

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

APPLICANT: Hang Nguyen

CAL NO.: 327-13-S

APPEARANCE FOR:

MINUTES OF MEETING:
November 15, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 10505 S. 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 nail salon.

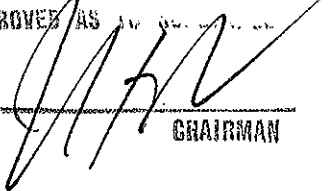
ACTION OF BOARD-
WITHDRAWN ON MOTION OF THE APPLICANT

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JUL 01 2014

850, LLC
APPLICANT

334-13-S
CALENDAR NUMBER

850 North DeWitt Place
PREMISES AFFECTED

May 16, 2014
MINUTES OF MEETING

Jim Banks
APPEARANCE FOR APPLICANT

John Lower
APPEARANCE FOR OBJECTOR

NATURE OF REQUEST

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

ACTION OF BOARD

THE VOTE

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

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

THE RESOLUTION OF THE BOARD

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

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

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

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

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

WHEREAS, Mr. Terrence M. O'Brien testified on behalf of the Applicant; that his credentials as an expert in appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in the Zoning Ordinance which must be addressed in support of such an application; that he then orally corrected his report on the record to refer to fifty-seven (57) spaces as opposed to sixty-one (61); that he then orally testified to the following: (1) the Applicant is losing approximately \$93,000 a year due to vacant spaces in its garage; (2) that the proposed special use is compatible with the agreed settlement order between the City of Chicago and the former operator of the parking garage; (3) that the proposed special use is in the interest of the public convenience and will benefit the general welfare of the community as the area is highly congested and parking is at a premium; (4) that the proposed special use is compatible with the character of the surrounding area in terms of operating characteristics because the operating characteristics would be similar to other parking facilities in the area; (5) that the proposed special use is designed to promote pedestrian safety and comfort because there will be no additional curb cuts; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use provided that the Applicant requested only fifty-seven spaces; now, therefore,

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

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use in the interest of the public convenience as the neighborhood is quite congested and will provide a positive impact on the general welfare of the neighborhood as it will provide more parking in the neighborhood;

3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because it will utilize an existing parking garage;
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because the proposed special use will utilize an existing parking garage;
5. The proposed special use is designed to promote pedestrian safety and comfort as there will be no additional curb cuts.

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

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said special use subject to the following conditions, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

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

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

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

APPLICANT: Deer Rehabilitation Services, Inc.

CAL NO.: 337-13-S

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
November 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3645-47 W. Douglass Boulevard

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-
APPLICATION APPROVED

THE VOTE

JAN 27 2014
CITY OF CHICAGO
DEPARTMENT OF HOUSING AND
ECONOMIC DEVELOPMENT

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

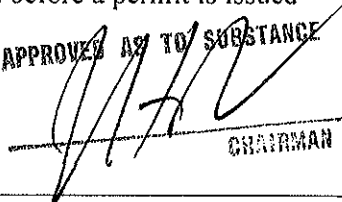
THE RESOLUTION

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013 after due notice thereof as provided under Section 1713-0107B and by publication in the Chicago Sun-Times on October 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; the applicant shall be permitted to establish a transitional residence; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the proposed 15-bed transitional residence, provided the development is established consistent with the design, layout, materials and plans prepared by Studio Saf, Limited and dated November 15, 2013.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



JAN 21 2014

CITY OF CHICAGO
DEPARTMENT OF HOUSING AND
ECONOMIC DEVELOPMENT

338-13-S

CALENDAR NUMBER

Guru Ohm, LLC

APPLICANT

November 15, 2013

MINUTES OF MEETING

1455 W. Taylor Street

PREMISES AFFECTED

Mark Kupiac

APPEARANCE FOR APPLICANT

Kathy Catrambone

OBJECTOR

NATURE OF REQUEST

Application for a special use to establish a liquor store.

ACTION OF BOARD

THE VOTE

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

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

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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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 November 15, 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. Mark Kupiac, counsel for the Applicant, explained that the Applicant sought a special use to establish a liquor store on the subject property; that the liquor store would sell craft beer, premium wine and spirits; and

WHEREAS, Mr. Mokesh ("Michael") Sharma testified on behalf of the Applicant; that he is a member of the Applicant; that the Applicant is currently leasing the subject property; that he has a degree in business administration and marketing from DePaul University; that he has been a resident of the neighborhood since 2007; that for the past five years, the Applicant has owned and operated a liquor store in Rosemont, Illinois; and

APPROVED AS TO SUBSTANCE

CHAIRMAN

WHEREAS, Mr. Kupiac submitted and the Board received the following exhibits into evidence: (1) a letter of recommendation for the Applicant's special use from the Director of Health and Licensing, Village of Rosemont; and (2) a letter of recommendation for the Applicant's special use from the Executive Director of the Rosemont Chamber of Commerce; and

WHEREAS, Mr. Sharma further testified that the Applicant intends to continue to own and operate the liquor store in Rosemont; that the Applicant has had extensive discussions with the community in regards to proposed special use; that based on community feedback, he has modified many elements of the proposed liquor store, including products sold, layout design, and building materials; that therefore the décor of the proposed liquor store will be very similar to the rest of the Little Italy theme of the neighborhood; that consequently, the signage for the proposed liquor store will be a wooden placard with writing, displayed flush against the storefront and with enhancement lighting; that based on his marketing research of the neighborhood, the Applicant's special use is in the interest of the public convenience; that the proposed liquor store's décor and signage are compatible with the character of the surrounding neighborhood in terms of design; that the proposed liquor store will also be compatible with the character of the neighborhood in terms of operating characteristics; that the Applicant's proposed hours of operation at the subject property will be: Monday – Thursday, 12:00 PM – 10:00 PM; Friday – Saturday, 12:00 PM – 11:00 PM; Sunday, 12:00 PM – 8:00 PM; that the proposed store will be on the ground floor of the existing building on the subject property and is designed to promote pedestrian safety and comfort; and

WHEREAS, Mr. Kupiac submitted and the Board received into evidence a letter of support for the Applicant's proposed special use from Mr. Dennis O'Neill, Executive Director of the community group Connecting Four Communities into evidence; and

WHEREAS, Mr. Joseph M. Ryan testified on behalf of the Applicant; 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 the proposed special use: (1) complies with all applicable standards of the Zoning Ordinance; (2) is in the interest of public convenience at this location; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design as the proposed special use will be occupying an established building; (4) is designed to promote pedestrian safety and comfort because most customers will be walking there rather than driving; (5) that there is a similar liquor store at the corner of Taylor Street and Racine Avenue, three blocks east of the subject property, which has the same hours of operation and carries the same types of products; (6) that this similar liquor store has not had any adverse impact on the neighborhood; (7) that consequently, the proposed special use will not have a significant adverse impact on the general welfare of the surrounding area; and

WHEREAS, Mr. Kupiac submitted and the Board received into evidence a letter of support for the Applicant's proposed special use dated July 20, 2013, from the University

Village Association; that Mr. Kupiac then explained at the time of the letter, the University Village Association was in support of the proposed special use; and

WHEREAS, Ms. Kathy Catrambone testified in opposition to the application; that she is the Executive Director of the University Village Association ("Association"); that she then submitted and the Board accepted into evidence petitions and letters of opposition to the proposed special use as well as a map of other stores in the area that sell liquor; that the Association has been serving the community since 1981 and is a delegate agency of the City; that the Association is not anti-liquor and was originally in support of the proposed special use; that the Association worked with the Applicant on guidelines for the Applicant's proposed liquor store; that the proposed special use created a lot of outcry from neighborhood residents; that consequently, the Association changed its position and no longer supports the Applicant's proposed special use; that the opposition of both the residents and the Association is based on the following: (1) the proposed liquor store will not add anything new to the business community as the proposed liquor store will sell items already available on Taylor Street; (2) the proposed liquor store will be located within close proximity of other stores that already sell wine and liquor as well as an elementary school; and (3) the worry that the Applicant's business plan of operating a high-end wine and spirits store will not bring in enough money to cover its expenses and the Applicant will be forced to change its business plan; that the Association successfully kept a CVS pharmacy from selling liquor when it opened in the neighborhood; that when one counted all the signatures in the letters and petitions of opposition, nearly 300 residents of the neighborhood oppose the proposed special use; and

WHEREAS, in response to questions by the Board as to why these 300 residents were not at the hearing, Ms. Catrambone further testified that she was the "hired gun" who does the residents' bidding; that she is aware of a group of 30 residents within 250 feet of the proposed special use that signed a petition of opposition and presented it to the Alderman; that the Association respectfully requests that the Board deny the Applicant's proposed special use; and

WHEREAS, Alderman Jason C. Ervin testified in support of the application; that he originally facilitated the discussions between the community and the Application; that the Association previously supported the Applicant's proposed special use; that at the 99th hour, the Association withdrew its support; that the Alderman does not believe the Association, if there was serious opposition to the Applicant's proposed special use, would have waited until the 99th hour to make this opposition known; that this being said, he agrees with the original conditions the Association negotiated with the Applicant on behalf of the community and would like them incorporated in resolution made by the Board; that he has therefore included these negotiated conditions in his letter of no opposition to the proposed special use; and

WHEREAS, the hearing was temporarily adjourned for further discussion between the Applicant and the Alderman; and

WHEREAS, upon the resumption of the hearing, the Chair asked Mr. Sharma if he was willing to agree to all the conditions negotiated between the community and the Applicant as specified in the Alderman's letter of no objection; and

WHEREAS, Mr. Sharma testified that he did so agree; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the special use at this location; and

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

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

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience. Further, the proposed special use will not have an adverse impact on the general welfare of the community because a very similar liquor store, located only three blocks to the east of the subject property and with the same hours of operation and same products, has no negative impact on the general welfare of the community;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design as it will be utilizing an existing storefront and will be utilizing design materials similar to other Little Italy businesses;
4. The proposed special use will be compatible with the immediate area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and
5. The proposed special use will not affect pedestrian safety and comfort as the special use will be utilizing existing entranceways to an existing storefront.

