

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JAN 19 2016
CITY OF CHICAGO

420 Capital Management, LLC
APPLICANT

468-15-S
CALENDAR NUMBER

6501 N. Western Avenue
PREMISES AFFECTED

December 18, 2015
HEARING DATE

Tom Moore
APPEARANCE FOR APPLICANT

Paul Kolpek
APPEARANCE FOR OBJECTOR

NATURE OF REQUEST

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

ACTION OF BOARD

THE VOTE

The application for a special use is denied for the reasons specified in this decision.

	APPROVE	DENY	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"/>
Blake Sercye	<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, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on December 18, 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, a public hearing was held on an identical application bearing Board Calendar Number 184-15-S by the Board at its regular meeting held on August 21, 2015, after due notice thereof as provided under Section 17-13-0107-B of this Zoning Ordinance and by publication in the *Chicago Sun-Times*, and as continued without additional notice pursuant to Section 17-13-0108-A of this Zoning Ordinance; and

WHEREAS, said identical application was denied on September 18, 2015 for failure to receive three concurring votes in favor of the application as required under Division 13

APPROVED AS TO SUBSTANCE
BPS
CHAIRMAN

of the Illinois Municipal Code, 65 ILCS 5/11-13-3(g) (West 2015), and Section 17-13-907 of this Zoning Ordinance; and

WHEREAS, subsequent to the Board's denial of the Board Calendar No. 184-15-S, a fifth member appointed to the Board; and

WHEREAS, pursuant to the Board's rules of procedure, established pursuant to Section 17-14-0303-E of this Zoning Ordinance, the Board shall not hear or decide any matter where a decision has been rendered therein by the Board within the preceding year (365 days) unless upon remand by a court or upon good cause shown; now, therefore,

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

1. The Board finds no good cause shown in this matter. The Applicant proceeded with its application under Board Calendar No. 184-15-S on August 21, 2015 despite knowing that there were only four members appointed to the Board. Applicant's counsel concedes that on August 21, 2015, the Applicant believed its best interest was to move forward on its application as it believed its evidence was strong enough to obtain three affirmative votes. Again, on August 21, 2015, the Board had only four members: Chairman Jonathan Swain, Commissioner Sol Flores, Commissioner Sheila O'Grady, and Commissioner Salvatore "Sam" Toia. At no time on August 21, 2015 did the Applicant request a continuance on the application until such time as the Board had five members. Chairman Swain, Commissioner Flores, and Commissioner Toia were present at the August 21, 2015 hearing and voted on Board Calendar No. 184-15-S at the conclusion of the Board's regular meeting. Due to failure to receive three affirmative votes on August 21, 2015, the application remained a question pending before the Board until September 18, 2015. Pursuant to the provisions of 65 ILCS 5/11-13-3(e), Commissioner Sheila O'Grady, who was absent on August 21, 2015, read the transcript of the August 21, 2015 proceedings and voted to deny the application at the Board's regular meeting on September 18, 2015. At no time on September 18, 2015, did the Applicant request a continuance on the application until such time as the Board had five members.
2. The Board finds *Melrose Park National Bank v. Zoning Board of Appeals of the City of Chicago*, 79 Ill.App.3d 56 (1st Dist. 1979), not applicable to the facts surrounding the Board's decision in Board Calendar No. 184-15-S. In *Melrose*, the appellate court remanded a 2-1 decision by the Board to the Board so the Board's absent member could read the transcript of the proceedings and vote pursuant to 65 ILCS 5/11-13-3(e). As all Board members appointed to the Board at the time of the application voted on Board Calendar No. 184-15-S, the Board followed the decision of *Sokolis v. Zoning Board of Appeals of City of Springfield*, 21 Ill.App.2d 178 (3d Dist. 1959). *Sokolis* states "there can be no findings of facts by a board evenly divided 'for' and 'against' a proposition."

Like the zoning board in *Sokolis*, the only decision the Board could make on Board Calendar No. 184-15-S was to deny the application based on failure to receive three affirmative votes on September 18, 2015 after all Board members had voted.

3. The Applicant's subsequent written request of September 29, 2015 that the Board's newly appointed fifth member follow the provisions set forth under 65 ILCS 5/11-13-3(e) is not good cause shown. 65 ILCS 5/11-13-3(e) states in pertinent part that:

“Any absent member that certifies that he has read the transcript of the proceedings before the board may vote upon any question before the board.”

Commissioner Blake Sercye was not appointed to the Board until September 24, 2015. At the time the Board Calendar No. 184-15-S was a question before the Board, Commissioner Sercye was not an absent member of the Board but was instead not a member of the Board at all.

RESOLVED, this application is hereby denied for failure by the Applicant to show good cause as to why this application should be heard when the identical application of Board Calendar No. 184-15-S was denied on September 18, 2015.

This is a final decision subject to review under the Illinois Administrative Review Law, 735 ILCS 5/3-101 *et. seq.* (West 2015).

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

APPLICANT: GLPE, LLC **CAL NO.:** 469-15-S
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
December 18, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1050 W. Monroe Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor for a proposed, four-story, 70-unit building with 70 indoor, parking spaces located on the first floor.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JAN 19 2016
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 residential use below the second floor; a variation was also granted to the subject site in Cal. No. 470-15-Z; 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 development is consistent with the design, layout, materials and plans prepared by Space Architects and Planners.

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

APPROVED AS TO SUBSTANCE

BPS

CHAIRMAN

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

APPLICANT: GLPE, LLC **CAL NO.:** 470-15-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
December 18, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1050 W. Monroe 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 30' to 0' for a proposed, four-story, 70-unit building with 70 indoor, parking spaces located on the first floor.

ACTION OF BOARD.
VARIATION GRANTED

THE VOTE

JAN 19 2016
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 reduce the rear yard setback to 0' for a proposed, four-story, 70-unit building with 70 indoor, parking spaces located on the first floor; a special use was also granted to the subject site in Cal. No. 469-15-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

BPS

CHAIRMAN

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

APPLICANT: 35 S. Aberdeen, LLC

CAL NO.: 471-15-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 35 S. Aberdeen Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor for a proposed, four-story, 50-unit building with 50 indoor, parking spaces located on the first floor.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JAN 19 2016
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 residential use below the second floor for a proposed, four-story, 50-unit building with 50 indoor, parking spaces located on the first floor; 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 development is consistent with the design, layout, materials and plans prepared by Space Architects and Planners.

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

APPROVED AS TO SUBSTANCE

BPS

CHAIRMAN

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

APPLICANT: Stephen Foster **CAL NO.:** 472-15-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
December 18, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5717-5723 N. Winthrop Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 45' to 0' and to reduce the north side setback from 5' to 2.83' for a proposed, required, accessory, parking lot for six vehicles with a 16' (wide) x 10.5' (wide) overhead rolling gate along the rear property line.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JAN 19 2016
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 reduce the rear setback to 0' and to reduce the north side setback to 2.83' for a proposed, required, accessory, parking lot for six vehicles with a 16' (wide) x 10.5' (wide) overhead rolling gate along the rear property line; 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

BPS

CHAIRMAN

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

APPLICANT: Lil-Kickers-Chicago, LLC **CAL NO.:** 473-15-S
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
 December 18, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1901-1921 West Lake Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of an indoor, participant, sports and recreation facility for soccer.

ACTION OF BOARD.
 APPLICATION APPROVED

THE VOTE

JAN 19 2016
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 SAM TOIA

	AFFIRMATIVE	NEGATIVE	ABSENT
JONATHAN SWAIN	X		
SOL FLORES	X		
SHEILA O'GRADY	X		
BLAKE SERCYE	X		
SAM TOIA	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 an indoor, participant, sports and recreation facility for soccer; 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 development is consistent with the design, layout, materials and plans prepared by Hutter Architects and dated December 1, 2015.

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

APPROVED AS TO SUBSTANCE

BPS

 CHAIRMAN

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

APPLICANT: 1518 North Astor, LLC

CAL NO.: 474-15-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1518 N. Astor 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 4' to 0'; to reduce the south side setback from 4' to 0'; to reduce the combined side setback from 10' to 0'; to reduce the rear setback from 30.8' to 0' and to provide the 288.75 square feet of rear yard open space on the roof of an existing, rear, attached, one-car garage which will be connected to a proposed, rear attached, two-car garage; a three-story, rear north and side addition, along with a one-story, south side addition, will also be made to the existing, three story single-family residence.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JAN 19 2016
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 reduce the north side setback to 0'; to reduce the south side setback to 0'; to reduce the combined side setback to 0'; to reduce the rear setback to 0' and to provide the 288.75 square feet of rear yard open space on the roof of an existing, rear, attached, one-car garage which will be connected to a proposed, rear attached, two-car garage; a three-story, rear north and side addition, along with a one-story, south side addition, will also be made to the 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

BPS
CHAIRMAN

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

APPLICANT: Howard Kruse **CAL NO.:** 475-15-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
December 18, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3837 N. Alta Vista Terrace

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' to 0'; to reduce the south side setback from 2' to 0.19'; to reduce the combined side setback from 4.8' to 0.19'; and, to reduce the rear setback from 12' to 0.21' for a proposed, rear, second floor addition, with a rooftop enclosure and a rooftop deck, to an existing, two-story single family residence.

