

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

APPLICANT: Joshua P. Hanna

CAL NO.: 08-13-Z

APPEARANCE FOR: James J. Banks

MINUTES OF MEETING:
February 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3623 N. Wayne Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the south side yard setback from the minimum 2' to 1.67', (the north side setback to remain at 2') the total side yard setback combination from 7.2' to 3.67' to construct a two-story bay window addition for a two-story single-family residence

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

AUG 20 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE RESOLUTION:

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

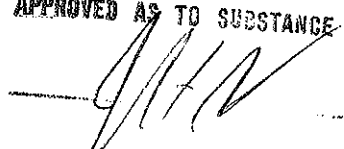
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 15, 2013 after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on January 3, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the south side yard setback to 1.67', (the north side setback to remain at 2') the total side yard setback to 3.67' to construct a two-story bay window addition for a two-story single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



MAR 12 2013
MAR 11 2013
MAR 10 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS
ZONING BOARD OF APPEALS
ZONING BOARD OF APPEALS

Beer Run, LLC
APPLICANT

MAR 19 2013

29-13-S
CALENDAR NUMBER

1652 North Bosworth Street
PREMISES AFFECTED

CITY OF CHICAGO
ZONING BOARD OF APPEALS
February 15, 2013
MINUTES OF MEETING

Pro Se
APPEARANCE FOR APPLICANT

OBJECTORS

NATURE OF REQUEST

Application for a special use to permit the establishment of a package liquor/delivery store (the "Application").

ACTION OF BOARD

THE VOTE

The application for a special use is denied.

Jonathan Swain, Chair
Judy Martinez-Faye
Shiela O'Grady
Geraldine McCabe-Miele
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
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THE RESOLUTION OF THE BOARD

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

WHEREAS Mr. Tony Witchehowie, (the "Applicant") testified in support of the application and he stated that he will maintain a full service retail liquor store with an option to develop a delivery service in the future; he stated that the alderman is in support and that there has been no objections from the people who he has met with; that he will control noise, and as the alderman suggested that a loading zone would be necessary such would be welcome; and

WHEREAS, Joseph Ryan testified in support of the Application; his report was submitted to the Board and in his testimony he stated that the Application meets all of the criteria established in Section 17-13-0905A for the granting of a special use: (1) it complies with all applicable standards of the Zoning ordinance; (2) will not cause

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

substantial injury to the value of other property, (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 in that the structure is already build and externally is consistent with the surrounding buildings; (4) is designed to promote pedestrian safety and comfort in that parking is generally available.

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

RESOLVED, the decision of the Zoning Board of Appeals to approve a special use application must be based solely on the approval criteria enumerated in Section 17-13-905-A of the Chicago Zoning Ordinance; the Board finds that the Applicant has not proved a prime facie case and the Application is hereby denied.

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

ZONING BOARD OF APPEALS
CITY OF CHICAGO

City Hall Room 905
121 North LaSalle Street
Chicago, Illinois 60602
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MAR 19 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

National Pawnshop, LLC

APPLICANT

31-13-S

CALENDAR NUMBER

3148-50 W. Irving Park Road

PREMISES AFFECTED

February 15, 2013

MINUTES OF MEETING

Jim Banks

APPEARANCE FOR APPLICANT

Objectors

APPEARANCE AGAINST APPLICATION

NATURE OF REQUEST

Application for a special use to permit the expansion of an existing pawn shop and to modify a use condition previously imposed by the Board (the "Application").

ACTION OF BOARD

THE VOTE

The application for a special use to permit the expansion of an existing pawn shop and to modify a use condition previously imposed by the Board is approved. A prior condition imposed in 1998 in matter 441-98-S is reversed .

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

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 15, 2013, after due notice thereof as provided under MCC Section 17-13-0107B and by publication in the Chicago Sun Times; and

WHEREAS, Applicant's attorney, Jim Banks, made an opening statement in support of the Application, summarizing as follows: National Pawnshop, LLC (the "Applicant") is the owner and operator of an existing pawn shop business at the address of 3148-50 West Irving Park Road (the "Subject Property"), that the Applicant purchased the pawn

APPROVED AS TO SUBSTANCE

CHARTERED

shop business from a previous owner; that only when the Applicant applied for and received a license in its own name that it learned from the City that the previous owner had expanded the business at the location so that it was enlarged beyond that physical space granted the special use in 1998, that the Subject Property has been used as a pawn shop since 1999, the previous operator had obtained a special use to open the pawn shop in 1998 and that this Board in resolution numbered 441-98-S (the "1998 Resolution") which imposed a condition that restricted items allowed to be used as collateral to jewelry (the "Jewelry Only Condition"; further Mr. Banks introduced into the record these documents: Exhibit 1 the 1998 Resolution, Applicant's group exhibit 2 which included copies of previous business licenses granted by the City of Chicago to the pawn shop operator at the Subject Property for the years 1999-2011 all of which fail to include the Jewelry Only Condition imposed by the Board in the 1998 Resolution, Exhibit 3, the business license issued to the Applicant upon its purchase of the on-going pawn shop business from the previous owner which does contain the condition imposed by the Board in 1998 use of the new business name; and

