

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

**APPLICANT:** OCP Acquisitions, LLC DBA Sudsational **CAL NO.:** 202-13-S

**APPEARANCE FOR:** Michael Barr

**MINUTES OF MEETING:**  
June 21, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1322 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 car wash facility.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

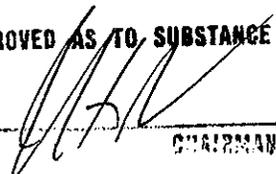
**THE RESOLUTION:**

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 June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a car wash facility; the applicant testified that the car wash would serve the near by Lexus dealer and would not be open to the public; 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 car wash facility, provided the development is constructed consistent with the materials, designs, layouts and plans dated April 25, 2013.

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:** St. Clair Haywood **CAL NO.:** 203-13-S  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
June 21, 2013  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4209-11 W. Lake Street

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

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

SEP 24 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

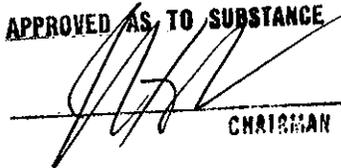
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a car wash facility at this location; 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 car wash facility, provided the development is constructed consistent with the materials, designs, layouts and plans dated April 29, 2013 and prepared by Axios Architects and Consultants. .

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:** Summit Oil Company, Inc. **CAL NO.:** 204-13-S  
**APPEARANCE FOR:** Richard Kruse **MINUTES OF MEETING:**  
 August 16, 2013  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2758 W. Peterson Avenue

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

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

**THE VOTE**

SEP 24 2013  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

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

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 16, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 6, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a gas station at this location; 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 gas station .

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:** Summit Oil Company, Inc.

**CAL NO.:** 205-13-Z

**APPEARANCE FOR:** Richard Kruse

**MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2758 W. Peterson Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval for the reduction from the minimum 20,000 sq. ft. lot area for a proposed gas station provided it has a least 10,000 sq. ft. of lot area (proposed station has 12,045 sq. ft.)

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

**THE VOTE**

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

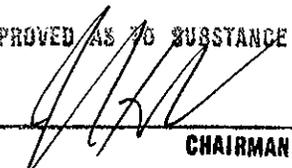
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013 after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on June 6, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a special use was granted to this location to establish a gas station in Cal. No.204-13-S; the applicant shall now be permitted to reduce the required minimum from the required 20,000 square feet to 12, 045 square feet 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:** 24 West Chestnut LLC

**CAL NO.:** 218-13-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

June 21, 2013

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 24 W. Chestnut Street

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

**ACTION OF BOARD-**

WITHDRAWN ON MOTION OF THE APPLICANT

**THE VOTE**

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN

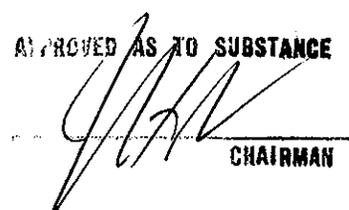
SAM TOIA

JUDY MARTINEZ-FAYE

SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

**APPLICANT:** Halina Sedelmaier DBA Whitestock Inc. **CAL NO.:** 221-13-S

**APPEARANCE FOR:** Same **MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 8303 W. Irving Park Road

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

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

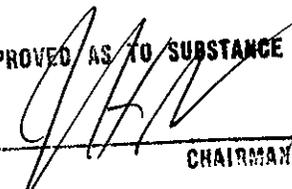
**THE RESOLUTION:**

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 an outdoor patio which shall serve the existing tavern at this location; 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 outdoor patio for an existing tavern, provided the development is constructed consistent with the plans dated May 6, 2013.

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:** 1623 Wolcott, LLC c/o John Searls

**CAL NO.:** 232-13-S

**APPEARANCE FOR:** James Banks

**MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1621-1623 N. Wolcott Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of residential use below the second floor for a proposed three-story single-family residence with an attached two-car garage.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

THE RESOLUTION:

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

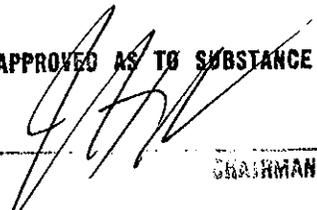
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 19, 2011 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 4, 2011; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the residential use below the second floor, for a proposed three-story single family residence with an attached two car garage, provided the development is constructed consistent with the materials designed , layout and plans dated March 13, 2013 and prepared by Osterhaus McCarthy, LLC

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:** Jarla, LLC **CAL NO.:** 271-13-S  
**APPEARANCE FOR:** Katriina McGuire **MINUTES OF MEETING:**  
August 16, 2013  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1823-1855 W. Webster

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a proposed 762-person, two-story, sports and recreation facility.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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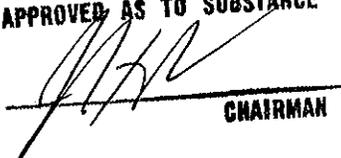
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a 762 person, two story sports and recreation facility; 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 762, person, two-story, sports and recreation facility, provided the development is constructed consistent with the materials, design, layout and plans dated August 16, 2013 and prepared by OKW.

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:** Jarla, LLC **CAL NO.:** 272-13-Z  
**APPEARANCE FOR:** Katriina McGuire **MINUTES OF MEETING:**  
August 16, 2013  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1823-55 W. Webster Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the on-site parking from 76 to 69 spaces to serve a proposed 762-person, two-story, sports and recreation facility.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

SEP 24 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
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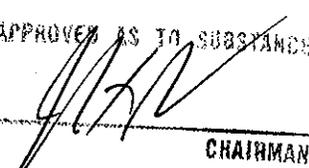
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on August 1, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a special use was granted in Cal. No. 271-13-S, to permit the establishment of a 762 sports and recreation facility; the applicant shall also be permitted to reduce the required on site parking space from 76 to 69; the applicant has also been approved for two additional off-site parking lots to fulfill the parking requirement for the facility ( Cal. Nos 273-13-S & 274-13-S); 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:** Jarla, LLC  
**APPEARANCE FOR:** Katriina McGuire  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1819 W. Webster Avenue

**CAL NO.:** 273-13-S

**MINUTES OF MEETING:**  
August 16, 2013

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 14-space, accessory, off-site parking lot to serve a proposed 762-person, two-story, sports and recreation facility located at 1823-55 W. Webster Avenue

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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**THE RESOLUTION:**

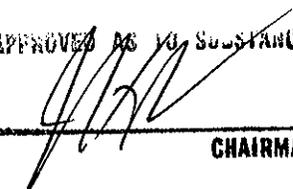
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a 14-space, accessory, off-site parking lot to serve a proposed 762-person, two-story, sports and recreation facility located at 1823-55 W. Webster Avenue which was granted in Cal. No 271-13-S; 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 14 space-accessory, off-site parking lot to serve a proposed 762-person, two story, sports and recreation facility located at 1823-55 W. Webster avenue, provided the development is constructed consistent with the design, layout and plans dated August 16, 2013 and prepared by OKW.

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:** Jarla, LLC

**CAL NO.:** 274-13-S

**APPEARANCE FOR:** Katriina McGuire

**MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2134 N. Wood Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 30-space, accessory, off-site parking lot to serve a proposed 762-person, two-story, sports and recreation facility located at 1823-55 W. Webster Ave.

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

**THE VOTE**

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
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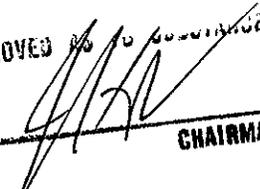
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a 30-space, accessory, off-site parking lot to serve a proposed 762-person, two-story, sports and recreation facility located at 1823-55 W. Webster Avenue which was granted in Cal. No 271-13-S; 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 14 space-accessory, off-site parking lot to serve a proposed 762-person, two story, sports and recreation facility located at 1823-55 W. Webster avenue, provided the development is constructed consistent with the design, layout and plans dated August 16, 2013 and prepared by OKW.

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

APPROVED   
CHAIRMAN

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

**APPLICANT:** Eddie McBrearty

**CAL NO.:** 275-13-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1615 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 residential use below the second floor for a proposed six-story, eight dwelling unit building with a rear roof deck, three-level rear balconies and an attached garage.

**ACTION OF BOARD-**  
CASE CONTINUED TO OCTOBER 18, 2013

**THE VOTE**

SEP 24 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:**

Eddie McBrearty

**CAL NO.:** 276-13-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

August 16, 2013

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:**

1615 W. Grand Ave.

**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 13', for a proposed six-story, eight dwelling unit building with a rear roof deck, three-level rear balconies and an attached garage.

**ACTION OF BOARD-**

CASE CONTINUED TO OCTOBER 18, 2013

**THE VOTE**

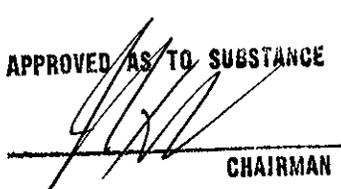
SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** Martin Homes, Inc. **CAL NO.:** 277-13-S  
**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**  
August 16, 2013  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2746 W. Belmont Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of residential use below the second floor for a proposed three-story, three dwelling unit building with a detached garage.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

SEP 24 2013  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

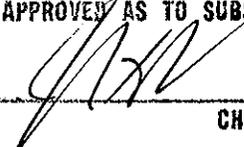
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2013; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the residential use below the second floor for a proposed three-story, three dwelling unit building with attached garage, provided the development is constructed consistent with the materials, design, layout and plans dated May 21, 2013 and prepared by IURO and Associates..

