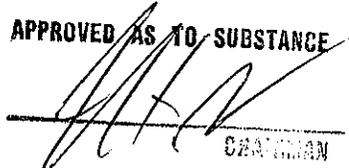
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 6, 2012; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an off-site accessory parking within a three car garage to serve an existing three-unit residential building located at 1738 N. Mohawk Street (garage predominately on 1738 Mohawk with 10" on 1736 N. Mohawk); expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the surrounding neighborhood; further expert testimony was also offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the proposed off-site parking, provided the development is constructed consistent with the floor plan and building elevations dated March 21, 2012 by Environs Development.

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

APPROVED AS TO SUBSTANCE  
  
JONATHAN SWAIN

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

APPLICANT: Sheffield Weed, LLC

CAL NO.: 339-12-Z

APPEARANCE FOR: Donna Pugh

MINUTES OF MEETING:  
September 21, 2012

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1555 N. Sheffield Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required two loading spaces to one to serve a proposed three story retail building.

ACTION OF BOARD-  
VARIATION GRANTED

THE VOTE

FEB 19 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

THE RESOLUTION:

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

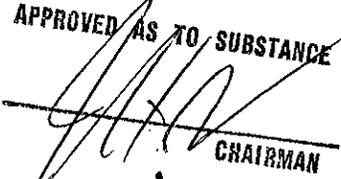
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on September 6, 2012 and

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

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** River City Community Church **CAL NO.:** 340-12-S  
**APPEARANCE FOR:** Katriina McGuire **MINUTES OF MEETING:**  
 September 21, 2012  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3707 W. Grand Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of 290 seat religious assembly within an existing one-story building.

**ACTION OF BOARD-**  
 APPLICATION APPROVED

**THE VOTE**

AUG 20 2013  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

JONATHAN SWAIN  
 GIGI McCABE-MIELE  
 LYNETTE SANTIAGO  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

**THE RESOLUTION:**

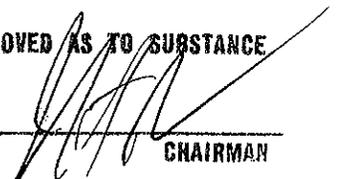
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 6, 2012; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a 290 seat religious assembly which shall be located within an existing one-story building; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the proposed religious assembly, provided the development is constructed consistent with the site plan and building elevations dated August 13, 2012 by Cornice & Rose International.

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

APPROVED AS TO SUBSTANCE

  
 CHAIRMAN

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

**APPLICANT:** River City Community Church **CAL NO.:** 341-12-S  
**APPEARANCE FOR:** Katriina McGuire **MINUTES OF MEETING:**  
September 21, 2012  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1234 N. Monticello Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of an off-site parking lot to serve a religious assembly located at 3707 W. Grand Avenue.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

AUG 20 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		

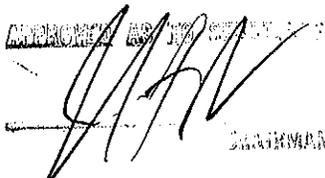
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 6, 2012; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an off-site parking lot to serve a religious assembly located at 3707 W. Grand Avenue; a special use was granted in Cal. No. 340-13-S to permit the religious assembly; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

  
JONATHAN SWAIN  
CHAIRMAN

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

**APPLICANT:** Bates House Condominium Association      **CAL NO.:** 343-12-Z  
**APPEARANCE FOR:** Thomas Moore      **MINUTES OF MEETING:**  
September 21, 2012  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1337 W. Flourney Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required west side yard setback from 2.3' to zero for a proposed two-story rear open porch for two (front and rear) two-story residential buildings on one lot.

**ACTION OF BOARD-  
VARIATION GRANTED**

FEB 19 2013

**THE VOTE**

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

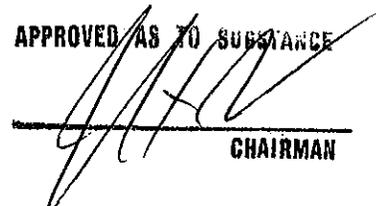
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on September 6, 2012 and

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

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

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

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

**APPLICANT:** Chicago Transit Authority

**CAL NO.:** 344-12-S

**APPEARANCE FOR:** Scott Borstein

**MINUTES OF MEETING:**

September 21, 2012

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5446-48 S. Calumet Avenue / 320-34 E. Garfield Boulevard

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval the expansion of a major utility for a proposed CTA bus turnaround accessory to an existing CTA rail station and parking lot.

