

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

APPLICANT: Ailin Wang **CAL NO.:** 168-15-S
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
May 28, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1631 N. Western Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		

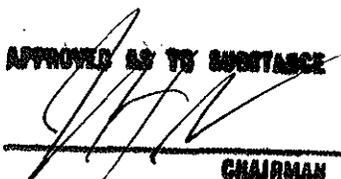
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; 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 hair and nail salon at the subject site; an additional special use was granted to this location to permit massage services was granted in Cal. No. 169-15-S; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; 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):

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

APPROVED BY THE CHAIRMAN

CHAIRMAN

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

APPLICANT: Ailin Wang **CAL NO.:** 169-15-S
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
May 28, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1631 N. Western Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUN 25 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a special use was granted to this location in Cal. No 168-15-S to establish a hair and nail salon; the applicant shall also be permitted to establish a massage salon at this location; the applicant shall be permitted to establish a ;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): A clear and unobstructed line of sight is maintained from the adjacent public right-of-way into the lobby.

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

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

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

APPLICANT: Maria Elena Lopez **CAL NO.:** 170-15-S
APPEARANCE FOR: Michael Laird **MINUTES OF MEETING:**
May 28, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4104 South Archer Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; 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 at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at 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):

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

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

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

APPLICANT: Mai's Hairport, LLC **CAL NO.:** 171-15-S
APPEARANCE FOR: Nick Ftikas **MINUTES OF MEETING:**
May 28, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3103 S. Wallace Street

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

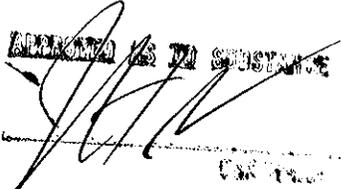
THE RESOLUTION:

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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 and nail salon at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at 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):

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

APPROVED AS TO SUBSTANCE

CITY CLERK

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

APPLICANT: Xuan Dinh **CAL NO.:** 172-15-S
APPEARANCE FOR: Liem Kieu **MINUTES OF MEETING:**
May 28, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6239 W. Touhy Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUN 25 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

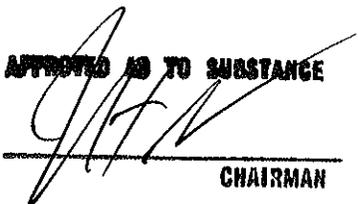
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; 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 nail salon at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at 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):

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: Cynthia Vazquez **CAL NO.:** 173-15-S
APPEARANCE FOR: Same **MINUTES OF MEETING:**
APPEARANCE AGAINST: None May 28, 2015
PREMISES AFFECTED: 4143 S. Archer Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUN 25 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

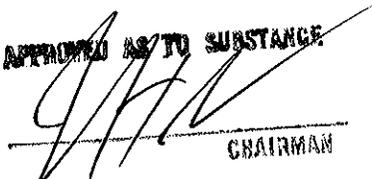
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; 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 at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at 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):

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: Paradise Nail Corporation

CAL NO.: 174-15-S

APPEARANCE FOR:

MINUTES OF MEETING:
May 28, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 3141 S. Halsted Street

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

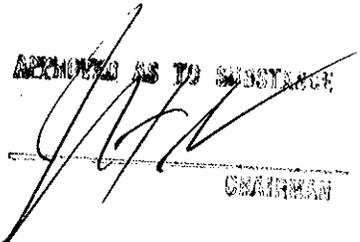
ACTION OF BOARD-
CASE CONTINUED TO JULY 17, 2015

THE VOTE

JUN 25 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Mercedes Barroso/DBA Mercy's Unisex Salon **CAL NO.:** 175-15-S

APPEARANCE FOR: **MINUTES OF MEETING:**
May 28, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 4846 W. Fullerton Avenue

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

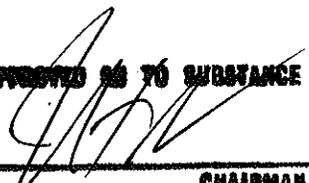
ACTION OF BOARD-
CASE CONTINUED TO JULY 17, 2015

THE VOTE

JUN 25 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT:

Dana Kemp

CAL NO.: 176-15-S

APPEARANCE FOR:

MINUTES OF MEETING:

May 28, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED:

1462 W. 79th Street

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

ACTION OF BOARD-

DISMISSED FOR WANT OF PROSECUTION

THE VOTE

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN

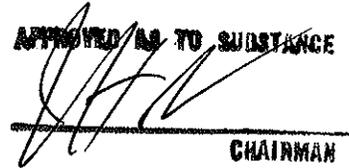
SOL FLORES

SHEILA O'GRADY

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT:

John Nguyen

CAL NO.: 177-15-S

APPEARANCE FOR:

MINUTES OF MEETING:
May 28, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED:

6025-27 N. Lincoln Avenue

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

ACTION OF BOARD-

CASE CONTINUED TO AUGUST 21, 2015

THE VOTE

JUN 25 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Leroy Silva/DBA Leroy Avenue Barbers **CAL NO.:** 178-15-S
APPEARANCE FOR: Same **MINUTES OF MEETING:** May 28, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3138 N. Austin Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUN 25 2015
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; 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 ;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):

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

APPROVED AS TO SUBSTANCE

 JONATHAN SWAIN

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

APPLICANT: Mary E. McNeill/AKA Liz Fitzgerald **CAL NO.:** 179-15-S
APPEARANCE FOR: Paul Kolpak **MINUTES OF MEETING:**
May 28, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6691 N. Northwest Highway

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUN 25 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

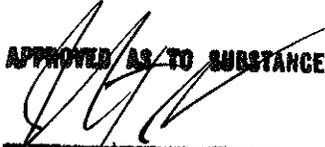
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; 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 hair salon at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at 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):

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: Harborside Illinois Grown Medicine, Inc. **CAL NO.:** 180-15-S

APPEARANCE FOR: **MINUTES OF MEETING:**
May 28, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 1111 East 87th Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a medical cannabis dispensary.