ACTION OF BOARD.
VARIATION GRANTED

THE VOTE

JAN 19 2016
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 reduce the north side setback to 0'; to reduce the south side setback to 0.19'; to reduce the combined side setback to 0.19'; and, to reduce the rear setback to 0.21' for a proposed, rear, second floor addition, with a rooftop enclosure and a rooftop deck, to an existing, two-story single family residence; an additional variation was also granted to the subject site in Cal. No. 476-15-Z; 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

BPS

 CHAIRMAN

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

APPLICANT: Howard Kruse

CAL NO.: 476-15-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3837 N. Alta Vista Terrace

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the pre-existing floor area of 1,650.47 square feet by no more than 15% (127.34 square feet) for a proposed, rear, second floor addition, with a rooftop enclosure and rooftop deck, to an existing, two-story, single-family residence.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JAN 19 2016

CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE NEGATIVE ABSENT

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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 increase the pre-existing floor area of 1,650.47 square feet by no more than 15% (127.34 square feet) for a proposed, rear, second floor addition, with a rooftop enclosure and rooftop deck, to an existing, two-story, single-family residence; an additional variation was also granted to the subject site in Cal. No. 475-15-Z; 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 BY THE BOARD

BPS

COORDINATOR

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



JAN 19 2016
CITY OF CHICAGO

Dalanjin, Inc.
APPLICANT

477-15-S
CALENDAR NUMBER

1359 W. Grand Avenue
PREMISES AFFECTED

December 18, 2015
HEARING DATE

Tom Moore
APPEARANCE FOR APPLICANT

Phillip Laurin
APPEARANCE FOR 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 approved.

	APPROVE	DENY	ABSENT
Jonathan Swain, Chair	<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"/>
Blake Sercye	<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, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on December 18, 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. Moore, counsel for the Applicant, stated that although the Applicant's representatives had spoken with the Objector, the Objector was a competitor of the Applicant; that therefore there was no middle ground; and

WHEREAS, the Board reminded the Objectors' counsel that any competition related objections would not be considered; and

WHEREAS, Mr. Aukhbayar Dalanjin, one of the Applicant's representatives, testified on behalf of the Applicant; that he and his business partner will open a nail salon

APPROVED AS TO SUBSTANCE

BPS

CHAIRMAN

at the subject property; that he is a businessman; that his business partner is a licensed nail technician; and

WHEREAS, Ms. Odinchiemg Baasankhu, Mr. Dalanjin's business partner, testified on behalf of the Applicant; that she is a licensed nail technician in the State of Illinois; that she currently practices as Juko Nail in Wicker Park; that Juko Nail is about a mile away from the subject property; that she has a customer base that will follow her to the Applicant's proposed nail salon; that the Applicant intends to have eight (8) pedicure stations and eight (8) manicure stations; that the Applicant's proposed hours of operation will be 10:00 AM – 8:00 PM, seven days a week; and

WHEREAS, Mr. Joseph M. Ryan testified on behalf of the application; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; 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 not have a significant adverse impact on the general welfare of the community because the density of the area has changed drastically over the last ten (10) years so that there are more people living in the area that are able to support more salons; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design because it will be taking up vacant existing storefront space; (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 it will have hours of operation typical to the area; (5) is designed to promote pedestrian safety and comfort as there is both CTA surface transportation and street parking; and

WHEREAS, Mr. Ryan further testified that there are three (3) salon uses within 1000 feet; that there are five (5) more a block and a half away but the proposed special use will not affect these other salon uses; and

WHEREAS, Mr. Philip Laurin, counsel for Pinky Nail, explained his client's objections to the application; that Pinky Nail is located at 1400 W. Grand Ave.; and

WHEREAS, Mr. Laurin was granted leave to cross-examine Mr. Ryan; that Mr. Ryan further testified that the three (3) businesses within a 1000 feet of the subject property are located at 1400 W. Grand, 1408 W. Grand and 470 N. Ogden; that the 1408 W. Grand has a spa; that 470 N. Ogden has a hair salon; that hair salons and spas are in the same category as nail salons; that by ordinance his study was restricted to personal service uses within 1000 feet of the subject property; and

WHEREAS, the Board stated that due to this Zoning Ordinance defining the 1000 feet perimeter under Section 17-9-0112, this Zoning Ordinance implicitly states that personal service uses are compatible within 1001 feet of each other; that this is the way the Board approaches these matters; and

WHEREAS, Mr. Keyvan Kordi testified in objection to the application; that his family operates Pinky Nail; that Pinky Nail is located at 1400 W. Grand; that this is approximately 254 feet from the subject property; that there are already enough businesses in this category at this intersection; that another salon use would not enhance the neighborhood because more businesses will be working against each other; and

WHEREAS, Ms. Janice Kordi testified in objection to the application; that other businesses in the area feel another nail salon would be bad for the area; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use; now, therefore,

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

1. The proposed special use complies with all applicable standards of this Zoning Ordinance.
2. The proposed special use is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the community because the density of the area has changed drastically over the last ten (10) years so that there are more people living in the area that are able to support more salons. The Board finds Mr. Ryan to be a very credible witness. With respect to adverse impact, Mr. Ryan was correct to consider only those personal service uses within 1000 feet of the subject property. Section 17-9-0112 of this Zoning Ordinance requires a special use be obtained only if the proposed special use is within 1000 feet of any other personal service use; personal service uses beyond this 1000 feet are therefore implicitly compatible with one another. Further, any testimony by Mr. and Ms. Kordi regarding adverse impact must be discounted by the Board as Mr. and Ms. Kordi are competitors of the Applicant. The control or restriction of competition is not a proper or lawful zoning objective. *Cosmopolitan Nat. Bank v. Village of Niles*, 118 Ill.App.3d 87, 91 (1st Dist. 1983); see also *Lazarus v. Village of Northbrook*, 31 Ill.2d 146, 152 (1964).
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 located in an existing vacant storefront.
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 it will have hours of operation typical to the area.
5. The proposed special use is designed to promote pedestrian safety and comfort because Grand Avenue has surface CTA transportation and street parking.

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

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

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

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

APPLICANT: 1600 North Elston, LLC

CAL NO.: 478-15-S

APPEARANCE FOR: Rasheda Jackson

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1600 N. Elston Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to expand an existing, eight-pump, gas station through the addition of four, new, gas pumps; a new, one-story, 1,920 square foot retail and convenience building, which will replace an existing, one-story, 854 square foot retail and convenience building, and the recladding of an existing, 796 square foot car wash.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JAN 19 2016
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 expand an existing, eight-pump, gas station through the addition of four, new, gas pumps; a new, one-story, 1,920 square foot retail and convenience building, which will replace an existing, one-story, 854 square foot retail and convenience building, and the recladding of an existing, 796 square foot car wash; 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 development is consistent with the design, layout, materials and plans prepared by Sorce Architecture, specifically closing the southernmost Elston Avenue curbcut and widening the easternmost North Avenue curbcut to a maximum of 22 feet and designed and signed to prohibit left turn exit movements onto North Avenue.

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

APPROVED AS TO SUBSTANCE

BPS

COUNCILMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



JAN 19 2016
CITY OF CHICAGO

Midway Concessions, LLC

APPLICANT

479-15-S

CALENDAR NUMBER

5240 South Cicero

PREMISES AFFECTED

December 18, 2015

HEARING DATE

Andrew Scott

APPEARANCE FOR APPLICANT

John O'Connell

APPEARANCE FOR OBJECTORS

NATURE OF REQUEST

Application for a special use to establish a 1100 space non-accessory parking structure and a 500 space non-accessory parking lot.

ACTION OF BOARD

THE VOTE

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

Jonathan Swain, Chair	<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"/>
Blake Sercye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVE

DENY

ABSENT

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on December 18, 2015, after due notice thereof as provided under Sections 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Andrew Scott, counsel for the Applicant, explained the history of the subject property and the underlying basis for the relief sought; and

WHEREAS, Mr. Manuel Chavez, President and Partner of Chavez Properties, owner of the Applicant, testified on behalf of the Applicant; that an affiliate of Chavez Properties is the contract purchaser of the subject property; that among other things, the Applicant intends to operate a non-accessory parking garage on a portion of the property; that said parking garage will have 1100 indoor spaces and 500 outdoor spaces; that Chavez Properties operates parking facilities around the country; that he then testified as

APPROVED AS TO SUBSTANCE

BPS

CHAIRMAN

to existing tenants and existing uses of the subject property as well as the uses surrounding the subject property; that the proposed special use would be very consistent with these aforementioned uses, especially in terms of hours of operation; that the proposed special use will be an improvement as to the current use of the subject property because there will be employees on-site; that this will increase the safety on this corner of Archer and Cicero; that the Applicant will be using the existing building, though it will be making many improvements to the lighting, venting, and landscape plan; that the Applicant will be utilizing the existing curb cuts on Cicero; that the Applicant will be improving traffic conditions with the proposed special use because it will limit ingress to the subject property from Cicero and egress to Archer; that he then testified to the Applicant's proposed plan of operations at subject property; and

WHEREAS, the Board inquired why a customer of the Applicant would choose self-park over valet parking; and

WHEREAS, Mr. Chavez testified that customers choose self-park over valet due to price; that additionally some people do not wish to leave their keys with a valet service if they are leaving for a long time; and

WHEREAS, Mr. Chavez continued to testify as to the Applicant's proposed plan of operations at the subject property; that although the Applicant will be a 24/7 operation, airports are usually active 16-18 hours a day; that the Applicant anticipates peak entrance times to be 5:00 – 7:00 AM and peak exit times to be 7:00 – 9:00 PM; that these times will not conflict with rush hour; that there will be no appreciable noise due to most of the proposed special use taking place indoors; that there will be no car headlight glare to any appreciable extent; and

WHEREAS, Mr. Scott began a line of questioning relating to the market for additional parking in the area; and

