

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

APPLICANT: U.S Motor Recycling Inc. **CAL NO.:** 163-14-S
APPEARANCE FOR: Chris Leach **MINUTES OF MEETING:**
 May 16, 2014
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4001-35 S. Wells Street/ 4004-34 S. Wentworth Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to establish a Class IV A recycling facility.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUL 01 2014

CITY OF CHICAGO

JONATHAN SWAIN
 CATHERINE BUDZINSKI
 SOL FLORES
 SHEILA O' GRADY
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

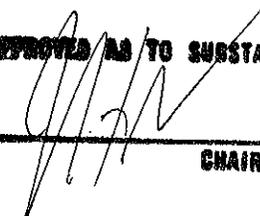
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 16, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 1, 2014; 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 Class IV A recycling 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; 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 Planning and Development recommends approval of the proposed Class IVA recycling facility.

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: Mark A. Frank

CAL NO.: 165-14-S

APPEARANCE FOR: Same

MINUTES OF MEETING:
May 16, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5 S. Wabash

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUL 01 2014

CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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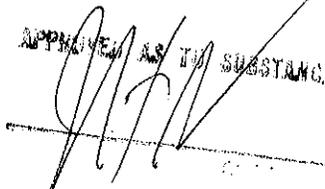
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 16, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 1, 2014; 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 dealer license; 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; 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 Planning and Development recommends approval of the proposed valuable objects dealer.

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: Devine Hair Studio **CAL NO.:** 166-14-S
APPEARANCE FOR: Maria Ramirez **MINUTES OF MEETING:**
May 16, 2014
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3540 N. Pulaski Road

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUL 01 2014

CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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THE RESOLUTION:

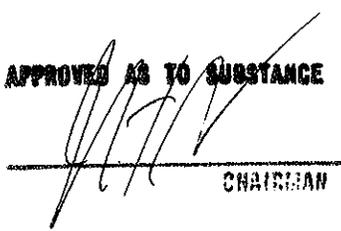
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 16, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 1, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a beauty salon; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; 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 Planning and Development recommends approval of the proposed beauty salon.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Oumou Traore **CAL NO.:** 167-14-S
APPEARANCE FOR: Same **MINUTES OF MEETING:**
May 16, 2014
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3737 W. Division Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to establish a hair braiding shop

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUL 01 2014
CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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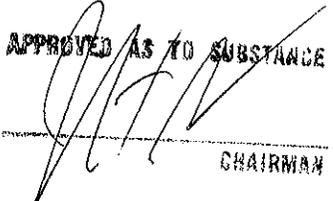
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 16, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 1, 2014; 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 braiding 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; 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 Planning and Development recommends approval of the proposed hair braiding salon.

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: U Cutz 4 Inc.

CAL NO.: 168-14-S

APPEARANCE FOR: Liset Arroyo

MINUTES OF MEETING:
May 16, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4341 W. Fullerton

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUL 01 2014
CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

THE RESOLUTION:

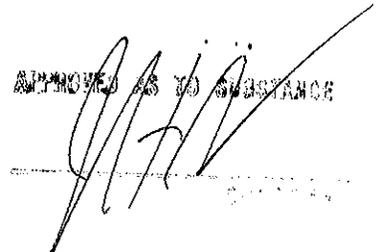
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 16, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 1, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a barber shop; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; 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 Planning and Development recommends approval of the proposed barber shop.

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

APPROVED AS TO SUBSTANCE



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

APPLICANT: Puro Corte, LLC

CAL NO.: 169-14-S

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
May 16, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1257 N. Pulaski Road

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUL 01 2014

CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 16, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 1, 2014;

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a barber shop; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; 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 Planning and Development recommends approval of the proposed barber shop.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

City Hall Room 905
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-3888



JUL 01 2014
CITY OF CHICAGO

1832 S. Racine, LLC
APPLICANT

170-14-S
CALENDAR NUMBER

1832 South Racine Avenue
PREMISES AFFECTED

May 16, 2014
MINUTES OF MEETING

Nicholas J. Ftikas
APPEARANCE FOR APPLICANT

NO OBJECTORS

NATURE OF REQUEST

Application for a special use to establish a residential use below the second floor through the conversion of ground floor commercial space to residential use in an existing two and three-story, six-unit building.

ACTION OF BOARD

THE VOTE

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

Jonathan Swain, Chair
Catherine Budzinski
Sol Flores
Sheila O'Grady
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
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THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on May 16, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Municipal Code and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Nicholas J. Ftikas, 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; that the subject property is currently improved with a two and three-story mixed use building that contains a grade level retail unit and six residential apartments; that said building is a non-conforming building that dates back to the early 1880s; that the Applicant is proposing to reconfigure the units in the building and expand one of the existing first floor residential units into the

APPROVED AS TO SUBSTANCE

CHAIRMAN

vacant retail storefront; that the subject property is located in a B-3 Zoning District and therefore a special use is required to permit the expansion; and

WHEREAS, Mr. John Vargo testified on behalf of the Applicant; that he is the managing member of the Applicant; that there are six existing residential units in the building today; that if the special use were granted, there would still be six residential units in the building; that the special use will allow the Applicant to reconfigure the existing building and provide two residential units on the first floor; that the Applicant would also reconfigure the space to provide for two residential units on the second floor and two residential units on the third floor; that the Applicant would not change the building's existing footprint; that besides this first floor reconfiguration, there would be no expansions or additions to the building; that the density of the subject property would be decreasing as instead of six residential units and a retail unit in the building there would be only six residential units; and

WHEREAS, Mr. Sylvester J. Kerwin, Jr. testified on behalf of the Applicant; that his credentials as an expert in 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 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 have a positive benefit to the neighborhood as it will fill a vacant storefront; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design as the neighborhood is changing with very few retail spaces and many more residential uses at ground floor level; (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 because there will be no outdoor lighting, just normal lighting at the secured entrance to the respective apartments; (5) and will promote pedestrian safety and comfort; and

WHEREAS, in response to questions by the Board, Mr. Michael Moore, the project architect, testified on behalf of the Applicant; that the exterior façade is a brick façade; that there will be an effort to match the existing brick with the new brick wall on the first floor; and

WHEREAS, in response to the Board's comments, Mr. Moore further testified that the door to enter the proposed expanded first floor unit could be shifted to the side of the wall rather than its current proposed location at the center to make the wall more functional; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the special use so long as it is developed consistent with the design, layout, materials and plans prepared by Ron Vari and Associates and dated January 30, 2014; and

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a special use 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 in the interest of the public convenience and will provide a positive impact on the general welfare of the neighborhood as it will eliminate a vacant storefront;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because it will be utilizing an existing building;
4. The proposed special use will be residential and therefore will be compatible in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation, to the other residential uses of the neighborhood; 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 the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The door to the proposed first expanded floor unit will be shifted from the center of the wall to the side in order to make the wall more functional.

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: Katherine T. Loesch Trust

CAL NO.: 173-14-Z

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
May 16, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2129 N. Sedgwick Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the north side setback from 2.73' to zero; the combined side yard setback from 6.84' to 4.35'; and the rear yard setback from 29.35' to 21' for a proposed four-story addition with a rooftop deck to an existing three-story single family residence with two paved rear parking spaces.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AFFIRMATIVE NEGATIVE ABSENT

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

JUL 01 2014

CITY OF CHICAGO

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 16, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 1, 2014; 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 north side setback to zero; the combined side yard setback to 4.35'; and the rear yard setback to 21' for a proposed four-story addition with a rooftop deck to an existing three-story single family residence with two paved rear parking spaces; 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 FORM AND CONTENT
[Signature]

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

City Hall Room 905
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-3888



JUL 01 2014

CITY OF CHICAGO

Saturn Spa, LLC

APPLICANT

174-14-S

CALENDAR NUMBER

4845 North Damen Avenue

PREMISES AFFECTED

May 16, 2014

MINUTES OF MEETING

Thomas S. Moore

APPEARANCE FOR APPLICANT

Linda Haman

OBJECTOR

NATURE OF REQUEST

Application for a special use to establish a nail salon.

ACTION OF BOARD

THE VOTE

The application for a special use is denied.

Jonathan Swain, Chair
Catherine Budzinski
Sol Flores
Sheila O'Grady
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
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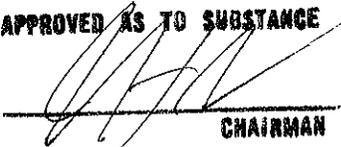
THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on May 16, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Municipal Code and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Thomas S. Moore, 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. Dampil Tuvshingargal testified on behalf of the Applicant; that he is the managing member of the Applicant; that his wife is a cosmetologist and has been doing nails for about eight (8) years; that he and his wife would like to go into business together and have rented the retail space on the subject property; that he believes he and his wife will be able to make a living running a nail salon at the subject property as there is a need for the services the Applicant will provide; that this is due to his wife having

APPROVED AS TO SUBSTANCE


CHAIRMAN

superior technical ability; that the Applicant's spa will fit into the character of the neighborhood; that the Applicant's proposed hours of operation are as follows: Monday – Friday, 10:00 AM – 8:00 PM; Saturday – Sunday, 10:00 AM – 6:00 PM; that people will be able to walk to the Applicant's proposed business as well as take public transportation, thereby promoting pedestrian safety and comfort; and

WHEREAS, Ms. Oyunibileg Tuvshingargal testified on behalf of the Applicant; that she currently works in a nail salon on Armitage Avenue; that she has worked almost eight (8) years as a nail technician; and

WHEREAS, the Applicant submitted a copy of Ms. Tuvshingargal's state license into the record; and

WHEREAS, Ms. Tuvshingargal further testified that she was a very skilled nail technician; and