ACTION OF BOARD:
CASE CONTINUED TO JUNE 19, 2015

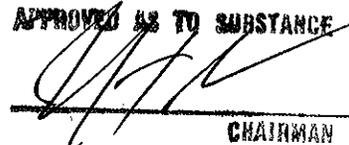
JUN 25 2015

CITY OF CHICAGO

THE VOTE

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Union Group of Illinois, LLC

CAL NO.: 183-15-S

APPEARANCE FOR:

MINUTES OF MEETING:
May 28, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 6428-30 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a medical cannabis dispensary.

ACTION OF BOARD-

CASE CONTINUED TO AUGUST 21, 2015

THE VOTE

JUN 25 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 420 Capital Management LLC **CAL NO.:** 184-15-S

APPEARANCE FOR: **MINUTES OF MEETING:**
May 28, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 6501 N. Western Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a medical cannabis dispensary.

ACTION OF BOARD-
CASE CONTINUED TO AUGUST 21, 2015

THE VOTE

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT:

Phoenix Farms of Illinois, LLC

CAL NO.: 403-14-S

APPEARANCE FOR:

MINUTES OF MEETING:

May 28, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED:

NATURE OF REQUEST: Application for a under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a medical cannabis dispensary.

ACTION OF BOARD-

WITHDRAWN ON MOTION OF THE APPLICANT

THE VOTE

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN

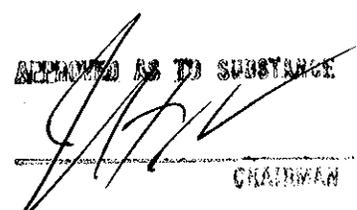
SOL FLORES

SHEILA O'GRADY

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT:

Inna Elterman

CAL NO.: 118-15-Z

APPEARANCE FOR:

MINUTES OF MEETING:

May 28, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED:

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front setback from 12.27' to 6'; to reduce the front obstruction setback from 20' to 12.33'; to reduce the rear setback from 28.63' to 0.25'; to reduce the north side setback from 2' to 0'; to reduce the south side setback from 2' to 0.33'; and to reduce the rear yard open space from 134.02 Square feet to 0 square feet for a proposed, four-story, single family residence with a below grade, two- car garage, accessed directly from N. Wieland Street.

ACTION OF BOARD.

CASE CONTINUED TO JULY 17, 2015

THE VOTE

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN

SOL FLORES

SHEILA O'GRADY

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE
[Signature]
CITY CLERK

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

APPLICANT:

Inna Elterman

CAL NO.: 119-15-Z

APPEARANCE FOR:

MINUTES OF MEETING:

May 28, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED:

1532 N. Wieland Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the 45' building height maximum by no more than 10% (4.5') for a proposed, four-story, single-family residence with a below-grade, two-car garage, accessed directly from North Wieland Street.

ACTION OF BOARD-

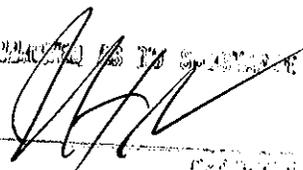
CASE CONTINUED TO JULY 17, 2015

THE VOTE

JUN 25 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO CONTENT

CHIEF CLERK

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JUL 23 2015
CITY OF CHICAGO

Modern Cannabis, LLC

APPLICANT

181-15-S

CALENDAR NUMBER

2847 W. Fullerton Avenue

PREMISES AFFECTED

May 28, 2015

HEARING DATE

Thomas J. Murphy

APPEARANCE FOR APPLICANT

George Blakemore

OBJECTOR

NATURE OF REQUEST

Application for a special use to establish a medical cannabis dispensary.

ACTION OF BOARD

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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 special meeting held on May 28, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Thomas J. Murphy, counsel for the Applicant, confirmed that the Applicant was the same Applicant that had previously appeared before the Board for a special use application for a medical cannabis dispensary at 1368 N. Milwaukee; that all the previous testimony regarding relationships, agents-in-charge and operations remained the same; that the new application only differentiated from the old application in terms of location and the name of the Applicant; that the Applicant's proposed new location on the subject property allowed the Applicant to enhance its security; and

WHEREAS, the Board then took notice and adopted the record of the hearing held on October 17, 2014 and bearing the Board calendar number 378-14-S; that the Board then

requested the Applicant to discuss the application relative to its new location on the subject property; and

WHEREAS, Mr. Murphey stated that though the Board and the State of Illinois ("State") approved the Applicant's prior location of 1368 N. Milwaukee, the Applicant had applied to the State for this new location; that the State had granted its approval of the Applicant's new location on the subject property; and

WHEREAS, Mr. Jonathan Splitt testified on behalf of the Applicant; that he was the Applicant's architect; that the subject property is a superior location for the proposed dispensary due to the fact the subject property is currently improved with a one-story building ("Building") with no second floor and no residential neighbors; that in addition, the first floor of the Building has an interior connected loading berth big enough for a Brinks truck; that the Applicant will therefore be able to receive secured deliveries from inside; that the Building also has two (2) interior secure stairs from the first floor to a separate storage vault area in the basement; that this storage vault is accessed through a dumbwaiter on the first floor; that by controlling the deliveries in the interior of the Building and through a secure mantrap, the subject property is superior to the Applicant's old location in terms of security; and

WHEREAS, in response to questions by the Board, Mr. Splitt further testified that the entrance to the loading berth is on the Fullerton side of the Building not the Milwaukee side; that there is an existing drive to said loading berth as well; that there is no public parking inside the Building; that there is street parking; that both Fullerton and Milwaukee are pedestrian zoned streets; and

WHEREAS, Mr. Murphy clarified that the Applicant will have valet service; and

WHEREAS, Mr. Danny Marks, owner of one-third of the Applicant, testified on behalf of the Applicant; that the Applicant has submitted for a valet loading zone; that the subject property has a double-wide driveway; that the entire space on the Fullerton side of the Building is not metered; that the with the valet company, the Applicant has located off-street parking spaces a little under a quarter-mile away at Sacramento and Fullerton; that the Applicant should therefore be able to meet the ten percent (10%) off-street parking requirements for valet; that the valet service will be available for any of the Applicant's patients; that the Applicant will have appointments for the elderly, handicapped, sick, or anyone who wishes to make an appointment; that this way the Applicant can prearrange to meet its patients either at their patients' cars or at the nearby train station; and