WHEREAS, the Board stated it did not see the relevance of this; and

WHEREAS, Mr. Scott stated it related to the public convenience; and

WHEREAS, the Board stated that based on Mr. Chavez's prior testimony, it understood the proposed special use was both accessible to and near Midway Airport; that this was all the argument for public convenience it required; that the market for parking had nothing to do with public convenience; and

WHEREAS, Mr. Chavez then testified as to the jobs that would be created by the proposed special use; that the Applicant's operations were very environmentally friendly; and

WHEREAS, Mr. Mark Brueggeman, vice president of CT Consultants and registered professional engineer, testified on behalf of the Applicant; that the proposed special use as designed complies with all applicable standards of this Zoning Ordinance; and

WHEREAS, Mr. Luay Aboona testified on behalf of the Applicant; that his credentials as an expert in traffic engineering were acknowledged by the Board; that he is familiar with the subject property and the Applicant's proposed special use; that he has completed a traffic study of the proposed special use; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that he then testified that the traffic generated by the proposed use during the street system peak hours will not be significant; that most of the traffic is already existing in the area; that traffic destined for Midway Airport will be intercepted by the proposed special use; that the increase of traffic, therefore, will not have a significant impact on the operations of the intersections and roadways; that the access to the proposed special use as designed is an improvement over existing conditions; that as Mr. Chavez previously testified to, the access to the subject property from Cicero will be converted from a two-way driveway to an in-only driveway; that on Archer, the existing two-way driveway will be converted to an exit-only driveway; that, again, this is an improvement over existing traffic conditions; and

WHEREAS, Mr. Peter Poulos testified on behalf of the application; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that he then orally testified that the proposed special use: is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the community because market research has shown that property values in the surrounding area have improved after the approval of a non-accessory parking area and because the subject property is close to Midway Airport which generates a lot of parking need; and

WHEREAS, Mr. John O'Connell, counsel for both 5200 West 47th Realty LLC and the Garfield Ridge Chamber of Commerce, stated the nature of his clients' objections; that his clients objected to the sufficiency of both the Applicant's traffic study and its notice to surrounding property owners of its application to the Board; and

WHEREAS, Mr. O'Connell stated that due to the Applicant using the Cicero address for the subject property rather than the Archer address, many residential property owners within 100 feet of the subject property were not notified; and

WHEREAS, the Board stated it was under the impression Mr. O'Connell was representing commercial property owners not residential property owners; and

WHEREAS, Mr. O'Connell stated this was correct; and

WHEREAS, the Board stated that with respect to notice of the Applicant's clients, the notice argument was waived; that Mr. O'Connell should therefore move on to his clients' objections to the traffic study; and

WHEREAS, Mr. O'Connell was granted leave to cross-examine Mr. Aboona; and

WHEREAS, Mr. Aboona further testified as to the proposed changes to ingress and egress to the subject property; that currently the driveway to the subject property carries more traffic than the traffic projected for the proposed special use; that everything has been submitted to the City's Department of Transportation ("CDOT"), including his traffic study and the Applicant's site plan; that the site plan and traffic study have both been stamped and approved by CDOT; that, again, the Applicant will be enhancing current traffic conditions as it will be creating a left-hand turn pocket on Cicero; that his traffic study was based on 1600 parking spaces; and

WHEREAS, Mr. O'Connell was granted leave to cross-examine Mr. Chavez; and

WHEREAS, Mr. Chavez testified that the affiliate of Chavez Properties would be purchasing the entire site; and

WHEREAS, the Board stated that the Applicant would need to come before this Board to increase its special use from its current application; and

WHEREAS, Mr. Siewo Oshana, member of the Garfield Ridge Chamber of Commerce ("Chamber"), testified in objection to the application; that he then read a statement from the Chamber's president into the record; that said statement requested a continuance of the hearing so that the proposed application could be carefully reviewed; that the Chamber hoped to see new retail and restaurants in the neighborhood; and

WHEREAS, the Board stated that it would take the president's statement as Mr. Oshana's own; that any other correspondence from members of the Chamber to the Board would be put in the file but would be taken for the hearsay that they were; and

WHEREAS, Mr. John Youkhana, of Airways Parking, testified in objection to the application; that he objected to the fact that many residents on Archer did not receive notice of the application; that he also objected to the proposed special use because in fact the City is already building a 1400 space garage at Midway; that said City garage will be paid for by City taxpayers; and

WHEREAS, the Board reminded Mr. Youkhana that any improvements made at Midway Airport must be paid by revenue generated by the City's airports; that airport improvements are not paid out of the City's general fund and thus are not paid for by City taxpayers; and

WHEREAS, Mr. Youkhana further testified that filling the Applicant's spaces will be to the detriment of other spaces; that once the City shuts down smaller operators like himself, the other spaces will be the City's own spaces; that this will make it extremely difficult for Midway Airport to pay for its bonds; that this will cause more debt to the City; and

WHEREAS, the Board stated that Mr. Youkhana's objections were in the nature of competition between the City and a private parking operator; that such a competition argument could not be considered by the Board; and

WHEREAS, in closing, Mr. Scott stated that the Applicant provided written notice in accordance with this Zoning Ordinance; that therefore, all taxpayers of record within 250 feet of the subject property were notified; that the subject property is not limited to the portion of the building the Applicant plans to use for the proposed use; that instead, subject property references the entire 2.2 million square foot site; that therefore taxpayers probably 1000 feet away from the proposed special use received written notice of the application; that additionally, notice was published in the *Chicago Sun-Times*; that he further believed the Board provided separate written notice of the application; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use, provided the development was established consistent with the design, layout, materials and plans prepared by Daniel Weinbach and Partners for the landscape plan and dated December 7, 2015, and CT Consultants for the site plan and dated December 7, 2015; 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 because the proposed special use is both accessible to and near Midway Airport, which generates a lot of parking need. Further, it will not have a significant adverse impact on the general welfare of the community because, as Mr. Paulos very credibly testified, market research has shown that property values in the surrounding area have improved after the approval of a non-accessory parking area. The Board discounts any testimony given by Mr. Youkhana as speculative. Moreover, the control or restriction of competition is not a proper or lawful zoning objective. *Cosmopolitan Nat. Bank v. Village of Niles*, 118 Ill.App.3d 87, 91 (1st Dist. 1983); *see also Lazarus v. Village of Northbrook*, 31 Ill.2d 146, 152 (1964).
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 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 it will have similar hours of operation to its surrounding uses, will not generate any appreciable noise or lighting, and will actually improve traffic

conditions due to the improvements to the ingress and egress of the subject property. The Board finds Mr. Chavez and Mr. Aboona to be very credible witnesses in this regard.

5. The proposed special use is designed to promote pedestrian safety and comfort due to the improvements in ingress and egress to the subject property as well as the improvements to the landscape on Archer and Cicero.

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 special use shall be developed consistent with the design, layout, materials and plans prepared by Daniel Weinbach and Partners for the landscape plan and dated December 7, 2015, and CT Consultants for the site plan and dated December 7, 2015.

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

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

APPLICANT: Chabad Living Room, LLC **CAL NO.:** 480-15-S
APPEARANCE FOR: Gary Wigoda **MINUTES OF MEETING:**
 December 18, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1630-1632 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 religious assembly facility.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JAN 19 2016
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 religious assembly facility at the subject site; the applicant testified that the second floor of the building and a small portion of the basement would be utilized as a religious assembly 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 Department of Planning and Development has also determined that religious assembly is comprised of less than 10,000 square feet on a pedestrian street, therefore there is no parking requirement for this particular use; 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 applicant shall be permitted to use only the second floor and a small portion of the basement as a religious assembly facility.

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

APPROVED AS TO SUBSTANCE

BPS

CHAIRMAN

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

APPLICANT: Sleeping Village, Inc. **CAL NO.:** 481-15-Z
APPEARANCE FOR: Gary Wigoda **MINUTES OF MEETING:**
 December 18, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3734-3738 W. Belmont Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a public place of amusement license for live music in a proposed tavern located with 125' of an RS-3 Residential Single-Unit (Detached House) District.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JAN 19 2016
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 public place of amusement license for live music in a proposed tavern; 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

BPS

CHIEF CLERK

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

APPLICANT: Tugolbai Apyshev

CAL NO.: 482-15-Z

APPEARANCE FOR: James Stola

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3404 N. Ashland Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a public place of amusement license for a billiard hall located within 125' of an RS-3 Residential Single-Unit (Detached House) District.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JAN 19 2016
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 public place of amusement license which is located within 125' of a residential district; the applicant testified that there will be no live music or liquor at the subject site; 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

BPS

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

APPLICANT: Juan Garcia **CAL NO.:** 483-15-Z
APPEARANCE FOR: Same **MINUTES OF MEETING:**
December 18, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2408 S. Homan Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the alley parking access setback from 2' to 1' for a proposed, rear, detached, two-car garage with an attached carport; the existing, two-story, two-unit building will remain unchanged.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JAN 19 2016
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 reduce the alley parking access setback to 1' for a proposed, rear, detached, two-car garage with an attached carport; the existing, two-story, two-unit building will remain unchanged; an additional variation was granted to the subject site in Cal. No. 484-15-Z; 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

BRS

 CLERK

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

APPLICANT: Juan Garcia **CAL NO.:** 484-15-Z
APPEARANCE FOR: Same **MINUTES OF MEETING:**
December 18, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2408 S. Homan Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the 842.63 square foot area within the rear setback (representing a maximum of 60% of said rear setback), which may be occupied by an accessory building, by no more than 10% (78.97 square feet) to 921.6 square feet for a proposed , rear, detached, two-car garage with an attached carport; the existing, two-story, two, unit building will remain unchanged.