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

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

1. The Applicant's hours of operation will be: Monday-Wednesday, 12:00 PM – 10 PM; Thursday – Saturday, 12:00 PM – 11:00 PM; Sunday, 12:00 PM – 8:00 PM;
2. The Applicant will have no LED or neon signs of any kind in or within 10' of any openings or on the exterior of the premises;
3. The Applicant will not have more than 15% of any windows covered in any signage or lettering;
4. The Applicant will have no paper signs in the windows;
5. The Applicant will not sell mini-cigars;
6. The Applicant will not sell cigarettes for less than \$10 per pack of 20;
7. The Applicant will not sell rolling papers, loose tobacco, or any other tobacco product excluding cigars and cigarettes for less than \$10 per pack of 20;
8. The Applicant will not sell single tobacco products (i.e., 1 cigar not 1 pack of cigars) for less than \$4, to be adjusted bi-annually based upon the November 2014 Consumer Price Index – Urban Wage Earners and Clerical Workers (Chicago All Items) published by the United States Bureau of Labor Statistics;
9. The Applicant will not sell single serve beers in containers of less than 24 fluid ounces and for not less than \$4.75 per single serve beer, to be adjusted bi-annually based upon the November 2014 Consumer Price Index – Urban Wage Earners and Clerical Workers (Chicago All Items) published by the United States Bureau of Labor Statistics;
10. The Applicant will not sell beer in its original packaging from the distributor at a price less than \$4.75 per unit;
11. The Applicant will not sell Fortified Wines (i.e., Wild Irish Rose, Night Train Italian Swiss, Gallo, Taylor Port and White Port, MD 20/20, Cisco, Cook Breeze, Thunderbird, Sunset Grain Alcohol, Seagram's Spritzer or other fortified wine brands) or Special Brews (i.e., all high-gravity malt liquors, St. Ives, Steel Reserve 211, Colt 45, Sparks, Juose, Schlitz, Axe Head, Camo Black, Cobra, Ko~loko);
12. The Applicant will not sell wine for less than \$7.75, to be adjusted bi-annually based upon the November 2014 Consumer Price Index – Urban Wage Earners and Clerical Workers (Chicago All Items) published by the United States Bureau of Labor Statistics;

13. The Applicant will not sell wine in a container from the distributor in a quantity of less than 748mL per unit;
14. The Applicant will not sell spirits in a container from the distributor in a quantity of less than 375mL per unit;
15. The Applicant will not sell spirits for less than \$12.50, to be adjusted bi-annually based upon the November 2014 Consumer Price Index – Urban Wage Earners and Clerical Workers (Chicago All Items) published by the United States Bureau of Labor Statistics;
16. The Applicant shall name the liquor store “Michael’s Wine and Spirits”;
17. There shall be no lottery sales or other gaming activities at or on the subject property;
18. The Applicant shall not sell convenience store items (i.e., chips, candy, etc.) at or on the subject property;
19. The Applicant will not change owners and/or members for a period of not less than 10 years from the date of issuance of this special use;
20. The Applicant will install outdoor cameras for the safety of patrons and community members. Such cameras shall be able to record discernable images from a minimum distance of 15’ in front of and on the sides of any business entrance with maintenance of such cameras and tapes or videos for a minimum of 72 hours; the recordings shall be made available upon request of any City of Chicago agency. The system shall be linked to the City of Chicago in conjunction with the Private Camera program administered by the City’s Office of Emergency Management and Communications.

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

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

APPLICANT: Tuan Trung Le / John Ngo

CAL NO.: 347-13-S

APPEARANCE FOR: Nin Mah

MINUTES OF MEETING:
November 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3920 N. Broadway

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION

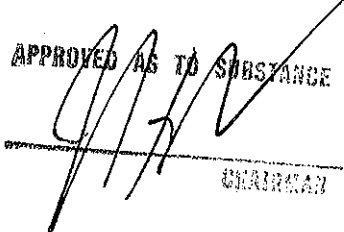
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2013; and

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 nail salon; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that this complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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: Bart Przyjemski **CAL NO.:** 366-13-Z
APPEARANCE FOR: James Banks **MINUTES OF MEETING:**
 November 15, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 52 E. Bellevue Place

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear yard setback from 36.2' to 22' for a proposed three-story rear addition, a fourth floor addition with a front and rear open deck and a one-story rear addition to an existing three-story single family residence and connected to a proposed garage with a rooftop deck.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

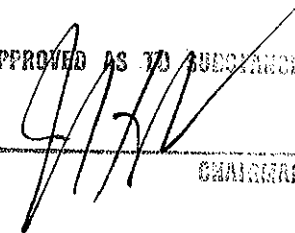
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013, after due notice thereof as provided under Section 1713-0107A and by publication in the Chicago Sun-Times on October 4, 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 rear yard setback from 36.2' to 22' for a proposed threestory rear addition, a fourth floor addition with a front and rear open deck and a one story rear addition to an existing threestory single family residence and connected to a proposed garage with a rooftop deck; 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 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 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: Purevseren Sarangerel CAL NO.: 384-13-S
APPEARANCE FOR: Peter Lewis MINUTES OF MEETING: November 15, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 935 W. Irving Park Road, 1st Floor

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

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE

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

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

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows show votes for Jonathan Swain, Judy Martinez-Faye, Sam Toia, and Sheila O'Grady.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013 after due notice thereof as provided under Section 1713-0107B and by publication in the Chicago Sun-Times on October 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; the applicant shall be permitted to establish a nail and waxing salon; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

Signature of Jonathan Swain, Chairman

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

APPLICANT: Purevsereen Sarangerel **CAL NO.:** 385-13-S
APPEARANCE FOR: Peter Lewis **MINUTES OF MEETING:**
November 15, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 935 W. Irving Park Road, 1st Floor

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X

THE RESOLUTION:

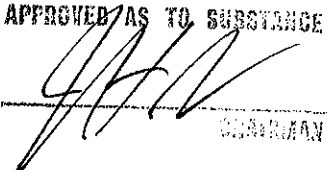
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013 after due notice thereof as provided under Section 1713-0107B and by publication in the Chicago Sun-Times on October 31, 2013; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the proposed massage salon at this location, provided a clear and unobstructed view is maintained into the waiting area from the adjacent public right-of-way at all times..

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

[Faint stamp]

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: Freeman Jewelers, Inc.

CAL NO.: 386-13-S

APPEARANCE FOR: Alvin Bell Jr.

MINUTES OF MEETING:
November 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 8908-8920 S. Lafayette Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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; the applicant shall be permitted to establish a pawn shop at this location; the applicant operates other pawn shops in different locations throughout the city; 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 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 the 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 pawn shop, provided the development is established consistent with the design, layout, materials and plans prepared by Axios Architects and Consultants and dated November 5, 2013 and further provided that the applicant closes their existing operations, located in the 8700 block of South Lafayette Avenue, upon the opening of this proposed location.

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

386-13-S-44

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

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

APPLICANT: 1012 N. California Avenue

CAL NO.: 387-13-S

APPEARANCE FOR: James Banks

MINUTES OF MEETING:
November 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1012 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 residential use below the second floor of a proposed three-story, three-unit building.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

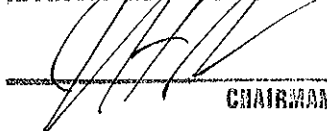
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2013; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Housing and Economic Development recommends approval of the proposed residential use below the second floor of a proposed threestory, three-unit building, provided the development is established consistent with the design, layout, materials and plans prepared by Iuro & Associates and dated July 1, 2013.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Roosevelt Venture, LLC **CAL NO.:** 388-13-S
APPEARANCE FOR: Graham Grady **MINUTES OF MEETING:**
November 15, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 611-15 W. Roosevelt/1218 S. Jefferson Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of 30 non-accessory parking spaces.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

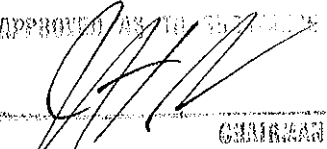
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013 after due notice thereof as provided under Section 1713-0107B and by publication in the Chicago Sun-Times on October 31, 2013; and

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; the applicant shall be permitted to establish 30 nonaccessory parking spaces; 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 buildingscale 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 30 nonaccessory parking spaces, provided the development is established consistent with the design, layout and plans prepared by Hartshorne Plunkard Architecture and dated August 12, 2013.