WHEREAS, in response to questions by the Board, Mr. Marks testified that although the Alderman supports the Applicant's request for a valet loading zone, the Applicant does not have a letter to that effect; that the Applicant does have a general letter from the Alderman supporting the Applicant's special use application at the subject property; and

WHEREAS, Mr. Murphy stated that the Board could make its approval of the Applicant's application conditional with respect to the valet loading zone; that the Applicant would be comfortable with this as a condition of its special use as the Applicant had always represented to both the State and the Alderman it would have a valet loading zone; and

WHEREAS, Mr. Hugh Edfors testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his 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 this 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 this Zoning Ordinance; (2) is in the interest of the public convenience and will have no adverse impact on the surrounding neighborhood as many credible studies have shown that a cannabis dispensary does not cause any increase in crime or decrease in property values in a neighborhood; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design as the special use will be located in an existing building that is similar to other buildings in the area; (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, as it will generally have shorter hours of operation than the prevailing entertainment oriented properties in this area; (5) and will promote pedestrian safety and comfort as the existing building has a secured entrance for pedestrians, has a loading berth, and is very conveniently located with respect to public transportation; and

WHEREAS, Mr. Michael Chasen testified on behalf of the Applicant; that his credentials as an expert in security were acknowledged by the Board; that he introduced the Applicant's security team to the Board; and

WHEREAS, Mr. Murphy stated that the Applicant had previously been named Professional Pharmacy Management, LLC; that the State brought to the Applicant's attention that the Illinois Pharmacy Act prohibits the use of the word pharmacy for anything other than a drugstore; that the Applicant therefore filed for and was approved to change its name to Modern Cannabis LLC; that this change of name occurred on February 11, 2015; and

WHEREAS, in response to questions by the Board, Mr. Murphy stated the Applicant will strenuously reach out to make sure that everyone that might be impacted by the Applicant's operation at the subject property is aware of the Applicant's proposed medical cannabis dispensary and has input into the Applicant's operation; and

WHEREAS, in response to further questions by the Board, Mr. Murphy stated that the Applicant's original location is smaller and does not have the robust transportation access the new location does; that the original location did not have basement security; and

WHEREAS, Mr. George Blakemore objected to the application; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed medical cannabis dispensary; now, therefore,

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

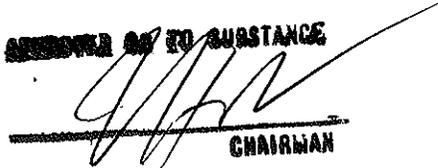
1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience and will have no adverse impact on the surrounding neighborhood as many credible studies have shown that a medical cannabis dispensary has negligible negative impact on a neighborhood's crime or property values;
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 special use will be located in an existing building that is similar to other buildings 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 as it will generally have shorter hours of operation than the prevailing entertainment oriented properties in this area;
5. The proposed special use is designed to promote pedestrian safety and comfort as the existing building has a secured entrance for pedestrians, has a loading berth, and is very conveniently located with respect to 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 condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The Applicant shall obtain a legally established valet loading zone in front of the subject property.

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

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



Outdoor Impact, Inc.

APPLICANT

3132 N Kedzie Avenue

PREMISES AFFECTED

JUL 23 2015

CITY OF CHICAGO

235-14-A

CALENDAR NUMBER

May 28, 2015

HEARING DATE

Nick Ftikas

APPEARANCE FOR APPLICANT

Steven Valenziano

APPEARANCE FOR ZONING ADMINISTRATOR

NATURE OF REQUEST

Application to appeal the decision of the Zoning Administrator in refusing to allow the establishment of an off-premise advertising sign measuring 52' x 19'.

ACTION OF BOARD

THE VOTE

The decision of the Zoning Administrator is upheld.

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

UPHELD

REVERSED

ABSENT

THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its special meeting held on May 28, 2015; and

WHEREAS, Mr. Nick Ftikas, counsel for the Applicant, stated that the issue before the Board is the legal nonconforming status of an existing off-premise advertising sign that contains 600 square feet on the north building wall of the subject property; that all evidence the Applicant would present to the Board had been previously presented to the Office of the Zoning Administrator ("Zoning Administrator"); that he did not believe the Zoning Administrator was making abandonment an issue with respect to the subject sign; that therefore the issue before the Board is whether the subject sign was legally established and in continuous use; and

WHEREAS, the Board inquired of the Assistant Zoning Administrator, Mr. Steven Valenziano, if the Zoning Administrator was making abandonment an issue; and

WHEREAS, Mr. Valenziano stated that the evidence the Zoning Administrator had with respect to the sign showed that it had not been in continuous use; and

WHEREAS, the Board stated it would allow both parties to present what they wanted to present; and

WHEREAS, Mr. Ftikas then petitioned the Board to amend the application on its face; that the sign permit application originally filed by the Applicant sought approval for a 988 square foot sign; that with this size, the subject sign covers the majority of the north building wall on the subject property; that based on the Applicant's review of the 1957 Zoning Ordinance, which was in effect when the wall sign was established, the maximum allowable sign face was 600 square feet; that therefore the Applicant was requesting to amend its permit application to permit a 600 square foot sign as that was the maximum allowed under the 1957 Zoning Ordinance; and

WHEREAS, the Board inquired if the Applicant had a 900 square foot sign; and

WHEREAS, Mr. Ftikas stated that over time, the subject sign has shrunk; that the subject sign started out as a wall sign that covered the entire wall; that the sign has shrunk over time; that in furtherance of the Applicant's efforts to bring the sign within compliance of the 2004 Zoning Ordinance, the Applicant is limiting its application for a sign to a 600 square foot sign; and