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:** Martin Homes, Inc.

**CAL NO.:** 278-13-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2746 W. Belmont Ave.

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the area occupied by an accessory building in a 30' rear yard setback by not more than 10% for a proposed detached garage.

**ACTION OF BOARD-**  
WITHDRAWN ON MOTION OF THE APPLICANT

**THE VOTE**

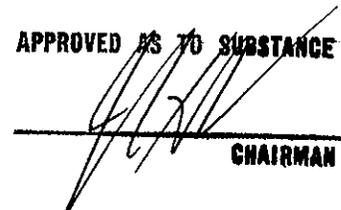
SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** Fremont Hotel Partners, LLC

**CAL NO.:** 279-13-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1523 N. Fremont Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a six-story, 156-room hotel with ground floor retail space and 54 below-grade parking spaces.

**ACTION OF BOARD-**  
CASE CONTINUED TO SEPTEMBER 20, 2013

**THE VOTE**

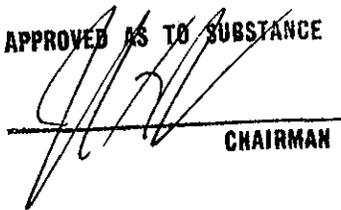
SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** Mohammed A. Raza

**CAL NO.:** 280-13-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2956 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 beauty salon.

**ACTION OF BOARD-**  
WITHDRAWN ON MOTION OF THE APPLICANT

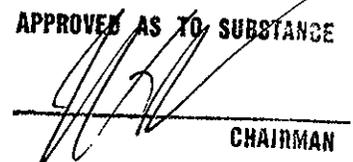
**THE VOTE**

SEP 24 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

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

**APPLICANT:** Gail Head, DBA Brittany Maxfield Lifestyle Spa **CAL NO.:** 281-13-S

**APPEARANCE FOR:** **MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 3505 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 beauty salon.

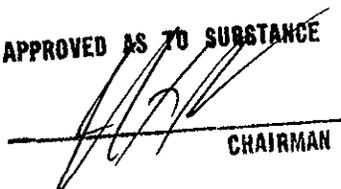
**ACTION OF BOARD-**  
CASE CONTINUED TO SEPTEMBER 20, 2013

**THE VOTE**

SEP 24 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**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



SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**282-13-S**

CALENDAR NUMBER

**Nicole Marie Rafalin**

APPLICANT

**3453 W. 111th St.**

PREMISES AFFECTED

**August 16, 2013**

MINUTES OF MEETING

Pro Se

APPEARANCE FOR APPLICANT

Ald. Matthew O'Shea & Others

OBJECTORS

**NATURE OF REQUEST**

Application for a special use to permit the establishment of a hair salon.

**ACTION OF BOARD**

**THE VOTE**

The application for a special use is approved.

Jonathan Swain, Chair
Judy Martinez-Faye
Sheila O'Grady
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Nicole Marie Rafalin, the Applicant, testified in support of the application; that she would like to open a hair salon for men and women at the subject property; that the proposed hours of operation for the hair salon would be: Tuesday – Friday, 10:00 AM -8:00 PM; Saturday, 9:00 AM - 4:00 PM; that she intends to have 4 hair stations and 4 employees; that she has been a hair stylist for almost 8 years; that this would be her first time owning a hair salon; that she has some experience in managing a hair salon; and

WHEREAS, Mr. Joseph Ryan testified in support of the application; his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that in his professional opinion,

APPROVED AS TO SUBSTANCE

CHAIRMAN

all of the criteria identified in the Zoning Ordinance which must be addressed in support of such an application were met; that he then testified that the proposed special use: (1) complies with all applicable standards of the Zoning Ordinance; (2) is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the area as there are only two other hair salons in the immediate area, one by appointment only and the other a day spa that caters to women; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the special use will utilize an existing vacant retail storefront; and (4) has similar hours of operation to the rest of the neighborhood and is therefore 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

WHEREAS, Ms. Rafalin further testified that she had with her a petition with 750 signatures from people in the ward that supported her proposed special use; and

WHEREAS, Alderman Matthew O'Shea testified in opposition to the application; that his constituents were concerned about parking issues if the proposed special use were granted; that his constituents were further concerned about oversaturation of hair salons in the area; that he is always very concerned about protecting the existing businesses in his ward; and

WHEREAS, Ms. Rosemary Albrecht testified in opposition to the application; that she resided at 11105 S. St. Louis Street; that she has owned the Rare Hair Salon for over 25 years; that the Rare Hair Salon is currently located approximately 60' from the subject property; that the proposed special use will impede her business and she is therefore opposed to the proposed special use; that she had with her a letter from Toni Quinn; that Ms. Quinn is the owner of Face to Face Hair Salon located at 3502 W. 111th Street; that Ms. Quinn is also opposed to the proposed special use; that Ms. Quinn is concerned about parking; and

WHEREAS, Ms. Sandy Wright-Evitt testified in opposition to the application; that she owns the Right Cut located at 3938 W. 111th Street; that she is concerned about the oversaturation of hair salons in the area; that she is also concerned about parking in the area; and

WHEREAS, in response to the Objector's testimony, Mr. Ryan further testified in that there is a church parking lot at the southwest corner of 111th and St. Louis Street; that because of this parking lot, there is no business on this southwest corner and therefore street parking is unimpeded there; that all the business owners in the storefront retail of the subject property have off-street parking as a part of their rent; and

WHEREAS, in response to questions raised by the Board, Ms. Rafalin further testified that she has off-street parking at the subject property; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the application for the Special Use hair salon provided that the development is constructed consistent with the plans dated June 24, 2013; and

WHEREAS, the Applicant has presented evidence that the proposed application meets all of the criteria established in Section 17-13-0905-A for the granting of a Special Use; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a Special Use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as it will provide a hair salon in the area that caters to both men and women and has regular hours of operation. Further, the proposed special use will have a positive impact on the general welfare of the neighborhood as it will replace a currently vacant storefront with a commercial business;
3. The proposed special use will not change the character of the surrounding area in terms of site planning and building scale and project design as the special use will be utilizing a vacant retail storefront;
4. The proposed special use has similar hours of operation to the rest of the neighborhood and therefore will be 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
5. The proposed special use is designed to promote pedestrian safety and comfort as it will utilize an existing storefront and has off-street parking.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

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

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

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

APPLICANT: Jammie Jones-Anderson, DBA Eimaj Salon

CAL NO.: 283-13-S

APPEARANCE FOR:

MINUTES OF MEETING:  
August 16, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 8214 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 beauty and hair salon.

ACTION OF BOARD-  
CASE CONTINUED TO SEPTEMBER 20, 2013

THE VOTE

SEP 24 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
*[Signature]*  
CHAIRMAN

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

APPLICANT: Jeffrey and Sara Webster CAL NO.: 284-13-Z
APPEARANCE FOR: James Banks MINUTES OF MEETING: August 16, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6106-10 N. Monticello Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required total side yard combination from 18' to 5.9' (north side yard 3.07' and south side yard 2.83') for a proposed one-story addition to an existing two-story single-family residence.

ACTION OF BOARD- VARIATION GRANTED

THE VOTE

SEP 24 2013

CITY OF CHICAGO ZONING BOARD OF APPEALS

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

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows for Jonathan Swain, Judy Martinez-Faye, Sam Toia, and Sheila O'Grady, all with 'X' in the Affirmative column.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on August 1, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required total side yard combination to 5.9' (north side yard 3.07' and south side yard 2.83') for a proposed one-story addition to an existing 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 [Signature] CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS  
**285-13-Z**  
CALENDAR NUMBER

**2040-42 N. Damen, LLC.**  
APPLICANT

**2040-42 N. Damen Ave.**  
PREMISES AFFECTED

**August 16, 2013**  
MINUTES OF MEETING

Jessica Schramm  
APPEARANCE FOR APPLICANT

No Objectors

**NATURE OF REQUEST**

Application for a variation to reduce the required minimum lot area from 1,000 sq. ft. to 960 sq. ft. per dwelling unit and to reduce the rear yard setback from 30' to 18' for a proposed four-story, five dwelling unit with an attached garage.

**ACTION OF BOARD**

**THE VOTE (REAR YARD SETBACK)**

The application for a variation to reduce the rear yard setback is approved. The application for a variation to reduce the required minimum lot area is denied.