WHEREAS, Mr. Joseph M. Ryan testified on behalf of the Applicant; that his credentials as an expert in 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 the following: (1) that the proposed special use is in the interest of the public convenience and will not have an adverse impact on the surrounding area as the subject property is in a B3-2 Zoning District and therefore commercial use of the first floor of the subject property is required; (2) that although there are other similar uses in the neighborhood, the population density of the neighborhood can support another personal service use; (3) that the proposed special use will not diminish property values in the surrounding area because (a) the Chicago area has become a service orientated business area as there are not enough manufacturing jobs to support the workforce and (b) service businesses have become the mainstay of employment; and

WHEREAS, in response to questions by the Board, Mr. Ryan further testified that he counted eight (8) other personal service uses within a two (2) block radius of the subject property; that he did not specifically count nail salons; and

WHEREAS, Ms. Linda Hamen, of 4830 North Damen, testified in opposition to the application; that she represents the neighborhood committee; that the neighborhood committee would like to see more diverse businesses in the neighborhood; that currently, there are seven (7) beauty and nail salons in the neighborhood; that there are not many commercial spaces on this portion of Damen; that of the newly opened businesses, two of them have been beauty and nail salons; that there is therefore an oversaturation of beauty and nail salons; that more diversity is required; that she had with her a petition of over 100 signatures from people who lived in the neighborhood; and

WHEREAS, Ms. Hamen submitted the petition into the record; and

WHEREAS, in response to the Objector's testimony, Mr. Ryan further testified that there would be no diminution of property value in the neighborhood because personal service use is currently the predominate use of the neighborhood; that he could not testify as to the specific number of beauty and nail salons that would be too many in the immediate area because appraisers do not determine when there are too many similar businesses in an area; that instead, the market determines when a particular type of business is oversaturated; that when a type of business does oversaturate an area, those types of business begin to close; that similar businesses only have an adverse impact when they diminish property value; that although similar businesses might diminish the profits of other, similar businesses, they do not likewise diminish the value of real estate in the area; that this is due to the fact that any new business (similar to other area businesses or not) takes an empty, vacant storefront and turns it into a viable business; that a viable business then increases foot traffic and helps the other businesses in the area; and

WHEREAS, in response to questions by the Board, Ms. Hamen testified that there are probably six (6) businesses total in a two-block radius; that there is a brand new building with six (6) new commercial spaces; that the subject property is a new development and therefore does not count long-vacant space; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the 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 decision of the Zoning Board of Appeals to approve a special use application must be solely based on the approval criteria enumerated in Section 17-13-0905-A of the Chicago Zoning Ordinance;
2. As there already is a high number of uses similar to the proposed special use within a two block radius of the subject property to the dearth of other uses, the Board determines that the proposed special use will have a negative impact on the surrounding area.

RESOLVED, the Board finds that the Applicant has not 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 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: Carolyn Demaret

CAL NO.: 175-14-Z

APPEARANCE FOR:

MINUTES OF MEETING:
May 16, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 3320 N. Hoyne Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front yard setback from 15.4' to 13.75', the rear yard setback from 34.7' to 22.75' for a proposed two-story single family residence with a below -grade rear connector to a two car garage with a rooftop deck.

ACTION OF BOARD-
CASE CONTINUED TO JULY 18, 2014

THE VOTE

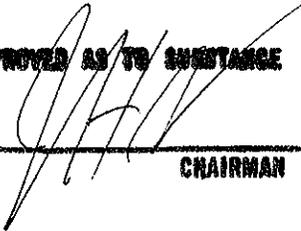
JUL 01 2014

CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: The Catholic Bishop of Chicago, An Illinois Corporation sole.

CAL NO.: 176-14-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
May 16, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3600 S. Seeley Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear yard setback from 33.75' to 4.11' to allow the existing convent building to be separated from an existing religious assembly facility and established on its own zoning lot.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JUL 01 2014
CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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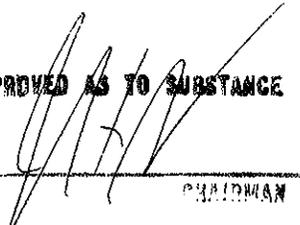
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 16, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 1, 2014; 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 rear yard setback to 4.11' to allow the existing convent building to be separated from an existing religious assembly facility and established on its own zoning lot; a variation was also granted in Cal. No. 177-14-Z for the religious assembly to be established on its own lot; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: The Catholic Bishop of Chicago, an Illinois Corporation sole. **CAL NO.:** 177-14-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
May 16, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3601 S. Hoyne Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear yard setback from 46.05' to 7.83' to allow the existing religious assembly facility to be separated from an existing convent building and established on its own zoning lot.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JUL 01 2014
CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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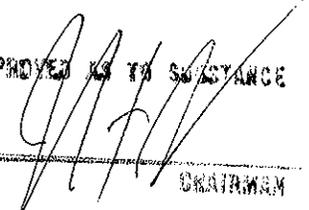
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 16, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 1, 2014; 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 rear yard setback to 7.83' to allow the existing religious assembly facility to be separated from an existing convent building and established on its own zoning lot; a variation was granted in Cal. No. 176-14-Z to establish the convent on its own zoning lot; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: L. Byron Vance

CAL NO.: 178-14-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
May 16, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2543 N. Burling Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear yard setback from 35.14' to 26.75' and to reduce the rear yard open space from 195.78' to 0' for a proposed rear, one-story addition, a south side one-story addition and renovations to an existing rear, three-story deck on an existing single family residence with a detached two car garage.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JUL 01 2014

CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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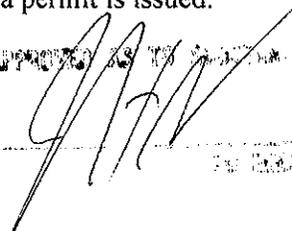
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 16, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 1, 2014; 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 rear yard setback to 26.75' and to reduce the rear yard open space to 0' for a proposed rear, one-story addition, a south side one-story addition and renovations to an existing rear, three-story deck on an existing single family residence with a detached two car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO FORM AND CONTENT:

JONATHAN SWAIN

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

APPLICANT: JJ'S Bar Inc. CAL NO.: 179-14-S

APPEARANCE FOR: Mark Kupiec MINUTES OF MEETING: May 16, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6406-10 N. Clark Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to expand an existing first floor tavern into the basement.

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE

JUL 01 2014

CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows for Jonathan Swain, Catherine Budzinski, Sol Flores, Sheila O'Grady, Sam Toia. All 'AFFIRMATIVE' cells contain an 'X'.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 16, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 1, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant testified that the subject site has operated as a bar for many years; the applicant would now like to expand the bar into the basement of the building; the applicant shall be permitted to expand the existing tavern into the basement; 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; 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 Planning and Development recommends approval of the proposed expansion of an existing first floor tavern into the basement.

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

APPROVED AS TO SUBSTANCE

Handwritten signature of the Chairman over a horizontal line.

CHAIRMAN

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

APPLICANT: JJ's Bar Inc. **CAL NO.:** 180-14-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
 May 16, 2014
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6406-10 N. Clark Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to establish a public place of amusement license for a tavern located within 125' of an RS-3 Zoning District.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

JUL 01 2014
 CITY OF CHICAGO

JONATHAN SWAIN
 CATHERINE BUDZINSKI
 SOL FLORES
 SHEILA O' GRADY
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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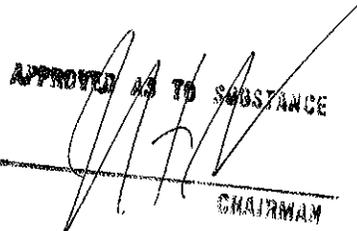
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 16, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 1, 2014; 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 stated that the tavern has been in existence for many years; a special use was granted in Cal. No. 179-14-S to permit the expansion of the existing tavern into the basement; the applicant shall now permitted to establish a public place of amusement license for the tavern that is located within 125' of a residential use; 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: Bloomhill Homes, Inc.

CAL NO.: 181-14-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
May 16, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1720 W. Ellen Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to establish a residential use below the second floor with a two story rear addition and a third floor addition to an existing two-story, two-unit building and the construction of a detached two-car garage.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUL 01 2014

CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

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 May 16, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 1, 2014; 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 with a two story rear addition and a third floor addition to an existing two-story, two-unit building and the construction of a detached two-car 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; 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 Planning and Development recommends approval of the proposed residential use below the second floor provided the development is established consistent with the design, layout, materials and plans prepared by Ron Vari and Associates and dated December 30, 2013.

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
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-3888



JUL 01 2014
CITY OF CHICAGO

Chicago America Real Estate, LLC
APPLICANT

183-14-S
CALENDAR NUMBER

251- 69 West Cermak Road
PREMISES AFFECTED

May 16, 2014
MINUTES OF MEETING

Mark J. Kupiec
APPEARANCE FOR APPLICANT

Guy Chen
OBJECTOR

NATURE OF REQUEST

Application for a special use to expand a previously approved hotel through the addition of a fifth floor, increasing the overall room count from 72 to 108.