WHEREAS, Mr. Ftikas then began his case-in-chief; that the Applicant is appealing the decision of the Zoning Administrator to not permit an existing off-premise advertising sign located at the subject property; that the Applicant made an attempt to obtain a permit for the existing off-premise wall sign located on the north face of the building wall on the subject property; that the Zoning Administrator denied the application and took the position that the a new wall sign could not be permitted at this location; that it is the Applicant's position that the subject sign is a legal nonconforming off-premise wall sign, which was legally established prior to 1990 and has been in the condition it currently is in; that to establish this fact, the Applicant obtained photographs of the subject sign; that he then presented a series of photographs to the Board, showing the subject sign throughout the years; that the Applicant believes the photographs show the subject sign's continuous use since the 1970s; that the Applicant also had a handwritten letter by one of the neighbors of the subject property; that said neighbor recalls various signs being on display on the building's north wall since 1964; that the current property owner of the subject property was at the hearing and was available to testify; that taking all this evidence together, it is the Applicant's position that the subject sign was clearly established as a non-illuminated wall sign prior to 1990; that as long as the wall sign was established prior to the 1990 change to this Zoning Ordinance, the sign was in order; that at no point during the subject sign's history was a sign structure ever introduced or incorporated into the display; that as the subject sign is a non-illuminated painted wall

sign, there was no mechanism in place to obtain a permit prior to 1990 from the City of Chicago ("City"); that subject sign was legally established in accordance with the zoning regulations in effect at the time of the establishment; that this is consistent with Section 17-17-02105 of the 2004 Zoning Ordinance, which defines a nonconforming sign; that because this Zoning Ordinance also defines painted wall signs and mounted wall signs the same, the character of the subject sign has not changed; that as the subject sign has been in continuous use and existence since at least the 1970s, the subject sign should be recognized as a legal nonconforming sign; that the Applicant should be entitled to obtain a sign permit that allows the Applicant time to apply the general policy provisions provided in Section 17-15-0501 of the 2004 Zoning Ordinance; that said section provides that nonconforming signs should be brought into compliance with the 2004 Zoning Ordinance, which is what the Applicant is trying to do; that there are no pending violations with respect to the subject sign; and

WHEREAS, Mr. Ftikas then stated that the Zoning Administrator's denial of the subject sign's legal nonconforming status identified four (4) bases for such denial; that the Zoning Administrator first stated that because the subject sign was not permitted when it was established, the subject sign cannot comply with the 2004 Zoning Ordinance definition of legal nonconforming sign; that the Applicant believed this logic is flawed; that in the 1970s and 1980s, there was no process for an applicant to obtain a sign permit for a painted non-illuminated wall sign; that the City did not implement a permitting system for these types of signs until the 1990 Zoning Ordinance; that the Zoning Administrator then denied the subject sign due to the subject sign being within 500 feet of the Kennedy Expressway and within 100 feet of a residential district; that neither of these prohibitions were in existence prior to 1990; that the Zoning Administrator denied the sign due to the subject sign exceeding the allowable sign area before the 2004 Zoning Ordinance; that the Applicant believes it is legally nonconforming and the 600 square foot sign area dimensions were allowed under the 1957 Zoning Ordinance; that although not formally part of the Zoning Administrator's denial, the Zoning Administrator has stated because the Applicant has changed the sign from painted wall sign to vinyl wall sign, the Applicant made an unpermitted alteration to the sign; and

WHEREAS, in response to questions by the Board, Mr. Ftikas stated the vinyl wall sign is stretched and held onto the wall by nails; that there is no supporting metal structure between the sign and the wall; and

WHEREAS, Mr. Steven Valenziano testified on behalf of the Zoning Administrator; that with respect to the amended application, it is clear that the subject sign does not meet the definition of a nonconforming sign; that a sign is a nonconforming when it is lawfully established in accordance with the zoning and other sign regulations in effect at the time of its establishment; that the Board had just heard that sign was over 600 feet; that only 600 feet was allowed at the time of the sign's establishment; that therefore, the sign was not established lawfully in accordance with the ordinance in effect at the time (the 1957 Zoning Ordinance); that beyond this, the staff of the Zoning Administrator has studied photographs of the sign and concluded that the sign has not been in continuous use; that for a period of two (2) years, there has been no sign; that therefore even if the sign were

nonconforming, this lapse of use made the subject sign lose its nonconforming status; that however, the subject sign does not have nonconforming status; that the sign does not currently exist; and

WHEREAS, Mr. Ftikas stated that the Applicant made its application for a sign at the subject property on August 23, 2011; that to say that after filing the permit application, the Applicant somehow negated its rights to the subject sign is flawed and directly contradicted by case law; that in order to abandon a nonconforming use, there must be an overt act; and

WHEREAS, the Board inquired if Mr. Ftikas did not consider nonuse for two (2) years to be an overt act; and

WHEREAS, Mr. Valenziano testified that as far as the Zoning Administrator could determine, there has not been a sign at the subject property since 2009; that beyond this, if a sign is not lawfully established in the first place, it is not a nonconforming sign; that the sign has been taken down; that the City did not order the Applicant to take the sign down; and

WHEREAS, in response to further questions by the Board, Mr. Ftikas stated that the Applicant took the paint off the wall and colored over the "advertise here" on the wall after filing for its permit in 2011 for two reasons: (1) the paint on the wall has been replaced by vinyl; and (2) the Applicant feared a citation, which has now increased to \$10,000 a day; that the bottom of the wall contained graffiti and is not part of the sign; that the graffiti stops at where the bottom of the vinyl sign had been; and

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

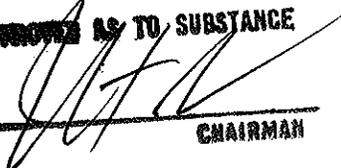
1. The Board finds that the subject sign does not meet the definition of nonconforming sign as defined by Section 17-17-02105 of the Chicago Zoning Ordinance. The Board makes this finding because the subject sign was over 600 square feet at the time of its establishment. The subject sign was established sometime in the 1970s or 1980s and thus had to meet the requirements for painted wall signs under the zoning regulations then in effect. The zoning regulations then in effect was the 1957 Zoning Ordinance, and the 1957 Zoning Ordinance did not allow painted wall signs to be over 600 square feet. Therefore, the Board finds that as the subject sign was never lawfully established, it cannot qualify for

nonconforming status. Because the sign was never lawfully established, the Board need not decide whether the sign was abandoned.