ACTION OF BOARD.
VARIATION GRANTED

THE VOTE

JAN 19 2016
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 increase the 842.63 square foot area within the rear setback (representing a maximum of 60% of said rear setback), which may be occupied by an accessory building, by no more than 10% (78.97 square feet) to 921.6 square feet for a proposed , rear, detached, two-car garage with an attached carport; the existing, two-story, two, unit building will remain unchanged; an additional variation was also granted in Cal. No 483-15-Z; 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

BPS

CHICAGO

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

APPLICANT: Modern Home Improvements Corporation **CAL NO.:** 485-15-Z

APPEARANCE FOR: Michael J. Laird **MINUTES OF MEETING:**
December 18, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 9737 S. Prairie Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the pre-existing floor area ratio of 0.52' to no more than 0.75' (0.66) for the proposed conversion of an existing, rear, two-story, enclosed porch into a rear, two-story addition to an existing two-story, two-unit building being converted to a two-story, single family residence; the existing rear detached, two-car garage will remain unchanged.

ACTION OF BOARD.
VARIATION GRANTED

THE VOTE

JAN 19 2016
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 increase the pre-existing floor area ratio of 0.52' to no more than 0.75' (0.66) for the proposed conversion of an existing, rear, two-story, enclosed porch into a rear, two-story addition to an existing two-story, two-unit building being converted to a two-story, single family residence; the existing rear detached, two-car garage will remain unchanged; an additional variation was also granted to the subject site in Cal. No. 486-15-Z; 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

Bps

CHAIRMAN

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

APPLICANT: Modern Home Improvements Corporation **CAL NO.:** 486-15-Z

APPEARANCE FOR: Michael Laird

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 9737 S. Prairie Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the south side setback from 4' to 1.71' and to reduce the combined side setback from 9' to 6.45' for the proposed conversion of an existing, rear, two-story, enclosed porch into a rear, two-story addition to an existing two-story, two-unit building being converted to a two-story single family residence; the existing, rear, detached, two-car garage will remain unchanged.

ACTION OF BOARD:
VARIATION GRANTED

THE VOTE

JAN 19 2016
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 reduce the south side setback to 1.71' and to reduce the combined side setback to 6.45' for the proposed conversion of an existing, rear, two-story, enclosed porch into a rear, two-story addition to an existing two-story, two-unit building being converted to a two-story single family residence; the existing, rear, detached, two-car garage will remain unchanged; an additional variation was also granted to the subject site in Cal. No. 485-15-Z; 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

BPS

CHAIRMAN

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

APPLICANT: Tobi Mattingly

CAL NO.: 487-15-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2251 W. North Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a business live/work unit for artist work or sales space on the first floor of a three-story, two-unit building with ground floor commercial/retail space.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JAN 19 2016
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 business live/work unit for artist work or sales space on the first floor of a three-story, two-unit building with ground floor commercial/retail space; 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 development is consistent with the design, layout and plans prepared by Technical Building Consultants and dated July 14, 2015.

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

APPROVED: _____
BPS
CHAIRMAN

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

APPLICANT: Crystal Gems, Inc. **CAL NO.:** 488-15-S
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
December 18, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5 S. Wabash Avenue, Suite 2104

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JAN 19 2016
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 valuable objects dealership 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

BPS

DATE/TIME

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

APPLICANT: 4030 Indiana, LLC

CAL NO.: 489-15-Z

APPEARANCE FOR:

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 4030 S. Indiana Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to reduce the quantity of four off-street parking spaces by no more than two (to three spaces) for the proposed conversion of a three-story, three-unit building into a four-unit building.

ACTION OF BOARD.

CASE CONTINUED TO FEBRUARY 19, 2016

THE VOTE

JAN 19 2016
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE
BPS
CHAIRMAN

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

APPLICANT: Sheila C. Kailus

CAL NO.: 490-15-Z

APPEARANCE FOR: Same

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1461 W. Hutchinson Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 32.09' to 1'; to reduce the west side setback from 2.4' to 0.5'; and, to reduce the combined side setback from 6' to 3.67' for a proposed, rear, detached, two-car garage with a roof deck which is accessed via an interior, unenclosed stair exceeding 6' in height.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JAN 19 2016
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 reduce the rear setback to 1'; to reduce the west side setback to 0.5'; and, to reduce the combined side setback to 3.67' for a proposed, rear, detached, two-car garage with a roof deck which is accessed via an interior, unenclosed stair exceeding 6' in height; 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

BPS

CHAIRMAN

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

APPLICANT: John Lee **CAL NO.:** 491-15-Z
APPEARANCE FOR: Howard Killburg **MINUTES OF MEETING:**
December 18, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2901 N. Burling Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the pre-existing floor area of 3,323.9 square feet by no more than 15% (408.9 square feet) for a proposed, rear, three-story addition to an existing, three-story, two-unit building being converted to a single-family residence.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JAN 19 2016
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 increase the pre-existing floor area of 3,323.9 square feet by no more than 15% (408.9 square feet) for a proposed, rear, three-story addition to an existing, three-story, two-unit building being converted to a 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

BPS

 CHAIRMAN

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

APPLICANT: Family Recycling Center, Inc. **CAL NO.:** 492-15-S
APPEARANCE FOR: Nick Ftikas **MINUTES OF MEETING:**
 December 18, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1851 S. Clinton Street

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JAN 19 2016
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 Class IV-A recycling facility 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

APPROVAL AS TO SUBSTANCE

BPS

CHAIRMAN

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

APPLICANT: Noah Properties, LLC

CAL NO.: 493-15-S

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7163 W. Grand Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor of a proposed, three-story, nine-unit building with 11 parking spaces located in the rear of the lot.

ACTION OF BOARD:
APPLICATION APPROVED

THE VOTE

JAN 19 2016
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 residential use below the second floor of a proposed, three-story, nine-unit building with 11 parking spaces located in the rear of the lot; 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 development is consistent with the design, layout, materials and plans prepared by Axios Architects and Consultants and dated August 6, 2015.

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

APPROVED AS TO SUBSTANCE

BPS

CHAIRMAN

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

APPLICANT: Noah Properties, LLC

CAL NO.: 494-15-S

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7169 W. Grand Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor of a proposed, three-story, nine-unit building with nine parking spaces located in the rear of the lot.

ACTION OF BOARD:
APPLICATION APPROVED

THE VOTE

JAN 19 2016

CITY OF CHICAGO

JONATHAN SWAIN

SOL FLORES

SHEILA O'GRADY

BLAKE SERCYE

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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 residential use below the second floor of a proposed, three-story, nine-unit building with nine parking spaces located in the rear of the lot; 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 design, layout, materials and plans prepared by Axios Architects and Consultants and dated August 6, 2015.

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

BY ORDER OF THE BOARD

BPS

CHAIRMAN

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

APPLICANT: Creative Scott

CAL NO.: 495-15-S

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3946 West 16th Street

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JAN 19 2016
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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; 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

BPS

CHICAGO

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JAN 19 2016
CITY OF CHICAGO

TG Nail Salon

APPLICANT

496-15-S

CALENDAR NUMBER

1411-13 W. Grace Street

PREMISES AFFECTED

December 18, 2015

HEARING DATE

Nick Ftikas

APPEARANCE FOR APPLICANT

Phillip Laurin

APPEARANCE FOR 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 approved.

Jonathan Swain, Chair
Soi Flores
Sheila O'Grady
Blake Sercye
Sam Toia

APPROVE

DENY

ABSENT

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on December 18, 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. Ftikas, counsel for the Applicant, stated the underlying basis of the relief sought; that the Applicant is relocating from its present location at 3337 N. Southport which is approximately 3-4 blocks to the south of the subject property; and

WHEREAS, Ms. Eun Park testified on behalf of the Applicant; that she is the owner and president of the Applicant; that she started the Applicant about 11 years ago; that for 7 years, the Applicant has operated at 3337 N. Southport; that this is 3-4 blocks south of the subject property; that the Applicant lost its lease at 3337 N. Southport; that the Applicant is therefore looking to reestablish its nail salon at the subject property; that the Applicant will only be providing nail care services at the subject property, such as

APPROVED AS TO SUBSTANCE
BPS
CHAIRMAN

manicures and pedicures; that the Applicant will not be providing hair care services; that the Applicant currently employs 6 licensed technicians; that all 6 licensed technicians will be at the subject property; that the Applicant proposes to have 7 manicure stations and 7 pedicure stations; that the Applicant's proposed hours of operation will be: 10:00 AM – 8:00 PM, Monday – Friday, and 10:00 AM – 6:00 PM, Saturday – Sunday; that these are the Applicant's current hours of operation and will be maintained at the subject property; and

WHEREAS, Mr. Sylvester J. Kerwin, Jr., testified on behalf of the application; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; 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 because the Applicant has an established clientele base that is used to its services and will not have a significant adverse impact on the general welfare of the community because there are 2 personal service uses within 1000 feet that have neither changed the character of the surrounding area nor adversely influenced property values; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design because it will be going into an existing retail space; (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 it will have the same operating characteristics as the other shopping in the commercial districts in the area; (5) is designed to promote pedestrian safety and comfort; and

WHEREAS, Mr. Philip Laurin, counsel for Digits Nail Spa, was granted leave to cross-examine Mr. Kerwin; and

WHEREAS, the Board reminded Mr. Laurin of its statements in the prior hearing on Board Calendar No. 477-15-S; that this Zoning Ordinance presumes that personal service uses 1001 feet away from the proposed special use are compatible with the proposed special use; that the question before the Board remains personal services uses within 1000 feet of the subject property; and

WHEREAS, Mr. Kerwin further testified that as to the personal service uses within 1000 feet of the subject property, the personal service uses offer different types of personal care than the proposed special use, such as a body waxing and hair-cutting; and