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

FEB 19 2013

**THE VOTE**

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

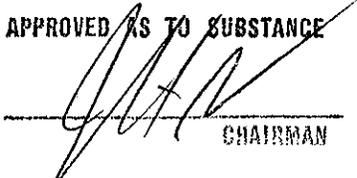
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 6, 2012; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the proposed expansion of the existing CTA rail station by the addition of a bus turnaround, provided the development is constructed consistent with the site plan dated August 23, 2012 by the Chicago Transit Authority.

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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** XFL Trust **CAL NO.:** 345-12-S  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
September 21, 2012  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 709 W. Willow Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor for a single-family residence with a penthouse addition.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

FEB 19 2013  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

JONATHAN SWAIN  
 GIGI McCABE-MIELE  
 LYNETTE SANTIAGO  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

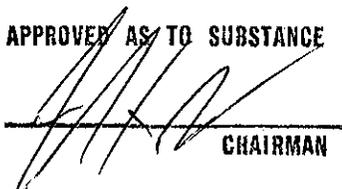
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 6, 2012; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the proposed residential use below the second floor, provided the development is constructed consistent with the site plan dated August 8, 2012 and the building elevations dated September 7, 2012 by Sullivan Goulette & Wislon Architects.

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

APPROVED AS TO SUBSTANCE

  
 CHAIRMAN

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

**APPLICANT:** XFL Trust **CAL NO.:** 346-12-Z  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
September 21, 2012  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 709 W. Willow Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required rear yard setback from 30' to 2' for a single-family residence with a penthouse addition.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

FEB 19 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

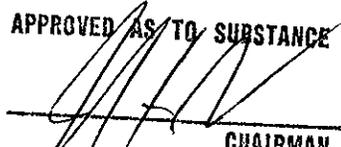
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on September 6, 2012 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a special use was granted to the property to establish residential use below the second floor in Cal. No. 345-12-S; the applicant shall now be permitted to reduce the required rear yard setback to 2' for a single-family residence with a penthouse addition; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:**

Robert Austin

**CAL NO.:** 347-12-A

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

September 21, 2012

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:**

2467 N. Geneva Terrace

**NATURE OF REQUEST:** Application for an objector's appeal from the decision of the office of the Zoning Administrator under Chapter 17 of the Zoning Ordinance in the granting an Administrative Adjustment for the property located at 2467 N. Geneva Terrace.

**ACTION OF BOARD-**

CASE CONTINUED TO NOVEMBER 16, 2012

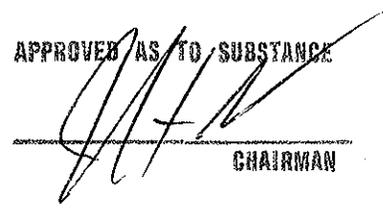
**THE VOTE**

FEB 19 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

**APPLICANT:** Media Communications, Inc

**CAL NO.:** 348-12-A

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
September 21, 2012

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2616 N. Milwaukee Avenue

**NATURE OF REQUEST:** Application for an appeal from the decision of the office of the Zoning Administrator under Chapter 17 of the Zoning Ordinance in refusing to permit a 1,200 square feet, 60' high off-premise/ advertising sign on a pedestrian street, within 100' of a residential zoning district, exceeding the maximum total sign area allowed in a B3 District and within 300' of another off-premise sign.

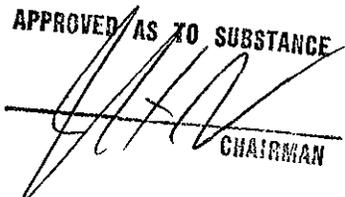
**ACTION OF BOARD-  
UNDER ADVISEMENT**

**THE VOTE**

FEB 19 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Media Communications, Inc.