2. The Board further finds that the Applicant did not meet its burden of persuasion that the Zoning Administrator erred as required by Section 17-13-1208.

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

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

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 23 2015
CITY OF CHICAGO

**A Fresh Start Sober Living Environments,
Inc.**

APPLICANT

182-15-S
CALENDAR NUMBER

530 N. Marshfield

PREMISES AFFECTED

May 28, 2015
HEARING DATE

William J.P. Banks
APPEARANCE FOR APPLICANT

John & Tom Pikarski, Michael & Michelle Franz
APPEARANCE FOR OBJECTORS

NATURE OF REQUEST

Application for a special use to establish a community group home living facility for twelve (12) residents.

ACTION OF BOARD

THE VOTE

The application for the special use for is denied.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its special meeting held on May 28, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. William Banks, counsel for the Applicant, explained the underlying basis for the relief sought; that the Applicant feels the special use for its group home borders on the issue of discrimination against people with disabilities; that under federal law, recovering alcoholics and drug addicts are a protected class; and

WHEREAS, Mr. John Pikarski, co-counsel for the Objectors, objected to Mr. Banks' characterization of the application before the Board; that the matter before the Board was not one of disability but instead a question of an increase in the residency of the improvements at the subject property from eight to nine (8-9) persons to fifteen (15) persons; that the question of the initial eight (8) persons is subject to a pending court case

between the Applicant and the Objectors; that the Applicant has submitted to the Board's jurisdiction and the only question before the Board is whether or not the Applicant can increase the occupancy at the subject property to fifteen (15) persons; and

WHEREAS, Mr. Banks stated this was not exactly true; that the question before the Board is four (4) extra beds; that this would bring the occupancy at the subject property to twelve (12) persons; and

WHEREAS, the Board stated it had been informed by both the Department of Planning and Development ("Department") and the Department of Law that all that was before the Board was increasing the occupancy at the subject property to twelve (12) persons; that the Board was therefore unclear why the Applicant had raised the question of disability; and

WHEREAS, Mr. Banks stated the question of disability would be raised at some point during the hearing; and

WHEREAS, the Board stated that the issue before the Board was the issue of twelve (12) person occupancy; and

WHEREAS, Mr. Pikarski stated that the only criteria before the Board are the five special use criteria in this Zoning Ordinance; and

WHEREAS, the Board agreed with Mr. Pikarski; and

WHEREAS, Mr. Banks stated he had no objections to this; that under this Zoning Ordinance, there can be eight (8) persons at the subject property without any permission; that the application is a request to increase this number by four (4) persons; and

WHEREAS, the Board inquired as to who exactly Mr. Pikarski represented; and

WHEREAS, Mr. Pikarski stated he represented the AFS Legal Defense Fund, a not-for-profit corporation, comprised of a group of residents of the neighborhood that have come together to object to the application; and

WHEREAS, Mr. Lenny Goldfarb testified on behalf of the Applicant; that he is the president of the Applicant and has been in the business of group homes since 2005; that the Applicant owns eleven (11) homes; that besides being president of the Applicant, he "does some consulting"; that he has his bachelors of business administration; that the Applicant is a for-profit venture as residents of the Applicant's facilities pay a sobriety fee to stay at the Applicant's facilities; and

WHEREAS, in response to questions by the Board, Mr. Goldfarb testified that the residents of the Applicant's homes sign a contract to pay a weekly fee for as long as the residents remain at the Applicant's homes; that the residents have to maintain their sobriety and pay weekly if they are sober; that if the residents are not sober, they must

leave the Applicant's homes; that the Applicant's homes are "independent living," so the residents can only stay so long as they are sober; that sobriety is monitored week to week; that if a resident is caught not sober "on the spot," said resident is asked to leave; that if the Applicant learns at a later date that a resident was not sober and there is proof, the resident is asked to leave at the point in time the Applicant finds out; that a resident can return, but said resident must be sober in order to return; and

WHEREAS, Mr. Goldfarb testified that he does not collect a salary as the president of the Applicant; that with respect to the Applicant's home on the subject property, the Applicant has security cameras and off-duty police officers; that the Applicant has two (2) managers that live on-site; that these security measures are to protect the security, welfare and health of the Applicant's residents; that the Applicant's mission statement with respect to its homes is to save peoples' lives; that the Applicant has many success stories and has gotten hundreds of people healthy and clean a year; and

WHEREAS, in response to questions by the Board, Mr. Goldfarb then testified that every home the Applicant runs is single-sex; that the home on the subject property is comprised of men; that the residents of the Applicant's homes live together, sharing the house as a family unit; that the Applicant receives referrals from many places, such as rehabilitation centers, hospitals, and any place that has a rehab center, both in Chicago and around the country; that in addition to the referral, a potential resident of the Applicant's homes must commit to being sober; that if a potential resident has been one day sober, the potential resident may come to the Applicant's homes; that a resident must test clean upon entry, aside from any detox medications; that the length of each resident's stay varies; that there is no treatment provided in the Applicant's homes; that the Applicant does require that each resident go to at least four (4) meetings a week; that therapy outside the home counts as a meeting; that the age range of the Applicant's residents is from eighteen to seventy (18-70); that the Applicant's two (2) on-site managers are home managers and most have been residents of the Applicant; that a resident can become an assistant manager about nine (9) months after becoming a resident; that a resident can become a full manager about a year after becoming a resident; that all residents pay a fee; that there is no insurance, Medicaid, or scholarship spots; that all residents are self-paid, one way or another, although a family or a trust might be actually paying for the residents to stay; that he does not know if the Applicant's staff is trained in CPR or first aid; that the Applicant did not keep defibrillators at its homes because its homes are homes and not facilities; that some of the Applicant's residents are nurses; that ninety percent (90%) of the time a resident relapses, it happens away from the Applicant's homes; that the Applicant receives a phone call; and