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

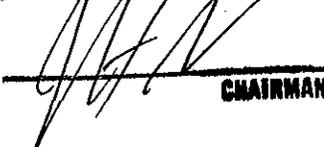
**THE VOTE (REQUIRED MINIMUM LOT AREA)**

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

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

**APPROVED AS TO SUBSTANCE**

  
\_\_\_\_\_  
CHAIRMAN

WHEREAS, Ms. Jessica Schramm, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that the Applicant proposed to build a four-story, mixed-use building on the subject property; that this building would have retail on the ground floor with five dwelling-units above; that the Applicant sought a variation to allow it to add the fifth dwelling-unit; that the Applicant also sought a variation to reduce the rear-yard setback; and

WHEREAS, Mr. Ryan O'Boyle testified in support of the application; that he was a representative of the Applicant; that the subject property is a 48' x 100'; that a standard City lot has a depth of 125'; that because the subject property is 25' shorter than a standard City lot, the Applicant is limited to a four dwelling-unit building; that the Applicant would like to build a five dwelling-unit building on the subject property; that consequently, the Applicant is asking for a reduction in the minimum lot area per dwelling unit as well as a reduced rear yard setback; and

WHEREAS, Ms. Schramm explained that the other lots on this part of North Damen Avenue were standard City lots with a depth of 125'; that the other lots on this part of North Damen Avenue were 50' in width; that consequently, six dwelling-unit buildings were the norm on this part of North Damen Avenue; that the proposed five dwelling-unit building would therefore be keeping in character with the neighborhood and matching the current pattern of development; and

WHEREAS, in response to questions from the Board, Mr. O'Boyle further testified there was "nothing wrong with four units" but that "[f]or the structure of the deal, it works out better for us to build five units"; that he would not build a four dwelling-unit building if the variations were not granted and would instead sell the property; and

WHEREAS, Mr. Mark Sullivan testified on behalf of the application; his credentials as an expert in architecture were acknowledged by the Board; that he is the architect for the proposed building; that the proposed building complies with all the rules and standards of the Zoning Ordinance except the rear yard setback and the minimum lot area per dwelling unit; that the Applicant is seeking a variation to reduce the rear yard setback from the required 30' to 18'; that the Applicant is further seeking a variation to reduce the minimum lot area per dwelling unit from 1000 sq. ft. to 960 sq. ft.; that the shallow lot depth of the subject property is driving both of these variations; that if the subject property were the standard depth of 125', the Applicant could have five dwelling-units by right and not need a variation; that in his professional opinion, the proposed building is keeping with the scale and character of this portion of North Damen Avenue; that the proposed building will not increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

WHEREAS, in response to questions raised by the Board, Mr. O'Boyle further testified that the Applicant anticipated renting out the dwelling-units of the proposed building at \$3,000 per month; that without the fifth unit, the Applicant would lose \$36,000 in revenue per year; and

WHEREAS, in response to further questions raised by the Board, Ms. Schramm explained that the Applicant did knowingly buy a lot that was substandard in depth; that consequently, the Applicant knew it could only build four dwelling-units when it bought the subject property; that Applicant bought the lot because it could ask the Board for relief; that the Applicant did not create the hardship of the substandard lot depth because the Applicant did not sell off the back 25' of the lot; 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; and

WHEREAS, 17-13-1101-R of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation permitting the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot; now, 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, B and C of the Chicago Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's application for a variation:

1. The Board finds that pursuant to 17-13-1107-A the Applicant has proved its case by testimony and other evidence that a practical difficulty and particular hardship would be created should the rear yard setback be strictly complied with, and further, the requested variation is consistent with the stated purpose and intent of the Zoning Ordinance. However, the Board finds that pursuant to 17-13-1107-A the Applicant has not proved its case by testimony and other evidence that a practical difficulty and particular hardship would be created should the minimum lot area per dwelling-unit be strictly complied with as any hardship suffered by the Applicant is self-created, and, further, the requested minimum lot area variation is not consistent with the stated purpose and intent of the Zoning Ordinance;
2. The Board finds that pursuant to 17-13-1107-B the Applicant has established by testimony and other evidence that: (1) due to the substandard depth of the lot, the subject property cannot yield a reasonable rate of return should the rear yard setback be strictly complied with; (2) the practical difficulties or particular hardships are due to the unique circumstances of the substandard lot depth and are generally not applicable to other similarly situated property; and (3) reducing the rear yard setback from 30' to 18' will not alter the essential character of the neighborhood as the proposed building will be similar in scale and character to the other buildings on this part of North Damen Avenue. However, the Board further finds pursuant to 17-13-1107-B the Applicant did not establish that the required minimum lot area per dwelling unit made the property unable to yield a reasonable rate of return as evidenced by Mr. O'Boyle's testimony that "there's nothing wrong with 4 units";

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship exists, took into account that evidence was presented that: (1) the shallow lot depth of the subject property would result in particular hardship to the Applicant if the strict letter of the Zoning Ordinance were carried out in regards to the rear yard setback; (2) the shallow lot depth of the subject property in a neighborhood of standard lot depth properties is not applicable, generally, to other property within the B3-2 zoning classification; (3) profit is not the sole motive for the rear yard setback variation application; (4) the Applicant did not create the rear yard setback situation intentionally; (5) the rear yard setback variation being granted will not be detrimental to the public welfare or injurious to other property; and (6) the rear yard setback variation will not impair an adequate supply of light or air to the neighboring properties, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. The Board further took into account that: (1) the hardship of insufficient minimum lot area for five dwelling-units on the subject property was self-created as the Applicant bought the property knowing full well it could only build four dwelling-units upon it; and (2) profit was the sole motive in requesting the reduction in minimum lot area per dwelling-unit as established by Mr. O'Boyle's testimony "there's nothing wrong with four units" but that "[f]or the structure of the deal, it works out better for us to build five units."

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

RESOLVED, the Board finds that the Applicant has not sufficiently established by testimony and other evidence covering the specific criteria for a reduction in the minimum lot area per dwelling unit variation to be granted pursuant to Sections 17-13-1107- A, B and C of the Chicago Zoning Ordinance.

RESOLVED, the application for a variation to reduce the rear yard setback from 30' to 18' feet is hereby granted, and the Zoning Administrator is authorized to permit said rear yard setback variation.

RESOLVED, the application for a variation to reduce the minimum required lot area from 1000 sq. ft. to 960 sq. ft. per dwelling-unit is hereby denied.

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

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

**APPLICANT:** Roseland Community :Good News" Day Care **CAL NO.:** 286-13-Z

**APPEARANCE FOR:** Lewis Powell **MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 218 W. 113th Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required total side yard combination from 12' to 7.75' (west side yard 5' and east side yard 2.75'); and, to reduce the rear yard setback from 37.5' to 24.17' for a proposed one-story day care.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

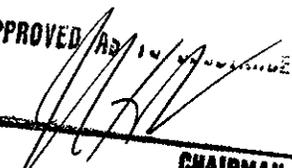
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on August 1, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required total side yard combination to 7.75' (west side yard 5' and east side yard 2.75'); and, to reduce the rear yard setback to 24.17' for a proposed one-story day care; 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   
CHAIRMAN

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

**APPLICANT:** Greg and Megan Sleight

**CAL NO.:** 287-13-Z

**APPEARANCE FOR:** Chris Leach

**MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 67 E. Bellevue Place

**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 28.10' to 0.73' for a proposed rear four-story addition with a garage connected to an existing four-story single-family residence.

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

**THE VOTE**

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN

JUDY MARTINEZ-FAYE

SAM TOIA

SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

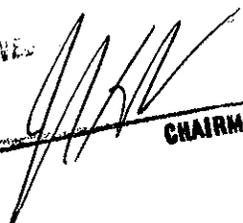
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on August 1, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required rear yard setback to 0.73' for a proposed rear four-story addition with a garage connected to an existing four-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.

APPROVE:   
CHAIRMAN

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

**APPLICANT:** 1606 West Madison Land LLC **CAL NO.:** 288-13-Z  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
August 16, 2013  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1600-10 W. Madison Street/ 2-12 N. Ashland 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 30' to 5.12' for a proposed four-story, 30 dwelling unit building with ground floor retail and three levels of five open balconies in rear yard.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

SEP 24 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

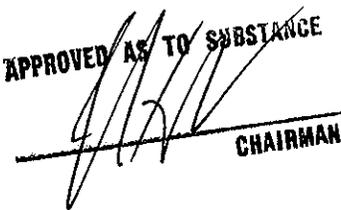
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on August 1, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required rear yard setback to 5.12' for a proposed four-story, 30 dwelling unit building with ground floor retail and three levels of five open balconies in rear yard; 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:** Goralka, Inc., DBA Studio 51

**CAL NO.:** 289-13-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2524 W. 51st Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of public place of amusement within 125' of an RS-3 district.

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

**THE VOTE**

SEP 24 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

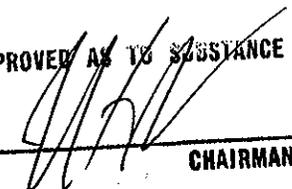
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on August 1, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a public place of amusement license for the subject site which is located within 125' of a residential zoning district; 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  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-5777



SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS  
290-13-Z, 291-13-Z, 292-13-Z  
CALENDAR NUMBERS

**Panoptic Taris Development, LLC**

APPLICANT

**August 16, 2014**

MINUTES OF MEETING

**2442-46 W. Ohio Street**

PREMISES AFFECTED

**Jim Banks**

APPEARANCE FOR APPLICANT

No Objectors

**NATURE OF REQUESTS**

Three identical applications for a variation to reduce the required minimum west side yard setback from 2' to 2" and the total side yard combination from 4'8" to 3'2" for a proposed two-story single family residence.