WHEREAS, Edward Rohde, testified in support of the Application, in which he stated that he is a co-owner and manager of the Applicant which maintains five pawn shops in the Chicago area, that seven full time employees will be maintained, hours will be 10 until 6, works with Chicago Police department daily, keeps all records required by law, avoids stolen goods, keeps photo ID records of all customers, that without the retraction of the condition imposed by the Board in the 1998 Resolution the Applicant will not be able to invest in the Subject Property; and

WHEREAS, Sylvester J. Kerwin, testified in support of the Application, in which he stated that he is a licensed appraiser in the State of Illinois and his qualifications were acknowledged by the Board, he stated that expansion of the business at the Subject property will be consistent with other businesses in the surrounding area in size and hours of operation, the expansion of the business will be an asset to the area and will be conducive to pedestrian access, and his further findings are contained in the written report submitted as Exhibit 4; and

WHEREAS Marcella Kane testified in opposition to the application, she stated that she is the vice president of TRIP ("The Residents of Irving Park") which does not want another pawn shop or an expansion of an existing pawn shop in the area; and

WHEREAS, the staff representative of the Zoning division of the Department of Housing and Economic Development recommended approval of the application provided it is constructed consistent with the site, elevation and landscape plans submitted February 15, 2013; therefore,

RESOLVED, the Board finds that the applicant has proved a prime facie case by testimony and evidence covering the five specific criteria of Section 17-13-905-A of the Chicago Zoning Ordinance.

Pursuant to Section 17-13-905 of the Chicago Zoning Ordinance, the Board makes the following findings with reference to the Applicant's application for a Special Use Permit:

1. the application complies with all standards of the Zoning Ordinance;
2. the application is in the interest of the public convenience and if the sought relief is granted will not have an adverse affect on the general welfare of the neighborhood;
3. as characteristics of the special use are such that the building already exists and will not be altered it is compatible with the character of the surrounding neighborhood in terms of building scale and project design;
4. as the building exists and will not be changed in its dimensions, and as the plan for the pawn shop's operation is reasonable, the proposed use is compatible with the character of the surrounding area in terms of operation, lighting and noise;
5. the proposed project is designed to promote pedestrian traffic.

As the standards for granting a special use have been met, the Zoning Board of Appeals hereby approves the requested special use application.

RESOLVED, the condition imposed in 1998 in matter 441-98-S is reversed.

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

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

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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

MAR 19 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Benitta Berke, Trust Number 12-2831-6350

APPLICANT

38-13-S

CALENDAR NUMBER

6350-58 North Broadway Street

PREMISES AFFECTED

February 15, 2013

MINUTES OF MEETING

Mitchell Carol

APPEARANCE FOR APPLICANT

OBJECTOR

NATURE OF REQUEST

Application for a special use permit for the establishment of a one-lane drive-thru facility to serve a Starbuck's store.

ACTION OF BOARD

THE VOTE

The application for special use is granted.

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

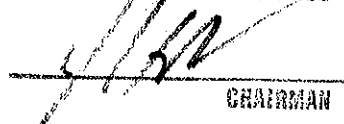
THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on February 15, 2013, after due notice thereof as provided under MCC Section 17-13-0107B and by publication in the Chicago Sun Times; and

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

WHEREAS, Mitchell Carol, counsel for the applicant testified in favor of the application; he stated that there will be two service windows for this project; there will be one window for drive through traffic and one window for walk up service; no ground mounted equipment, except for the dumpster; and

APPROVED AS TO SUBSTANCE


CHAIRMAN

WHEREAS, Benitta Berk, trustee of the trust which owns the subject property, testified in support of the application; she stated that she is asking that the project be approved for a drive thru Starbucks store; prior to this application, the property was used as a drive thru facility; and

WHEREAS, Peter Dubin, project architect testified in support of the application, he stated the project consists of two very small buildings at Devon and Broadway which will be converted to a drive thru only Starbucks coffee shop; the vehicular access on Devon will be closed to strengthen pedestrian access, which will be clearly delineated; the current pedestrian refuge area will be enlarged; no parking is required per the Chicago Municipal Code, however, six parking spaces will be available primarily for use by employees; based on the plans, there will be no ground mounting mechanical equipment as it will all be roof mounted, except for the dumpster which will have vine screens surrounding it; there will be two toilet rooms for public use; the project will have a very small footprint as the buildings will be assembled on site, enabling little construction waste on site and landscaping will be added; additionally, Mr. Dubin stated that the property has been a vacant drive thru for sometime and it is better for the community when it is occupied and functioning; and