WHEREAS, Mr. Pikarski was granted leave to cross-examine Mr. Goldfarb; that Mr. Goldfarb further testified that the cost of staying at one of the Applicant's home varied by location of said home; that for a resident to stay at the subject, the cost was \$175 per week; that most of the Applicant's locations are \$175 or \$200; that one of the Applicant's homes in Northbrook is \$350; that the residents' payments go towards rents, utilities and

the costs of staff; that the off-duty police officer that the Applicant has at the subject property costs \$7,000 per month; and

WHEREAS, in response to further questions by the Board, Mr. Goldfarb testified that the Applicant only had an off-duty police officer at the home on the subject property and not any of its other homes; that the Applicant needed the off-duty police officer due to the neighbors; that the Applicant also needed to pay for: (1) rent on its buildings as it did not own the buildings; (2) utility payments; (3) overhead for its employees; (4) repairs to its buildings; (5) cleaning and other supplies for the buildings; (5) and outside services; that the majority of the weekly rent paid by the residents went to operations; that the Applicant was for-profit; that he did not draw a salary from the Applicant; that he has not drawn dividends from the Applicant; that the Applicant has been running at either even or at a loss since the Applicant's inception; that residents paid their rent in various ways, such as cash, credit card or check; that most businesses like the Applicant's business are not run as the Applicant is run as they generally operate in lower-end areas where property costs are not so high; that the general profit margin in the business should be fifteen percent (15%); and

WHEREAS, Mr. Pikarski was given leave to continue his cross-examination; that Mr. Goldfarb then testified he did not have any training in drug or alcohol counseling; that the Applicant currently had four (4) employees although the Applicant utilized outside contractors; and

WHEREAS, in response to questions by the Board, Mr. Goldfarb testified that the on-site managers that live in the Applicant's homes are volunteers; that said on-site managers do not have to pay to live at the Applicant's homes; that the training for said on-site managers consists of going through the Applicant's program; that a person must be sober for a year to be a manager; that the costs that the Applicant incurs for most of its staff is done through free rent; that based on full occupancy of all eleven (11) of the Applicant's houses, the Applicant is averaging \$1 million from rent on all of its homes; and

WHEREAS, Mr. Pikarski continued his cross-examination; that Mr. Goldfarb testified that none of his four (4) employees held any degrees relating to drug and alcoholism counseling or rehabilitation; that one (1) employee, the intake and screening person, is going to school for such a degree; that the Applicant does not hold any federal, state or local licenses in drug or alcohol counseling because the Applicant does not do any kind of treatment; that the Applicant provided housing with independent living and accountability; that with respect to the two (2) on-site managers at the home on the subject property, said managers do not stay on the premises twenty-four (24) hours a day; that the managers do live there; and

WHEREAS, in response to questions by the Board, Mr. Goldfarb testified that said managers' responsibilities were to make sure that the residents were sober; that the managers drug tested the residents and made sure the residents were following the rules; that the managers held outside employment and were not required to be at the home

during any particular hours; that this is a home; that the best analogy is that managers are like parents, as like parents they go to work but still know what their children are doing at home; that as residents live at the home, they can be home without the managers; that residents are allowed to have guests during certain hours; that co-ed guests are allowed only in the common areas; and

WHEREAS, Ms. Michelle Franz, co-counsel for the Objectors, was given leave to cross-examine Mr. Goldfarb; that Mr. Goldfarb testified he remembered giving a deposition on May 20, 2015; that he recalled his testimony that no resident at the home on the subject property that had tested positive for drugs or alcohol would be allowed to stay at the home; that he stood by his testimony; that with respect to relapses, residents are allowed one relapse; that if a resident goes to a rehab facility, said resident may come back; that therefore, a resident may return a second time, provided the resident went to a rehab facility after the first relapse; that also at his deposition, he recalled testifying that he would not allow a resident to be admitted to the Applicant's homes if the resident testified positive on the day of intake; that he does not know for how long he has been operating the home at the subject property with over eight (8) people; that the Applicant began operating at the subject property February 21, 2014; that the Applicant moved fourteen (14) beds into the subject property at that time; that currently, there are nine (9) residents at the home at the subject property, plus two (2) managers; that the Applicant has probably only been operating with over eight (8) people since May or June; that he does not concede that by having fourteen (14) beds since February 2014 that he has had over eight (8) people since February 2014; and

WHEREAS, Mr. Pikarski then continued his cross-examination of Mr. Goldfarb; that Mr. Goldfarb testified that the curfew at the subject property is 2:00 AM on weekends and 12:00 AM on weekdays; that residents can go out to have a cigarette in the backyard after these hours; that he is not familiar that a community home cannot operate under the terms of this Zoning Ordinance without being inspected and receiving a certificate of occupancy despite running eleven (11) community homes in the City; and

WHEREAS, Mr. Banks stated that the Applicant had a general business license; and

WHEREAS, in response to further questioning by Mr. Pikarski, Mr. Goldfarb testified that if the Applicant were denied its special use application, it would continue operating at the subject property; and

WHEREAS, Ms. Robin Belleau, executive director of the Illinois Lawyers Assistance Program, testified in support of the Applicant's application; and

WHEREAS, Mr. Joseph Calvanico testified on behalf of the Applicant; that he has been an appraiser for thirty-four (34) years; that he has physically inspected the subject property and its surrounding area; that he then described the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted to the Board; that he then testified with respect to findings of his report; that in his opinion, since the subject property receives above market rents, this

above market rent has a positive effect on the neighborhood; that, generally speaking, when a renter is willing to pay above market rates, that has a better effect on the neighborhood, drawing other renters to the neighborhood as well; that on average, the rent in the neighborhood is somewhere between \$1500 - \$2500 a month for a single family residence; that the owners of the subject property are receiving \$4000 from the Applicant; and

WHEREAS, in response to questions from the Board, Mr. Calvanico clarified his testimony that higher rents could have the effect of increasing value in the neighborhood because the higher rents draw in more renters; and