WHEREAS, Ms. Ana Kemal, principal of Digits Nail Spa, testified in objection to the application; that Digits Nail Spa has been operating at 3707 N. Southport for the past 12 years; that there is already a flood of personal service use businesses in the area; and

WHEREAS, Mr. Ftikas objected to Ms. Kemal's testimony as competition is not usually considered by the Board; and

WHEREAS, the Board overruled Mr. Ftikas' objection; and

WHEREAS, Ms. Kemal continued to testify that the proposed special use would be detrimental to the character of the neighborhood as it would add a third nail salon on the block; and

WHEREAS, in response to questions by the Board, Ms. Kemal further testified that she did not live in the neighborhood; that she has a business in the area; and

WHEREAS, Ms. Kemal then testified that she had a letter of objection from Two by Ten Nail Salon which is in the same City block as the subject property; that she believed said nail salon was within 1000 feet of the subject property; and

WHEREAS, Mr. Laurin offered letters of objection from other businesses in the area; and

WHEREAS, the Board stated it would put the letters in the application's file but that such letters were hearsay; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use; now, therefore,

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

1. The proposed special use complies with all applicable standards of this Zoning Ordinance.
2. The proposed special use is in the interest of the public convenience because the Applicant has an established clientele base that is used to its services. Further, the proposed special use will not have a significant adverse impact on the general welfare of the community because there are 2 personal service uses within 1000 feet that have neither changed the character of the surrounding area nor adversely influenced property values. The Board finds Mr. Kerwin to be a very credible witness. With respect to adverse impact, Mr. Kerwin was correct to consider only those personal service uses within 1000 feet of the subject property. Section 17-9-0112 of this Zoning Ordinance requires a special use be obtained only if the proposed special use is within a 1000 feet of any other personal service use; personal service uses beyond this 1000 feet are therefore implicitly compatible with one another. Any testimony by Ms. Kemal regarding adverse impact is not credible as Ms. Kemal is a competitor of the Applicant. The control or restriction of competition is not a proper or lawful zoning objective. *Cosmopolitan Nat. Bank v. Village of Niles*, 118 Ill.App.3d 87, 91 (1st Dist. 1983); *see also Lazarus v. Village of Northbrook*, 31 Ill.2d 146, 152 (1964).

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 going into an existing retail space.
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 it will have the same operating characteristics as the other shopping in the commercial districts in the area.
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.

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

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

APPLICANT: Amazon Development, LLC

CAL NO.: 497-15-Z

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4303 N. Kenmore Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 45' to 0'; to reduce the alley parking access setback from 2' to 0'; to reduce the north side setback from 4' to 0'; to reduce the south side setback from 4' to 0'; and, to reduce the combined side setback from 10' to 0' for a proposed 12.5' (tall) x 17' (wide) , electrical, overhead, roll-up, metal gate along the rear (alley) property line.

ACTION OF BOARD.
VARIATION GRANTED

THE VOTE

JAN 19 2016

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JONATHAN SWAIN

SOL FLORES

SHEILA O'GRADY

BLAKE SERCYE

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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 reduce the rear setback to 0'; to reduce the alley parking access setback to 0'; to reduce the north side setback to 0'; to reduce the south side setback to 0'; and, to reduce the combined side setback to 0' for a proposed 12.5' (tall) x 17' (wide), electrical, overhead, roll-up, metal gate along the rear (alley) property line; 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

BPS

MAN

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

APPLICANT: Andrew L. Collis Living Trust **CAL NO.:** 498-15-Z

APPEARANCE FOR: Nick Ftikas **MINUTES OF MEETING:**
December 18, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5408 W. Berteau Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to legalize an existing, third unit in an existing, two-story, three-unit building with a rear, detached, two-car garage.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JAN 19 2016
CITY

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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 legalize an existing, third unit in an existing, two-story, three-unit building with a rear, 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 SUBSTANCE
BPS
CHAIRMAN

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

APPLICANT: Susan Lee and John Robert Hollender **CAL NO.:** 499-15-Z

APPEARANCE FOR: **MINUTES OF MEETING:**
December 18, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 4508 N. Damen Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to reduce the front setback from 32.97' to 24.57'; to reduce the rear setback from 38.78' to 21.52'; to reduce the north side setback from 3.21' to 2.14'; and, to reduce the combined side setback from 8.03' to 6.16' for a proposed, second floor, duplex-up addition into the existing attic of a two-story, two-unit building, to add a rear, three-story, open porch and an open, side stairwell, providing access to a basement which will become a duplex-down unit from the existing first floor unit; a front, attached, three-car garage that is accessed directly from North Damen Avenue will also be provided.

ACTION OF BOARD.

CASE CONTINUED TO FEBRUARY 19, 2016

THE VOTE

JAN 10 2016
GRV

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

BLS

SECRETARY

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

APPLICANT: Susan Lee and John Robert Hollender

CAL NO.: 500-15-Z

APPEARANCE FOR:

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 4508 N. Damen Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to increase the pre-existing height of 35.75' by no more than 10% (2.83') for a proposed, second floor, duplex-up addition into the existing attic of a two-story, two-unit building, to add a rear, three-story, open porch and an open, side stairwell, providing access to a basement which will become a duplex-down unit from the existing first floor unit; a front, attached, three-car garage that is accessed directly from North Damen Avenue will also be provided.

ACTION OF BOARD-

CASE CONTINUED TO FEBRUARY 19, 2016

THE VOTE

JAN 19 2016

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JONATHAN SWAIN

SOL FLORES

SHEILA O'GRADY

BLAKE SERCYE

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
X		
X		

APPROVED AS TO SUBSTANCE

BPS

CHAIRMAN

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

APPLICANT: Dominic McGee **CAL NO.:** 501-15-Z
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
December 18, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 849 W. Bradley Place

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front obstruction setback from 20' to 10.3'; to reduce the rear setback from 21' to 11.67'; to reduce the east side setback from 3.36' to 3'; to reduce the west side setback from 3.36' to 3'; and, to reduce the combined side setback from 8.4' to 6' for a proposed, two-unit, townhouse, each with a front, attached, two-car garage accessed directly from W. Bradley Place.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

JAN 19 2016
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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; George Blakemore testified in objection to the application for variation; the applicant shall be permitted to reduce the front obstruction setback to 10.3'; to reduce the rear setback to 11.67'; to reduce the east side setback to 3'; to reduce the west side setback to 3'; and, to reduce the combined side setback to 6' for a proposed, two-unit, townhouse, each with a front, attached, two-car garage accessed directly from W. Bradley Place; additional variations were also granted to the subject site in Cal. No.502-15-Z and 359-15-Z; 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

BPS
 CHAIRMAN

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

APPLICANT: Dominic McGee **CAL NO.:** 502-15-Z
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
 December 18, 2015
APPEARANCE AGAINST: George Blakemore
PREMISES AFFECTED: 849 W. Bradley Place

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear yard open space from 155 square feet to 70 square feet for a proposed, two-unit, townhouse, each with a front, attached, two-car garage accessed directly from W. Bradley Place.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JAN 19 2016
 607

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 3, 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; George Blakemore testified in objection to the application for variation; the applicant shall be permitted to reduce the rear yard open space from 155 square feet to 70 square feet for a proposed, two-unit, townhouse, each with a front, attached, two-car garage accessed directly from W. Bradley Place; additional variations were also granted to the subject site in Cal. No. 501-15-Z and 359-15-Z; 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

BPS

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JAN 19 2016
CITY OF CHICAGO

MedMar, Inc.
APPLICANT

503-15-S
CALENDAR NUMBER

3812 N. Clark Street
PREMISES AFFECTED

December 18, 2015
HEARING DATE

Katriina McGuire
APPEARANCE FOR APPLICANT

Todd Ohlms & Tim McCaffrey
APPEARANCE FOR 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 conditions specified in this decision.

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

APPROVE

DENY

ABSENT

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on December 18, 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. Todd Ohlms, counsel for Catholic Charities of the Archdiocese of Chicago ("Catholic Charities"), stated that while Catholic Charities has no position on medical cannabis dispensaries, Catholic Charities objected to a medical cannabis dispensary at the subject property; that this objection stemmed from Catholic Charities operating a facility within 1000 feet of the subject property; that said facility provides family services for vulnerable families; that Applicant's counsel had agreed to a motion for protective order to not discuss the particular address of said facility at the hearing; that he then requested a continuance of the application; and

APPROVED AS TO SUBSTANCE

BPS

CHAIRMAN

WHEREAS, the Board stated that the question about the 1000 feet was not within the Board's purview; that such a question was a question for the State of Illinois ("State"); that it was the Board's understanding that the Applicant had a letter from the State allowing the Applicant to operate at the subject property; and

WHEREAS, Ms. Katriina McGuire, counsel for the Applicant, confirmed this was the case; and

WHEREAS, the Board stated that it was the Board's understanding that the Applicant and Catholic Charities had stipulated only not to use the address of the Catholic Charities' facility; that the question of whether or not the Catholic Charities' facility at the subject property was a "day care center" under Section 130(d) of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et. seq.*, had not been so stipulated; and

WHEREAS, Ms. McGuire confirmed this was the case; and

WHEREAS, the Board then stated that the Board would proceed with the hearing; that however, Catholic Charities' objection was noted and preserved for appeal; and

WHEREAS, the Board then stated for purposes of clarity of the record that both the Applicant and Catholic Charities had stipulated not to use the address of Catholic Charities' facility; that instead, both parties agreed that the facility was within 1000 feet of the subject property; and

WHEREAS, the Board took judicial notice of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et. seq.* (the "Act"); and