**ACTION OF BOARD**

**THE VOTE**

The applications for the variations are denied.

Jonathan Swain, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy Martinez-Faye	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

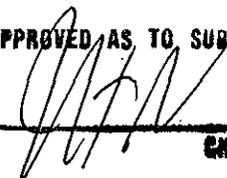
AFFIRMATIVE	NEGATIVE	ABSENT
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Jim Banks, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that the Applicant owns the subject property located at 2442-46 West Ohio Street; that these three addresses are currently comprised of two separate lots; that each lot measures 35' x 124' and is currently improved with a single family home; that the Applicant proposes to raze these two existing single family homes and redevelop the two existing lots into three new lots with three new single family homes; that to do so, the Applicant is requesting variations to reduce the required side yard setbacks on each of these three lots; that, specifically, the Applicant is requesting to reduce the west side yard setback from

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

the required 2' to 2" and reduce the required combined side yard setback from 4'8" to 3'2" for all three lots; and

WHEREAS, Mr. Dan Popovich testified in support of the three applications; that he is the managing member of the Applicant; that the subject property currently is comprised of two lots with a small, inefficient single family homes on each lot; that the Applicant plans to raze these two homes and redevelop the property with three new single family homes; that this would essentially divide the two lots into three lots; that in order to build these three new single family homes on these three new lots, the Applicant will require identical relief from the required side yard setback for all three homes; that this reduced side yard setback will not impact any other property; that the proposed three new single family homes will be fully sustainable; that other than the requested variation to reduce the side yard setbacks on these new three lots, the proposed development complies with the Zoning Ordinance; and

WHEREAS, in response to questions raised by the Board, Mr. Popovich further testified that while in theory he could build two new single family homes on the subject property rather than further subdividing the property into three lots for three new single family homes, it is more economical to build three sustainable homes than two sustainable homes on the subject property; that because the two existing lots are oversized, if only two homes are built, the homes would have to be larger and therefore more expensive; that the market will bear three smaller, sustainable homes more readily than two larger, sustainable homes; that he expects to make approximately 15% return on the subject property; that in today's real estate market, 15% is a reasonable return; and

WHEREAS, Mr. John Hanna testified in support of the applications; his credentials as an expert in architecture were acknowledged by the Board; that he is the architect for the proposed development; that there is no other way to build the three new single family homes without the relief requested; that the proposed houses are 20' wide which is standard in the City; that, in his professional opinion the requested variations: (1) will not be detrimental to the public welfare or injurious to other property in the area; (2) will not impair an adequate supply of light and air to the adjacent property; (3) will not increase the danger of fire or endanger the public safety; (4) will not increase congestion in the streets in the area; (5) will not substantially diminish or impair property values in the area; and (6) will not alter the essential character of the neighborhood; and

WHEREAS, in response to questions from the Board regarding the proposed development's very modern aesthetics in light of the subject property's older neighborhood, Mr. Popovich further testified that while the majority of the houses in the neighborhood are older, new home buyers are looking for more modern homes; that the proposed development is tailored to what home buyers are looking for; 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; now, 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, B and C of the Chicago Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's applications for a variation:

1. The Board finds that pursuant to 17-13-1107-A the Applicant has not proved its case by testimony and other evidence that a practical difficulty and particular hardship would be created should the side yard setbacks be strictly complied with as any hardship suffered by the Applicant is self-created, and, further, the requested variations are not consistent with the stated purpose and intent of the Zoning Ordinance.
2. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship does not exist, took into account that evidence was presented that the Applicant itself created the hardship. Mr. Popovich testified that the two current lots are oversized. He further testified that because the Applicant planned to subdivide these two lots into three lots, the Applicant needed side yard setback relief from the Board. The Board finds this to be the very definition of a self-created hardship as the Applicant is, in essence, taking two functioning lots and dividing them into three substandard lots.

RESOLVED, the application for a variation to reduce the required minimum west side yard setback from 2' to 2" and the total side yard combination from 4'8" to 3'2" for a proposed two-story single family residence at 2442 W. Ohio Street is hereby denied.

RESOLVED, the application for a variation to reduce the required minimum west side yard setback from 2' to 2" and the total side yard combination from 4'8" to 3'2" for a proposed two-story single family residence at 2444 W. Ohio Street is hereby denied.

RESOLVED, the application for a variation to reduce the required minimum west side yard setback from 2' to 2" and the total side yard combination from 4'8" to 3'2" for a proposed two-story single family residence at 2446 W. Ohio Street is hereby denied.

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

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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



SEP 23 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**John Morgan**  
APPLICANT

**293-13-Z**  
CALENDAR NUMBER

**1876 N. Burling Street**  
PREMISES AFFECTED

**August 16, 2013**  
MINUTES OF MEETING

**John Pikarski**  
APPEARANCE FOR APPLICANT

**Anne Moore**  
OBJECTOR

**NATURE OF REQUEST**

Application for a variation to reduce the required rear yard setback from 36.54' to 27.87'; to reduce the south side setback from 2' to 1' 8 3/8"; to reduce the north side setback from 2' to 1' 8 3/8"; and to reduce the total side yard combination from 5' to 2' 11 3/4" for a proposed three-story single-family residence.

**ACTION OF BOARD**

**THE VOTE**

The application for a variation is approved.

Jonathan Swain, Chair  
Judy Martinez-Faye  
Sheila O'Grady  
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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 August 16, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. John Pikarski, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; and

WHEREAS, Mr. John Morgan testified in support of the application; that he is owner of Savane Properties, a developer of luxury single family homes in Lincoln Park and Lakeview; that in 12 years, his business has built 40 homes; that the area around the subject property is zoned R-4.5 which is one of the highest density areas of Lincoln Park;

APPROVED AS TO ACCURACY

**CHAIRMAN**

that the Applicant intends to tear down the existing two-unit house and two-unit coach house on the subject property and build a new single-family house with an attached garage; that consequently, the Applicant will be decreasing the density of the neighborhood; that the Applicant is seeking to obtain a variation for both the required rear and side yard setbacks; that the lot next south to the subject property has a 16' rear yard; that if the Applicant's rear yard variation were to be granted, the subject property would have an almost 28' rear yard; that the Applicant is also seeking to reduce both the north and south side yard setbacks; that the Applicant intends to spend an \$3.7 million on the subject property; that this amount includes the purchase of the land, construction, sales commission, and interest; that the Applicant believes he can sell the property for \$4.0 million; that \$ .3 million is a reasonable rate of return; that if the side yard variation is not granted, the Applicant would have to build a smaller, narrower home with a 20' width; that based upon market conditions, a smaller, narrower home is less desirable, and, in consequence, the subject property would only be worth \$3.5 million; that if the side yard variation is not granted, the Applicant could not make a reasonable rate of return on the property; that the rear yard variation requested is for the second floor; that if the rear yard variation is not granted, the Applicant would put that square footage onto the third floor which would block the light and air to the neighbor next north; that though this blockage would be detrimental, it would be by right; that the side and rear yard variation sought would not impair light and air, increase street congestion, increase danger of fire, impair public safety or impair property values; that the variations sought would not alter the essential character of the neighborhood; and

WHEREAS, in response to questions from the Board, Mr. Morgan further testified the subject property was 25' x 130'; that the Applicant must push back the second floor of the proposed home into the rear setback because there is no alley and the proposed home has a garage; that the neighbor next north much prefers a rear yard variation as otherwise his light and air would be impaired; and

WHEREAS, Mr. Kevin Klinjar testified in support of the application; his credentials as an expert in architecture were acknowledged by the Board; that the subject property is flanked on both sides by recently built homes; that these recently built homes have side-yards narrower than what the Applicant is requesting; that the property next south has a 16'7" rear yard setback; that the Applicant is requesting a variation for a 27'4" rear yard setback; that the proposed home will not maximize the floor area ratio ("FAR") of the property and will be approximately 700 sq. ft. less than the allowable FAR for the subject property; that the requested side yard variation will still allow the maximum gangway between the properties next north and south; that neither the neighbor next north nor the neighbor next south of the subject property has objected to the side yard variation; that the average side yard combination for the block's 24' and 25' wide lots is 2.86'; that if the side yard variation were to be granted, the Applicant's side yard combination would be greater than this average; that because this block of North Burling Street has no alley, there is hardship regarding the rear yard setback; that per the Zoning Ordinance, a garage door must be set back 20' from the front lot line; that consequently, the proposed home is pushed back into the lot; that, in his professional opinion, the variations in question will not: (1) be detrimental to the public welfare or other improvements in the neighborhood;

(2) impair light and air, increase street congestions, increase danger of fire, impair public safety or impair property values; and (3) alter the essential character of the neighborhood; and