WHEREAS, Mr. Calvanico then testified the proposed special use does not negatively impact the community because the residents of the home are desirable, well-adjusted adults that contribute to the society of the neighborhood; that the special use complies with the RS-3 zoning district; that the special use is in the interest of the public convenience and does not have a significant adverse impact on the general welfare of the community as the special use provides a change for well-meaning and well-deserved individuals and it is desirable for a particular neighborhood to have well-adjusted adults; that the special use is compatible with the character of the surrounding area in terms of site planning, building scale and project design because the homes in the neighborhood are designed to be compatible with the neighborhood and as there is a group home, Maryville Academy Madden Home, right next door to the subject property; that special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, etc., its outdoor lighting is compatible with the neighborhood and as the neighborhood is never completely quiet since the street is close to the two main thoroughfares of Ashland and Grand; that the use does not affect pedestrian safety; and

WHEREAS, Mr. Pikarski was given leave to cross-examine Mr. Calvanico; that Mr. Calvanico further testified that the home on the subject property is close to its adjacent neighbors though there are privacy boards; that the 500 block of Marshfield is residential; that many group and community homes go into residential neighborhoods; that regarding page 8 of his report, where he stated that the market value of the surrounding homes are supported and enhanced by the subject property, he stands by his earlier testimony regarding the Applicant paying higher rent than market value for the subject property; that when above market rents are paid in a neighborhood, it can have a good effect on other properties in the area as the value of the other property could increase; that this would have a positive effect on the neighborhood; and

WHEREAS, Mr. Thomas Collins testified on behalf of the Applicant; that he is one of the house manager for the Applicant at the home on the subject property; that he then explained his duties as house manager, which includes drug testing, mentorship, supervision to ensure residents are attending meetings and generally doing something productive; that he has had many successes with the residents; and

WHEREAS, Mr. Pikarski was given leave to cross-examine Mr. Collins; that Mr. Collins further testified that at the home, only house managers administer drug tests; that there are no employees of the Applicant at the home, only residents and house managers; that there is no maintenance or cleaning people at the home; that there are many times where house managers are not on-site as there are no set schedules in the home; that he himself is self-employed and has no set schedule; that therefore he could be gone from the home at different times of the day; that he lives at the home rent free; that he does not have any formal training with respect to alcohol or drug counseling; that the Applicant provides training for house managers in the form of shadowing another manager; that he shadowed another manager for six (6) months; and

WHEREAS, Mr. Franz was given leave to cross-examine Mr. Collins; that Mr. Collins further testified that he has administered a drug test where someone tested positive; that every single person that tested positive was immediately evicted; that he does not keep a written log of residents' meetings; that the home has house meetings where all the residents write down the weekly meetings that they have attended for that week; that many residents go to meetings together; that everyone knows who is going to meetings and it is a consistent thing; and

WHEREAS, Mr. Doug Antonio testified on behalf of the Applicant; that he is the other house manager for the Applicant at the home on the subject property; that he then described his duties as house manager, including how drug testing is administered at the home; that bi-weekly house meetings are where residents' concerns are addressed and discussed; that rules are enforced; that the residents do not need to be watched over; that the residents do need support and encouragement; that he tries to set a good example for the residents; and

WHEREAS, Mr. Franz was given leave to cross-examine Mr. Antonio; that Mr. Antonio testified that if a resident tests positive on an instant drug test administered by a house manager, a resident must immediately leave the house; that certain drugs do stay in a person's body (due to a very long half-life) and may show up on test weeks after a resident has stopped using; that therefore all drug tests are sent to the lab for absolute levels and accuracy; that if a resident is using, the resident is evicted; that if it is a one-time use and the resident appears to stop using, the resident is allowed back on a 90-day restriction; that he then described the said restrictions; that he kept track of the restrictions; that his training is from experience as there is no certification for this type of thing; and

WHEREAS, Mr. Juan Hernandez testified on behalf of the Applicant; that he is the executive director of the Applicant; that he began at the Applicant as a client in May 2006; that he then became a house manager; that five years later, he became the Applicant's executive director; that the home on the subject property has rules that are strictly enforced; that all tests are sent to the lab and the lab monitors the levels; that some positives on lab reports are due to the drugs alcoholics receive in detox; that the Applicant is not going to discharge a resident the moment he arrived from detox due to these drugs as they are part of the detox process; that the Applicant has protocols in place

for this; that his job for the Applicant is to market and oversee what people are doing; that the Applicant has an operations manager; that he then read into the record a statement regarding his background; and

WHEREAS, in response to questions by the Board, Mr. Hernandez testified he does not have any formal training with respect to addictions; and

WHEREAS, Mr. Pikarski was given leave to cross-examine Mr. Hernandez; that Mr. Hernandez further testified that the executive director of the Applicant is a full-time position; that he does not receive a salary as executive director; that he is self-employed as a consultant in sober living; that he consults for the Applicant and others; that as executive director, he oversees the employees of the Applicant; that one of the house managers for the Applicant is a detox nurse; that he is not aware of any of the house managers having formal training or educational degrees in drug or alcohol counseling; that he believes a 2:00 AM curfew on weekends is appropriate for someone at risk as sober living is the last step in the recovery process before a person returns home; that if a person is in a mental place where a 2:00 AM curfew is not good, then the Applicant's homes are not the place for the person; that said person would most likely need more treatment before being ready for independent living; that people have been rejected as a result of not being able to cope with the 2:00 AM curfew; that rejection of a potential resident is a collective decision; and

WHEREAS, Mr. Franz was given leave to cross-examine Mr. Hernandez; that Mr. Hernandez further testified regarding intake drug tests; that those that tested positive for true opiates would not be allowed to live in the Applicant's homes; that some opiates, such as Suboxone, are not considered a true positive; that he trusts the people at the lab; that he has no idea when the Applicant's lease expires on the home at the subject property; that his job is to save lives not rent homes; that he is not in charge of managing the Applicant's real estate; that he does have some input when the Applicant does look for new homes; and

WHEREAS, Mr. Jose Gomez, an assistant operations manager for the Applicant, testified in support of the application; and