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

388-13-S-44

APPROVED AS TO FORM

CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



JAN 21 2014

CITY OF CHICAGO
DEPARTMENT OF HOUSING AND
ECONOMIC DEVELOPMENT

389-13-S
CALENDAR NUMBER

**Cobalt Aftermarket, LLC / DBA Big Dawg
Pawn**
APPLICANT

November 15, 2013
MINUTES OF MEETING

9230 S. Ashland Avenue
PREMISES AFFECTED

Jim Banks
APPEARANCE FOR APPLICANT

Ald. Howard Brookins, Jr. & Others
OBJECTORS

NATURE OF REQUEST

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

ACTION OF BOARD

THE VOTE

The application for a special use is denied.

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

AFFIRMATIVE	NEGATIVE	ABSENT
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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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 November 15, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Jim Banks, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that as the subject property is located in a C2-2 zoning district, a special use is required to obtain a pawn license; and

WHEREAS, Mr. Mike Gillespie testified on behalf of the Applicant; that he is a co-owner and managing member of the Applicant; that the Applicant intends to operate a pawnshop at the subject property; that he personally has no experience in the pawn industry and is not a current pawnshop operator; that he is a businessman; that he owns

APPROVED AS TO SUBSTANCE

CHAIRMAN

and operates a car dealership in the immediate area of the subject property and has done so since 1993; that because of this, he has ample experience in the auto finance industry and is very familiar with the secondary loan market; that in his opinion, the pawnshop business has grown over the past several years; that he predicts the pawnshop business will continue to trend upward; that this is why he is seeking to enter the pawnshop business at the subject location; that based on his due diligence and general knowledge of the surrounding area, he believes the subject property is a good location to operate a pawnshop; that the closest pawnshop is about a half-mile away; that as the subject property is located on Ashland Avenue the proposed pawnshop will draw customers from the traffic that regularly travels Ashland Avenue; that because the subject property is located on Ashland Avenue, the proposed pawnshop will not impact the surrounding neighborhood; that he intends to focus the Applicant's business on the retail sale and pawning of general merchandise, jewelry, electronics, and various types of currencies and collectables; that the Applicant's customers will not only be able to pawn items but also sell items outright to the Applicant; that the average pawn loan is about 60 to 90 days and that there is an industry standard of 3% monthly interest charge; that the Applicant would follow this industry standard; that based on current pawnshop industry standards, he anticipates the Applicant's business will be 60% pawn loans and 40% retail sales; that he also anticipates a 70% redemption rate of pawned items at the Applicant's proposed pawnshop; that the Applicant will also sell new products in the store like any other retailer in the area; that the Applicant will be leasing a brand new 5,700 sq. ft. retail building on the subject property; that the Applicant will set up its display cases at the front of this building with an employee room, storage area, and offices at the back of the building; that the Applicant intends to hire 6 employees and 2 store managers for the proposed pawnshop; that the Applicant intends to have 2 or 3 of these employees working at any given time; that the Applicant's proposed hours of operations will be: Monday-Saturday, 8:00 AM – 9:00 PM, Sunday, 10:00 AM – 6:00 PM; that the Applicant will install security cameras and an alarm system on the subject property to prevent potential crime; that the Applicant will work with the police department on a daily basis; that all items taken in as part of the Applicant's business will be documented and all customer identification will be photocopied; that the Applicant has hired a consultant to ensure all applicable local and state regulations for pawnshops are met by the Applicant; that the Applicant is investing \$1 million at the subject property; and

WHEREAS, in response to questions by the Board regarding Mr. Gillespie's experience in the pawnshop business, Mr. Gillespie further testified he had no prior experience in the pawnshop industry; that he intends to use his 20 years of car-financing experience, particularly second-tier financing experience, in running the Applicant's proposed pawnshop; that second-tier financing is for people who have car credit issues – such as late payments, default, and repossessions – and are working to rebuild their credit; that Mr. Gillespie's reputation in second-tier financing is very strong; and

WHEREAS, in response to Mr. Gillespie's testimony, the Chair stated that historically those appearing before the Board requesting a special use for a proposed pawnshop were either publicly traded corporations or people with 20-30 years of pawnshop experience; that auto financing seems to be different than the pawnshop

business as auto financing seems to be based on an owner's ability to pay, where the pawn business seems to be based more on the evaluation of the item being pawned; and

WHEREAS, Mr. Gillespie further testified that he agreed with the Chair's assessment of auto financing versus the pawn business to a degree but that he believed it still came down to judging a person's ability to pay back the loan; and

WHEREAS, in response to Mr. Gillespie's testimony, the Chair stated that the pawnshop business also necessitated experience in judging whether or not an item had been stolen; and

WHEREAS, Mr. Gillespie further testified that his prior experience in auto financing gave him experience in vetting potential customers; that although he had no experience in operating a pawnshop, he would lean on his experience as a good business person; that he plans to hire two managers familiar in the pawn business; that he has also hired a consultant to help him but does not remember the name of the consultant; that he is willing to assume the risk of making a faulty judgment in regards to a pawned item's worth; that everyone had to start out somewhere – even those with 20 years pawnshop experience; and

WHEREAS, in response to further questions by the Board, Mr. Gillespie testified that he had not yet hired any experienced pawnshop managers; and

WHEREAS, Detective Greg Miller (Ret.) testified on behalf of the Applicant; that he has 23 years experience as a police officer; that 20 of these years were spent as a detective assigned to the pawn shop detail; that on the pawn shop detail, he ensured pawn shops were properly licensed with the state and the City; that he also performed spot checks for stolen items at pawn shops around the City; that pawnshops must comply and cooperate with the police department or risk sanctions and license revocation; that because of this, pawnshops are a good way to retrieve stolen items; that he has been retained by the Applicant as a consultant to ensure the Applicant complies with all local ordinances and statutes; and

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

project design as the proposed special use will provide a new, commercial building on a currently vacant lot; (5) that the proposed special use will be compatible with the commercial and retail character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation as the other retail facilities in the area have similar operating characteristics to the Applicant; and (6) that the proposed special use will have no effect on pedestrian safety and comfort because Ashland Avenue is not designated a pedestrian street at this particular location; and

WHEREAS, Alderman Howard Brookins, Jr. testified in opposition to the application; that though he respected Mr. Gillespie as a pillar of the business community, a pawnshop was entirely different than a car dealership; that there is a crime spree in Chicago and consequently a great many police resources have been diverted from property crime to violent crime; that as a result, police have significantly less resources to monitor pawnshops; that this is further complicated by the recent increase of pawnshops in the City due to popularity of pawnshop reality tv shows; that the 21st Ward has no need of an additional pawnshop as it already has PayDay loan facilities, Title Loan facilities, and two other pawnshops within the immediate area of the subject property; and

WHEREAS, Cook County Commissioner Stanley Moore of 1667 W. 92d Place testified in opposition to the application; that he a resident of the 21st Ward and is an active participant in the Combined Neighbors Block Club; that the community was not properly notified about the proposed pawnshop; that although he welcomes economic development in the community, the community should have input in regards to this development; that due to the lack of notice regarding the proposed pawnshop, the community had no input; and

WHEREAS, Ms. Marie Tyse of 8542 S. Wolcott testified in opposition to the application; that she is on the board of the North Beverly Civic Association; that the subject area is one of the few middle class African-American neighborhoods left on the south side; that the community is fighting tooth and nail to keep the neighborhood from further deterioration; that the name "Big Dawg Pawn" is offensive and disrespectful to the African-American community; that she agrees with the Alderman that the police do not have resources to check on pawned items in any strategic way; that contrary to Mr. Gillespie's testimony, less than 50% of items pawned are actually redeemed by pawnees; that there is a high incidence of burglary in the area; that other business do not want to come into areas with pawnshops as pawnshops are a signal that the area is in decline; that allowing a a pawnshop in the community violates the Board's standards; and

WHEREAS, Ms. Ella Woods of 1216 W. 97th Street testified in opposition to the application; that she represented the 1200 W. 97th Street Block Club; that the neighborhood is on the decline; that a pawnshop cannot compare to Best Buy; and

WHEREAS, Ms. Betty Smith of 1646 W. 93d Place testified in opposition to the application; that the traffic on Ashland Avenue is already overburdened and the proposed

pawnshop will not help matters; that she is concerned for the children that will pass by the proposed pawnshop on their way to school; that she is also concerned about residential property values declining due to the proposed pawnshop; and

WHEREAS, Rev. Franklyn Rivers of 9930 S. Laflin Street testified in opposition to the application; that this area is full of much gang activity; that he then related the personal tragedies of his family in regards to gang activity; that after gangs rob, they go to pawnshops to pawn their stolen merchandise; and

WHEREAS, Ms. Wanda Moore of 9313 S. Laflin Street testified in opposition to the application; that there are plenty of small loan servicing businesses, such as Title Loan, in the area; that there is therefore no need for the proposed pawnshop; and

WHEREAS, Ms. Brenda Webb of 8605 S. Elizabeth testified in opposition to the application; that she is doubtful that the two managers contemplated being hired by the Applicant would be hired from the community; and