WHEREAS, John Bell, Store Developer Manager for Starbucks, testified in support of the application; he stated that he has opened 12 Starbucks stores in the past two years; he testified that the coffee shop hours of operation will be from 5:30 a.m. to 11:30 p.m.; all personnel go through security training to deal with unruly customers; there will be no patio furniture left outside after store hours in order to minimize people lingering at the subject property after store hours; approximately 80-90% of business is expected to be drive thru traffic; there will be a menu board 5 cars back from the pick up window which will help decrease the stacking of cars; during busy times, it is estimated that the stacking of cars could be approximately 8 cars; it is estimated that infrequently cars could stack 10 deep, so that is why they elected to close one of the Devon Avenue entrances to decrease stacking and they exceeded the City's stacking requirements; the Lincoln/Damen/Irving intersection would be the nearest drive through Starbucks location; and

WHEREAS, David Miller, Sam Swartz Engineering, testified in support of the application; he stated that he conducted a traffic study of area and estimated that 80 percent of traffic will be "right in and right out;" through his study, he concluded that traffic that was northbound on Broadway cleared the intersection every cycle; from a traffic, safety, and operational standpoint, he felt that northbound traffic was not an issue; and

WHEREAS, Mr. Lomar stated he did not oppose the project, he simply expressed some concerns regarding traffic flow; specifically he indicated that there are three lanes of traffic South on Sheridan, and the North bound lanes on Broadway were his concern due to the cars making left turns to travel west on Devon and for cars wanting to travel into Starbucks and that traffic will hold up left turn traffic going from Devon to

Broadway; additionally, he wanted to ensure the trash bins did not have garbage blowing out of them on windy days; and

WHEREAS, Mr. Jack Swenson testified in support of the application; his credentials as an expert were acknowledged by the Board; his report fully addresses all of the criteria identified in the Zoning Ordinance which must be addressed in support of such an application and he orally testified to certain pertinent highlights: that the application (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 neighborhood or community; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and (5) is designed to promote pedestrian safety and comfort; and

WHEREAS, Dan Luna, Chief of Staff for Alderman Harry Osterman testified in support of this project because the application went through the Alderman's rigorous community process, the applicant met with area community associations; the landscape improvements of the subject premises will be advantageous as the subject property's intersection is the gateway to 48th Ward; he indicated that the Alderman has a letter of support for the project; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the application for the Special Use drive thru provided that the structure is built consistent with building elevations and site and landscape plans according to the architectural plans; therefore,

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

Pursuant to Section 17-13-905 of the Chicago Zoning Ordinance, the Board makes the following findings with reference to the Applicant's application for a Special use Permit:

The application is in the interest of the public convenience and will not have an adverse affect on the general welfare of the neighborhood.

RESOLVED, the Board finds that the applicant has proved a prime facie case by testimony and evidence covering the five specific criteria of Section 17-13-0900 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 Administrative Review Law (735 ILCS 5/3).

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

APPLICANT: McDonald's USA, LLC

CAL NO.: 41-13-S

APPEARANCE FOR: Brandon Calvert

MINUTES OF MEETING:
March 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 23 N. Western Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of new double lane order board menu joining into an existing one-lane drive-through to serve existing restaurant.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINE Z-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
RECUSED		
X		
X		

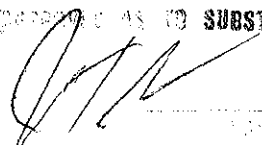
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 28, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a new double lane order board which shall join into an existing one lane drive through; the drive through shall serve the existing fast food restaurant; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the drive-through facility, provided the development is constructed consistent with the building elevations dated August 31, 2012 by Lingle Design Group and the site/ landscape plan dated March 15, 2013 by Watermark Engineering Resources, Ltd.

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


 APPROVED AS TO SUBSTANCE
 JONATHAN SWAIN

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

APPLICANT: Takada Dixon Epps

CAL NO.: 47-13-S

APPEARANCE FOR: Same

MINUTES OF MEETING:
February 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 221 E. 47th Street

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUN 07 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN

GIGI McCABE-MIELE

SAM TOIA

JUDY MARTINE Z-FAYE

SHEILA O'GRADY

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 August 19, 2011 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 4, 2011; and

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

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Jurie, Inc DBA Cozy Nails

CAL NO.: 48-13-S

APPEARANCE FOR:

MINUTES OF MEETING:
APRIL 19, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 2722 N. Lincoln Avenue

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

ACTION OF BOARD-
WITHDRAWN ON MOTION OF THE APPLICANT

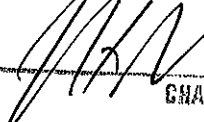
THE VOTE

JUN 07 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINE Z-FAYE
SHEILA O'GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Cash America Inc. of Illinois