ACTION OF BOARD

THE VOTE

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

Jonathan Swain, Chair
Catherine Budzinski
Sol Flores
Sheila O'Grady
Sam Toia

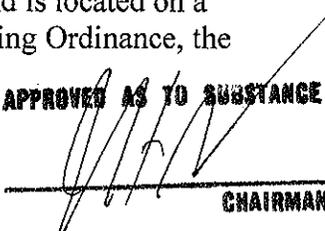
AFFIRMATIVE	NEGATIVE	ABSENT
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THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on May 16, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Municipal Code and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Mark J. Kupiec, 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 Board previously approved a special use for a 72 room hotel on the subject property; that this 72 room hotel is currently under construction; that since the Board had approved the special use, the City of Chicago ("City") has adopted a new provision to the Zoning Ordinance that allows for a parking reduction in transit-orientated locations; that the subject property is located in a transit-orientated location because it is within 1200 feet of the Red Line stop at Cermak and Wentworth and is located on a designated pedestrian street; that before this amendment to the Zoning Ordinance, the

APPROVED AS TO SUBSTANCE



CHAIRMAN

Applicant's proposed 108 room hotel would have required 11 parking spaces; that due to the passage of the Zoning Ordinance amendment in late 2013 and the designation of Cermak Road as a pedestrian street in January 2014, any new construction or rehabilitation project is entitled to 100% reduction in required parking; that construction of the hotel on the subject property began in May 2013; that Alderman Solis introduced an ordinance to establish a loading zone in front of the subject property on Cermak Road; that the Applicant had previously submitted twenty-two (22) letters of support from different people and groups in the neighborhood, including the Chinatown Chamber of Commerce, the Chinatown Square Association, and the Chinatown Parking Corporation; and

WHEREAS, Ms. Xiu Ying Lin testified on behalf of the Applicant; that she is the managing member of the Applicant; that the Applicant expects the majority of its clientele to come from China; that its clientele would include businessmen, tourists, students, and parents of students – all of whom would feel comfortable staying in a hotel located in Chinatown; that the Applicant also intends to rent rooms when there is a show at nearby McCormick Place; that the Applicant currently operates two hotels in China; that the Applicant would hire one or more local managers to help manage the hotel; that the Applicant will also hire people from the neighborhood to work in the hotel; that thirty-six (36) more hotel rooms is important to the success of the hotel, as extra rooms means more money for expenses, security, and more money with which to hire more local managers and employees; and

WHEREAS, in response to questions by the Board, Mr. Kupiec explained that although four floors is financially feasible enough for the hotel to be under construction, the Applicant asked for only four floors because that was the maximum size allowed with no parking; that there is no room for on-site parking at the subject property; that there is a scarcity of land in Chinatown, due Chinatown being hemmed in between the Dan Ryan and the Stevenson Expressways; that there is no vacant land in Chinatown; and

WHEREAS, Mr. Ted Mandigo testified on behalf of the Applicant; that his credentials as an expert in hotel consulting were acknowledged by the Board; that a 71-room property is very restricted in terms of staffing; that consequently, many people are cross-trained in other areas and situations arise in which night clerks are folding towels; that a 108-room property allows for another layer of management, and management is therefore free to provide training opportunities and more direct supervision to the staff; that a 108-room property provides for a staff that is dedicated to its responsibilities;

WHEREAS, Mr. Joseph M. Ryan testified on behalf of the Applicant; that his credentials as an expert in 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 that the proposed special use: (1) is in the interest of the public convenience; (2) will not have an adverse impact on the general welfare of the neighborhood because a

five-story building as opposed to a four-story building will have no adverse impact on the area; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design as the neighborhood is very dense with few one-story buildings and numerous high rises; (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 because hotels generally have peak hours in late morning and late afternoon/early evening while the area's restaurants and commercial facilities are open until at least 10:00 PM; and

WHEREAS, in response to questions by the Board, Mr. Mandigo further testified that at 100% occupancy a 108 room hotel would probably have 150 guests; that he bases this number on the occupancy factor for Chicago generally and the type of clientele this particular hotel is likely to have; that a hotel of this size would typically have about 45 full-time employees; that he is not working with the Applicant on the project so he can only testify to usual hotel operations not the operations of this specific Applicant; and

WHEREAS, in response to further questions by the Board, Ms. Lin testified that the Applicant will operate in the fashion Mr. Mandigo described; and

WHEREAS, Mr. Mandigo then further testified that a hotel business brings in a substantial amount of additional spending to the neighborhood; that this provides a beneficial impact on the market; that the proposed special use will have a strong benefit to the restaurants, shopping and other facilities in the nearby area; that the proposed special use will not place a drain on public services such as schools or fire protection; that the majority of people both working and staying at the hotel will be utilizing public transportation; that the majority of people staying at the hotel will be coming from overseas and therefore will be arriving by limo, cab, or public transportation; that therefore the hotel will not create a great deal of street traffic; and

WHEREAS, in response to further questions by the Board, Mr. Ryan further testified that the Applicant will have – at a maximum – 200 people coming and going from the subject property; that across the street from the subject property are 509 parking spaces; that one could not find a better located hotel as the Red Line is less than 1200 feet from the subject property and the subject property is just off the expressway; that traffic generation is not a problem with the proposed special use; and

WHEREAS, in response to further questions by the Board, Ms. Lin further testified that she has spoken with the Chinatown Parking Corporation; that the Chinatown Parking Corporation provided a letter stating that it has spaces available for the Applicant; that these spaces include both valet service and overnight parking; that she has met with the neighbors appearing as objectors today; that she has promised to work with the neighbors in regards to adding outdoor lighting and security cameras; that Alderman Solis has introduced a resolution to adopt a loading zone in front of the subject property; that this would limit the need to overly use the alley; that with the additional thirty-six (36) rooms, the Applicant will have more money to provide security on-site; that although the plans

call for small commercial units on the first floor, the Applicant will not put in a grocery store or restaurant; and

WHEREAS, Mr. Guy Chen, of 2223 South Princeton, testified in opposition to the application; that he represented his fellow condo owners, also present; that their main concerns about the project were as follows: (1) traffic and (2) security issues; that currently, the traffic in the neighborhood is at its maximum saturation point; that currently, at Princeton, one has to wait two lights to get to Cermak Road; that he is not concerned about pedestrian but vehicular traffic and does not believe the City's reconstruction of Wentworth Avenue will alleviate the current traffic problem; that prior to the hotel being built, the street light could reach to the alley and the condominium building's parking lot; that the street light is now blocked and is a safety concern; and

WHEREAS, in response to the Objector's testimony, Mr. Kupiec explained that the Applicant is happy to work with the objectors in regards to exterior lighting that would improve the alley; that the subject property is zoned B3-5 so any development project would generate traffic although with many of the hotel clientele being from out of town the proposed special use might generate less traffic than other uses; and

WHEREAS, in response to the Objector's testimony, Mr. Ryan further testified that the current traffic issue is a traffic engineering problem rather than a population problem; that the reconfiguration of Wentworth Avenue and the extension of Wells Street (the so-called Wentworth-Wells extension) should help alleviate the current traffic issue; and

WHEREAS, in response to the Objector's testimony, Mr. Michael Werthmann testified on behalf of the Applicant; that his credentials as an expert in traffic engineering were acknowledged by the Board; that in regards to Princeton, Princeton is a lower volume road and the additional thirty-six (36) rooms would not add very much traffic to Princeton due to all drop-off and pick-up for the hotel being on Cermak; that the Wentworth-Wells extension will greatly improve the intersection of Cermak and Wentworth and help the situation brought up by the Objector; and

WHEREAS, the staff of the Department of Planning and Development has no objection to the proposed addition of a fifth floor to a previously approved hotel provided the development is established consistent with the design, layout, materials and plans prepared by Ron Vari & Associates and dated May 16, 2014; 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 in the interest of the public convenience and will provide a positive impact on the general welfare of the neighborhood in the form of increased revenue to the neighborhood's restaurants and shops;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design as the surrounding area is quite dense with many high rise buildings;
4. As hotels generally have their peak hours in late morning and late afternoon/early evening and as many of the surrounding area's restaurants and commercial facilities are open until at least 10:00 PM, the proposed special use will be compatible in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation. Further, the Board finds the Objector's concerns regarding the traffic are not due to the hotel but due to the current traffic engineering problems that will be resolved by the Wentworth-Wells extension;
5. The proposed special use is designed promote pedestrian safety and comfort as the majority of the hotel's clientele will be utilizing public transportation.

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 the following conditions, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. There shall be no grocery store or restaurant in the retail commercial units on the first floor of the hotel;
2. The hotel shall provide and maintain adequate exterior lighting to the alley behind the subject property;
3. The hotel shall have on-site security during its hours of operation.

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) 744-3888



Checkers Drive-In Restaurants, Inc.

APPLICANT

184-14-S

CALENDAR NUMBER

7900 South Western Avenue

PREMISES AFFECTED

May 16, 2014

MINUTES OF MEETING

Lawrence Lusk

APPEARANCE FOR APPLICANT

No Objectors

NATURE OF REQUEST

Application for a special use to establish a restaurant with one drive-through lane.