WHEREAS, Ms. Sharon M. White of 9318 S. Justine Street testified in opposition to the application; that there are already three pawnshops in the area and there is therefore no need for the proposed pawnshop; that the proposed pawnshop would adversely affect the neighborhood; and

WHEREAS, Ms. Mildred Watkins of 9336 S. Justine Street testified in opposition to the application; that she resents the Applicant for wanting approval for his proposed pawnshop, especially with an ugly name like "Big Dawg Pawn"; that although Mr. Gillespie cannot remember the name of his consultant, she must identify herself to object; that she objects to the Applicant opening the proposed pawnshop in the community with no community input; that the word pawnshop connotes negativity; and

WHEREAS, Ms. Margaret Roseboro of 8929 S. Ada Street testified in opposition to the application; that the name of the proposed pawnshop caters to the thugs in the neighborhood; that in consequence, the proposed pawnshop is designed to run out the good neighbors still in the neighborhood; and

WHEREAS, in response to the Objectors' testimony, Mr. Banks was given leave to recall Mr. Gillespie; that Mr. Gillespie further testified that he would personally oversee the business; that he owns many properties in the immediate area that he also personally oversees; that he is going to run the proposed pawnshop in the same way he has run all his other businesses; and

WHEREAS, Mr. Banks further was given leave to recall Mr. O'Brien; that Mr. O'Brien further testified that pawnshops do not increase crime; that as part of the report he prepared and submitted, he attached crime statistics to that effect; that pawnshops do not cause "chilling effects" on the opening of new businesses; that Mr. Gillespie is the largest property owner in the immediate area and therefore would not invest in a business that would negatively impact his own property values; that although Mr. Gillespie's

properties are all commercial, he also believes the proposed pawnshop will have no negative impact on surrounding property that is zoned residential; that in his professional opinion, the name "Big Dawg Pawn" will not adversely impact the residential property values of the surrounding area; and

WHEREAS, Mr. Banks further was given leave to recall Det. Miller; that Det. Miller further testified that the pawn detail division of the police department does not go into other areas of law enforcement; that the pawn detail division does nothing but investigate pawnshops; that consequently, there is no diminution in the oversight of the pawn industry by the Chicago Police Department; and

WHEREAS, in responses to questions raised by the Board, Mr. Gillespie further testified that his other business interests included: an internet company run by his brother, a car dealership, and real estate management in the immediate area of the subject property; that he is at the car dealership all the time; that spends most of his day going from business to business; that his car dealership is located in Schererville, Indiana, approximately 30 minutes away from the subject property; and

WHEREAS, the Board allowed Mr. Banks a final closing statement; that Mr. Banks then stated the proposed pawnshop met all the criteria necessary for a special use; that Mr. Gillespie is a well-regarded businessman in the community; that Mr. Gillespie means no disrespect by the "Big Dawg" name; that the name is based on his long-standing use of "Big Pawn" in his advertising; that nevertheless, the Applicant is willing to change its name if the community finds it offensive; that the objections heard against the application are the same objections always raised against pawnshops; that there is no credible evidence that pawn shops increase criminal activity; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the application for the special use at this location provided the development is established consistent with the design, layout, materials and plans prepared by Warren Johnson Architects, Inc. and dated October 28, 2013 for the elevation and site plans and November 14, 2013 for the landscape plan; 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. Mr. Gillespie was not a credible witness for the Applicant. In particular, his testimony acknowledging his lack of experience in the pawnshop industry combined with his inability to remember his consultant's name as well as his admission that he has not hired any experienced pawnshop managers to help him run the proposed pawnshop casts serious doubt on the Applicant's ability to operate the proposed pawnshop in a manner compatible with the character of the surrounding neighborhood. Furthermore, Mr. Gillespie's testimony that he would "personally oversee" the proposed pawnshop cannot be reconciled with his later

testimony that he is at his car dealership "all the time," particularly when that car dealership is approximately 30 minutes away from the subject property in Schererville, Indiana. Due to the lack of credible testimony from Mr. Gillespie, the Applicant failed to demonstrate it has the adequate experience and training to operate the proposed pawn shop in a manner compatible with the character of the surrounding area. Since the Applicant did not demonstrate it could operate the proposed pawn shop in a manner compatible with the character of the surrounding area, the proposed pawnshop would have a significant adverse impact on the general welfare of the neighborhood.

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

RESOLVED, the aforesaid special use application is hereby denied.

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

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

APPLICANT: Sara Johns CAL NO.: 390-13-S

APPEARANCE FOR: Hector Morales MINUTES OF MEETING:

November 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5732 West Belmont Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of fortune telling service.

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE

JAN 21 2014

CITY OF CHICAGO DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT

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

AFFIRMATIVE NEGATIVE ABSENT

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows show 'X' marks for Jonathan Swain, Judy Martinez-Faye, Sam Toia, and Sheila O'Grady.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013 after due notice thereof as provided under Section 1713-0107B and by publication in the Chicago Sun-Times on October 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; the applicant shall be permitted to establish a fortune telling service; the applicant testified that she currently operates a similar business at another location and would like to provide her services in the area of 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 Department of Housing and Economic Development recommends approval of the proposed fortune telling service at this location.

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

APPROVED AS TO SUBSTANCE

Signature of Chairman

CHAIRMAN

03-8 7 63 44

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

APPLICANT: 4858-70 N. Clark Street, LLC **CAL NO.:** 391-13-S

APPEARANCE FOR: Sarah Barnes **MINUTES OF MEETING:**
November 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4866-72 North Clark Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to expand a previously approved four-story, 15-room hotel to allow for a total of 25 rooms.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

AFFIRMATIVE NEGATIVE ABSENT

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

JAN 21 2014

CITY OF CHICAGO
DEPARTMENT OF HOUSING AND
ECONOMIC DEVELOPMENT

THE RESOLUTION:

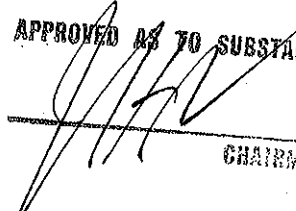
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013 after due notice thereof as provided under Section 1713-0107B and by publication in the Chicago Sun-Times on October 31, 2013; and

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; the applicant shall be permitted to expand an existing four story 15-room hotel; after the completion of the expansion there will be a total of 25 hotel rooms 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; 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 expansion of a previously approved four story, 15-room hotel to allow for a total of 25 rooms, provided the development is established consistent with the design, layout, materials and plans prepared by Sullivan Goulette & Wilson Architects and dated January 18, 2013.

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

= 43 8 63 44 =

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



JAN 21 2014

CITY OF CHICAGO
DEPARTMENT OF HOUSING AND
ECONOMIC DEVELOPMENT

392-13-S
CALENDAR NUMBER

**Murguia ZR Chicago, LLC / DBA Zoom
Room Chicago**

APPLICANT

November 15, 2013
MINUTES OF MEETING

3055 N. Ashland Avenue

PREMISES AFFECTED

Lenny Asaro
APPEARANCE FOR APPLICANT

NO OBJECTORS

NATURE OF REQUEST

Application for a special use to establish a dog training facility.

ACTION OF BOARD

THE VOTE

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

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

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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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 November 15, 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. Lenny Asaro, 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 has entered into a franchise agreement with the Zoom Room and will provide urban dogs and their owners a dedicated indoor space to train and socialize urban dogs; that the Applicant has negotiated with the neighborhood association and the neighborhood association had voted to approve the special use, provided that the

APPROVED AS TO SUBSTANCE

CHAIRMAN

Applicant agreed with certain conditions; that the Applicant did so agree with these conditions; and

WHEREAS, Ms. Patricia Murguia testified on behalf of the Applicant; that she is the owner of the Applicant; that dogs have always been her passion and so she signed a franchise agreement with Zoom Room to open 3 locations in the Chicago area; that she has already begun the build-out required for the special use at the subject property; that her hours of operation at the subject property would be: Monday – Friday, 10:00 AM – 8:00 PM; Saturday-Sunday, 9:00 AM – 4:00 PM; that the subject property is located in a shopping center; that the shopping center has 10 parking spots; that she is agreeable to the conditions negotiated between herself and the neighborhood association; and

WHEREAS, Mr. Sylvester J. Kerwin, Jr. testified on behalf of the Applicant; 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 standards of the 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 neighborhood as it provides a needed service in the area; (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; (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; and (5) the proposed special use is designed to promote pedestrian safety and comfort; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the special use so long as it is established consistent with the design, layout, and plans prepared by Mark Realty, and dated July 2, 2013; and

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

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

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

2. The proposed special use is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the community as it will provide a needed service in the area;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because it will utilize an existing storefront in a commercial shopping center;
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; and
5. The proposed special use will not affect pedestrian safety and comfort as it has adequate on-site parking.

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

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

1. Once in the morning and once after 3:30 PM, the Applicant shall check and remove dog waste in the following areas: (a) on the south side of Barry Avenue between Ashland Avenue and the north/south alley immediately east of Ashland Avenue; (b) on the east side of Ashland Avenue between Barry Avenue and Nelson Street; and (c) the parkway on the north side of the 1500 block of Barry Avenue adjacent to the City of Chicago parking lot.