CAL NO.: 51-13-S

APPEARANCE FOR: Sylvia Michas

MINUTES OF MEETING:
March 15, 2013

APPEARANCE AGAINST: Alvin Bell, Hans Heitman

REMISES AFFECTED: 4833-35* S. Ashland Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUN 07 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
X		
X		
X		
X		

THE RESOLUTION:

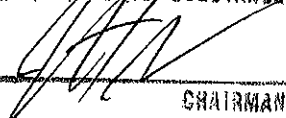
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 31, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; Steve Rhodes on behalf of the applicant, Cash America is requesting to establish a pawn shop at the subject site; the pawn shop will be located on the first floor which is 5,500 square feet of a building that has been vacant for over five years; the hours of operation shall be Mon-Fri 9-7, Sat 9-6 closed Sundays, Mr. Rhodes testified that there shall be no payday loans provided at this site and that the applicant shall not accept or sell firearms at this location; Mr Rhodes also testified that the applicant shall hire 4-5 community residents for employees and will also work with the local alderman and the Back of the Yards Neighborhood Council for employment opportunities for community residents; security cameras will be installed on site as well as a security system; Erin Waitz of the The Back of the Yards Neighborhood Council testified on behalf of the applicant; Ms. Waitz testified that her organization is in support of the application and a national business willing to occupy the vacant store front; Mr Hans Heitman testified in objection to the application; he is a pawn shop owner; he testified that if granted the use would be an over-concentration of pawn shops in this area; Mr. Alvin Bell who is also a pawn shop owner testified in objection, he is concerned about the over concentration of pawn shops in neighborhoods in the city; the special use shall be approved provided the Department of Housing and Economic Development shall have final approval of the elevations and any signage for the business; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s):

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



MAR 19 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

EZPAWN Illinois, Inc.

APPLICANT

52-13-S

CALENDAR NUMBER

5701-17 South Kedzie Avenue

PREMISES AFFECTED

February 15, 2013

MINUTES OF MEETING

Amy Kurson

APPEARANCE FOR APPLICANT

Objectors

APPEARANCE AGAINST APPLICATION

NATURE OF REQUEST

Application for a special use permit for the establishment of a proposed pawn shop (the "Application").

ACTION OF BOARD

THE VOTE

The application for special use is approved subject to the condition that construction comply with site, elevation and landscape plans submitted February 15, 2013.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Martinez-Faye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shiela O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geraldine McCabe-Miele	<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 at its regular meeting held on February 15, 2013, after due notice thereof as provided under MCC Section 17-13-0107B and by publication in the Chicago Sun Times; and

WHEREAS, Applicant's attorney, Amy Kurson, made an opening statement in support of the Application, summarizing it as stating that EZ Pawn Illinois Inc. (the "Applicant") will be the owner and operator of the business, but do/business/as "Easy Cash Solutions;" that the application is for the address range of 5701-5724, although the pawn shop will occupy 5701-5717; further Ms. Kurson introduced into the record these

APPROVED AS TO SUBSTANCE

CHAIRMAN

documents: Exhibit A consisting of the plans previously submitted to the staff of the Board, Exhibit B which documents the Applicant's use of the new business name, and Exhibit C, the reports of the Applicant's Urban Planner, Mary Gallagher and Applicant's Appraiser, Terrance O'Brien; and

WHEREAS, Jamie Morels, testified in support of the Application, in which he stated that he assists in developing new store locations, has been with EZ Pawn for two and a half years and has been in pawn business for over twenty years, that \$700,000 will be spent to improve location, that parking lot will be improved to comply with City's ordinance, store's hours will be Monday through Friday store hours will be from 9 a.m. to 7 p.m., Saturday from 9 a.m. to 6 p.m. and possibly Sunday from 12 p.m. to 5 a.m.; and

WHEREAS, Mara Gallagher testified in support of the application and in that testimony she stated that she is reviewed several EZ Pawn shops around Chicago; that as this is a good loan option for individuals who need cash the community will benefit from having such a business; further she stated that the Application complies with all applicable standards of this Zoning Ordinance; that it is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community; that the plans are for the building and business is compatible with the character of the surrounding area in terms of site planning and building scale and project design; that the proposed business plan 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 it is designed to promote pedestrian safety and comfort; and

WHEREAS Alvin Bell testified in opposition to the application, he stated that he is the president of the Chicago pawn brokers association which is opposed to any more pawn shops opening in the city, and he stated that it is his opinion that should the Application be approved it will allow another pawn shop in the city of Chicago where there already is an over concentration of such shops and in support of his opposition he read into the record the recitals of a new ordinance of the City's restricting pawn shops from opening within close proximity to an existing pawn shop; and

WHEREAS, the staff representative of the Zoning division of the Department of Housing and Economic Development recommended approval of the application provided it is constructed consistent with the site, elevation and landscape plans submitted February 15, 2013; therefore,

RESOLVED, the Board finds that the applicant has proved a prime facie case by testimony and evidence covering the six specific criteria of Section 17-13-905-A of the Chicago Zoning Ordinance.