ACTION OF BOARD

THE VOTE

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

Jonathan Swain, Chair
Catherine Budzinski
Sol Flores
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"/>
<input 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 ("Board") at its regular meeting held on May 16, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Municipal Code and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Lawrence Lusk, 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 subject property is zoned B3-1; that the Applicant proposes to establish a restaurant with a drive-through in a new construction, one-story building; and

WHEREAS, Mr. John Imus testified on behalf of the Applicant; that he is the construction and development manager for the Applicant; that the Applicant intends to build a new facility on the subject property; that this new facility will be a "prototype restaurant;" that such facility has been heavily negotiated with the City's Department of Planning and Development; that the facility will not have a stucco façade and will have

APPROVED AS TO SUBSTANCE

CHAIRMAN

many upgraded construction materials; that the subject property is currently vacant land; that the Applicant is in the business of fast food and anticipates hiring 25-30 full and part-time employees for its facility at the subject property; that its proposed hours of operation will be: 8:00 AM – 3:00 AM; that the facility will be a corporate owned facility; that the Applicant has had meetings with both the Alderman and the community group and is not aware of any objectors to the proposed special use; that the City's Department of Transportation has reviewed the site plan and the traffic flow plan for the subject property; that the proposed facility will have an order box but that this box will have multiple sound settings; that to accommodate the nearby residential area, the order box will be turned down at 10:00 PM; that the Applicant will also increase fencing and vegetation to the exterior sides of the property to prevent sound from going into said residential area; and

WHEREAS, in response to questions by the Board, Mr. Imus further testified that there will be no dining room at the facility; that the Applicant has employed on-site security in the past when necessary in order to combat the problem of people eating and possibly drinking alcohol in the facility's parking lot; that the Applicant generally allows its customers to eat in the parking lot; and

WHEREAS, Mr. Lusk further explained at the Applicant has a contract with a security company for its five (5) existing Chicago locations; that the contract states that if there are any conditions at the facilities that require on-site security, on-site security will be added; that the Applicant has had no instances where people were sitting and drinking alcohol in the Applicant's facilities' parking lots; that although none of the conditions that would trigger on-site security have happened, the security company is currently training five facility managers; that the Applicant does not wish a condition to the special use that states the Applicant must have security after a certain hour unless the Applicant determines such a requirement is triggered by its security contract;

WHEREAS, Mr. Neil J. Renzi testified on behalf of the Applicant; that his credentials as an expert in 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 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 have an adverse impact on the surrounding neighborhood; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design; (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; (5) and will promote pedestrian safety and comfort; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use provided the development is established consistent

with the design, layout, materials and plans prepared by Ilekis and Associates and dated May 13, 2014; 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 in the interest of the public convenience as it provides another dining choice in the area and will provide a positive impact on the general welfare of the neighborhood as it will replace a vacant lot with a viable business;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the facility will be all new construction with no stucco façade;
4. Because the Applicant is providing sufficient fencing and landscaping to block the noise of its operations as well as turning down its order box after 10:00 PM, the proposed special use will be compatible in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation, to the nearby residential area; 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 the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The Applicant must provide on-site security from 10:00 PM to closing at the subject property.

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) 744-3888



JUL 01 2014
CITY OF CHICAGO

Harbor Side Development, LLC
APPLICANT

185-14-S & 186-14-Z
CALENDAR NUMBER

1900 South Calumet Avenue
PREMISES AFFECTED

May 16, 2014
MINUTES OF MEETING

Meg George
APPEARANCE FOR APPLICANT

Richard Chew
OBJECTOR

NATURE OF REQUESTS

Application for a special use to establish a residential use below the second floor for a proposed four-story, three-unit townhouse development and a proposed four-story, four-unit townhouse development.

Application for a variation to reduce the west front wall setback from 3' to 0'; to reduce the south end wall setback from 3' to 0' on the western half of the lot; to reduce the separation between the rear walls of two rows of townhomes from 30' to 0'; and to provide the private yard open space on a deck more than 4' above grade for a proposed four-story, three-unit townhouse development and a proposed four-story, three-unit townhouse development and a proposed four-story, four-unit townhouse development.

ACTION OF BOARD

THE VOTE

The applications for both the special use and variation are approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<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 ("Board") at its regular meeting held on May 16, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Municipal Code and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Meg George, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought;

APPROVED AS TO SUBSTANCE

CHAIRMAN

that the Applicant proposes to construct seven (7) townhome units in the form of two buildings at the subject property; that there will be fourteen (14) on-site parking spaces which will be accessed by a public alley; that the property is located in the DX Downtown Zoning District and townhomes are a special use in this district; that the Applicant is the owner of the subject property; that there is a residential townhome development to the north and west of the subject property; that a condo building is located to the east of the subject property; that an armory building is located to the south of the subject property; that half of the proposed townhomes will front onto Calumet Avenue and the other half will front onto a vacated alley that still functions as an alley, albeit a private alley; and

WHEREAS, Mr. Michael Leary testified on behalf of the Applicant; that he is the architect of the proposed development; that his credentials as an expert in architecture were accepted by the Board; that the subject property is a currently vacant surface parking lot with townhouses to the north and west; that the proposed use is a seven-unit townhouse development with three (3) townhouses fronting Calumet and four (4) townhouses tucked to the rear of the property; that the proposed townhouse units will range from 3,400 to 4,550 square feet; that parking for the proposed townhouse units will be through the public alley to the north side of the property; that the concept is to cover the parking to allow for a heavily landscaped entry for the rear units as well as supplying the front units with a private deck; that the architecture will be very traditional with a limestone base, face brick at the middle section, and a mansard roof pushed back off the face of the building; that all of the proposed units will have roof decks; that the location of parking access is to the north of the property because the only access to the property is via the north public alley; that the rear of the site has a private alley but that alley is not for public use; because the surrounding neighborhood consists of low-density, residential developments, the subject property will not be able to yield a reasonable return if the variation is denied; and

WHEREAS, in response to questions by the Board on reasonable return in a DX Zoning District, Ms. George explained that the Applicant could, in fact, put in an office building with zero setbacks as of right; that the Applicant could also put in a much denser residential development as well; that the hardship is not self-created because the surrounding area is all townhouses; that the Applicant would be outside the context of the neighborhood if the Applicant developed something other than townhomes; that because the one alley is a private alley rather than a public alley, the parking has to be located in the middle of the subject property; that this in turn causes the townhomes to be pushed in either direction of the parking; and

WHEREAS, Mr. Leary further testified that the variation, if granted, would not alter the essential character of the neighborhood due to the hardship of the vacated alley; that the alley was vacated prior to the Applicant acquiring ownership; that the granting of the variation would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood because the property will be developed quite similarly to the surrounding developments; that the development is designed to protect public safety and welfare; that he has met with the City's Department of Transportation

("CDOT") regarding the site plan; that CDOT approved the site plan; that the proposed variation will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public street, or increase the danger of fire, or endanger the public safety or diminish property values within the neighborhood; that this is due to the fact that the subject property is surrounded on three side with either private drives or a public street; that on the fourth (south) side of the subject property, the armory has a three-story blank brick façade; and

WHEREAS, Mr. Terrence M. O'Brien testified on behalf of the Applicant; that his credentials as an expert in 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; that the proposed project: (1) complies with all applicable standards of the Zoning Ordinance; (2) is in the interest of the public convenience due to the lack of for-sale signs in the surrounding neighborhood and will not adversely impact the surrounding area as the overwhelming majority of units in the subject area are quite similar to if not the same as those proposed by the Applicant for the subject property; (4) is designed so that the public safety, health and welfare will be protected; (5) is designed to protect the character of the residential neighborhood as the proposed development is quite similar to what currently exists in the neighborhood; (6) is not a commercial high rise or mixed use high rise that would impact the neighborhood's light, air, and privacy; (7) will complement the surrounding area in scale and use as it is consistent and compatible with the existing pattern of development; (8) is compatible with the character of the surrounding area in terms of operating characteristics such as hours of operating, outdoor lighting, noise and traffic generation as the proposed project is only seven residential units, substantially less than what can be built as of right; and

WHEREAS, Ms. George explained that as the subject property is located within the Lakefront Protection area, the Applicant will be going to the Chicago Plan Commission for its approval as well; and

WHEREAS, Mr. Richard Chew, vice-president of the Prairie District Townhome Association and representative of the Prairie District Neighborhood Association testified in opposition to the application; that the subject property is not a vacant lot because it is fenced in; that neither association objects to the special use; that both associations object to the variation; that the requested variation will present a safety issue because two mid-sized vehicles driving in opposite directions cannot simultaneously pass each other in both the south and west alleys; that this is therefore a fire safety concern as a fire truck is larger than a mid-sized vehicle; that the proposed 0' setback for the proposed development will further impact safety as the improvements on other side of the public alley are also at a 0' setback; and

WHEREAS, the Board reminded that under the current zoning, the Applicant could build lot line to lot line as of right; that the proposed variation is solely due to the fact the Applicant is proposing a less dense development; and

WHEREAS, Ms. George stated that in order for the Applicant to get a building permit for the proposed project, the Fire Department would have to give its approval; that the Fire Department would not sign off on the building permit if it could not access the property; and

WHEREAS, Mr. Chew testified in further opposition to the application; that once the proposed development is built, there will be much more traffic in the public alley; that this traffic will be detrimental to the townhomes already built; that during development of the proposed site, the public alley would most likely be shut down and existing neighborhood residents would not have public alley access; and

WHEREAS, Ms. George explained that the 0' proposed setback would not impact traffic in the public alley; that even without the setback, no one could drive off of the public alley onto the subject property as one cannot traverse private property; that seven (7) townhomes is not a significant amount of traffic and is significantly less than what otherwise would be allowed; and

WHEREAS, in response to questions by the Board, Ms. George further explained that in a DX Zoning District, depending upon the use, a development could have many cars; and

WHEREAS, in response to further questions by the Board, Mr. O'Brien further testified that if thirty-one (31) residential units were developed on the lot today, there would be one-to-one parking required; that no matter what is constructed at the subject property, the public alley Mr. Chew referred to would be the only access point; that a curb cut would not be cut along South Calumet and there is no rear access to the property due to the private alley; that therefore, the only way in which a vehicle could ingress or egress the subject property would be via this particular public alley; that the public alley is 16' wide and can therefore accommodate two automobiles going in either direction; and

WHEREAS, in response to further questions by the Board, Mr. Leary agreed with Mr. O'Brien and opined there would be no other vehicular access to the subject property aside from the public alley; and

WHEREAS in response to further questions by the Board, Mr. O'Brien stated that there is presently a South Calumet curb cut on the subject property but if the site is developed, this curb cut will not remain; that if a thirty-one (31) residential unit building was developed at the subject property, loading docks would be needed; that these loading docks would be accessed from the public alley; and

WHEREAS, Mr. Kevin Laherty, the managing member of the Applicant, agreed with the testimony stated on the Applicant's behalf; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use provided the development is established consistent with the design, layout, materials and plans prepared by Michael J. Leary and dated March 11, 2014; 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 in the interest of the public convenience as there is a lack of for sale homes in the neighborhood and will provide a positive impact on the general welfare of the neighborhood as the neighborhood is residential in character;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the proposed development is similar to the townhomes that already exist in the area;
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because the proposed special use is residential in nature and the surrounding area is residential in nature. Further the proposed special use will provide for only seven (7) townhomes which will generate much less traffic in the residential area than either a commercial high rise or a mixed use high rise; and
5. The proposed special use is designed to promote pedestrian safety and comfort as seven (7) townhomes will generate much less traffic than either a commercial high rise or a mixed use high rise.