WHEREAS, Ms. McGuire stated that the subject property is currently zoned B3-2; that the City's Department of Planning and Development ("Department") has confirmed that the subject property it is not within 1000 feet of an established school or day care center and not within a building that has any dwelling units; that the State has approved the Applicant's change of location request for the subject property; and

WHEREAS, Mr. Thomas Johnsrud, the chairman of the Applicant's board, testified on behalf of the Applicant; that he has been a licensed pharmacist since 1966; that his role with the Applicant will be to provide broad experience in establishing and running a pharmacy; that the Applicant's business at the subject property is essentially a pharmacy; and

WHEREAS, Mr. James Sullivan testified on behalf of the Applicant; that he is a licensed attorney and former prosecutor with the State's Attorney's Office; that he has particular experience in complex gang narcotics investigations and prosecutions; that he is the director of security for the Applicant; that he will have a substantial role in the Applicant's day-to-day operations; that at the subject property, the Applicant will have an appointment-based system; that the Applicant's hours of operation at the subject property

will be: 8:00 AM – 8:00 PM, Monday – Saturday; 12:00 PM – 6:00 PM, Sunday; that he walked the Board through the operation of the proposed dispensary, explaining how the dispensary would be accessed by patients and how deliveries of product would occur; and

WHEREAS, in response to questions by the Board, Mr. Sullivan stated that the Applicant did not have dedicated parking; that there is ample street parking at the subject location; that the Applicant has spoken to the Alderman about a loading zone in front of the Applicant's facility at the subject property; that the Applicant would not be scheduling appointments during Cubs games; that this is part of the Applicant's neighborhood agreement; that the Applicant will run the proposed dispensary on an appointment-based system, just like a medical office; and

WHEREAS, the Board stated that street parking seemed counter to the whole purpose of the proposed dispensary; that many of the people purchasing medical cannabis will have conditions that prevent them from walking; and

WHEREAS, Mr. Sullivan testified that if it becomes necessary, the Applicant would go to a valet system for patient parking; and

WHEREAS, the Board inquired if it would be a problem if the Board made the Applicant having valet service for patients a condition of the special use; and

WHEREAS, Mr. Sullivan testified it would not be a problem; and

WHEREAS, in response to further questions by the Board regarding the Applicant's site plan, Mr. Sullivan testified that the Applicant will not be keeping the front door to the facility locked; that while the guard in the security office has the ability to lock and unlock the front door, it is the Applicant's plan to allow people to walk in the door; that there will not be a security guard by the door; and

WHEREAS, the Board stated that in such a pedestrian area, this was challenging; that it then inquired of Mr. Sullivan if there was a way to make the front door to the facility more secure; and

WHEREAS, Mr. Sullivan testified that the Applicant would be happy to lock the door; and

WHEREAS, the Board stated that placing a security guard in the Applicant's waiting area would solve a lot of problems; that the Board then inquired if the Applicant would have a problem if the Board mandated the Applicant provided a security guard by the door; and

WHEREAS, Mr. Sullivan testified that the Applicant would not have a problem with such a condition; that he then went on to testify as to the specifics with respect to the security cameras the Applicant would have at the proposed facility; that the cameras would have facial recognition software and would be able to see a person's face from 85

feet in each direction of the facility; that there will be 24/7 security monitoring the cameras; that both the State and the Chicago Police Department will have access to said camera feeds; and

WHEREAS, Mr. Ohlms was granted leave to cross-examine Mr. Sullivan; that he began a line of questioning relating to the daycare-related activities occurring at the Catholic Charities' facility; and

WHEREAS, Ms. McGuire objected to the line of questioning; that the Applicant and Catholic Charities had stipulated that there were at least some daycare-related activities occurring at the Catholic Charities' facility; that the issue of whether the facility qualified as a "day care center" under Section 130(d) of the Act was a State issue and had been decided by the State; and

WHEREAS, Mr. Ohlms explained that the Department did not identify the day care center at the Catholic Charities' facility during its investigation; that the facility was an unlicensed day care center at the time; that it is Catholic Charities' belief that the day care issue was not brought to the State's attention; and

WHEREAS, Ms. McGuire renewed her objection; that whether or not the day care issue had been brought to the State's attention was not within the scope of the hearing; that the State has issued a letter to the Applicant allowing it to locate at the subject property; and

WHEREAS, the Board stated that if the purpose of Mr. Ohlms' line of questioning was to elicit testimony that the Catholic Charities' facility qualified as day care center under Section 143(d) of the Act and the State was unaware of the facility, such a line of questioning was an issue for the State; that if Mr. Ohlms wished to elicit testimony about the facility's daycare-related activities and the question of the proposed special use's compatibility with such daycare-related services, that would be allowed; that the Board would not go into the issue of whether the State knew or did not know of the facility because the fact remains that if the facility is an unlicensed day care center, it is – in theory – not a day care center; and

WHEREAS, Mr. Ohlms stated he understood the Board's ruling though he disagreed with it; and

WHEREAS, the Board reiterated that the question of the Catholic Charities' facility qualifying as a "day care center" under the Section 130(d) of the Act was an issue for the State; and

WHEREAS, in response to questions by the Board, Mr. Ohlms explained that the Catholic Charities' facility is still not licensed as a day care center; that Catholic Charities recently acquired the facility in July 2015 and is still going through a process to identify the program needs of the residents; and

WHEREAS, Mr. Sullivan then testified that he was aware of the facility almost immediately; that the Applicant is required to tell the State whether or not there is a licensed day care center within 1000 feet of the Applicant's proposed location; that as part of that search, the Applicant does a search both through the State data base system and through the State's Department of Children and Family Services; that after doing this for two (2) years, he knows the location of every home day care located within the City; that the Applicant's submission to the State shows there is no licensed day care center within 1000 feet of the subject property; that there will be, due to the Board's condition, two (2) security personnel present at the proposed dispensary; that there will be up to four (4) dedicated medical personnel present at the proposed dispensary; that the Applicant's cameras are required by the State; that he was aware the neighborhood had families that lived in it; that security is an ongoing process and is never static; that the Applicant will constantly reevaluate the Applicant's operations; that if the Cubs were to add something that caused more traffic in the neighborhood, he would reevaluate; that most of the parking immediately adjacent to the subject property is metered; that the Act requires the Applicant not to let anyone into the restricted area of the dispensary without either a patient or caregiver card; that when designing his security plan, he brought in retired Illinois State Police Officer Bruce Johnson as well as Clear Loss Prevention; that Clear Loss Prevention has done security plans for both Chase Bank and First Merit Bank; that he estimates 30 – 40 patients per day at the proposed dispensary when it is up and running; that this will be a long process as currently the Applicant sees 2 patients per day at its Rockford dispensary; and

WHEREAS, Mr. Sullivan further testified that the State had a point system to award licenses under the Act; that the Applicant received two licenses; that the Applicant received very high points with respect to its security plan; and

WHEREAS, Ms. Tracy Gardner testified on behalf of the Applicant; that she is a registered nurse and is currently serving as the agent-in-charge for the Applicant's dispensary in Rockford; that she will be the agent-in-charge at the proposed dispensary; that she then testified as to her duties as the agent-in-charge; and

WHEREAS, Mr. Rick Whitney testified on behalf of the Applicant; that he is a licensed architect in the State; that he briefly described the improvements the Applicant will be making to the existing building at the subject property; that the subject property is located in a B3-2 zoning district; that the neighborhood is mixed use; that the Applicant's proposed program of development at the subject property: (1) complies with all applicable B3-2 zoning district requirements; (2) is compatible with the surrounding area in terms of site planning, building scale and design; and (3) is designed to promote pedestrian safety and comfort; and

WHEREAS, Mr. Tim McCaffrey was granted leave to cross-examine Mr. Whitney; that Mr. Whitney further testified that the program of development is designed for pedestrian safety and comfort at the subject property because it is a storefront location that directly accesses the street, similar to all the other buildings on the street; that his opinion extends to the Applicant's building specifically; that he was not aware that

Catholic Charities' operated a facility not too far east of the subject property on Grace Street; that he was not aware young children walked past the subject property to and from school every day; that this knowledge does not change his opinion regarding pedestrian safety and comfort; and

WHEREAS, Mr. Whitney further testified that he was retained to evaluate how to layout the floorplan of the Applicant's dispensary; that he was also retained to provide exterior improvements to the existing building at the subject property; that with respect to pedestrian safety and comfort, his opinion is specific to this particular building design and access out into the public way; and

WHEREAS, Mr. Terrance O'Brien 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 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 as the State determined there was a need for it and will not have a significant adverse impact on the general welfare of the neighborhood because the proposed use is nothing more than a hybrid pharmacy; (3) is compatible with the surrounding area in terms of site planning, building scale and project design as it is located in an existing two-story structure in an area where the primary buildings are at least two stories; (4) is compatible with the surrounding area in terms of operating characteristics, such as hours of operation, lighting, noise and traffic generation as there are many other retail services in the area like restaurants, cocktail lounges and liquor stores that have far greater hours of operation than what is proposed by the Applicant; and (5) is designed to promote safety and comfort because the proposed special use will not require any curb cuts so that its generation of traffic will not be interacting with pedestrians on the sidewalk in the vicinity of the subject property; and