Pursuant to Section 17-13-905 of the Chicago Zoning Ordinance, the Board makes the following findings with reference to the Applicant's application for a Special use Permit:

1. the application complies with all standards of the Zoning Ordinance; no testimony was presented controverting the expert testimony in support of the application;
2. the application is in the interest of the public convenience and will not have an adverse affect on the general welfare of the neighborhood in that the general concerns of the objectors that the pawn shop business which will result upon granting of the Special Use will not be sustainable is not substantiated by the evidence presented to the board;
3. as characteristics of the special use are such that the building already exists and will not be altered it is compatible with the character of the surrounding neighborhood in terms of building scale and project design;
4. as the building exists and will not be changed in its dimensions, and as the plan for the pawn shop's operation is reasonable, the proposed use is compatible with the character of the surrounding area in terms of operation, lighting and noise;
5. the proposed project is designed to promote pedestrian traffic; no testimony was presented controverting the expert testimony in support of the application.

As the standards for granting a special use have been met, the Zoning Board of Appeals hereby approves the requested special use application subject to the condition that the Applicant adhere to the site, elevation and landscape plans submitted February 15, 2013.

RESOLVED, the Board finds that the applicant has proved a prime facie case by testimony and evidence covering the six specific criteria of Section 17-13-905-A of the Chicago Zoning Ordinance.

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

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

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

APPLICANT: New Life Family Services

CAL NO.: 55-13-S

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:

APPEARANCE AGAINST: None

~~March 15, 2013~~
February 15, 2013

PREMISES AFFECTED: 1734 N. California Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of temporary overnight shelter with an existing two-story building to be located on the first floor.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

AUG 20 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

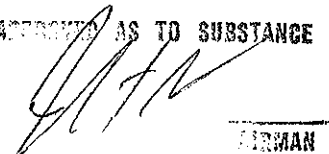
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 28, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an temporary overnight shelter which shall be located within an existing two-story building and will be 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 site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the temporary overnight shelter, provided the development is constructed consistent with the floor plans dated March 15, 2013

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

APPROVED AS TO SUBSTANCE



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

APPLICANT: Quest Property Management, LLC **CAL NO.:** 57-13-Z

APPEARANCE FOR: Nick Ftikas **MINUTES OF MEETING:**
March 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2423 N. Seminary Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required front yard setback from 8.19' to 7.5', reduce the required rear yard setback from 33.6' to zero, reduce the required north and south side yard setback from 2' to zero, reduce the combined side yard setback from the required 4.8' to zero and to reduce the rear yard open space from 151.45 square feet to zero for a three-story single family residence with a rear deck and connecting stairs to a rear garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

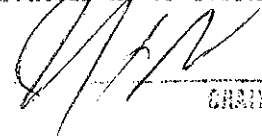
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on February 28, 2013 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required front yard setback to 7.5', reduce the required rear yard setback to zero, reduce the required north and south side yard setback to zero, reduce the combined side yard setback to zero and to reduce the rear yard open space to zero for a three-story single family residence with a rear deck and connecting stairs to a rear garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



SEP 06 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

**Cash America, Inc. of Illinois DBA Cash
America Jewelry and Loan of Chicago**

APPLICANT

61-13-S
CALENDAR NUMBER

2059-65 E. 95th Street
PREMISES AFFECTED

July 19, 2013
MINUTES OF MEETING

Eric T. Stach
APPEARANCE FOR APPLICANT

Ald. Natasha Holmes, Ald. Michelle Harris, & Others
OBJECTORS

NATURE OF REQUEST

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

ACTION OF BOARD

THE VOTE

The application for a special use denied.

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

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

THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on July 19, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Eric T. Stach, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that the Applicant proposed to locate a pawn shop in an existing storefront at 2059-65 E. 95th Street; and

WHEREAS, Mr. Steve Rhodes testified in support of the application; that he is the Midwest Regional Vice President for the Applicant; that the Applicant is a publicly traded company in the business of providing short term loans; that the Applicant also is in the business of selling quality, pre-owned merchandise; that the subject property meets the Applicant's criteria in terms of traffic counts, traffic flow, ingress/egress, and population density; that the Applicant intends to provide approximately \$450,000 in capital improvements to the subject property; that the Applicant's hours of operation at this location will be: Monday – Friday, 9:00 AM – 7:00 PM; Saturdays, 9:00 AM – 6:00