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

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

APPLICANT: Checkers Drive-In Restaurant, Inc. **CAL NO.:** 393-13-S
APPEARANCE FOR: Lawrence Lusk **MINUTES OF MEETING:**
 November 15, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4701-4711 S. Damen Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a one-story restaurant with one drive-through lane and window.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
RECUSED		
X		

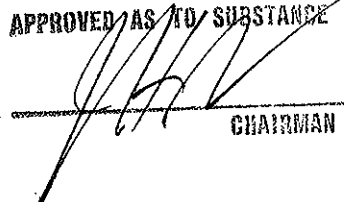
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013 after due notice thereof as provided under Section 1713-0107B and by publication in the Chicago Sun-Times on October 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; the applicant shall be permitted to establish a onestory restaurant with a one-lane drive-through facility to serve the 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; further expert testimony was offered that the use complies with al 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 tems 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 onestory restaurant with one drivethrough lane and window, provided the development is established consistent with the design, layout, materials and plans prepared by Ileki Associates and dated November 15, 2013.

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: Deborah Witzburg and Jay Beilder **CAL NO.:** 394-13-Z
APPEARANCE FOR: Nancy Harbottle **MINUTES OF MEETING:**
 November 15, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1658 North Leavitt

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the north side yard setback from 3' to 0'; to reduce the combined side yard setback from 7.5' to 3.91'; and, to exceed the allowed floor area ratio of 4,394 square feet by not more than 15% (638 square feet) for a proposed rear two-story addition with a third floor covered balcony and a south side one-story addition to an existing three-story, three-unit building being converted to a single family residence with a detached garage.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

JAN 21 2014

CITY OF CHICAGO
 DEPARTMENT OF HOUSING AND
 ECONOMIC DEVELOPMENT

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on October 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: the applicant shall be permitted to reduce the north side yard setback to 0'; to reduce the combined side yard setback to 3.91'; and, to exceed the allowed floor area ratio of 4,394 square feet by not more than 15% (638 square feet) for a proposed rear two-story addition with a third floor covered balcony and a south side one-story addition to an existing threestory, three-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

[Signature]
 CHAIRMAN

11 63 44

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

APPLICANT: JDB Properties, LLC **CAL NO.:** 395-13-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
November 15, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3952-56 N. Ashland Avenue/1611 W. Irving Park Road

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear yard setback above the first floor from 30' to 21' for a proposed four-story, nine-unit building with ground floor retail space and nine indoor parking spaces.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

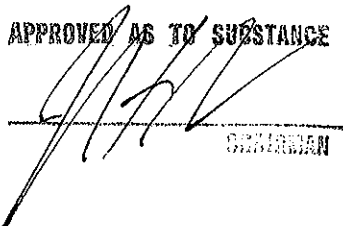
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013, after due notice thereof as provided under Section 1713-0107A and by publication in the Chicago Sun-Times on October 31, 2013 and

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; the applicant shall be permitted to reduce the rear yard setback above the first floor to 21' for a proposed four-story, nine-unit building with ground floor retail space and nine indoor parking spaces; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request 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: CL Juanjo Development Corporation **CAL NO.:** 396-13-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
November 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2300 S. Blue Island Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to establish a public place of amusement license to serve an existing tavern which is located within 125' of an RS-3 Residential Single-Unit (Detached House) District, to provide a dj and dancing and charge admission.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

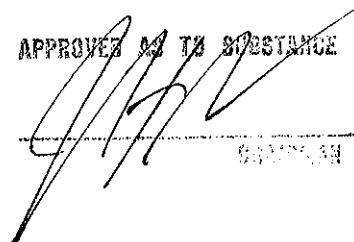
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013, after due notice thereof as provided under Section 1713-0107A and by publication in the Chicago Sun-Times on October 31, 2013 and

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; the applicant shall be permitted to establish a public place of amusement license for an existing tavern which shall provide a dj, dancing and charge for admission; the tavern is located within 125' of an RS-3 Residential Single-Unit (Detached House) District; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



JONATHAN SWAIN

396-13-G3-44

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

APPLICANT: John Rozycki

CAL NO.: 397-13-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
November 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2218 W. Huron Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the lot area from 3,000 square feet by no more than 10% (82 square feet) for a proposed three-story, three-unit building.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JAN 21 2014

CITY OF CHICAGO
DEPARTMENT OF HOUSING AND
ECONOMIC DEVELOPMENT

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

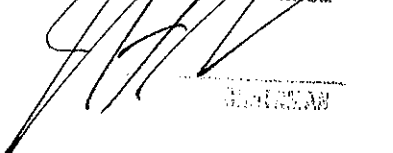
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013, after due notice thereof as provided under Section 1713-0107A and by publication in the Chicago Sun-Times on October 31, 2013 and

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; the applicant shall be permitted to reduce the lot area from 3,000 square feet by no more than 10% (82 square feet) for a proposed threestory, three-unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is herefore

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 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



JONATHAN SWAIN

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

APPLICANT: Benjamin Richter **CAL NO.:** 398-13-Z
APPEARANCE FOR: Same **MINUTES OF MEETING:**
November 15, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 9642 S. Escanaba Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front yard setback from 16.57' to 5.75' and to reduce the combined side yard setback from 8' to 3.91' with a 0.33' south side setback and a 3.58' north side setback for a proposed front two-story open porch, a rear two-story open porch and a rear one-story enclosed porch on an existing two-story, two-unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
X		
X		
X		

THE RESOLUTION:

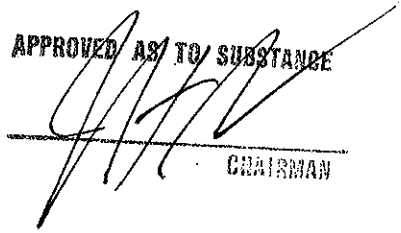
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013, after due notice thereof as provided under Section 1713-0107A and by publication in the Chicago Sun-Times on October 31, 2013 and

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; the applicant shall be permitted to reduce the front yard setback to 5.75' and to reduce the combined side yard setback to 3.91' with a 0.33' south side setback and a 3.58' north side setback for a proposed front two-story open porch, a rear two-story open porch and a rear one-story enclosed porch on an existing two story, two-unit building. the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

03-15-13 44

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: Wicklow Development 1, LLC **CAL NO.:** 399-13-Z
APPEARANCE FOR: James Banks **MINUTES OF MEETING:**
January 17, 2014
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1833 W. Addison Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the lot area from 5,000 square feet by no more than 10% (338 square feet) for a proposed three-story, four-unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

MAR 31 2014
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

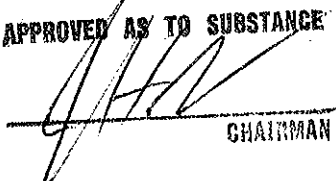
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 17, 2014 after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on November 5, 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 lot area by no more that 10% which shall be 338 square feet for a three-story four dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: Christopher House

CAL NO.: 400-13-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
November 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5235 W. Belden Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the west side yard setback from 24' to 6'6"; to eliminate one 10' x 25' loading berth; and, to exceed the allowed floor area ratio of 144,257 square feet by not more than 15% (5,414 square feet) for a proposed one and two-story addition to an existing two-story school.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JAN 21 2014

CITY OF CHICAGO
DEPARTMENT OF HOUSING AND
ECONOMIC DEVELOPMENT

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

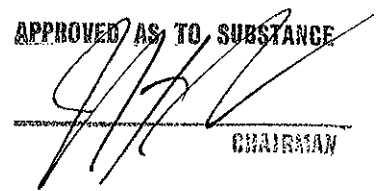
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013, after due notice thereof as provided under Section 1713-0107A and by publication in the Chicago Sun-Times on October 31, 2013 and

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; the applicant shall be permitted to reduce the west side yard setback to 6'6"; to eliminate one 10' x 25' loading berth; and, to exceed the allowed floor area ratio of 144,257 square feet by not more than 15% (5,414 square feet) for a proposed one and twestory addition to an existing two-story school; 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: Angelina Collins/DBA Behind Closed Doors Banquet Hall **CAL NO.:** 401-13-Z

APPEARANCE FOR:

MINUTES OF MEETING:
January 17, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 6206 W. North 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 proposed banquet hall located within 125' of an RS-3 Residential Single-Unit (Detached House) District.