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.

WHEREAS, Section 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;

WHEREAS, Section 17-13-1101-A of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation for any matter expressly authorized as an administrative adjustment ;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 exists regarding the proposed use of the subject property should the requirements of the Zoning Ordinance be strictly complied with, and, further, the requested variation is 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 cannot yield a reasonable return without the proposed variation as the trend in the neighborhood is for townhomes rather than high rise, commercial buildings; (2) the practical difficulty or particular hardship of the property is due to the vacation of the rear alley which causes the only access to the property to be the north public alley; and (3) the variation, if granted, will not alter the essential character of the neighborhood as Mr. Leary intentionally designed the proposed development to be consistent with the other townhome developments in the area;
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 rear alley has been vacated and is no longer public results in particular hardship to the Applicant were the strict letter of this Zoning Ordinance carried out; (2) the vacation of the rear alley is not a condition generally applicable to a DX Zoning District; (3) as the Applicant could build a much denser, commercial or mixed use high rise as of right, profit is not the sole motive for the application; (4) the Applicant did not create the hardship in question as the Applicant did not vacate the rear alley; (5) the variation being granted will not be detrimental to the public welfare or injurious to other property as the Applicant will be following the area's pattern of low-density, townhouse development; and (6) the variation will not impair an adequate supply of light or air to the neighboring properties as the reduced setback situation already exists on the other side of the public alley, 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 because the Applicant is only adding seven (7) units to the subject property.

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: SP Michigan, LLC

CAL NO.: 192-14-Z

APPEARANCE FOR:

DATE OF MEETING:
May 16, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 1323 S. Michigan Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the 21 space off-street parking requirement by no more than 20% to 17 spaces, and to eliminate one 10' x 25' x 14' loading berth for a proposed 30-unit building with ground floor commercial space.

ACTION OF BOARD-
WITHDRAWN ON MOTION OF THE APPLICANT

THE VOTE

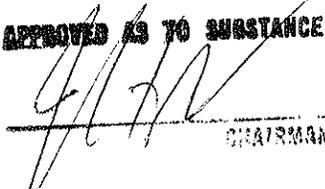
SEP 09 2014

CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 1007 N. Cleveland Development Corporation

CAL NO.: 195-14-Z

APPEARANCE FOR:

MINUTES OF MEETING:
May 16, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 1013-15 W. Oak Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the west end wall setback from 12' to 6' and to reduce the separation between the end walls of two row of townhomes from 10' to 9' for a proposed two-story, 13 unit townhouse development with 26 on-site parking spaces.

ACTION OF BOARD-
CASE CONTINUED TO JULY 18, 2014

THE VOTE

JUL 01 2014
CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1017 N. Cleveland Development Corporation

CAL NO.: 196-14-Z

APPEARANCE FOR:

MINUTES OF MEETING:
May 16, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 1017-19 N. Cleveland Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the west end wall setback from 12' to 6' and to reduce the separation between the endwalls of two rows of townhomes from 10' to 9' for a proposed two-story and three-story 26 -unit townhouse development with 52 on-site parking spaces.

ACTION OF BOARD-
CASE CONTINUED TO JULY 18, 2014

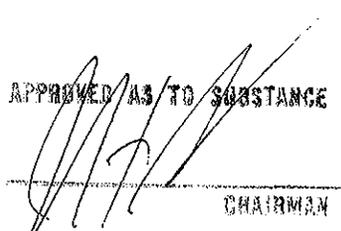
THE VOTE

JUL 01 2014
CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: 450 W. Oak Development Corporation **CAL NO.:** 197-14-Z

APPEARANCE FOR: **MINUTES OF MEETING:**
May 16, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 434-44 W. Oak Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front yard setback from 7.32' to 5.67'; the east side yard setback from 5' to 3'; the west side yard setback from 5' to zero at the rear of the lot only to allow a surface parking space' the combined side yard setback from 24.89' to 9.58'; the

ACTION OF BOARD-
CASE CONTINUED TO JULY 18, 2014

THE VOTE

JUL 01 2014
CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE
[Signature]
SECRETARY

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

APPLICANT: 450 W. Oak Development Corporation **CAL NO.:** 198-14-Z

APPEARANCE FOR: **MINUTES OF MEETING:**
May 16, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 448-54 W. Oak Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front yard setback from 7.32' to 5.67'; the east side yard setback from 13.4' to zero; the rear yard setback from 18.3' to 9' and the rear yard open space from 428 square feet to zero for a proposed three-story, nine-unit building with 12 on-s

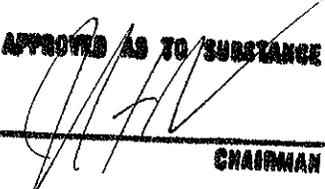
ACTION OF BOARD-
CASE CONTINUED TO JULY 18, 2014

THE VOTE

JUL 01 2014
CITY OF CHICAGO

- JONATHAN SWAIN
- CATHERINE BUDZINSKI
- SOL FLORES
- SHEILA O' GRADY
- SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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) 744-3888



JUL 01 2014

CITY OF CHICAGO

EdisonLearning, Inc.

APPLICANT

200-14-S & 201-14-S

CALENDAR NUMBERS

2421-23 / 2443-45 West Division Street

PREMISES AFFECTED

May 16, 2014

MINUTES OF MEETING

David Sattelberger

APPEARANCE FOR APPLICANT

Victoria Vallejo

OBJECTOR

NATURE OF REQUESTS

Application for a special use to establish a high school.

Application for a special use to establish thirty-seven (37) off-site, required accessory parking spaces within an existing parking lot to serve the proposed high school to be located at 2421-23 West Division Street.

ACTION OF BOARD

THE VOTE

The applications for the special uses are approved subject to the condition specified in this decision.

Jonathan Swain, Chair
Catherine Budzinski
Sol Flores
Sheila O'Grady
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
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THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on May 16, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Municipal Code and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. David Sattelberger, 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 subject property is improved with a two-story building that has been used as office and meeting space for the owner of the property, Christian Fellowship Flock; that the Applicant will be a tenant on the first floor of the building; that the Applicant has also applied for a special use to establish off-site accessory parking at 2443-45 West Division Street to satisfy the parking requirements of a school being established at the

APPROVED AS TO SUBSTANCE

CHAIRMAN

subject property; that the parking lot has thirty-seven (37) parking spaces, surrounded by a fence; that the Applicant has a signed lease to have non-exclusive use of the entire lot for the term of the lease and exclusive use of eight (8) parking spaces during school hours; that the parking lot is located less than 600 feet from the front door of the proposed school entrance; and

WHEREAS, Mr. Chris Wilberding testified on behalf of the Applicant; that he is a senior vice president of alternative education services for the Applicant; that the Applicant intends to operate a high school dropout recovery program at the subject property; that this will be in partnership with the Chicago Public Schools; that the Applicant operates similar programs at sixteen (16) sites throughout the country; that the Applicant graduates 70% of its students; that two (2) of the Applicant's sites are in Chicago, one in Lawndale and one in Roseland; that 60,000 students have dropped out of school in the City of Chicago; that within one-and-one-half miles of the subject property, there are approximately 2500 high school drop outs; that the Applicant's target audience is young adults between the ages of sixteen (16) to twenty-one (21) years of age; that due to the location of the subject property, the Applicant would typically serve Latino or Hispanic students at the subject property; that the Applicant will be staffing its facility to mirror the image of the community; that the proposed hours of operation for the school would be: Monday – Friday, 7:30 AM – 4:30 PM; that the Applicant proposes to hire 10 employees; that the proposed special uses help the public as the Applicant's objective is to take students who have the belief that the traditional educational system has failed them and, in conjunction with the Chicago Public Schools, allow these students to earn a high school diploma; that this leads to more contributing members of society; and

WHEREAS, Mr. Burt Andrews testified on behalf of the Applicant; that his credentials as an expert in architecture were acknowledged by the Board; that he is the architect of the proposed development; that the Applicant intends no changes to the exterior of the building; that he believes the proposed use is compatible with the surrounding area in terms of site planning and building scale and project design; that the proposed project is designed to promote pedestrian safety and comfort as the proposed high school's proposed parking is within 200 feet of the building's front door; that the parking lot is on the same side of the street as the building so that people will be able to utilize the existing sidewalk without crossing the street; that there will not additional curb cuts; that the parking is gated and surrounded by an ornamental fence so that there will be minimal crossing by children through the parking lot; that the proposed use of the site complies with all applicable standards of the Chicago Zoning Ordinance; and

WHEREAS, Mr. David Kunkel testified on behalf of the Applicant; that his credentials as an expert in 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; that he then orally testified to the following: (1) the property in question is on a primary commercial street in Chicago, although there are quite a few institutional uses nearby; (2) that the proposed

use of the property would have no negative impact to the value or use of the surrounding properties; and