APPROVED AS TO SUBSTANCE

CHAIRMAN

PM; Sundays, closed; that the Applicant currently has 11 other Chicago locations; that in all of these Chicago locations, the Applicant complies with all legal requirements for pawn brokers as set forth by Illinois statute and the Chicago Municipal Code; that the Applicant takes security and anti-crime measures very seriously and requires two forms of identification before a customer can pawn an item; that the Applicant keeps extensive records and subscribes to LeadsOnline; that the Applicant has 14 to 16 security cameras on the premises at its store locations; that the Applicant ensures its employees have extensive training for identifying stolen merchandise; that nationally the Applicant takes in less than .10% of stolen merchandise; that the Applicant will create jobs, increase sales tax revenue, and be a strong addition to the community; and

WHEREAS, Mr. Kevin Byrnes testified in support of the application; his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in the Zoning Ordinance which must be addressed in support of such an application, and he orally testified to certain pertinent highlights: (1) the special use complies with all applicable standards of this Zoning Ordinance; (2) the special use will not have a significant negative impact on the general welfare of the community and is in the interest of the public convenience because within a 10 minute driving radius of the subject property, there are 2,300 customers from other Cash America locations; (3) that as the special use will be utilizing an existing strip mall storefront, the special use will be compatible with the character of the surrounding area in terms of site planning and building scale and project design; (4) that the special use will be compatible with the other tenants in the strip mall as well as other businesses in the area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and (5) as there will be no change of ingress or egress to the strip mall storefront, the special use will not affect pedestrian safety and comfort; and

WHEREAS, in response to questions raised by the Board, Mr. Byrnes further testified he found no positive evidence that the Applicant opening a location caused an upsurge in crime; that the crime data he looked at to draw this conclusion was solely property burglaries and not strong-arm robbery; and

WHEREAS, Mr. Jesse Harley, President of the Jeffery Manor Community Council, testified in support of the application; that he was testifying on his own behalf and not as a representative of the Council; that the proposed pawn shop would not increase crime; that because the owner of the subject property has paid for many benefits in the community, including senior citizen and after-school programs, Mr. Harley supported the owner of the subject property; and

WHEREAS, Alderman Natasha Holmes testified in opposition to the application; that her constituents were opposed to the proposed pawn shop; that she had held a meeting on the proposed special use, and over 100 people attended the meeting; that these 100 people were unanimously against the proposed special use; that the community wishes to have

retail at the proposed site that will be a benefit of the community; that having the proposed special use in the community will adversely affect the community by keeping other businesses from entering the community due to the stigma of pawn shops; and

WHEREAS, Alderman Michelle Harris testified in opposition to the application; that her constituents were opposed to the proposed pawn shop; that the residents of the community should have an active voice in determining what businesses came into the community; that this portion of 95th Street already has many negative businesses that promote gang activity and the proposed special use would further promote this gang activity; and

WHEREAS, Ms. Echelle Mohn, President of the Jeffery Manor Community Association and 44 year resident of Jeffery Manor, testified in opposition to the application; that 64% of the crime in the community happens on this section of 95th Street due to the discount store that sells illegal drugs; that there are many seniors in the community worried about their safety; that the community has been actively working with the Applicant to find another location for its proposed special use;

WHEREAS, Mr. Albuero Carmecho testified in opposition to the application; that he resides at 9531 S. Clyde; that there is a payday loan facility within 1,000 feet of the subject property; that pawn shops have no way to determine the validity of the pawned merchandise; that when merchandise is stolen, it is fenced at pawn shops; and

WHEREAS, Mr. Colman Connelly, Chairman of the Calumet Heights Community Association and Board Member of the Southeast Chamber of Commerce, testified in opposition to the application; that pawn shops have the tendency to increase crime with their presence; that when items are stolen and sold to a pawn shop, the items can be easily moved outside of the community into another community; that this moving of merchandise encourages crime; that he is a financial advisor, and in his professional opinion, the proposed special use will devalue the residential homes in the community; that the Applicant sells guns online; and

WHEREAS, the Board commented that it was extremely disrespectful for the Applicant's representatives to leave during the Objectors' testimony; that the function of the Board is quasi-judicial, and that by leaving in the middle of Objectors' testimony, the Applicant had raised serious issues with its credibility; and

WHEREAS, Ms. Darlene D. Crawford, member of the 95th/Stony Development Study Group and other various community organizations, testified in opposition to the application; that this portion of 95th Street has much crime, including a recent killing; that she and her fellow senior citizens are concerned about burglary; that burglars in the area are smashing out front windows during the day; that there is an increase in crime once pawn shops enter an area; that the community cannot withstand more crime; and

WHEREAS, Ms. Janice Jones, member of the South Shore Garden's Betterment Association, testified in opposition to the application; that she is concerned about

burglaries; that pawn stores serve as a fence for criminals; that originally, the Applicant promised to create 5 jobs in the community but now promises to create 1 or 2 jobs; that the number of jobs does not matter as these jobs are not enough for the community to sacrifice its safety or homes; that the Applicant has other locations that its customers can travel to; and