WHEREAS, Ms. Anne Moore testified in opposition to the application; that she is the Zoning Chair of the Lincoln Central Association Neighborhood Group and is attending the hearing at the Alderman's request; that the Association does not object to the variations regarding the side yard setbacks as they are quite reasonable for the neighborhood; that the Association does object to the request for a variation to reduce the rear yard setback because there is no hardship; that the neighbor next north of the subject property has built a newly constructed home that does not extend into the rear yard; that, while the Association understands a driveway and garage must be constructed, it should not be done at the cost of a mature tree and a parking space; and

WHEREAS, in response to questions raised by the Board, Ms. Moore further testified that the Association recommended that the Applicant use a different design for the proposed home that did not extend into the rear yard; that the Association would rather see the Applicant not build out the rear yard and instead put that square footage elsewhere; that despite the possible impairment of the neighbor next north's light and air, it was the Applicant's right to build; 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, B and C of the Chicago Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's application for a variation:

1. The Board finds that pursuant to 17-13-1107-A the Applicant has proved his case by testimony and other evidence that a practical difficulty and particular hardship exists regarding the proposed use the subject property should the requirements of the Zoning Ordinance be strictly complied with, and, further, the requested variations regarding the rear and side yard setbacks are consistent with the stated purpose and intent of the Zoning Ordinance;
2. The Board finds that pursuant to 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) the property in question cannot yield a reasonable rate of return if permitted to be used only in accordance with the standards of the Zoning Ordinance as the market in this neighborhood dictates homes at least 21' wide with an attached garage; (2) the practical difficulty or particular hardship of the property is due to the unique circumstance of this particular block of North Burling Street having narrow lot widths and no alley which has resulted in the neighborhood's new construction having

reduced side and rear yard setbacks; and (3) the reduced side and rear yard setbacks will not alter the essential character of the neighborhood because other new homes on this block also have reduced side and rear yard setbacks;

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship exists, took into account that evidence was presented that: (1) the fact that the subject property has no alley and is in a neighborhood with reduced side yard setbacks results in particular hardship upon the Applicant if the strict letter of the regulations for the subject property's rear and side yard setbacks were carried out; (2) the lack of an alley combined with the reduced side yard setbacks on this block of North Burling are not generally applicable to other property within the R-4.5 zoning district; (3) as the Applicant hopes only to make a reasonable return of \$ .3 million on his investment, the purpose of the variation is not exclusively based upon a desire to make more money out of the property; (4) the Applicant neither created the situation of the lack of alley nor the reduced side yards of this particular block of North Burling Street; (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, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

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 variation application is hereby approved, and the Zoning Administrator is authorized to permit said variation.

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

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

APPLICANT: Charles Costa CAL NO.: 294-13-Z
APPEARANCE FOR: Mark Kupiec MINUTES OF MEETING: August 16, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1930 N. Winchester Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required total side yard combination from 4.8' to 3.06' for a proposed two-story rear addition to an existing three-story, two dwelling unit building.

ACTION OF BOARD- VARIATION GRANTED

THE VOTE

SEP 24 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows show 'X' marks for affirmative votes.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on August 1, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required total side yard combination to 3.06' for a proposed two-story rear addition to an existing three-story, two dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

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

**APPLICANT:** 1400-12 Chicago, LLC **CAL NO.:** 295-13-Z  
**APPEARANCE FOR:** Nick Ftikas **MINUTES OF MEETING:**  
 August 16, 2013  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1408 W. Chicago Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required minimum lot area of 3,000 sq. ft. to 2696.50 sq. ft. for a proposed four-story, three dwelling unit building with ground floor retail.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**

SEP 24 2013

CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

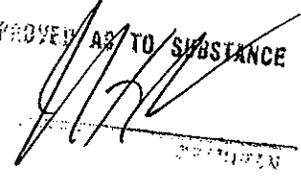
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on August 1, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required minimum lot area of 3,000 sq. ft. to 2696.50 sq. ft. for a proposed four-story, three dwelling unit building with ground floor retail; 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  


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

**APPLICANT:** 1400-12 Chicago, LLC

**CAL NO.:** 296-13-Z

**APPEARANCE FOR:** Nick Ftikas

**MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1412 W. Chicago Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required minimum lot area of 3,000 sq. ft. to 2696.50 sq. ft. for a proposed four-story three dwelling unit building with ground floor retail.

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

**THE VOTE**

SEP 24 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

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 16, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on August 1, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required minimum lot area of 3,000 sq. ft. to 2696.50 sq. ft. for a proposed four-story three dwelling unit building with ground floor retail; 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:   
\_\_\_\_\_  
CHAIRMAN

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

APPLICANT: Douvris, LLC DBA Beef Shack CAL NO.: 297-13-S

APPEARANCE FOR: MINUTES OF MEETING:  
August 16, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 2646 N. Jones/ 2601-15 N. Western Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of one-lane, drive-through facility for a proposed restaurant.

ACTION OF BOARD-  
CASE CONTINUED TO OCTOBER 18, 2013

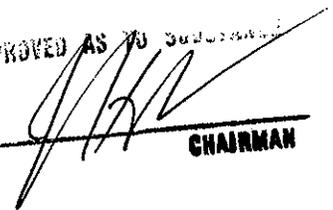
THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

APPLICANT: Genstone Jewelers Inc.

CAL NO.: 298-13-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:  
August 16, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 8948 S. Commercial Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of valuable objects dealer.

ACTION OF BOARD-  
APPLICATION APPROVED

THE VOTE

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

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 16, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a valuable objects dealers license at this location; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with 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 valuable objects dealer, provided the development is constructed consistent with the plans dated June 17, 2013.

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

APPROVED   
CHAIRMAN

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

**APPLICANT:** Jeremy Vallandigham, DBA True Blue Tattoo

**CAL NO.:** 299-13-S

**APPEARANCE FOR:** Same

**MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2523 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 tattoo shop.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

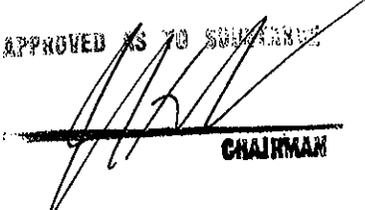
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a tattoo 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 tattoo shop, provided the development is constructed consistent with the plans dated July 1, 2013.

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



SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**300-13-S**  
CALENDAR NUMBER

**Buckeye Check Cashing of IL, LLC DBA  
First Cash Advance**  
APPLICANT

**August 16, 2013**  
MINUTES OF MEETING

**4853 N. Broadway**  
PREMISES AFFECTED

Jim Banks  
APPEARANCE FOR APPLICANT

Annie Sullivan  
OBJECTOR

**NATURE OF REQUEST**

Application for a special use to permit the establishment of a payday loan facility.

**ACTION OF BOARD**

**THE VOTE**

The application for a special use is approved.

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

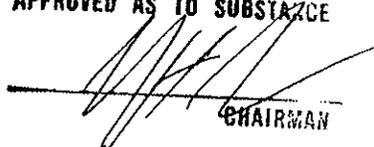
**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Jim Banks, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that the Applicant leases a retail space at the subject property; that the business has been in operation at this location since 1998; that because the subject property is located in a C-2 zoning district, the Applicant needs a special use to operate its pay day loan facility; and

WHEREAS, Mr. Eric Kirk testified in support of the application; that he is the Regional Manager for the Applicant and oversees the Applicant's 12 Illinois locations; that he has 14 years experience in the payday loan industry; that prior to the Applicant purchasing the business in 2011, the business was licensed by the City as a consumer

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

loan facility and provided both traditional payday loans and consumer installment loans; that after the Applicant purchased the business, the Illinois General Assembly reformed the rules regulating consumer loan facilities; that these new rules more clearly distinguished between payday loan facilities and consumer installment loan facilities; that consequently, the Applicant must now license the business as a payday loan facility; that under Illinois law, every loan the Applicant issues is reported to and approved by a state run database; that the majority of payday loans made at this facility are paid back per the terms of the loan; that since it purchased the business in 2011, the Applicant has never had any trouble with its neighbors, the local Alderman, the police, or the state payday loan facility regulators; that the Applicant's current hours of operation are: Monday-Friday, 8:00 AM – 8:00 PM; Saturday, 9:00 AM – 5:00 PM; and Sunday, 10:00 AM – 3:00 PM; and

WHEREAS, in response to questions from the Board, Mr. Kirk further testified that after the change in state law, the Applicant immediately began the application process for the proper license; that after the license was denied, the Applicant applied for a Special Use; that it has taken the Applicant over two years to come before the Board due to problems with the owner of the subject property; that despite repeated requests from the Applicant, the owner of the subject property did not fill out the required Economic Disclosure Statement until the Applicant threatened to break its lease; that in the interim, the Applicant was cited for operating the business without the proper license; and