WHEREAS, Mr. Wilberding further testified that 85% of the Applicant's students take public transportation; that the subject property is located on a main bus line; that very few of the Applicant's students own cars; that potentially, the Applicant will make accommodations for students to ride bikes to school; that the average age of the Applicant's students across the country is 17.9 years old; that pending approval from Chicago Public Schools, the Applicant will have a 200 student capacity on the subject property, with space for 100 students per session; that the Applicant will have two (2), four (4) hour sessions per day; that attendance at these sessions runs between 60% to 75%; that consequently, there will be a 60 to 70 person population at the facility on a daily basis; that the Applicant has no plans to integrate with nearby Clemente High School due to the fact that the Applicant's target audience is students that have already dropped out; that although the Applicant might work with Clemente High School from a guidance counselor perspective, the Applicant is not in competition with Clemente High School because the Applicant's students typically have been out of school for at least eight (8) months; that with the bus stop just out front of the building and with an on-site security guard, the Applicant believes the facility is safe from a safe passage perspective; that the Applicant anticipates this facility to serve students that live within a mile to two miles of the subject property; and

WHEREAS, Ms. Victoria Vallejo, of 1222 North Campbell, testified in opposition to the application; that she is concerned about the proximity of this facility to Clemente High School; that she is also concerned about the proximity of a liquor store; that she is worried about an additional 200 students overburdening the current safe passage escort for Clemente High School; that she does not understand why high school drop outs cannot return to Clemente High School; that there is also Pedro Albizu Campos Alternative High School within the neighborhood; that the community wishes all the high schools were integrated and spoke to each other; and

WHEREAS, in response to the Objector's testimony, Mr. Wilberding further testified that the Applicant works with the Chicago Public Schools on a daily basis; that integration-wise, the Chicago Public Schools are very aware of the Applicant's operations; that the Applicant's target audience is not an audience for which a traditional school day is an option; that 40% of the Applicant's students are either parents themselves or are taking care of their younger siblings and therefore cannot commit to a full school day; that in some situations, the Applicant's students are the sole breadwinners for their families; that the Applicant only requires one four hour session per day; that the Applicant works with students to overcome particular hurdles that may not be addressed in a traditional high school; that in the Applicant's sixteen (16) current facilities, there has not been one act of violence; that the Applicant only takes students that have been approved by the Chicago Public Schools; that any student matriculating into the Applicant's facility must sign a statement of understanding regarding behavior; that although the Applicant does not believe in expelling students, if there are continuous problems with behavior, the Applicant will look to transition a student into a more

appropriate educational setting; that the Applicant's students have not succeeded in traditional high schools and would not realistically re-enroll in Clemente High School; and

WHEREAS, in response to the Objector's testimony, Mr. Kunkel testified he was not specifically aware of the liquor store mentioned by the Objector; and

WHEREAS, in response to further questions by the Board, Mr. Wilberding further testified that that Applicant will be on the Chicago Public Schools' 180 day calendar for the 2014 academic year; that for the 2015 academic year, the Applicant will have a 180 day school year plus summer session which will give 210 days of education to the Applicant's students; that the Applicant intends to open the Tuesday after Labor Day; that the Applicant intends to have an on-site security guard because if students do not feel safe, they will not come back; that the owners of the subject property will just be the landlords but that the Applicant might potentially enroll some of the young adults that attend the church's services; that the Applicant is not a charter school; that the Applicant will have bi-lingual educators at this particular site as it meets the needs of the community; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use to establish a high school at the subject property provided the development is established consistent with the design, layout, and plans prepared by Larson & Darby Group and dated February 26, 2014; and

WHEREAS, the staff of the Department of Planning Development further recommended approval of the thirty-seven (37) space off-site accessory parking lot to serve the proposed high school provided the development is established with the design and layout plans prepared by Larson & Darby Group and dated May 13, 2014; 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 special uses pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special uses comply with all applicable standards of this Zoning Ordinance;
2. The proposed special uses are in the interest of the public convenience as they provide an alternative high school for those young adults who did not succeed at traditional high school and will not adversely impact the general welfare of the neighborhood as there are already other institutional uses, such as Clemente High School, in this mostly commercial area;

3. The proposed special uses are compatible with the character of the surrounding area in terms of site planning and building scale and project design because the proposed special uses will utilize an already existing building and parking lot;
4. The proposed special uses are compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because the proposed special uses will utilize an already existing building and parking lot and because the proposed special uses' hours of operation are compatible with the commercial character of the surrounding area;
5. The proposed special uses are designed to promote pedestrian safety and comfort as the parking lot is on the same side of the street and less than 200' from the building that will house the proposed high school;

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 uses subject to the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The Applicant shall have an on-site security guard at its facility during its hours of operation.

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: RS Fuels c/o Mohammad Yagoob

CAL NO.: 203-14-Z

APPEARANCE FOR:

MINUTES OF MEETING:
May 16, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 7453 S. State Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the minimum lot area from 20,000 square feet to 15,738 square feet for a proposed gas station with a convenience store and a one-lane automatic car wash.

ACTION OF BOARD-
CASE CONTINUED TO JULY 18, 2014

THE VOTE

JUL 01 2014

CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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) 744-3888



JUL 01 2014

CITY OF CHICAGO

850, LLC

APPLICANT

334-13-S

CALENDAR NUMBER

850 North DeWitt Place

PREMISES AFFECTED

May 16, 2014

MINUTES OF MEETING

Jim Banks

APPEARANCE FOR APPLICANT

John Lower

APPEARANCE FOR OBJECTOR

NATURE OF REQUEST

Application for a special use to establish fifty-seven (57) public leased or rented parking spaces in an existing 127-space parking garage.

ACTION OF BOARD

THE VOTE

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

Jonathan Swain, Chair
Catherine Budzinski
Sol Flores
Sheila O'Grady
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
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THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on May 16, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Municipal Code 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;

WHEREAS, Mr. Gerry Ogass testified on behalf of the Applicant; that he is the managing member of the Applicant; that the Applicant owns the subject parking garage at the subject property; that the Applicant purchased the garage in 1984 and has since managed and operated the garage; that the parking garage structure contains three (3) levels of parking for a total of 127 parking spaces; that the parking garage is located immediately adjacent to a 215-unit residential condo building; that based on the parking

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

requirements in place at the time the condo building was built, the 127 spaces were treated as required spaces for the condo building; that thirty-two (32) of the spaces may be leased to non-residents as of right under the Zoning Ordinance; that the remaining ninety-four (94) condo spaces are designated for the use of the residents in the condo building; that the parking garage functions well-below capacity as only thirty-seven (37) residents are committed to monthly leases in the Applicant's garage; that therefore fifty-seven (57) parking spaces are normally left vacant and unused; that to keep the garage viable and functioning, the Applicant has rented out approximately twenty (20) of the spaces beyond the allowance to non-residents; that this still leaves thirty (30) unused parking spaces; that the garage is operating at 75% capacity; that to fill these unused spaces, the Applicant is requesting a special use to increase the number of spaces that can be leased to non-residents of the condo building; that this is a 45% increase; that the parking garage will remain exactly the same as it is today; that to accommodate the residents in the condo building, the Applicant is committed to locating the residents' spaces on the first level of the garage as this is the preferred level for the residents; that the Applicant intends to lease the fifty-seven (57) spaces out on a monthly basis to other residents or business people in the neighborhood; that the Applicant will also continue to lease spaces to a valet service that services the building across the street (Seneca Building) from the subject property; that the Applicant will honor the residents' option for all of the parking spaces; that a resident will always have the first shot at parking at the garage; that the Applicant does not have all applicable parking licenses to operate because the City of Chicago has refused to issue a parking license until this matter is corrected; and

WHEREAS, in response to questions by the Board, Mr. Ogass further testified that a resident would have first shot at parking because all parking is month to month; that if a resident requested a parking spot and all parking spots were full, the Applicant would give 30-day notice to a non-resident month-to-month leasee; that the longest a resident would have to wait for parking would be thirty (30) days; that the Applicant has owned the garage for over thirty (30) years and has never had more than thirty (30) condo residents that parked their cars at the garage; that the Applicant has never had a situation where a non-resident blocked a resident from parking; that the Applicant would find it much easier to lease all of its parking to the condo building's residents; and

WHEREAS, Mr. Stuart Veith testified on behalf of the Applicant; that he is a general manager for LAZ Parking ("LAZ"); that he has twenty-two (22) years of experience in the parking industry, six (6) of those years being with LAZ; that LAZ currently operates fifty-three (53) parking locations throughout Chicago; that fourteen (14) of these locations are connected to residential buildings; that LAZ took over the operations of the subject parking garage earlier this year; that he is therefore familiar with the parking conditions in the immediate area of the subject property; that the area is very vibrant with a mix of residential parkers, business day parkers, tourists, transient parkers, and shoppers from Michigan Avenue; that the subject garage is intended to provide a mix of resident and non-resident parkers; that those parkers are further classified as either reserved or unreserved parkers; that reserved parkers pay a premium to be assigned a specific parking space; that of the thirty-seven (37) spaces currently used by residents,

twenty-seven (27) are reserved parkers and ten (10) non-reserved; that leasee parkers choose whether to have reserved or unreserved parking; that the proposed special use will not change the function of the garage; that he would prefer to lease all spaces to the condo building's residents; that the special use will allow additional flexibility to lease out the additional spaces that are not in use by the residents; and

WHEREAS, in response to questions by the Board, Mr. Veith further testified that although LAZ does double park in some garages, it does not do so at the subject property; and

WHEREAS, Mr. Terrence M. O'Brien testified on behalf of the Applicant; that his credentials as an expert in 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; that he then orally corrected his report on the record to refer to fifty-seven (57) spaces as opposed to sixty-one (61); that he then orally testified to the following: (1) the Applicant is losing approximately \$93,000 a year due to vacant spaces in its garage; (2) that the proposed special use is compatible with the agreed settlement order between the City of Chicago and the former operator of the parking garage; (3) that the proposed special use is in the interest of the public convenience and will benefit the general welfare of the community as the area is highly congested and parking is at a premium; (4) that the proposed special use is compatible with the character of the surrounding area in terms of operating characteristics because the operating characteristics would be similar to other parking facilities in the area; (5) that the proposed special use is designed to promote pedestrian safety and comfort because there will be no additional curb cuts; and