ACTION OF BOARD-
WITHDRAWN ON MOTION OF THE APPLICANT

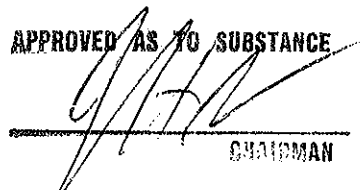
THE VOTE

MAR 31 2014
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Emmanuel Bible Center-Rev Chester McLaurin **CAL NO.:** 402-13-Z

APPEARANCE FOR: Same **MINUTES OF MEETING:**
November 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6858 S. Green Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front yard setback from 3.9" to 0' and to reduce the north side yard setback from 2'6" to 0' for a proposed one-story, accessory, storage building.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013, after due notice thereof as provided under Section 1713-0107A and by publication in the Chicago Sun-Times on October 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; the applicant shall be permitted to reduce the front yard setback to 0' and to reduce the north side yard setback to 0' for a proposed onestory, accessory, storage building ; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE
[Signature]

Chairman

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

APPLICANT: Carmen Luna and Jose Carillo **CAL NO.:** 403-13-Z
APPEARANCE FOR: Same **MINUTES OF MEETING:**
November 15, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1252 W. 49th Place

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front yard setback from 20' to 1.2' and to reduce the west side yard setback from 2' to 0.3' for a proposed front second floor open porch and a rear second floor open porch on an existing two-story, residential building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JAN 21 2014

CITY OF CHICAGO
DEPARTMENT OF HOUSING AND
ECONOMIC DEVELOPMENT

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X

THE RESOLUTION:

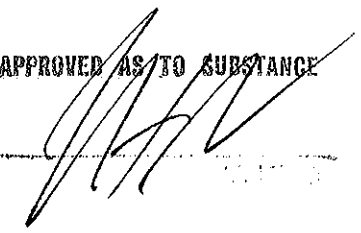
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013, after due notice thereof as provided under Section 1713-0107A and by publication in the Chicago Sun-Times on October 31, 2013 and

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; the applicant shall be permitted to reduce the front yard setback from to 1.2' and to reduce the west side yard setback to 0.3' for a proposed front second floor open porch and a rear second floor open porch on an existing two-story, residential building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



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

APPLICANT: Terrence Lyons

CAL NO.: 404-12-Z

APPEARANCE FOR:

MINUTES OF MEETING:
January 18, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 1619-25 W. Irving Park Road

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of public place of amusement license for an existing restaurant located within 125' of an RS zoning district.

ACTION OF BOARD-
CASE CONTINUED TO MARCH 15, 2013

THE VOTE

JONATHAN SWAIN
GIGI McCABE-MIELE
LYNETTE SANTIAGO
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHIEF CLERK

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

APPLICANT: Clutch Clips/DBA Sports Clips **CAL NO.:** 405-13-S
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
November 15, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1444 N. Wells Street

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013 after due notice thereof as provided under Section 1713-0107B and by publication in the Chicago Sun-Times on October 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; the applicant shall be permitted to establish beauty salon; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

[Faint illegible text]

APPROVED AS TO SUBSTANCE
[Signature]
CITY CLERK

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



JAN 21 2014

CITY OF CHICAGO
DEPARTMENT OF HOUSING AND
ECONOMIC DEVELOPMENT

Birdland Properties, LLC

APPLICANT

407-13-S

CALENDAR NUMBER

328 N. Carpenter Street

PREMISES AFFECTED

November 15, 2013

MINUTES OF MEETING

Mark Kupiac

APPEARANCE FOR APPLICANT

NO OBJECTORS

NATURE OF REQUEST

Application for a special use to establish five off-site, accessory parking spaces to fulfill the parking requirement for five proposed dwelling units to be located in an existing building at 312 North Carpenter Street.

ACTION OF BOARD

THE VOTE

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

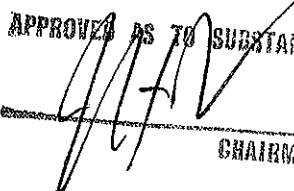
Jonathan Swain, Chair
Judy Martinez-Faye
Sheila O'Grady
Sam Toia

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

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 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. Mark Kupiac, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that this case has previously been before the Chicago Plan Commission and City Counsel; that very, simply, the Applicant requested a special use to establish five off-site parking spaces on the subject property for five apartments in the building at 312 N. Carpenter, the property adjacent to the subject property; and

APPROVED AS TO SUBSTANCE

CHAIRMAN

WHEREAS, Mr. James Lustman testified on behalf of the Applicant; that he is a member of the Applicant; that the Applicant currently owns the property of both 312 N. Carpenter and 328 N. Carpenter; that at 312 N. Carpenter there currently exists a three-story building; that at 328 N. Carpenter there currently exists a one-story building; that the Applicant initially purchased both properties because it wished to re-locate its meat packing company to the one-story building at 328 N. Carpenter; that because both properties of 312 N. Carpenter and 328 N. Carpenter were sold together, the Applicant also acquired the three-story building at 312 N. Carpenter; that at the time the Applicant purchased both properties, 312 N. Carpenter already had five dwelling units on the upper floors; that subsequently, the Applicant attempted to get a building permit to do some repairs at 312 N. Carpenter; that the Applicant then discovered that the City could find no permit record for the conversion of the upper floors of the three-story building into dwelling units; that consequently, because both properties are located in an industrial corridor, the Applicant had to go before the Chicago Plan Commission and the City Council to rezone the three-story building and legalize the dwelling units; that City Council approved the rezoning of 312 N. Carpenter on the condition that parking spots be provided for the dwelling units; that these five off-site parking spaces are necessary for the public convenience; that they will not have an adverse effect on the community; and

WHEREAS, Mr. Joesph M. Ryan testified on behalf of the Applicant; his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in the Zoning Ordinance which must be addressed in support of such an application, and he orally testified to certain pertinent highlights: (1) that because the subject area is a gentrifying neighborhood and many industrial loft improvements are turning residential, there is a need for accessory off-site parking; (2) that consequently, 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 neighborhood; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the special use provided that the development is established consistent with the design, layout, and plans provided by Alan R. Schneider Architects and dated July 1, 2013; and

WHEREAS, the staff of the Department of Housing and Economic Development further recommended approval of the special use provided that the Applicant enters into a perpetual easement subject to the approval of the Zoning Board of Appeals which binds the parking spots to the dwelling units; and

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

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

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as it will provide off-site parking to five dwelling units. Further, because the subject area is a gentrifying neighborhood and many industrial loft improvements are turning residential, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because it will provide off-site parking for already existing dwelling units;
4. The proposed special use will be compatible with the residential uses in the immediate area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation because the proposed special use will also be residential; and
5. The proposed special use will not affect pedestrian safety and comfort.

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

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

1. The Applicant shall grant a perpetual easement that binds the five off-site parking spaces located at 328 N. Carpenter Street to the five dwelling units located at 312 N. Carpenter Street.

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

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

APPLICANT: Sabrina Thomas/DBA Creative Handzs **CAL NO.:** 408-13-S

APPEARANCE FOR: Same **MINUTES OF MEETING:**
November 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 148 W. 95th Street

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JAN 21 2014

CITY OF CHICAGO
DEPARTMENT OF HOUSING AND
ECONOMIC DEVELOPMENT

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013 after due notice thereof as provided under Section 1713-0107B and by publication in the Chicago Sun-Times on October 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; the applicant shall be permitted to establish a beauty and nail salon; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

APPROVED AS TO SUBSTANCE

[Signature]

CHAIRMAN

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

APPLICANT: Oswaldo Guillen **CAL NO.:** 409-13-S
APPEARANCE FOR: Same **MINUTES OF MEETING:**
February 21, 2014
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1627 N. Wolcott Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to enclose an existing roof deck.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

MAY 08 2014
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
		X

THE RESOLUTION:

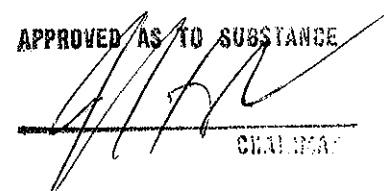
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 21, 2014 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2013; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to enclose an existing roof deck, provided the development is established consistent with the design, layout and plans prepared by Kevin Thomas Kazimer and dated April 26, 2013.

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

APPROVED AS TO SUBSTANCE



CHALMERS

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

APPLICANT: Billy Crespo

CAL NO.: 412-13-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
November 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 718-20 N. Mayfield Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the west side yard setback from 3.2' to 0' and to exceed the allowed floor area ratio of 9,958 square feet by not more than 15% (498 square feet) for two proposed three-story additions with an open porch to an existing three-story, six unit building.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

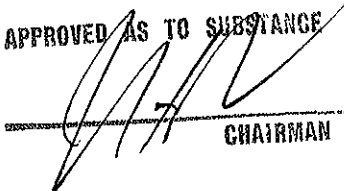
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013, after due notice thereof as provided under Section 1713-0107A and by publication in the Chicago Sun-Times on October 31, 2013 and

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: the applicant shall be permitted to reduce the west side yard setback to zero and to exceed the allowed floor area ratio of 9,958 square feet by not more than 15% (498 square feet) for two, three-story additions with an open porch to an existing threestory, six unit building the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation if granted will not alter the essential character of the neighborhood; it is therefore

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

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

638 30 63 44

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT:

Ted Panek

CAL NO.: 413-13-Z

APPEARANCE FOR:

MINUTES OF MEETING:

January 17, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED:

3623 W. Altgeld Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front yard setback from 20' to 8' and to reduce the west side yard setback from 5.2' to 2' for a proposed garage with a driveway and curb on West Altgeld Street.