WHEREAS, Alderman Moreno testified in objection to the application; and

WHEREAS, Mr. Pikarski began his case-in-chief; and

WHEREAS, Ms. Debra Ryan, of 532 N. Marshfield Avenue, testified in objection to the application; and

WHEREAS, Mr. Dean Ariza, of 1619 W. Ohio, testified in objection to the application; and

WHEREAS, Mr. Robert Craig, of 526 N. Marshfield, testified in objection to the application; and

WHEREAS, Mr. Andrew Purdue, of 513 N. Marshfield and board member of the Chicago Grand Neighbors, testified in objection to the application; and

WHEREAS, Ms. Joy Decker, executive director of Esperanza Communities Services located at 520 N. Marshfield, testified in objection to the application; and

WHEREAS, Sister Catherine Ryan, executive director of Maryville Academy located at 1658 W. Grand, testified in objection to the application; and

WHEREAS, Ms. Franz then presented to the Board records of three residents at the Applicant's homes; that the names of said residents have been redacted but that pursuant to an order issued by the judge in the pending lawsuit regarding the initial eight (8) occupants of the Applicant's home at the subject property, the Objectors were allowed to use said documents for impeachment purposes; that the first resident's – KB's – record indicates he was a resident from November 17 to December 2; that on the initial drug test taken on November 17, KB testified positive for non-expected morphine; that KB was allowed to stay at the home despite the positive drug test; that on November 21, KB testified positive for alcohol; that three days later, KB testified positive for cocaine; that the second resident JC2 was a resident of the Applicant's home on the subject property from January 5, 2014 to February 25, 2015; that JC2 tested clean on his initial intake but then on March 16, he testified positive for opiates and was allowed to come back into the home on three occasions; that the third resident tested positive on July 16, July 26, July 29, July 3, August 3, August 8, July 12, July 8, July 28 for non-expected opiates; that an expected opiate would be related to drugs for rehabilitating patients; that non-expected opiates are heroin and/or THC; and

WHEREAS, Mr. Pikarski then made his summation of his case; and

WHEREAS, Mr. Banks then re-called Mr. Goldfarb to explain the records presented by Ms. Franz to the Board; and

WHEREAS, Mr. Goldfarb testified that the residents in question were not residents of the Applicant's home on the subject property; and

WHEREAS, the Board inquired if the Applicant's policies were not the same at each of its homes; and

WHEREAS, Mr. Goldfarb testified that the Applicant's policies were indeed the same at each of its homes; and

WHEREAS, the Board stated that the records of the residents were, therefore, in fact, relevant; and

WHEREAS, Mr. Goldfarb testified that with respect to JC2, he tested clean at intake on February 13; that JC2 then subsequently tested positive on February 18 and was discharged that day; that JC2 then returned on the February 24; that JC2 did have another

test on February 21 which he failed and so was not allowed back in; that on February 24, JC2 returned to the home and was put on a 90-day restriction; that with respect to the third resident, only one test actually came out with a positive result; that the pharmacist at the lab said the positive could be the result of poppy seeds; that KB's initial cup test results were clean and so he entered into the program; that the lab, however, detected a positive; that the Applicant uses the cup test for the initial intake into its homes because the lab takes three (3) days; and

WHEREAS, Ms. Franz stated that KB was actually the best example as he came into the home clean then tested positive for cocaine; and

WHEREAS, Mr. Goldfarb stated that KB relapsed and was asked to leave on November 25; that he was asked to leave due to the results of a drug test on November 24; that KB returned on November 26, was drug tested on December 2 and was asked to leave on December 4 when the Applicant received the results of the drug test; and

WHEREAS, Mr. Banks then made his summation of his case; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposal to establish a community home group living facility for twelve (12) persons; 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 Board finds the proposed special use will have a significant adverse impact on the general welfare of the neighborhood. The Board makes this finding due to the evasive answers and demeanors of both Mr. Goldfarb and Mr. Hernandez. While the Board finds the mission of sober living laudable, Mr. Goldfarb and Mr. Hernandez had zero credibility as witnesses, especially in regards to the Applicant's business operations. In particular, the Board finds that Mr. Goldfarb's testimony regarding the Applicant's policies and procedures for handling relapse is directly contradicted by the records presented by Ms. Franz. The Board does not believe Mr. Goldfarb's explanations as to those records and finds his explanations to be not credible. His testimony that the Applicant is running even or at a loss is also not believable as, by his own admission, he is receiving \$1 million a year, has only four (4) employees, and does not draw a salary or dividends from the Applicant. The Board is also troubled by the fact that the Applicant's executive director – another un-salaried position – has such a poor grasp of the Applicant's real estate practices. Mr. Hernandez's testimony that he is in the business of saving lives not real estate is especially troubling as the Applicant's business model requires homes to save said lives. Since Mr. Goldfarb and Mr. Hernandez are, respectively, the president and executive director of the Applicant their testimony is critical to the Board making a factual

determination as to the *Applicant's* ability to ensure that its special use would adversely impact the general welfare of the neighborhood. Mr. Goldfarb and Mr. Hernandez's lack of credibility combined with their roles in the Applicant leaves the Board no choice but to find that the Applicant's proposed special use will have an adverse impact on the general welfare of the neighborhood.

2. The Board finds that the proposed special uses are not compatible with the operating characteristics of the surrounding area, such as hours of operation, outdoor lighting, noise and traffic generation. Again, the Board finds Mr. Goldfarb and Mr. Hernandez are not credible witnesses with respect to the Applicant's operating characteristics for the same reasons that they are not credible in regards to whether the Applicant's proposed special use will have an adverse impact on the general welfare of the neighborhood. Again, as Mr. Goldfarb and Mr. Hernandez are, respectively, the Applicant's president and executive director, their credibility is critical to the Board making a factual determination as to the Applicant's ability to operate the proposed special uses in a manner compatible with the surrounding area. Mr. Goldfarb and Mr. Hernandez's lack of credibility combined with their roles in the Applicant leaves the Board no choice but to find that the Applicant's proposed special use will not be compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.

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 Law (735 ILCS 5/3-101 *et. seq.*).

RESOLVED TO DISMISS

CHAIRMAN