WHEREAS, Mr. Veith further testified that each level of the parking garage has its own entrance to the parking garage; that individuals control their own vehicle except for the spaces rented out to valet parking operators; that there is not a person operating this parking garage every day; that instead, each garage door is controlled by the individual seeking entrance; that the valet parkers are instructed not to double park; that the valet parking spaces are on a different floor than the condo resident parking spaces; that each floor is controlled by a different garage door; that for the most part, the valet parking spaces are not on the same floor as the other tenants; and

WHEREAS in response to questions by the Board, Mr. Ogass further testified that there are three separate floors; that the basement level opens onto Chestnut; that the first floor level opens onto DeWitt Place; that the upper level also opens onto Chestnut; that these three floors operate as three separate garages; that the garage door openers are like key cards and are specific to certain floors; that the resident parking spaces are almost 100% on the DeWitt Place floor; that the valet parking spaces are almost exclusively on the basement level; that if there are spaces available, the valet parkers are allowed on the upper floors; that the number of monthly parkers varies month to month; that in the last ten (10) years, the parking garage has had no problems with cars being blocked in; and

WHEREAS, Mr. John Lower, counsel for the 850 DeWitt Place Condominium Association ("Objector") summarized the basis of the Objector's opposition to the application; that the condominium building is attached via common walls and a pass door to the subject parking garage; that the Applicant purchased the parking garage with recorded covenants running with the land that granted the condo building's residents rights to lease space with certain terms and conditions; that the Applicant has not and is not abiding by these terms and conditions; that in particular, the Applicant is supposed to state how many parking spaces are available to be leased on the 10th of every month and then allow an additional 10 days for residents to lease spaces before those spaces are allowed to non-resident parkers; that under a settlement agreement with the City of Chicago, the Applicant further agreed to designate 118 parking spots as accessory parking spaces for the condo building's residents; that the Applicant is also violating the terms of this settlement agreement; that both Alderman Reilly and Alderman Fioretti are in objection to the proposed special use; that he then shared the basis of both of their objections; and

WHEREAS, Mr. Arthur Gary Flager testified on behalf of the Objector; that he is the president of the Objector; that the parking availability in the Streeterville area has recently changed due to the development and expansion of Northwestern Memorial Hospital; that over 350 parking spaces in the area have been lost due to this expansion and development; that the Applicant overcharges for its spaces and therefore, although seventy (70) of the condo building's residents have cars, thirty-eight (38) residents park elsewhere due to the Applicant's prices; that if the Applicant lowered its rates to an average of \$300 a month, the Applicant would pick up sixty-five (65) resident parkers; that the Applicant would recoup most of the \$90,000 it claims it loses now; that the Applicant has never provided the Objector with any basis for the reason its rates are not within the average rate charged in this Streeterville area; that the average rate is \$290-\$310 per month; that the Applicant charges \$355; that the Objector is also concerned with safety; and

WHEREAS, in response to questions by the Board, Mr. Flager further testified that why the parking garage is not owned by the Objector is a great question; that the fact the middle level of the parking garage connects with the Objector's building is a safety concern, especially as there is no parking attendant on duty; that the Objector has had to incur building safety expenses that the Applicant has refused to help pay for; that the Applicant does not pay for the heat to the garage; that the Objector does pay to heat the garage; and

WHEREAS, Mr. Lower further explained that the Objector believed the Applicant's pricing scheme was set to price condo residents out of parking in the garage; that there is a pricing mechanism in the covenants that run with the land and this is not being followed by the current pricing; and

WHEREAS, Mr. Mark Unger, a resident of 850 North DeWitt Place, testified in opposition to the application; that there are no unused spaces on the level on which he

parks; that LAZ is the third parking garage operator in the last five years; that this high turnover of operators has led to constantly changing rules and operating procedures; that at least two residents of the condo building have moved their vehicles due to the Applicant's high prices; and

WHEREAS, Ms. Roberta Tolman, a resident of 850 North DeWitt Place, testified in opposition to the application; that she remembers when double parking occurred in the garage; that she is concerned this will happen again; that the Applicant's prices are outrageous; that the valet parkers park cars on the condo building's level of the parking garage; and

WHEREAS, Ms. Janet Bryant, a resident of 850 North DeWitt Place, testified in opposition to the application; that she would like to park at the parking garage but that it is too expensive; that the Applicant prices its spots to keep residents from parking at the garage; that the Applicant's attendants do not stop their vehicles when she crosses Chestnut; that for fifteen years she only visited the condo building and never knew she might have had guest parking, as provided for in the covenants; and

WHEREAS, Ms. Godelieve DeKeersmaeker, a resident of 850 North DeWitt Place, testified in opposition to the application; that she has been parking in the garage for over thirty (30) years and has noticed the changes that have gone on over these years; that the garage has been a fire hazard due to being over-parked; that the Fire Department has been there numerous times, issuing citations; that at one point, there were numerous valet contracts with different hotels; that these contracts were lost due to complaints by the neighborhood; that the Applicant has not been a good neighbor to the community; and

WHEREAS, Ms. Judy Tombley, a resident of 850 North DeWitt Place, testified in opposition to the application; that the proposed special use might devalue the condo residents' property if their rights were not protected;

WHEREAS, Mr. Lower stated that the Board had denied an identical application in the past; and

WHEREAS, Mr. Banks stated the Board had not denied an application; that the application had instead been withdrawn; and

WHEREAS, Mr. Banks was granted leave to cross-examine Mr. Flagler; that Mr. Flagler further testified that he had been denied a parking space due to the Applicant's overcharging above market rates; that other parking garages will derive the benefit of the area's 350 lost spots due to these parking garages' ability to price themselves competitively; that there is no demand for something that is overpriced; and

WHEREAS, Mr. O'Brien further testified based on his analysis; the Applicant is on the lower end of the pricing spectrum in comparison to its competitors; that there is a need for public parking in the area; that the Applicant does not overcharge for its parking

spaces; that if the Applicant is overcharging, it will have to adjust his prices once it obtains its special use or else its will not be able to remain competitive; and

WHEREAS, Mr. Ogass stated the Applicant currently had no violations on the parking garage; that many parking garages are now operated without attendants; that LAZ's contact information is prominently displayed at the garage; that to his knowledge, no resident has been denied a parking space; that there are no cameras in the garage; that the Applicant has never had a problem with the valet companies; and

WHEREAS, in response to questions by the Board, Mr. Banks explained that the valet companies currently being utilized by the Applicant would not be changed; that the Applicant merely wished to open more parking spots up to non-residents; and

WHEREAS, in response to further questions by the Board, Mr. Ogass testified that there was segregation between the residents' floor and the valet parkers' floors; and

WHEREAS, in response to further questions by the Board, Mr. Veith testified that LAZ has operations in the area; that managers tour every single LAZ-operated garage every single day; and

WHEREAS, in response to further questions by the Board, Mr. Ogass further testified that the highest number of valet cars in the garage during one day is twenty-four (24);

WHEREAS, in response to further questions by the Board, Mr. Banks stated the Applicant would be comfortable with a condition limiting the valet companies allowed to utilize the parking lot to the current valet companies of LAZ and the valet services utilized by the Seneca Building across the street; that the Applicant would also be comfortable limiting what floors the valet companies could park on;

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use provided that the Applicant requested only fifty-seven spaces; 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 in the interest of the public convenience as the neighborhood is quite congested and will provide a positive impact on the general welfare of the neighborhood as it will provide more parking in the neighborhood;

3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because it will utilize an existing parking garage;
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because the proposed special use will utilize an existing parking garage;
5. The proposed special use is designed to promote pedestrian safety and comfort as there will be no additional 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 subject to the following conditions, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The Applicant shall install security cameras in the parking garage;
2. All valet parking shall occur on one level of the parking garage and no residents of the 850 N. DeWitt Place condominium building shall have parking on said level.

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: Kevin and Rita Powers

CAL NO.: 144-14-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
May 16, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1435 W. Roscoe Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to exceed the existing floor area of 6,658 square feet by not more than 15% to 6,772 square feet for a proposed rear, one-story addition, with a roof deck, to an existing three-story single-family residence.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JUN 27 2014

CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

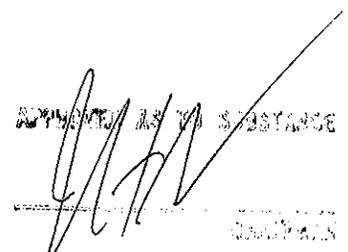
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 16, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 10, 2014; and

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 exceed the existing floor area of 6,658 square feet by not more than 15% to 6,772 square feet for a proposed rear, one-story addition, with a roof deck, to an existing three-story single-family residence ; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



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

APPLICANT: Ombudsman Educational Services, Ltd.

CAL NO.: 105-14-S

APPEARANCE FOR:

MINUTES OF MEETING:
May 16, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 2017-19 W. Howard Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to establish a high school.

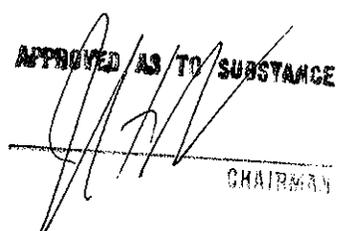
ACTION OF BOARD-
WITHDRAWN ON MOTION OF THE APPLICANT

THE VOTE

JUL 01 2014
CITY OF CHICAGO
DEPARTMENT OF PLANNING AND DEVELOPMENT

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Transportation Maintenance, Inc.