ACTION OF BOARD-

DISMISSED FOR WANT OF PROSECUTION

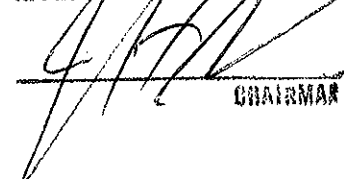
THE VOTE

MAR 31 2014
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



MAY 08 2014
CITY OF CHICAGO

Bart Przyjemski
APPLICANT

414-13-Z
CALENDAR NUMBER

1337 North Dearborn Street
PREMISES AFFECTED

January 17, 2014
MINUTES OF MEETING

Jim Banks
APPEARANCE FOR APPLICANT

Boranasko Vronsky
OBJECTOR

NATURE OF REQUEST

Application for a variation to reduce the rear yard setback from 36.1' to 22.67'; to reduce the combined side yard setback from 4.2' to 0'; and to reduce the rear yard open space from 283.1 square feet to 77 square feet and to locate such open space on a roof of a proposed garage for a proposed four-story addition with an enclosed rear connection between the aforementioned garage and existing three-story single-family residence.

ACTION OF BOARD

THE VOTE

The application for a variation is approved.

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

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

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

WHEREAS, Mr. Jim Banks, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that the subject property is currently improved with a three-story red brick and limestone building; that the building was originally constructed in 1884 and its front façade, roof line, and front two-story bay window recently received landmark status from the Chicago Landmarks Commission ("Landmarks"); that the building is currently vacant, in an extreme state of disrepair, not currently livable, and unsafe; that although the building

APPROVED AS TO SUBSTANCE

CHAIR

had been built as a single-family home, it had been converted into seven apartment units; that the Applicant proposes to do complete, extensive interior and exterior renovation of the building and convert the building back to a single-family home; that the Applicant will also build an attached garage on the rear of the property; that the Applicant needs a variation to reduce the combined side yard setback, the rear setback, the rear yard open space, and locate the rear yard open space on the garage roof; and

WHEREAS, Mr. Bart Przyjemski, the Applicant, testified; that the Applicant purchased the property with the intention of rehabilitating the property; that the Applicant worked with Landmarks to come up with a plan for renovation to the building; that the building covers the entire width of the 21' x 129' lot; that during the course of renovation, the Applicant will return the building to a single-family home; that the Applicant proposes to construct a four-story rear addition to the existing building; that this addition will essentially "square off" the building and will provide a more livable, modern space; that part of this addition will be an attached garage; that there will be a roof-deck above this proposed garage; that the addition must be a rear addition because the Applicant must maintain the home's historic front façade; that the proposed addition will replace an existing two-story addition; that the existing two-story addition is narrower than the principal historic building; that, in contrast, the proposed four-story rear addition would be the same width as the principal historic building; that the proposed four-story rear addition will be tiered; that the rear building wall for the first floor of the proposed addition will be set 30' 8" from the rear property line; that the second, third, and fourth floors will be set 43' 10" from the rear property line; that this tiering was designed to minimize any impact the proposed rear addition would have on the adjacent properties; that the Applicant proposes to replace the existing gravel parking pad with a new attached garage; that the Applicant requires the variation regarding the required side yard combined setback to allow the new addition to follow the existing side walls of the building; that the existing building spans the entire width of the subject property and therefore a 0' side setback condition has existed on the property since 1884; that the requested rear setback reduction will allow the proposed rear addition; that the requested rear yard setback reduction will also allow for an eight-foot encroachment created by the one-story connection between the house and the proposed attached garage; that this proposed connection will be located on the north side of the property, directly adjacent to a high-rise condominium building; that no part of this addition should have any impact to anyone who lives in the condominium building; that the proposed renovations will actually create 500 sq. ft. of open space, which well exceeds the requirement of 283 sq. ft; that the majority of this 500 sq. ft. will be due to the proposed roof deck; that the proposed roof deck will not be at grade, and therefore the Applicant requests that the proposed variation to reduce the required rear yard open space be granted; that presently, the rear yard open space for the subject property is not usable open space; that the proposed roof-deck will serve as the building's back yard; that the Applicant will continue working with Landmarks; that Landmarks has approved the Applicant's proposed plan; that the Applicant is a developer and bought the subject property with the intention to redevelop and sell; and

WHEREAS, Mr. Bill Kokalias testified on behalf of the Applicant; that his credentials as an expert in architecture were acknowledged by the Board; that he is the architect for the project; that the proposed 0' side setback already exists on the property today; that with respect to the request for rear yard setback relief, even with the proposed 22', the rear building wall of the addition will be 30' 8" from the rear property line; that there will be an ever larger rear setback for the floors above grade level; that by providing the open space above the proposed garage, the property will have more open space than what is required; that the practical hardship in this case is that the Applicant is trying to renovate a landmark, lot line to lot line building that was built in 1884; that due to the building's landmark status, the Applicant cannot change the front façade of the building; that there is no way to make the building wider or narrower and so the only way to make the building more functional is to put on a rear addition; that the rear addition is only nine feet beyond the existing rear setback; that the proposed variation will not be detrimental to the public welfare or injurious to other property or improvements in the area; that the proposed variation will not impair an adequate supply of light and air to the adjacent property; that the proposed variation will not increase the danger of fire or endanger the public safety; that the proposed variation will not subsequently increase congestion in the streets in the area; that, in fact, the proposed variation will decrease congestion in the streets because it will turn a seven-unit building with two parking spaces into a single-family home with two-car attached garage; that the proposed variation will not alter the essential character of the neighborhood as the building has been in the neighborhood since 1884; and

WHEREAS, Ms. Boransko Vronsky testified in opposition to the application; that she resides at 1335 North Dearborn, the condominium building directly adjacent to the subject property; that she is a licensed architect in the State of Illinois; that she is concerned with the reduction of the side yard setback as she believes it will reduce her daylight and air space; that she therefore requests that the subject property's side yard setback be at least the required two feet from the shared property line; and

WHEREAS, the Board clarified that Ms. Vronsky could only be speaking of the side yard setback with respect to the proposed addition, as the existing building is built lot line to lot line and has a 0' side yard setback; and

WHEREAS, in response to questions raised by Ms. Vronsky's testimony, Mr. Banks was given leave to recall Mr. Kokalias; that Mr. Kokalias further testified that the proposed rear addition would be 21' wide; that a 19' wide rear addition was not feasible because it would make the proposed addition taller; that the taller the proposed rear yard addition, the more the next neighbor south would be in shadow; that the rear addition must be kept in proportion; that Landmarks specifically requested the proposed addition not be visible from the front of the building; that even if the proposed addition was 19' wide, it would not give the Objector any more light as the sun comes from the south; and

WHEREAS, 17-13-1101-A of the Chicago Zoning Ordinance grants the Zoning Board of Appeals the authority to grant a variation to reduce the rear yard open space and to locate such open space on a rooftop deck; and

WHEREAS, 17-13-1101-B of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation to permit a reduction in any setback; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and as the decision of the Zoning Board of Appeals to approve a variation application must be based solely on the approval criteria enumerated in Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's application for a variation:

1. The Board finds that pursuant to 17-13-1107-A the Applicant has proved his case by testimony and other evidence that a practical difficulty and particular hardship exists regarding the proposed use of the subject property should the requirements of the Zoning Ordinance be strictly complied with, and, further, the requested variation is consistent with the stated purpose and intent of the Zoning Ordinance;
2. The Board finds that pursuant to 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) that the property cannot yield a reasonable return as the building is currently in extreme disrepair and unlivable; (2) the practical difficulty or particular hardship of the property is due to the unique circumstance of the existing historic building, the front façade of which cannot be altered and which is built lot line to lot line; and (3) the variation, if granted, will not alter the essential character of the neighborhood as the building has been in the neighborhood since 1884;
3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship exists, took into account that evidence was presented that: (1) the existing historic building on the subject property results in particular hardship upon the Applicant if the strict letter of the Zoning Ordinance for the subject property's rear and side yard setbacks and open space requirements were carried out; (2) the unique situation of the existing historic building, the front façade of which cannot be altered and which is built lot line to lot line, is not generally applicable to other properties within a RM-6.5 Zoning District; (3) as the Applicant will work very closely with Landmarks in rehabilitating the existing building, profit is not the sole motive for the application; (4) the Applicant did not create the hardship in question as the building has been on the subject property since 1884; (5) the variation being granted will not be detrimental to the public welfare or injurious to other property; and (6) the variation will not impair an adequate supply of light or air to the neighboring properties, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

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

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

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

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

APPLICANT: Jaime Morquez

CAL NO.: 415-13-Z

APPEARANCE FOR: Same

MINUTES OF MEETING:
November 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4453 S. Wood 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 37.2' to 22.42'; to reduce the north side yard setback from 2' to 0'; to reduce the combined side yard setback from 5' to 3.37'; and, to exceed the allowed floor area ratio of 4,971 square feet by not more than 15% (534 square feet) in order to legalize an existing rear three-story, enclosed porch and rear, one-story addition to an existing three-story, three-unit residential building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

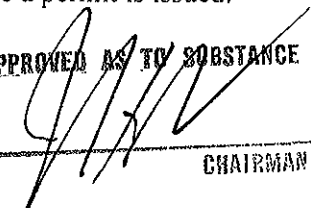
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013, after due notice thereof as provided under Section 1713-0107A and by publication in the Chicago Sun-Times on October 31, 2013 and

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: the applicant shall be permitted to reduce the rear yard setback to 22.42'; to reduce the north side yard setback to 0'; to reduce the combined side yard setback to 3.37'; and, to exceed the allowed floor area ratio of 4,971 square feet by not more than 15% (534 square feet) in order to legalize an existing rear three-story, enclosed porch and rear, one-story addition to an existing three-story, three-unit residential building the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request 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.