WHEREAS, Ms. Eileen Banks, testified in opposition to the application; that she resides at 9650 S. Chapelle; that she lives directly behind the subject property; that there are many shootings in the area; that she and her fellow senior citizens would like to walk outside at night without fear of being robbed; that the Applicant will not be a benefit to the community; and

WHEREAS, Rev. Amos Bradford, Jr., Chairman of the Concerned Clergy of the Jeffery Manor Community, testified in opposition to the application; that the Concerned Clergy of the Jeffery Manor Community concurred and supported all the residents of Jeffery Manor in opposition to the Applicant; and

WHEREAS, Ms. Queen Whitlock, testified in opposition to the application; that gang members rob pedestrians at gun point on this section of 95th Street; that her friend was murdered in a park quite close to the subject property; that the Dollar Tree near the subject property recently had a murder-robbery; and

WHEREAS, in response to questions raised by Objectors' testimony, Mr. Stach was granted to leave to recall Mr. Rhodes; Mr. Rhodes further testified that the Applicant did not have equipment to verify driver's identification at its stores; that because the Applicant subscribed to the national database LeadsOnline, it did not matter to which of the Applicant's locations merchandise was moved to; that the Applicant intends to create 5 jobs for this proposed special use; and

WHEREAS, in response to questions raised by the Board, Mr. Paul Rosenfeld testified on behalf of the Applicant; that Mr. Rosenfeld does community relations on behalf of the Applicant; that while the Applicant is sympathetic to the Objectors' testimony on both gang activity and crime in the area, the Applicant's proposed special use will not increase property crime in the area; that those fencing stolen merchandise will not use the Applicant's store to do so; that any adverse reaction by the community to the Applicant's presence is most likely the result of the Applicant's competitors; that the Applicant's competitors may have provided the buses to bring the Objectors downtown to this hearing; and

WHEREAS, in response to questions raised by the Board, Mr. Scott Gendell testified on behalf of the Applicant; that Mr. Gendell was the president and founder of the owner of the subject property; that his company has developed over 90 shopping centers in and around Chicago; that over the past 14 years, his company has done everything possible to keep the shopping center at the subject property vibrant; that his company has tried to keep the shopping center filled with quality tenants but has problems with tenant vacancies; that his company believes in the Applicant; that the Applicant is a Fortune 500

Company; that his company wants to fight vacancy in the area so that property values are maintained and enhanced; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the application for the Special Use pawn shop; 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 is not in the interest of the public convenience. The Applicant failed to show that there was a need in the community for the proposed special use. Although the Applicant's expert testified that there are 3,200 customers of the Applicant within a 10 minute driving radius of the subject property, his testimony confirmed that these 3,200 customers are currently being serviced at other locations of the Applicant. The Applicant, therefore, did not provide sufficient evidence as to why a pawn shop was necessary at this particular location.

2. The proposed special use is not compatible with the character of the surrounding area. While the Applicant presented evidence that the strip mall in question had a problem with tenant vacancy, the Applicant did not present sufficient evidence as to how a pawn shop would be compatible with the character of the surrounding area. Further, the demeanor of the Applicant's representatives at the hearing is significant and casts doubt on both the Applicant's judgment and credibility. In particular, the fact that the Applicant's representatives walked out of the hearing during the Objectors' testimony cannot be reconciled with the representatives' testimony as to how the Applicant will operate its business in a manner compatible with the character of the surrounding area. As the Applicant did not demonstrate it could adequately operate the proposed pawn shop in a manner compatible with the surrounding area, the proposed pawn shop would have a significant adverse impact on the general welfare of the neighborhood.

3. The proposed special use will not promote pedestrian comfort and safety. On the contrary, due to the ongoing concern over security at this strip mall, as recounted in first-hand testimony by the Objectors, a pawn shop will only aggravate the criminal activities of the area.

RESOLVED, the Board finds that the Applicant has not proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby denied.

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

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



MAR 19 2013

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Irving Sacramento, Inc
APPLICANT

391-12-Z
CALENDAR NUMBER

3000-04 West Irving Park Road
PREMISES AFFECTED

February 15, 2013
MINUTES OF MEETING

Jim Banks
APPEARANCE FOR APPLICANT

Objectors
OBJECTOR

NATURE OF REQUEST

Application for a variation to permit the establishment of a public place of amusement license for an existing tavern located within 125 feet of a residential (RS) zoning district (the "Application").

ACTION OF BOARD

THE VOTE

The application for a variation is approved subject to four conditions.