CAL NO.: 123-14-S

APPEARANCE FOR: Gerald McCarthy

MINUTES OF MEETING:

May 16, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 8001 S. Dr. Martin Luther King Drive

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to establish twelve (12) off-site, required, accessory parking spaces to serve a motor vehicle repair shop located at 8000 S. Dr. Martin Luther King Jr. Drive.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUL 01 2014
CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 16, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 1, 2014; 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 twelve (12) off-site, required, accessory parking spaces to serve a motor vehicle repair shop located at 8000 S, Dr. Martin Luther King Jr. Drive; 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; 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 Planning and Development recommends approval of the proposed twelve (12) space, off-site, required, accessory parking lot to serve a motor vehicle repair shop located at 8000 South Dr. Martin Luther King Jr. Drive provided the development is established consistent with the design, layout and plans prepared by Eben C. Smith and dated May 16, 2014.

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

APPROVED AS TO SUBSTANCE
[Signature]

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

APPLICANT: Thomas Holl **CAL NO.:** 134-14-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
May 16, 2014
APPEARANCE AGAINST: None
PREMISES AFFECTED: 810 W. Altgeld Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the north side yard setback from 2' to 0'; to reduce the south side yard setback from 2' to 0'; and, to reduce the combined side yard setback from 5' to 0' for a proposed three-story, rear open deck and a third floor addition to an existing two-unit building being converted to a single-family residence with a rooftop deck proposed to be added to an existing detached two-car garage.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

JUL 01 2014

CITY OF CHICAGO

JONATHAN SWAIN
 CATHERINE BUDZINSKI
 SOL FLORES
 SHEILA O' GRADY
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

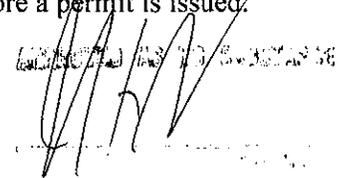
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 16, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 10, 2014; 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 north side yard setback to 0'; to reduce the south side yard setback to 0'; and, to reduce the combined side yard setback to 0' for a proposed three-story, rear open deck and a third floor addition to an existing two-unit building being converted to a single-family residence with a rooftop deck proposed to be added to an existing detached two-car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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



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

APPLICANT: Nick Canning

CAL NO.: 139-14-Z

APPEARANCE FOR: Adam Lasker

MINUTES OF MEETING:
May 16, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3749 N. Greenview Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear yard setback from 34.3' to 0' for a proposed one-story rear connector between an existing three-story single-family residence and a two-car garage.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JUL 01 2014

CITY OF CHICAGO

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
	X	
X		
X		
X		

THE RESOLUTION:

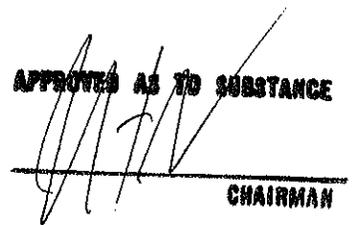
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 16, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 10, 2014; and

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 rear yard setback from 34.3' to 0' for a proposed one-story rear connector between an existing three-story single-family residence and a two-car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Blanca Barrera

CAL NO.: 141-14-Z

APPEARANCE FOR:

MINUTES OF MEETING:
May 16, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 4857 W. Wolfram Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the west side yard setback from 2.17' to 0'; to reduce the combined side yard setback from 5.43' to 3.61'; and, to reduce the rear yard setback from 37.54' to 35' for a proposed one-story rear addition to an existing two-unit building with a detached two-car garage.

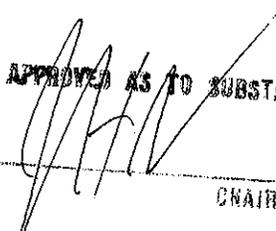
ACTION OF BOARD-
CASE CONTINUED TO JULY 18, 2014

THE VOTE

JUL 01 2014
CITY OF CHICAGO
DEPARTMENT OF CITY CLERK

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3114 N. Southport, LLC

CAL NO.: 151-14-Z

APPEARANCE FOR:

MINUTES OF MEETING:
April 25, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 3114 N. Southport Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to to reduce the north side yard setback from 2' to 0.5'; to reduce the combined side yard setback from 4.8' to 2.75'; to reduce the rear yard setback from 37.5' to 33.92'; to reduce the rear yard open space from 900 square feet to 203 square feet; to exceed

ACTION OF BOARD-
CASE CONTINUED TO MAY 16, 2014

JUL 01 2014

CITY OF CHICAGO

THE VOTE

JONATHAN SWAIN
CATHERINE BUDZINSKI
SOL FLORES
SHEILA O' GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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) 744-3888



JUL 01 2014
CITY OF CHICAGO

Diya 55th State, LLC
APPLICANT

152-14-S
CALENDAR NUMBER

2-4 W. Garfield Blvd. / 5453 S. State Street
PREMISES AFFECTED

May 16, 2014
MINUTES OF MEETING

Nicholas J. Ftikas
APPEARANCE FOR APPLICANT

No Objectors

NATURE OF REQUESTS

Application for a special use to establish a one lane drive-through restaurant.

ACTION OF BOARD

THE VOTE

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

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<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 (abstained)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

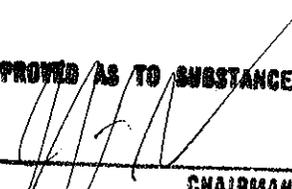
THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on May 16, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Municipal Code and by publication in the *Chicago Sun-Times*; and

WHEREAS, the staff of the Department of Planning and Development ("Department") recommended denial of the proposed special use; and

WHEREAS, Mr. Nicholas J. Ftikas, 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 believed that the Department's objections stemmed from the lot size of the subject property; that the Applicant's site plan had been approved by the City's Department of Transportation ("CDOT"); that therefore, the lot size met the minimum standards for a drive-through restaurant; and

APPROVED AS TO SUBSTANCE


CHAIRMAN

WHEREAS, the Board explained its concern with the Applicant's proposed site plan; and

WHEREAS, Mr. Ftikas stated the Applicant had two alternative site plans it would present to the Board; that the first plan would maintain one-way traffic throughout the site, with all ingress and egress via Garfield Avenue and no site access off of State Street; that this alternative site plan would support queuing for eight (8) cars at any given time; that the second site plan would involve a one-way entrance to the site off of State Street that would wrap around the back of the restaurant and allow for a right-turn only exit off of Garfield; that this second plan would support queuing for six (6) cars at any one time; that neither of these alternative plans have been approved by CDOT; and

WHEREAS, Mr. Sanjib Khatau testified on behalf of the Applicant; that he would be the operator of the proposed restaurant; that he currently operates sixteen (16) Dunkin Donut stores in the City; that he has worked with Dunkin Donuts to maximize the functionality of the proposed drive-through at the subject property; that there will be no front counter at the proposed restaurant; that the entire staff will therefore be working towards fulfilling drive-through orders; that this will allow this proposed restaurant to fulfill orders in 80 seconds rather than the Dunkin Donuts franchise standard of 90 seconds; and

WHEREAS, the Board indicated it would like the Department to review said alternative plans; and

WHEREAS, Mr. Ftikis stressed the urgency of the hearing as the Applicant's contract to purchase the property was fast expiring and the earnest money was therefore in jeopardy; and

WHEREAS, the hearing was adjourned for the Department's review; and

WHEREAS, when the hearing reconvened, Mr. Steven Valenziano, Assistant Zoning Administrator, stated that although the Department was hesitant, the Department would have no objection to the establishment of the drive-through lane under the plans marked "SK-5," so long as there were substantial additions made to the plan as had been discussed by the Department and agreed to by the Applicant during the Board's adjournment of the hearing; and

WHEREAS, the Board announced any approval it gave of the proposed special use would be conditional on the Department's final review of any site plans for the proposed special use; and

WHEREAS, Mr. Khatau further testified that the Applicant is the contract purchaser of the subject property; that the site is currently improved with a vacant one-story restaurant building; that the Applicant intends to take down the vacant building and redevelop the site with a new one-story restaurant; that based on the revised plan, the drive-through lane will wrap around the back of the building; that based on the revised

site plan, there will be one traffic entrance to the proposed restaurant, and this will be off of Garfield Avenue; that there will also only be one traffic exit to the proposed restaurant, also off of Garfield Avenue; that the proposed building will be 1330 square feet and positioned on Garfield Avenue; that there will be no on-site parking; that 90% of the Applicant's proposed business will be from the drive-through lane while 5% will be foot traffic; that although there will be no seating counter, there will be a "for sale" counter for foot traffic; that the Applicant's peak hours will be 6:00 AM – 9:00 AM; that from 6:00 AM – 9:00 AM, a Dunkin Donuts facility sees anywhere from 80 to 100 cars go through its drive-through; that the target length for fulfilling a drive-through order is 90 seconds; that the Applicant's facilities usually operate at 80 seconds; that the revised site plan calls for queuing for eight (8) cars; that the Applicant's hours of operation would be: Walk-Up, 5:00 AM – 9:00 PM, Drive-Through, 24 hours a day; that the Applicant anticipates hiring 10-12 employees to run the proposed facility; and

WHEREAS, Mr. Kareem Musawwir testified on behalf of the Applicant; that his credentials as an expert in 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; that he then orally 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 an adverse impact on the general welfare of the community as indicated by the Alderman's support of the project despite the small size of the subject property; (3) is compatible with the character of the surrounding area in terms of site planning, building scale and project design as the intersection at which the subject property is located currently has retail commercial usage in the form of a Kentucky Fried Chicken and a liquor store; (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

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 in the interest of the public convenience and will provide a positive impact on the general welfare of the neighborhood as it will put a viable business on a currently vacant lot;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the proposed development will be on a commercial intersection;

4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because the proposed special use is located at an intersection with similar, existing commercial uses in the form of a Kentucky Fried Chicken and a liquor store;
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 the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. This special use is conditional pursuant to the Department of Planning and Development's final review and approval of all plans for the proposed development of the subject property.

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