WHEREAS, Mr. Sylvester Kerwin, Jr. testified in support of the application; his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in the Zoning Ordinance which must be addressed in support of such an application, and he orally testified to certain pertinent highlights: (1) that the proposed special use complies with all applicable standards of the Zoning Ordinance; (2) that the payday loan facility is in the interest of the public convenience as it has provided another choice for consumers in the neighborhood since 1998 for short-term loans and other financial needs and has had no adverse positive impact on the general welfare of the community; (3) that the payday loan facility is compatible with the character of the surrounding area in terms of site planning and building scale and project design as it currently occupies and will continue to occupy an attractively landscaped, 20 year-old retail shopping center; (4) that the payday loan facility 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 as the commercial facilities in the area have similar operating characteristics to the Applicant; and (5) that the proposed special use is designed to promote pedestrian safety and comfort as the retail shopping center has adequate security and has 125 on-site parking spaces; and

WHEREAS, Ms. Annie Sullivan testified in opposition to the application; that she represented Alderman Cappleman and had with her Letters of Opposition from Alderman Cappleman, the Uptown United Business Partners, the Southeast Asia Center, and

Alderman Osterman; that Alderman Cappleman is concerned because the Applicant never approached the Alderman's office regarding the Special Use request; that Uptown United Business Partners is concerned because the subject property is located in an entertainment district and a payday loan facility is not a proper business for an entertainment district; that the Southeast Asia Center is concerned because the Applicant is a predatory lender; that all the Letters agree there are several vulnerable immigrant populations in the area that do not always understand the financial commitments of payday loan facilities;

WHEREAS, in response to the Board's questions, Ms. Sullivan acknowledged that the business has been operating in the neighborhood for 15 years; that the Uptown United Business Partners – as the area Chamber of Commerce – generally wanted existing businesses to stay in the area; that Uptown United Business Partners had recommended against the Special Use; and

WHEREAS, Mr. Banks objected to the term predatory lender as the payday loan industry is highly regulated by the state of Illinois; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended denial of the application for the Special Use of a payday loan facility due to it not being the interest of the public convenience and the welfare of the neighborhood; and

WHEREAS, the Applicant has presented evidence that the proposed application meets all of the criteria established in Section 17-13-0905-A for the granting of a Special Use; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a Special Use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as it provides another choice for consumers in the neighborhood for short term loans and financial needs. Further, the proposed special has been in existence since 1998 and has not had an adverse affect on the general welfare of the community.
3. The proposed special use will not change the character of the surrounding area in terms of site planning and building scale and project design as it currently occupies and will continue to occupy an attractively landscaped, 20 year-old retail shopping center;
4. The proposed special use will have similar hours of operation to existing commercial facilities in the area and therefore will be 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

5. The proposed special use is designed to promote pedestrian safety and comfort as it provides adequate on-site parking.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

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

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

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

**APPLICANT:** Roberta Nowakowski Inc.

**CAL NO.:** 301-13-S

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 948 N. Western Avenue

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

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

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 an outdoor patio which shall serve an existing tavern, expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at 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 outdoor patio for an existing tavern, provided the development is constructed consistent with the plans dated June 17, 2013.

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

APPROVED AS A/S SUPERVISOR  
  
CHAIRMAN

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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



SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**302-13-S**

CALENDAR NUMBER

**Featherfist Development Corp.**

APPLICANT

**August 16, 2013**

MINUTES OF MEETING

**7256 S. Blackstone Avenue**

PREMISES AFFECTED

**Deborah Culpepper**

APPEARANCE FOR APPLICANT

**Elliot Blanks**

OBJECTOR

**NATURE OF REQUEST**

Application for a special use to permit the establishment of a transitional residence.

**ACTION OF BOARD**

**THE VOTE**

The application for a special use is approved subject to the condition specified in this decision.

Jonathan Swain, Chair  
Judy Martinez-Faye  
Sheila O'Grady  
Sam Toia (recused)

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Deborah Culpepper testified in support of the application; that she is the Director of Grants and Contracts for the Applicant; that the Applicant is a social service agency that provides transitional housing and supportive services for the homeless on Chicago's South Side; that the Applicant intends to convert the building on the subject property from a multi-unit building to a transitional, semi-Single Room Occupancy building; that all residents of the building would be homeless male veterans and would be referred to the Applicant from the local Jesse Brown VA Hospital; that veterans chosen by the Applicant would live on the subject property for a maximum of 24 months, receiving the Applicant's social services and preparing for permanent housing; that the facility would be open 24 hours a day but that there would be a curfew of 11:00 PM for the residents; that there would be exceptions for those residents whose jobs

APPROVED AS TO  
  
CHAIRMAN

required they be out after 11:00 PM; that there would be 24 hour on-site management; that the building would be a 50 bed facility; that there would be an enclosed yard for the facility; that the none of the residents would loiter outside the premises; and

WHEREAS, Mr. Patrick L. Tobin testified in support of the application; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his inspection of the subject property fully considered all of the criteria identified in the Zoning Ordinance which must be addressed in support of such an application; that he then testified that the proposed special use: (1) complies with all standards of the Zoning Ordinance; (2) is in the interest of the public convenience and will not have a significant adverse impact on the community; (3) is compatible with the character of the surrounding neighborhood terms in of building scale, planning, project design because it is indistinguishable from the other multi-unit residential buildings in the neighborhood; (4) 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 (5) is designed to promote pedestrian safety and comfort; and

WHEREAS, Mr. Elliot Blanks testified in opposition to the application; that he lived a block away from the subject property; that he was not 100% against the proposed special use but that he had three concerns: (1) that he had been attempting to contact the Applicant with questions regarding the proposed special use but had not been able to get in touch; (2) that he was concerned that the special use would not be limited solely to veterans and would perhaps become transitional housing for recently released prisoners; and (3) that he was concerned about how the proposed special use would affect his property values; and

WHEREAS, in response to Mr. Blanks' concerns, Ms. Culpepper further testified that the proposed special use is limited solely to veterans as it is a project entirely funded by the Veterans Administration; and

WHEREAS, in response to Mr. Blanks' concerns, Mr. Tobin further testified that as the Applicant had substantially renovated the subject property, the subject property was an improvement to what was in the neighborhood before; that as the property is fully enclosed, it looks like any other residential property from the street; that there would be no cars except for those of the employees; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the application for the Special Use transitional residence facility provided that the structure is built consistent with the materials, designs, layout, and plans dated August 16, 2013, by Young Architects; and

WHEREAS, the Applicant has presented evidence that the proposed application meets all of the criteria established in Section 17-13-0905-A for the granting of a Special Use; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a Special Use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as it provides transitional living for homeless veterans. Further, the proposed special will not have a significant adverse impact on the general welfare of the neighborhood as it is an improvement to the neighborhood;
3. The proposed special use will not change the character of the surrounding area in terms of site planning and building scale and project design as it is a rehabilitation of a multi-unit residential building and looks indistinguishable from other multi-unit residential buildings in the area;
4. The proposed special use will be similar to other to the other residential properties in the area and therefore will be 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
5. The proposed special use is designed to promote pedestrian safety and comfort.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said Special Use subject to following condition:

1. The transitional living facility on the subject property will be used solely for veterans.

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

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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



SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**303-13-S**

CALENDAR NUMBER

**August 16, 2013**

MINUTES OF MEETING

**AmeriPawn Chicago, LLC**

APPLICANT

**3615-29 N. Western Avenue**

PREMISES AFFECTED

**Jim Banks**

APPEARANCE FOR APPLICANT

**Ald. Ameya Pawar & Others**

OBJECTORS

**NATURE OF REQUEST**

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

**ACTION OF BOARD**

**THE VOTE**

The application for a special use is approved.

Jonathan Swain, Chair  
Judy Martinez-Faye  
Sheila O'Grady  
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Jim Banks, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that as the subject property is located in a B-3 zoning district, a special use is required to obtain a pawn license; and

WHEREAS, Mr. Greg Enstrom testified in support of the application; that he is the co-owner and managing member of the Applicant; that he has been in the pawn industry for the past 27 years; that for a period of 11 years he sat on the board of the National Pawnbrokers Association; that he is currently the president of the Indiana Pawn Brokers Association; that he owns and operates 4 pawn shops in Northwest Indiana; that he is now seeking to expand into the Chicago market; that the closest pawn shop to the subject

APPROVED BY TO SUBSTANCE  
  
CHAIRMAN

property is over 1 ½ miles away; that he considers subject property the perfect location for a new store because Western Avenue's traffic patterns are ideal for drawing in new customers and will not add traffic to any residential areas; that the Applicant's business consists of the retail sale and pawning of general merchandise, coins, and jewelry; that customers can sell or buy an item without a pawn transaction; that in regards to pawning an item, the typical pawn loan is 60 to 90 days; that by Illinois law, the monthly interest on a pawn loan is 3%; that he believes 60% of the Applicant's business at this location will be pawn loans and 40% will be retail transactions; that the Applicant will employ 6 employees at the subject property; that in addition, there will be 2 managers; that at least 3 employees will be working at the subject property at any given time; that if the business grows, the Applicant will hire more employees; that the Applicant's hours of operation at the subject property will be: Monday - Saturday, 8:00 AM - 9:00 PM; that the Applicant will install security cameras and an alarm system on the subject property; that the Applicant will report to the Chicago police and the National Leads Database on a daily basis; that the Applicant documents all items taken in at all of its stores and maintains a photo record of each person that has sold or pawned an item; that the Applicant's stores do approximately 4,000 purchase and pawn transactions a month; that at most, 3 or 4 of these transactions involve stolen merchandise; and