**CAL NO.:** 349-12-A

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
September 21, 2012

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2616 N. Milwaukee Avenue

**NATURE OF REQUEST:** Application for an appeal from the decision of the office of the Zoning Administrator under Chapter 17 of the Zoning Ordinance in refusing to permit a 1,200 square feet, 60' high off-premise/ advertising sign on a pedestrian street, within 100' of a residential zoning district, exceeding the maximum total sign area allowed in a B3 District and within 300' of another off-premise sign.

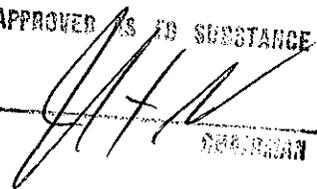
**ACTION OF BOARD-  
UNDER ADVISEMENT**

**THE VOTE**

FEB 19 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
GIGI McCABE-MIELE  
LYNETTE SANTIAGO  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVER AS TO SUBSTANCE  
  
SECRETARY

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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



MAR 21 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

348-12-A

349-12-A

CALENDAR NO.

**Media Communications, Inc.**  
APPLICANT

**2616 N. Milwaukee Avenue**  
PREMISES AFFECTED

**September 21, 2012**  
MINUTES OF MEETING

Thomas Moore  
Anderson and Moore

APPEARANCE FOR APPLICANT

Thomas Dombai, Amanda Basil  
Office of the Corporation Counsel  
City of Chicago

APPEARANCE FOR OBJECTOR

**NATURE OF REQUEST**

Application for an appeal from the decision of the Zoning Administrator to not permit a 1200 sq. ft./60' height off-premise/advertising sign on a pedestrian street, within 100' of a residential zoning district, exceeding the maximum total sign area allowed in a B3 District and within 300' of another off-premise sign.

**ACTION OF BOARD**

**THE VOTE**

The decision of the Zoning Administrator is reversed.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lynette Santiago	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geraldine McCabe- Miele	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLUTION OF THE BOARD**

**BACKGROUND**

Public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012, after due notice thereof as provided under Chicago Municipal Code ("MCC") Section 17-13-0107-B and by publication in the Chicago *Sun-Times*.

The Zoning Administrator denied the application of Media

APPROVED AS TO SUBSTANCE

CHAIRMAN

Communications, Inc. (the "Applicant") for a permit for an off-premise/advertising wall sign measuring 60' in height and 20' in length for a total of 1200 sq. ft. in that it violated MCC 17-12-1002-F which prohibits signs on Pedestrian Streets, as the proposed sign would be located at 2616 North Milwaukee Avenue in Chicago (the "Subject Property") which has been designated as a Pedestrian Street; and the resultant sign would violate MCC 17-12-1006-A which entirely prohibits off-premise signs within 100' of a Residential District as the Subject Property is within 100' of a Residential District; MCC 17-12-1003-E which allows a maximum combined size of 200 sq. ft. total, combined surface of signs on a building in the zoning district where the Subject Property is located and the building at the Subject Property already displays signs which exceed the allowable combined sq. ft. allowable; and MCC 17-12-1006-H which prohibits off premise signs within 300' any other off-premises advertising sign and Applicant seeks a permit for two signs on the same building within 20' of each other.

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

The Applicant presented its case and the Objectors testified in opposition. Applicant presented photographs of the Subject Property with various signs painted on the side of the building; Objectors presented inspection reports from the City's Buildings Department citing illegal non-conforming signs on the building at the Subject Property. Both sides presented memoranda of law on its behalf.

#### FINDINGS AND RESOLUTION

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

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

than a year is allowable. Objectors maintain that not only had more than an allowable time lapse in which no sign was displayed on the wall of the Subject Property, but, also, that Applicant's intended method of installing new signs would constitute an impermissible "alteration" of the sign in violation of MCC 17-15-0504.

3. The Board finds that as there were frequently signs of varying sizes on the side of the building at the Subject Property.
4. The Board finds that the method by which the Applicant intends to affix new signs to the building at the Subject Property does not violate MCC 17-15-0504.

*Therefore,* the Board hereby reverses the decision of the Zoning Administrator. The Applicant's appeal is granted. The permit which was denied and which constituted the basis of the Appeal should be granted. This is a final decision subject to review under the Illinois Administrative Review Law (735 ILCS 5/3).