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

THE RESOLUTION OF THE BOARD

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

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

WHEREAS, Jim Banks, counsel for the applicant, summarized the Applicant's case; and

WHEREAS, Mr. Mike Matushka testified in support of the Application; he stated that he is the President of the applicant, Irving Sacramento, Inc. (the "Applicant") which does business as "Leader Bar" and owns and operates 5 bar and restaurants in the Chicago

APPROVED AS TO SUBSTANCE

CHAIRMAN

area; that the Application is for a Public Place of Amusement ("PPA") license so that the business can be competitive with other similar businesses; and

WHEREAS, Mr. Terrance O'Brien testified in support of the application; he stated that he is a licensed appraiser; that he has prepared a report which was introduced into evidence, that he surveyed the area, that without the variation allowing the Applicant to have a PPA license it will not be viable as it will not be able to compete with the surrounding bars and restaurants that have PPA licenses and, therefore, will not be able to generate a reasonable rate of return; that the granting of the variation and resultant PPA license will not alter the character of the surrounding area as the strip on North Avenue is already an entertainment district; the Applicant's restaurant is unique and has unique circumstances, as do all business establishments; the granting of the variation will not be injurious to the public welfare in that the area is primarily commercial retail and entertainment and with the variation the Applicant's restaurant will be conforming with the general character of the neighborhood; and

WHEREAS, Amy Ohgren, Chad Ohgren, Ryan Rodriguez and Rebecca Kopesdy testified in opposition to the Application; therefore

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

1. The decision of the Zoning Board of Appeals to approve a variation application must be based solely on the approval criteria enumerated in Section 17-13-1107A through C of the Chicago Zoning Ordinance.
2. The Board finds that the applicant has proved a prime facie case by testimony and evidence that strict compliance with the regulations and standards of this Zoning Ordinance would create particular hardships for the subject property, and the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance.
3. The Board finds that, pursuant to 17-13-1107 B, hardships exist in that: (1) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance in that it is not viable to operate the subject restaurant without the PPA license that will be obtained pursuant to the variation being granted, (2) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property in this restaurant at this location presents unique circumstances and cannot compete with other similarly situated businesses, and (3) the variation will not alter the essential character of the neighborhood in that the restaurant is already consistent in size and appearance with the businesses in the surrounding area.
4. The Board finds that the applicant has proved a prime facie case by testimony and evidence covering the three specific criteria of 17-13-1107 C and recognizes that

sufficient evidence has been presented substantiating the facts upon which the board has based its decision.

RESOLVED, the Board finds that the applicant has proved a prime facie case by testimony and evidence covering the specific criteria of Section 17-13-1107 of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid application for a variation be and it hereby is approved and the Zoning Administrator is authorized to permit said variation subject to limitations that (1) there be no live music, (2) all outdoor/sidewalk patio and windows opening onto North Sacramento must close at 10pm everyday, (3) all outdoor television sets are to be directed away from the neighboring RS zoned district, and (4) all outdoor speakers to be removed.

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

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

APPLICANT:

Verizon Wireless

CAL NO.: 405-12-S

APPEARANCE FOR:

MINUTES OF MEETING:

February 15, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED:

10001 S. Pulaski Road

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of proposed 104' tall wireless communication facility.

ACTION OF BOARD-

CASE CONTINUED TO APRIL 19, 2013

(then continued to May 17, 2013)

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT:

Verizon Wireless

CAL NO.: 406-12-Z

APPEARANCE FOR:

MINUTES OF MEETING:

February 15, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED:

10001 S. Pulaski Road

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a proposed 104' tall wireless communication facility to exceed the required 75'.

ACTION OF BOARD-

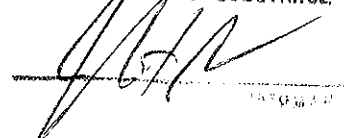
CASE CONTINUED TO APRIL 19, 2013

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



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

APPLICANT:

Eric Kozlowski

CAL NO.: 350-12-Z

APPEARANCE FOR:

MINUTES OF MEETING:

February 15, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED:

1253 W. Wrightwood Avene

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required west side yard setback from 2' to 1.17' (East side yard setback at 2.5') and reduce the required combined side yard setback from 5' to 3.67' for a purposed three-story single-family residence an attached one- car garage.

ACTION OF BOARD-

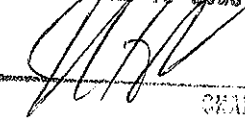
WITHDRAWN ON MOTION OF THE APPLICANT

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Keith & Vincent Williams

CAL NO.: 369-12-S

APPEARANCE FOR:

MINUTES OF MEETING:
February 15, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 301-309 S. Springfield Avenue

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

ACTION OF BOARD-
WITHDRAWN ON MOTION OF THE APPLICANT

THE VOTE

JONATHAN SWAIN
GIGI McCABE-MIELE
SAM TOIA
JUDY MARTINEZ-FAYE
SHEILA O/GRADY

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