WHEREAS, Detective Greg Miller (Ret.) testified on behalf of the Application; that he has 23 years experience as a police officer; that 20 of those years were spent as a detective assigned to the pawn shop detail; that on the pawn shop detail, he ensured pawn shops were properly licensed with the state and the City as well performing spot checks for stolen items at pawn shops around the City; that in his experience, daily reporting of pawned goods to the police and the National Leads Database works; that pawn shops are very helpful to the Chicago Police Department in solving crime; that based on Chicago Police Department statistics, there is no increase in crime where a pawn shop has been newly opened; that pawn shops do not have a detrimental effect on the neighborhoods in which they are located; and

WHEREAS, Mr. Terrence O'Brien testified in support of the application; his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in the Zoning Ordinance which must be addressed in support of such an application, and he orally testified to certain pertinent highlights: (1) that the proposed special use complies with all applicable standards of the Zoning Ordinance; (2) that the proposed special use is in the interest of the public convenience as there is no other pawn shop within a mile of the subject property; (3) because the proposed special use is harmonious and compatible with other commercial and retail land uses in the area, it will not have an adverse impact on the general welfare of the neighborhood; (4) the proposed special use is compatible with the character of the area in terms of site planning and building scale and project design as the proposed special use will be utilizing an existing structure; (5) that the proposed special use will be compatible with the commercial and retail character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor

lighting, noise, and traffic generation as the other commercial, retail, and financial facilities on this part of Western Avenue have similar operating characteristics to the Applicant; and (6) that the proposed special use is designed to promote pedestrian safety and comfort as it will be utilizing existing curb cuts and driveways; and

WHEREAS, in response to questions by the Board, Mr. O'Brien further testified that an area had too many pawn shops when pawn shops in that area started to close; that if there were no need for a pawn shop in a given area, a pawn shop would not open; that while perception can have an impact on property values, the negative perception of pawn shops does not have a significant adverse impact on neighborhoods and is not an overriding factor or an important element for people choosing where to live; and

WHEREAS, Alderman Ameya Pawar testified in opposition to the application; that he objected to the proposed special use because of the subject property's proximity to Lane Tech High School; that he did not believe the proposed special use would allow children to get to and from the school safely; that he is concerned children will be robbed on their way to and from school and that the stolen goods will be fenced at the proposed pawn shop; and

WHEREAS, Mr. John Schaefer testified in opposition to the application; that he is the co-chairman of the zoning committee for the North Center Neighborhood Association; that as there are already check cashing facilities in the area, a pawn shop is not in the public convenience; that traffic congestion on this part of Western is unbelievable and the added traffic generated by this special use will add to this traffic congestion; that the subject property is located very near Lane Tech High School and;

WHEREAS, Ms. Carol Keating testified in opposition to the application; that she resides at 3938 N. Hamilton; that her son attends Lane Tech High School; that her son has been robbed; that armed robberies in general are on the rise in the area; that her grandmother was murdered when she was 10 years old; that her husband was murdered when she was 21 years old; that her first son was murdered in 1993; that pawn shops prey on desperate people who rob others for money; that she therefore does not want the proposed special use in her community; and

WHEREAS, Mr. John Liebert testified in opposition to the application; that he resides at 3651 N. Artisan Avenue; that his son will soon be attending Belle School which is less than 100 yards from the subject property; that he is concerned with the types of people that frequent pawn shops and does not want these types of people near schools; that he believes the proposed special use will lower his property values; and

WHEREAS, Ms. Megan McCabe testified in opposition to the application; that she resides at 3643 N. Claremont; that she is concerned with security and worries that her grill might be stolen from her patio; and

WHEREAS, Ms. Paula McCabe testified in opposition to the application; that she resides at 3643 N. Claremont; that she is informally representing the 3600 block of N.

Claremont; that many of the block's residents did not receive notice of the proposed special use until a week and a half ago; that she is also concerned about traffic congestion; that she does not want either her children's safety or her property values jeopardized; that she agrees with her daughter Ms. Megan McCabe's prior testimony; and

WHEREAS, in response to the questions about notice raised by Ms. Paula McCabe's testimony, Mr. Banks explained that the Applicant mailed notice to everyone within the distance required by ordinance; and

WHEREAS, in response to the Objectors' testimony, Mr. Banks was given leave to recall Mr. Engstrom; that Mr. Engstrom further testified that the all types of people use his stores; that he would not categorize people who need money to cover a flat tire as "desperate;" that pawn shops provide a service for those who need extra money; that currently, the Applicant is seeing a demand for those who need money for school supplies; that three-quarters of the Applicant's customers pay off their loan and have their pawned items returned to them; and

WHEREAS, in response to the Objectors' testimony, Mr. Banks was given leave to recall Det. Miller (Ret.); that Det. Miller (Ret.) further testified that anyone might be a victim of a burglary; that crime is going to happen but that pawn shops do not cause the crime; that while in his 20 years of experience on the pawn detail, he never came across stolen items during store spot checks, pawn shops are often instrumental in solving crime; that in order to identify a stolen object in a pawn shop, someone must first report the object was stolen; that thieves will rarely pawn an item because they must give photo identification; and

WHEREAS, in closing, Mr. Banks reminded the Board that there is no restriction under the Zoning Ordinance on the proximity of a pawn shop to a school; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended denial of the application for the Special Use due to its not being in the interest of the public convenience and general welfare of the neighborhood; and

WHEREAS, the Applicant has presented evidence that the proposed application meets all of the criteria established in Section 17-13-0905-A for the granting of a Special Use; therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a Special Use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;

2. The proposed special use is in the interest of the public convenience as there is no other pawn shop within a mile of the subject property. Further, because the proposed special use is harmonious and compatible with other commercial and retail land uses in the area, it will not have an adverse impact on the general welfare of the community.
3. The proposed special use will not change the character of the surrounding area in terms of site planning and building scale and project design because it will utilize an existing building;
4. The proposed special use will be compatible with the other commercial, retail and financial facilities on this part of Western Avenue in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and
5. The proposed special use is designed to promote pedestrian safety and comfort as it will be utilizing existing driveways and curb cuts.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

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

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

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

**APPLICANT:** Northbrook Bank & Trust  
DBA First Chicago Bank & Trust

**CAL NO.:** 304-13-S

**APPEARANCE FOR:** Jerry Brown

**MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4343 N. Elston Ave.

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

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

**THE VOTE**

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

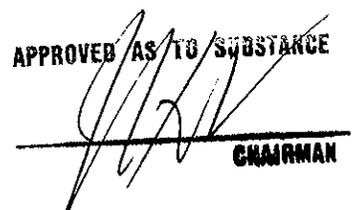
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 19, 2011 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 4, 2011; and

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 three-lane, drive-through facility for a proposed 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 three-lane, drive-through facility for the proposed one-story bank, provided the development is constructed consisted with the materials, designs, layouts and plans dated August 16, 2013 and prepared by Myefski Architects, 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: Pure Metal Recycling, LLC'

CAL NO.: 305-13-S

APPEARANCE FOR:

MINUTES OF MEETING:  
August 16, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 2201-2527 S. Loomis Ave.

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a Class IVB recycling facility.

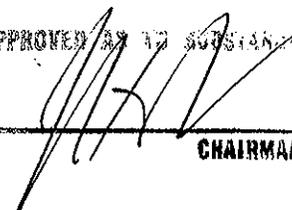
ACTION OF BOARD-  
CASE CONTINUED TO OCTOBER 18, 2013

THE VOTE

SEP 24 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED BY THE BOARD  
  
CHAIRMAN

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

APPLICANT: Adam Milakofsky

CAL NO.: 306-13-Z

APPEARANCE FOR:

MINUTES OF MEETING:  
August 16, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 1866 N. Halsted Street, Unit 3

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 15' to 11.44'; to reduce the south side yard setback from 2' to 0'; and, to reduce the front rooftop setback from the front building wall from 20' to 6.5' for a proposed rooftop stairway enclosure to a proposed open roof deck on an existing three story building.

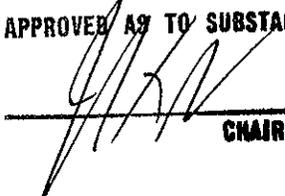
ACTION OF BOARD-  
CASE CONTINUED TO SEPTEMBER 20, 2013

THE VOTE

SEP 24 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

APPLICANT: Emilio N. Garcia

CAL NO.: 307-13-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:  
August 16, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4641-43 W. Grace Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required total side yard combination from 5' to 2.65' for the division of an existing lot into two lots with an existing two-story, single family residence to remain at address.