WHEREAS, Mr. McCaffrey was granted leave to cross-examine Mr. O'Brien; that Mr. O'Brien then testified that the vicinity of the subject property is from Grace Street to a block north; that the neighborhood he was referring to was Wrigleyview; that the immediate neighborhood would be the 1000 feet shown on the diagram presently before the Board; that Blaine School is over 1000 feet to the west of the subject property; that he was aware that Catholic Charities operates a facility that serves victims of domestic violence in the neighborhood; that he took the existence of the facility into account when he formed his opinions; that children that live at the facility would be proceeding in a westerly direction until they reach Blaine School; that the subject property is located 150 north of Grace Street; that therefore, children from the facility would not walk in front of the proposed dispensary; that he would assume children from the facility would see people standing in front of the proposed dispensary presuming there were people there and the children's eyes were open; and

WHEREAS, Mr. Ohlms renewed his requested for a continuance; and

WHEREAS, the Board again denied his request for a continuance; and

WHEREAS, Mr. Ohlms began his case-in-chief; that Catholic Charities owned a facility within the 1000 feet of the subject property ("facility"); that the facility was a domestic violence shelter and currently serves 40 women and children; that preschool and younger children stayed at the on-premises child care center at the facility so that their mothers could attend classes and job interviews; that the facility provided these daycare services on a regular basis; that on July 1, 2015, Catholic Charities took over ownership of the facility; that Catholic Charities then began evaluating the facility's regulatory and licensing requirements; and

WHEREAS, the Board requested a point of clarification regarding Catholic Charities' request for a continuance; that the Board then inquired if Catholic Charities' facility was within the statutory notice requirement of 250 feet; and

WHEREAS, Mr. Ohlms stated that the Catholic Charities' facility was not; that the facility was approximately 580 feet from the subject property; and

WHEREAS, Mr. Ohlms stated that Section 130(d) of the Act prohibited locating a cannabis dispensing facility within 1000 feet of a day care center; that the Act itself did not use the term "licensed" day care center in Section 130(d) of the Act; that the Act did use the term "licensed" to refer to other child care services in other portions of the Act; that in addition, the Applicant's application did not meet the standards for granting a special use under this Zoning Ordinance; that a special use must be denied when it is determined from the facts and circumstances that granting the special use would result in an adverse effect upon adjoining and surrounding properties, unique and different from the adverse effect that would otherwise result from the development of such a special use located anywhere within the zoning district; and

WHEREAS, Ms. Stephanie Johnson testified on behalf of Catholic Charities; that she is the director of government relations for Catholic Charities; that she has been an employee of Catholic Charities for nearly 18 years; that Catholic Charities took over the facility a little over six (6) months prior; that she then went through all the exceptions to the definition of "day care center" in the Child Care Act of 1969, 225 ILCS 10/2.09; that there was currently a day care center at the facility that provided child care; that she did not believe that a day care center needed to be licensed to qualify as a "day care center" under Section 130(d) of the Act; and

WHEREAS, the Board again reiterated that whether or not the daycare-related services at the facility qualified the facility as a "day care center" under Section 130(d) of the Act was a question for the State and was not before this Board; that the Board requested Ms. Johnson to tell the Board why she was concerned about the impact of the proposed special use near the day care center at the facility; and

WHEREAS, Ms. Johnson further testified that Catholic Charities was concerned with respect to the safety and anonymity of the children and the mothers residing at the facility; and

WHEREAS, the Board requested that Ms. Johnson explain to it how the proposed special use was any different than any other locale or business on Clark Street that has a camera on its front along Clark Street; and

WHEREAS, Ms. Johnson stated there would be an expert to testify more specifically to this but that Catholic Charities was concerned as to where the camera feed went; that Catholic Charities was specifically concerned about recognition of victims of abuse by their abusers; and

WHEREAS, the Board stated it understood Catholic Charities' concern; that however, there was no presumption of privacy in the public way; that if a person walked down the street and a business on said street has a high quality camera that caught said person, said person had no presumption of privacy; that no person had a presumption of privacy in the public way; that the Board requested Ms. Johnson explain Catholic Charities' specific concern with respect to the camera feed; and

WHEREAS, Ms. Johnson testified that Catholic Charities was concerned that the camera feed would be seen by someone who should not see the facility's residents; and

WHEREAS, the Board stated that Mr. Sullivan had testified that the camera feed would go to the Applicant's security officer, the State Police and possibly the City's Police Department; that the Board again requested that Ms. Johnson explain Catholic Charities' specific concern with respect to these people and entities; and

WHEREAS, Ms. Johnson testified she would defer to her expert witness; and

WHEREAS, Ms. McGuire was granted leave to cross-examine Ms. Johnson; that Ms. Johnson further testified she was aware the Catholic Charities' facility was directly adjacent to a very large Cubs' parking lot; that she is aware that there are several cameras on the light poles at the parking light; that she was not aware in the direction those cameras were pointing; that she was not aware how the cameras affect the residents of Catholic Charities' facility; and

WHEREAS, Ms. Johnson then testified that many of the facility's residents purchase groceries at the store next north of the subject location; and

WHEREAS, Ms. Lillian Cartwright testified on behalf of Chicago Metropolitan Better Women's Network ("Network"); that the Network's objections to the proposed special use stem from privacy concerns; that an important goal of domestic violence advocacy work was to preserve safety strategies that rely on certain victim information remaining private; that videotaping the daily activities of the residents of nearby domestic violence shelter programs compromises that privacy; that videotaping the daily activities

of the residents Catholic Charities' facility as they come and go past the proposed dispensary was of great concern to the Network because it could compromise the residents' safety; and

WHEREAS, the Board stated it wholeheartedly respected the Network's concerns; that the Board needed to understand how the proposed special use was different than a tavern with a camera outside; and

WHEREAS, Ms. Cartwright further testified that it differed due to the high-definition facial recognition of the proposed special use's cameras as well as the live feed; and

WHEREAS, the Board stated that many businesses had cameras with facial recognition; that Chairman Swain operated a business that had cameras with facial recognition software; that it then asked Ms. Cartwright how the Applicant's situation was different from the situation in which a business, perhaps such as a tavern, decided to purchase a high definition camera and place it outside its building; and

WHEREAS, Ms. Cartwright testified that would also potentially be a challenge; that in this case, it was not about the cameras' proximity to the Catholic Charities' facility; that domestic abuse victims are 70% more likely to be killed when they are fleeing their abuser; that with respect to the Applicant's cameras, no one knew who was behind the camera; that the abuser could be behind the camera or someone who knew the abuser; that any time a domestic abuse victim's privacy was breached, she or he was at risk; that in the instant case, the Chicago Police Department will have access to the Applicant's feed; that countless domestic abuse victims have been abused at the hands of Chicago Police officers; and

WHEREAS, the Board asked Ms. Cartwright to clarify if the Network's concerns were about the cameras themselves or the fact they would be high definition cameras with facial recognition software; and

WHEREAS, Ms. Cartwright testified that Network was concerned about both the cameras themselves and the fact they would be high definition cameras with facial recognition software; and

WHEREAS, the Board then asked Ms. Cartwright how anyone would know if a person caught on the Applicant's camera was a resident of Catholic Charities' facility; and

WHEREAS, Ms. Cartwright testified that the Network was concerned with the ability of a domestic abuse victim's abuser to stalk the domestic abuse victim through the camera feed and track the victim to Catholic Charities' facility; and

WHEREAS, the Board asked how the abuser would know if the victim lived at the Catholic Charities' facility or merely lived in the neighborhood; and

WHEREAS, Ms. Cartwright testified that whether the victim live at the Catholic Charities' facility or merely lived in the neighborhood did not matter; that the issue is the abuser finding out the location of the victim via the camera feed; and

WHEREAS, the Board stated that if the concern was tracking a victim through a camera feed, the location of the Catholic Charities' facility to the subject property did not seem to matter as any fixed camera feed could be used to track a victim and determine his or her movements; and

WHEREAS, Ms. Cartwright testified that the Applicant's cameras would be in very near proximity to the facility and that the residents of the facility would frequently be observed on the camera; that this was different than a victim randomly walking into a convenience store; that again given who would have access to the feed and the fact that the feed would be high definition compromises the privacy of domestic abuse victims; and

WHEREAS, Ms. Arien Lim testified in objection to the application; that she lived within 250 feet of the subject property; that she then described the neighborhood; that she then described the day care at the Catholic Charities' facility; that in her opinion, said day care meets the definition of "day care center" under the Child Care Act of 1969; and

WHEREAS, the Board reiterated that the issue of whether or not the daycare-related services at the facility qualified the facility as a "day care center" under Section 130(d) of the Act was an issue for the State and was not before the Board; that Ms. Lim was free to testify about her concerns with respect to children generally and the proposed special use; and

WHEREAS, Ms. Lim testified that in her opinion, the Act was intended to protect children; and

WHEREAS, the Board asked Ms. Lim what specifically about the proposed use's interaction with children would cause the children harm; and

WHEREAS, Ms. Lim testified that the Act intentionally protected children for various reasons; that the legislature did not want marijuana dispensaries to be located near children and where they congregated; that the children at the Catholic Charities' facility should have the same protection as other children; and

WHEREAS, the Board reminded Ms. Lim that the Act did not ban cannabis dispensaries from being near parks; that children congregated in parks; and

WHEREAS, Mr. Mark Toman testified in objection to the application; that he resided within 250 feet of the subject property; and

WHEREAS, Mr. Rob Spaulding testified in objection to the application; that he also resided within 250 feet of the subject property; that he was concerned about parking and safety; and

WHEREAS, Mr. Ohlms' renewed his request for a continuance; and

WHEREAS, the Board again denied his request for a continuance; and

WHEREAS, in response to questions by the Board, Mr. Sullivan further testified that the outdoor cameras were a necessity; that the State had asked that the Applicant record people coming into the dispensary; that it would be not be safe to operate the dispensary without a camera on the outside of the building; that additionally, the State had required the Applicant to have a no loitering policy outside the dispensary; and