ACTION OF BOARD-  
VARIATION GRANTED

THE VOTE

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

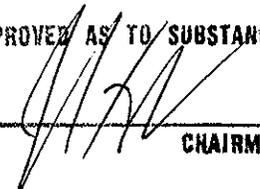
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on August 1, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required total side yard combination to 2.65' for the division of an existing lot into two lots with an existing two-story, single family residence to remain at address; 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: Westford Development, LLC

CAL NO.: 308-13-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:  
August 16, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5512 W. Higgins 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 15' to 8' and to reduce the rear yard open space from 487.55 sq. ft. to 172 sq. ft. for a proposed three-story building with two detached garages.

ACTION OF BOARD-  
VARIATION GRANTED

THE VOTE

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

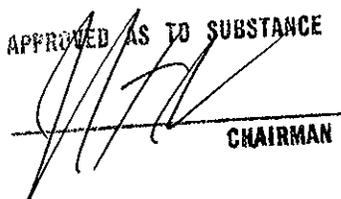
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on August 1, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required front yard setback from 15' to 8' and to reduce the rear yard open space from 487.55 sq. ft. to 172 sq. ft. for a proposed three-story building with two detached garages; 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:** Wes Shephard

**CAL NO.:** 309-13-Z

**APPEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 77 E. Elm Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to reduce the required front yard setback from 13.12' to 0' for a proposed front stair and landing and a below grade entry stair to an existing three-story, three dwelling unit building.

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

**THE VOTE**

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS  
THE RESOLUTION:

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

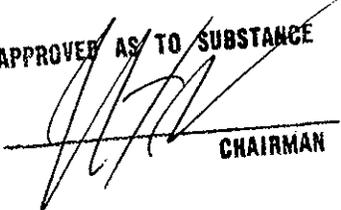
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on August 1, 2013 and

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

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Sonco Real Estate LLC , 3223 N. Sheffield Series **CAL NO.:** 310-13-Z

**APPEARANCE FOR:** Warren Silver

**MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3223-3229 N. Sheffield

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the number of loading berths from one to zero for a proposed 21 dwelling unit building with first floor office space.

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

**THE VOTE**

SEP 24 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

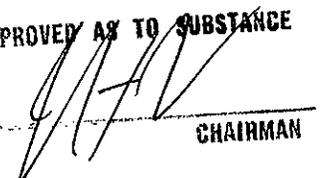
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on June 30, 2011 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall construct a 21dwelling unit with office space on the first floor; the applicant shall also be permitted to reduce the number of required from one to zero; 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:** Jarvis T. Sanford **CAL NO.:** 311-13-Z  
**APPEARANCE FOR:** Same **MINUTES OF MEETING:**  
August 16, 2013  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4734 S. Champlain Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required minimum north side setback from 2' to 0'; to reduce the total side yard combination from 3.75' to 2'; and, to reduce the rear yard setback from 34.94' to 18.42' for a proposed rear two-story addition to an existing two-story single-family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

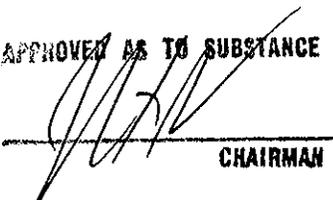
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 16, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on June 30, 2011 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required minimum north side setback to zero; to reduce the total side yard combination to 2'; and, to reduce the rear yard setback to 18.42' for a proposed rear two-story addition to an existing 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: Edward L. Quinones

CAL NO.: 312-13-Z

APPEARANCE FOR: Scott Barfuss

MINUTES OF MEETING:  
August 16, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 9822 S. Commercial 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 38.78' to 6.58' for a proposed two-story addition to an existing single-family residence.

ACTION OF BOARD-  
VARIATION GRANTED

THE VOTE

SEP 24 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

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 16, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on June 30, 2011 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required rear yard setback to 6.58' for a proposed two-story addition to an existing 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  
*[Signature]*  
4H

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



JAN 21 2014  
CITY OF CHICAGO  
DEPARTMENT OF HOUSING AND  
ECONOMIC DEVELOPMENT

**Media Communications, Inc. DBA  
Visual Case Media**  
APPLICANT

**313-13-A**  
CALENDAR NUMBER

**1436 West Randolph Street**  
PREMISES AFFECTED

**October 18, 2013**  
MINUTES OF MEETING

**Jim Banks**  
APPEARANCE FOR APPLICANT

**Steven Valenziano**  
APPEARANCE FOR ZONING ADMINISTRATOR

**NATURE OF REQUEST**

An appeal of the decision of the Zoning Administrator to not permit the establishment of an off-premise advertising sign measuring 44' x 36' (1,584 square feet).

**ACTION OF BOARD**

**THE VOTE**

The decision of the Zoning Administrator is upheld.

Jonathan Swain, Chair  
Judy Martinez-Faye  
Sheila O'Grady  
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, the Zoning Administrator denied the application of the Applicant for a permit to allow the establishment of an off-premises advertising sign measuring 44' x 36' (1,584 square feet); and

WHEREAS, Mr. Jim Banks, counsel for the Applicant, explained that the Applicant had previously applied for a permit to permit the establishment of a new off-premises sign in 2009 and that the Zoning Administrator had denied the application as the sign was within 100' of a public park; that the Board had upheld the Zoning Administrator's decision in a 2009 resolution; that subsequently the Applicant had retained Mr. Banks;

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

that based on Mr. Banks' fresh evaluation of the case, Mr. Banks believed the sign is a non-conforming, off-premise sign which has been in continual existence since 1995; and

WHEREAS, Mr. Banks further explained that sometime in 1995, the owner of the subject property erected a 44' x 36' painted mural on the southern façade of the building on the subject property; that in 1995, the City had no mechanism for permitting a painted mural; that until 2004, the standards set forth in the Zoning Ordinance were silent as to murals; that signs, on the other hand, were well-defined prior to the 2004 Zoning Ordinance; that due to the exclusion of murals from the Zoning Ordinance prior to 2004, no permit existed for wall murals and therefore none could be issued for the mural in question; that under the 2004 Zoning Ordinance, a mural is considered a sign under 17-17-02159; that therefore, the subject mural is a lawfully established, non-conforming sign; and

WHEREAS, Mr. Steven Valenziano, staff member of the Department of Housing and Economic Development, testified on behalf of the Zoning Administrator; that the Zoning Administrator agrees that the mural has been in existence since 1995; that in 1995, an "advertising sign" was a defined term under the Zoning Code and required a permit; that in 1995, a mural did not require a permit; that under the 2004 Zoning Ordinance, a mural is defined as a sign under 17-17-02159; that, however, certain signs are exempt from zoning regulation under 17-12-0500; that specifically, signs which are works of art with no commercial message are exempt from zoning regulation under 17-12-0504; that the subject mural has no commercial message as it is an art piece; that this is evidenced by the subject mural appearing in an art book provided by the Applicant to the Zoning Administrator; that the subject mural has no commercial message; that therefore, the subject mural is exempt from zoning regulation; that had the subject mural been in fact an "advertising sign" in 1995, the Applicant would have had to obtain an off-premise sign permit for the subject mural; that had the Applicant had obtained such a permit in 1995 and continued with that permit, the Zoning Administrator would honor the permit now and consider the subject mural a lawfully established, non-conforming sign; that however, the Applicant never obtained such a permit in 1995; that instead, the Applicant attempted to obtain an off-premise sign permit in 2009; that the Zoning Administrator denied this permit in 2009 because 2004 Zoning Ordinance does not allow signs within 100' of a public park; and

WHEREAS, in response to questions raised by the Board, Mr. Valenziano further testified that prior to the 2004 Zoning Ordinance, the zoning code was silent as to murals; that however, prior to 2004 the Zoning Administrator would not have considered the subject mural an "advertising sign" as works of art were not considered to be "advertising signs"; that the 2004 Zoning Ordinance, in including murals as a type of sign, attempts to give a more exhaustive list of type of signs and therefore includes a mural as type of sign; that if a mural was painted with an image of a person drinking Coca-Cola, it would be regulated by the Zoning Ordinance; that conversely, murals that are works of art with no commercial message are exempted from zoning regulation under 17-12-504; that the subject mural is such a work of art and therefore can be within 100' of a public park; and

WHEREAS, Mr. Banks argued that the work of art argument was not relevant; that nevertheless, the subject mural did have a commercial message as it had been created to promote Maya Angelou's work; and

WHEREAS, Sections 17-13-1207 and 17-13-1208 of the Chicago Zoning Ordinance grant the Board of Appeals authority to hear and decide appeals when it is alleged there is an error in any order, requirement, decision or determination by the Zoning Administrator in the administration or enforcement of this Zoning Ordinance; 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 sustain an appeal must be based solely on the approval criteria enumerated in Section 17-13-1208 of the Chicago Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's appeal:

1. The Board finds that the subject mural is and has been since 1995 a work of art with no commercial message; and
2. The Board finds that the Applicant did not meet its burden of persuasion that the Zoning Administrator erred as required by Section 17-12-1208.

RESOLVED, the Board hereby affirms the Zoning Administrator's decision, and the Applicant's appeal is denied.

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