WHEREAS, Ms. Michelle Wetzel, senior vice president of policy and business and general counsel for Howard Brown Center ("Center"), testified in support of the application; that the Center was located a short distance away from the subject property; that the Center's patients would greatly benefit from the special use; and

WHEREAS, Mr. Blakemore testified in support of the application; that he also testified as to his dissatisfaction with Catholic Charities in general; and

WHEREAS, Alderman Tunney testified in support of the application; that he believes Catholic Charities' primary use is residential and shelter use; that he went to the State to receive clarification on this issue; that even without asking the State, it was clear that the facility does not fit with the definition of "day care center" as either the Department or the State have defined it; that the Applicant is going beyond what the average business person would expect to be able to do in a neighborhood where both Walgreen's and CVS have 24/7 accessibility; that the intent of Section 130(d) of the Act was not to limit operation of a dispensary near children as Section 130(d) of the Act did not limit operation of a dispensary near parks; that although parking was always a problem, there was plenty of street parking near the subject property as there was a cemetery that had a whole line of street parking that was seldom used; and

WHEREAS, in response to questions by the Board, the Alderman testified that he was considering allowing a loading zone in front of the subject property; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed medical cannabis dispensary; 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. The requirement that a medical cannabis dispensary not be located within 1000 feet of a day care center is not a standard of this Zoning Ordinance but is instead a State standard. As such, it is beyond the purview of this Board. The State, by granting the Applicant's request to locate its proposed dispensary to the subject property, determined that the Catholic Charities' facility is not a "day care center" under Section 130(d) of the Act. The Board does not have the authority to overrule the State's determination. Therefore, all arguments made by Catholic Charities and Ms. Lim regarding the definition of "day care center" under Section 130(d) of the Act and the Child Care Act of 1969 were beyond the Board's purview to consider.

2. The proposed special use is in the interest of the public convenience as evidenced by the Act and will have no significant adverse impact on the surrounding neighborhood as both the Applicant's safety and operational plans for its proposed special use are designed so that the special use will not disrupt the surrounding neighborhood in any way. The Board finds Mr. Sullivan and Mr. O'Brien to be very credible witnesses as to this criteria. While the Board acknowledges the challenge cameras (high definition or otherwise) pose to domestic violence victims, there is no presumption of privacy in the public way, and the proposed special use in no way differs from any other business that decides to utilize high definition cameras with facial recognition software. Moreover, while Catholic Charities and Ms. Lim spent much time and effort arguing that the Catholic Charities' facility qualified as a "day care center" under Section 130(d) of the Act, they did not articulate what particularly about the proposed dispensary at this specific location would be harmful to children. As the state had already determined that the facility did not qualify as a "day care center" under Section 130(d), the Board could not consider this in and of itself adverse impact.

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 two-story building in an area where the primary buildings are at least two stories.

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 Applicant will operate as a hybrid pharmacy and because of the conditions imposed by the Board and agreed to by the Applicant.

5. The proposed special use is designed to promote pedestrian safety and comfort as no new curb cuts will be generated for the proposed special use.

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 make all efforts to establish a loading zone in front of the subject property;
2. The Applicant shall have valet parking and must have a valet parking operation for its clientele; and
3. The Applicant shall have a security guard sitting in the vestibule during the Applicant's business hours.

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

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

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

APPLICANT: Pathways in Education-Illinois

CAL NO.: 370-14-S

APPEARANCE FOR:

DATE OF MEETING:
October 17, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 4816 North 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 high school.

ACTION OF THE BOARD-
WITHDRAWN OF MOTION OF THE APPLICANT

THE VOTE

JAN 19 2016
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O' GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

BS

CHAIRMAN

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

APPLICANT: Apartment Builders, Inc.

CAL NO.: 335-15-S

APPEARANCE FOR:

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 7621-39 S. State Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a five-story, 90-room hotel.

ACTION OF BOARD-
WITHDRAWN ON MOTION OF THE APPLICANT

THE VOTE

JAN 19 2016
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED TO SUBMIT

BPS

CHAIRMAN

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

APPLICANT: Elias Abuelizam

CAL NO.: 347-15-S

APPEARANCE FOR:

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 654-58 East 67th Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to expand an existing retail store for the sale of liquor as a packaged good.

ACTION OF BOARD-
CASE CONTINUED TO MARCH 18, 2016

THE VOTE

JAN 19 2016
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

BPS

CHAIRMAN

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

APPLICANT: Sevane Properties **CAL NO.:** 353-15-Z
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
APPEARANCE AGAINST: None **DEC. 18, 2015**
PREMISES AFFECTED: 1917 N. Fremont Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 35' to 22'; to reduce the north side setback from 2' to 0.75'; to reduce the south side setback from 2' to 1.75'; and, to reduce the combined side setback from 4.8' to 2.5' for a proposed, three-story, single-family residence with a rear, detached, three-car garage with an exterior fireplace and a roof deck which is accessed via an open stair exceeding 6' in height.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

JAN 19 2016

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 3, 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 reduce the rear setback to 22'; to reduce the north side setback to 0.75'; to reduce the south side setback to 1.75'; and, to reduce the combined side setback to 2.5' for a proposed, three-story, single-family residence with a rear, detached, three-car garage with an exterior fireplace and a roof deck which is accessed via an open stair exceeding 6' in height; 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

BPS

CHAIRMAN

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

APPLICANT: Dominic McGee **CAL NO.:** 359-15-Z
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
December 18, 2015
APPEARANCE AGAINST: George Blakemore
PREMISES AFFECTED: 3725-27 N. Fremont Street/849-51 W. Bradley Place

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 30' to 9.5' in order to allow for the subdivision of a 70' x 94' lot improved with a three-story, six-unit building which will remain and a two-story, single-family residence which will be demolished to allow for the construction of a new residential development.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JAN 19 2016
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERyce
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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 3, 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; George Blakemore testified in objection to the application for variation; the applicant shall be permitted to subdivide a 70' x 94' lot improved with a three-story, six-unit building which will remain and a two-story, single-family residence which will be demolished to allow for the construction of a new residential development; additional variations for 849 W. Bradley Place were granted in Cal. No. 501-15-Z and 502-15-Z; 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: Bank of America, NA

CAL NO.: 365-15-S

APPEARANCE FOR: C. Harrison Cooper

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 620 W. 63rd Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a one-lane drive through for an automated teller machine within the existing parking lot at this location; the existing grocery store served by the same parking lot will remain unchanged.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JAN 19 2016

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 3, 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 one-lane drive through for an automated teller machine within the existing parking lot at this location; the existing grocery store served by the same parking lot will remain unchanged ; 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 development is consistent with the design, layout and plans prepared by Interior Architects and dated May 21, 2015.

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

APPROVED BY THE BOARD

BPS

CHAIRMAN

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

APPLICANT: Sunnyside Property Holdings,.LLC

CAL NO.: 369-15-Z

APPEARANCE FOR:

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 828-38 W. Sunnyside Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front setback from 18.27' to 0' for a proposed driveway to allow for access to trash receptacle storage area for a multi-unit, residential building lacking access to an improved alley.

ACTION OF BOARD-
CASE CONTINUED TO MARCH 18, 2016

THE VOTE

JAN 19 2016

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

BPS

CHAIRMAN

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

APPLICANT: Flynn Industries, LLC

CAL NO.: 371-15-S

APPEARANCE FOR: Mina Mineva

MINUTES OF MEETING:
December 18, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4830 N. Broadway

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of an amusement arcade accessory to a proposed tavern.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JAN 19 2016

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 3, 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 an amusement arcade accessory to a proposed tavern 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

BFS

CHAIRMAN

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

APPLICANT: Sevane Properties **CAL NO.:** 404-15-Z
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
December 18, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3703 N. Greenview Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from 14.8' to 12' for a proposed terrace/patio pit/window well; to reduce the north side setback from 2' to 0.33'; to reduce the south side setback from 2' to 0.33'; to reduce the combined side setback from 5' to 0.66'; and, to reduce the rear setback from 34.5' to 2' for a proposed, three-story, single-family residence and a rear, detached, two-car garage with a roof deck which is accessed via an open stair exceeding 6' in height.

ACTION OF BOARD-
VARIATION GRANTED

JAN 19 2016
 08:11 AM

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 SAM TOIA

THE VOTE

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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 3, 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 reduce the front setback to 12' for a proposed terrace/patio pit/window well; to reduce the north side setback to 0.33'; to reduce the south side setback to 0.33'; to reduce the combined side setback to 0.66'; and, to reduce the rear setback to 2' for a proposed, three-story, single-family residence and a rear, detached, two-car garage with a roof deck which is accessed via an open stair exceeding 6' in height; 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
BPS
 CHICAGO

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

APPLICANT: Gateway Montessori School **CAL NO.:** 431-15-S
APPEARANCE FOR: Graham Grady **MINUTES OF MEETING:**
December 18, 2015
APPEARANCE AGAINST: George Blakemore
PREMISES AFFECTED: 4041-49 N. Pulaski Road

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of an elementary school.

ACTION OF BOARD-
APPLICATION APPROVED

JAN 19 2016
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 SAM TOIA

THE VOTE

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 December 18, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 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; George Blakemore testified in objection to the application for special use; the applicant shall be permitted to establish an elementary school 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): The development is consistent with the design, layout, materials and plans prepared by Studio Talo Architects and dated November 25, 2015 (landscape plan), and dated December 1, 2015 (elevations) and those prepared by Daniel Creaney and dated December 1, 2015 (site plan).

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

APPROVED AS TO SUBSTANCE

BPS

 CHICAGO