33 63 44

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT:

GLPE, LLC

CAL NO.: 416-13-Z

APPEARANCE FOR:

Thomas Moore

MINUTES OF MEETING:

November 15, 2013

APPEARANCE AGAINST:

None

PREMISES AFFECTED:

1237-45 W. Madison 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 1' for a proposed four-story, 42-unit building with ground floor retail space, 42 indoor parking spaces and one loading berth.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

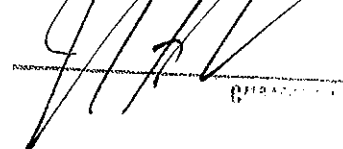
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013, after due notice thereof as provided under Section 1713-0107A and by publication in the Chicago Sun-Times on October 31, 2013 and

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: the applicant shall be permitted to reduce the rear yard setback to 1' for a proposed four-story, 42-unit building with ground floor retail space, 42 indoor parking spaces and one loading berth. 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 in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



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

APPLICANT: GLPE, LLC CAL NO.: 417-13-Z

APPEARANCE FOR: Thomas Moore MINUTES OF MEETING:

November 15, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1249-59 W. Madison 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 15' for a proposed four-story, 30-unit building with ground floor retail space, 30 indoor parking spaces and one loading berth.

ACTION OF BOARD- VARIATION GRANTED

THE VOTE

JAN 21 2014

CITY OF CHICAGO DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT

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

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

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 15, 2013, after due notice thereof as provided under Section 1713-0107A and by publication in the Chicago Sun-Times on October 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: the applicant shall be permitted approval to reduce the rear yard setback from 30' to 15' for a proposed four-story, 30-unit building with ground floor retail space, 30 indoor parking spaces and one loading berth; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

[Signature] CHAIRMAN

35 44

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JAN 21 2014

CITY OF CHICAGO
DEPARTMENT OF HOUSING AND
ECONOMIC DEVELOPMENT

418-13-S
CALENDAR NUMBER

Chicago Transit Authority
APPLICANT

**1109 W. Wilson Ave., 1112 W. Wilson Ave.,
& 1052 W. Sunnyside Ave.**
PREMISES AFFECTED

November 15, 2013
MINUTES OF MEETING

Michael J. Quinn & William O'Donoghue
APPEARANCE FOR APPLICANT

Mike Castellino & Natalie Spears
APPEARANCE FOR OBJECTORS

NATURE OF REQUEST

Application for a special use to allow for the expansion and reconstruction of the CTA Red Line Wilson Station whose main entrance will be located at 1109 West Wilson Avenue and the establishment of auxiliary station entrances at 1112 West Wilson Avenue and 1052 West Sunnyside Avenue.

ACTION OF BOARD

The application for a special use is approved.

THE VOTE

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

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

THE RESOLUTION OF THE BOARD

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

WHEREAS, Mr. John Titzer, General Manager of Construction for the Applicant, testified on behalf of the Applicant; that the Applicant is replacing the Wilson Transfer Station; that the existing station is in serious disrepair as it was built in 1923 and has a terra cotta façade; that although the station has been repaired numerous times, it is now beyond repair; that, additionally, the current station does not meet the Applicant's current standards for platform width or comply with ADA standards; that the entire elevated

APPROVED AS TO SUBSTANCE

CHAIRMAN

track of the station will be rebuilt as the steel support beams are falling apart; that the sidewalk surrounding the station is very dark, which is a safety concern; that the replacement station will have increased lighting; that replacing the current station is in the interest of the public convenience; that due to the station replacement, the vacant buildings at the Wilson properties will be torn down; that he believes it is in the interest of the public convenience to replace the station; that he also believes replacing the station will not have a significant adverse impact on the general welfare of the neighborhood and community; that instead, replacing the station will enhance the community as well as the safety and security of the area; and

WHEREAS, Mr. Robert Papocchia testified on behalf of the Applicant; his credentials as an expert in architecture were acknowledged by the Board; that he is the architect of record for the replacement station; that the replacement station will have two new platforms, new elevators, new escalators, and new stairs on the south side of Wilson Avenue; that there will be a new auxiliary entrance on the north side of Wilson Avenue; that the replacement station will have a handicapped accessible entrance on Sunnyside Avenue; that the replacement station will have lots of lighting and about 100 security cameras, as well as translucent canopies, which will result in a very open, well-lit station; that all the lighting will be LED lighting; that the replacement station was designed to blend in with the existing and historic buildings in the area; that consequently, the replacement station will have a terra cotta wall screen system; that in his professional opinion, the replacement station is compatible with the character of the surrounding area; that but for the special use, the proposed replacement station complies with the Zoning Ordinance; and

WHEREAS, Ms. Eva Delgado, the Vice President of Legislative Affairs for the Applicant, testified on behalf of the Applicant; that the current station is a mess; that the replacement station is a \$200 million plus reconstruction project that will bring accessibility, new lighting, improved community access, and safety enhancement to the area; that the Applicant believes the replacement station will be a catalyst for positive change in the area; that the Applicant has engaged in a significant amount of community outreach in regards to the replacement station; that there is lots of community support for the replacement station, especially in regards to the new auxiliary entrance on Sunnyside Avenue; and

WHEREAS, Mr. Quinn submitted and the Board accepted the following exhibits into evidence: (1) written comments from the community in support of the Applicant's special use; (2) letter from Mayor Rahm Emanuel in support of the Applicant's special use; (3) letter from Brad McConnell, Deputy Commissioner of Planning Operations for the City's Department of Housing and Economic Development, in support of the Applicant's special use; and (4) letter from Target, an adjacent retailer to the subject property, in support of the Applicant's special use; and

WHEREAS, Mr. Mike Castellino, counsel for Mr. Mike Krueger, and Ms. Natalie Spears and Mr. Lawlor, counsel for Mr. Matt Denny, explained the nature of both Mr. Krueger and Mr. Denny's objections to the Applicant's special use; that Mr. Krueger

owned the property at 4660-68 North Broadway; that Mr. Denny owned the property at 4654-56 N. Clifton; that both Mr. Kreuger and Mr. Denny do not object to the Applicant's overall project but do object to the portions of Applicant's project that are in the immediate vicinity of their properties; and

WHEREAS, in response to questions by the Board, Mr. Castellino conceded that the portions of the project to which Mr. Krueger and Mr. Denny objected were not part of the Applicant's station; that nevertheless, the Applicant's station is part of a larger project and that Mr. Kreuger and Mr. Denny object to a portion of that larger project; and

WHEREAS, the Chair reminded Mr. Castellino that the Board's purview was to look at the impact of the Applicant's special use not the entirety of the Applicant's railroad track; and

WHEREAS, Mr. Castellino explained that as the Applicant had previously stated that the portion of the project to which Mr. Kreuger and Mr. Denny objected was necessary for the Applicant's replacement of Wilson Station; that Mr. Castellino then submitted and the Board received the following exhibits into evidence: (1) the Applicant's bid package for the entire Red Line rehabilitation project; and (2) the portion of the project to which Mr. Kreuger and Mr. Denny objected to; that Mr. Krueger and Mr. Denny objected to the railroad support column at the intersection of Broadway and Clifton; that Mr. Krueger and Mr. Denny further objected that this hearing was taking place before City Council approved the placement of the railroad support column at the intersection of Broadway and Clifton because City Council approval is required before the Applicant can place any railroad support column on a sidewalk; that Mr. Kreuger and Mr. Denny met with representatives from the Applicant, the City's Department of Transportation, and Alderman Cappleman's office; that Mr. Kreuger and Mr. Denny are hopeful they can resolve their objections with the Applicant; that nevertheless, Mr. Kreuger and Mr. Denny would like to preserve their objections on the record; that, in addition, Mr. Kreuger is concerned about an additional column potentially being placed in front of his building; and

WHEREAS, Mr. David A. Larson testified on behalf of Mr. Kreuger and Mr. Denny; that he is the owner of SMV Solutions, a company specializing in precise measurement and analysis of noise and vibration signals; that he has performed an analysis of the noise and vibration impact of placing a steel support column on the sidewalk in the vicinity of the properties located at 4654-56 North Clifton and 4660-68 North Broadway; 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 to certain pertinent highlights: (1) there is presently a severe vibration impact in the community, including Mr. Kreuger and Mr. Denny's properties, due to the Applicant's existing train operations; (2) that the Applicant's existing train operations in the area far exceed what is permissible under the Federal Transportation Administration 2006 Transit Noise and Vibration Assessment; (3) that if the Applicant's bid package is constructed, there will be an increase in as much as 20 to 30 decibels of vibration; (4) that this will definitely make Mr. Denny's property no longer suitable for his recording studio; (5) that consequently, the Applicant's bid project

violates the Zoning Ordinance because it is not in the interest of the general welfare of the community; and

WHEREAS, Mr. Terrance O'Brien testified on behalf of Mr. Krueger and Mr. Denny; that he is an MAI certified appraiser; 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 to certain pertinent highlights: (1) that the proposed rehabilitation plan will have a substantial, adverse impact on property value, specifically the properties of Mr. Krueger and Mr. Denny; (2) that both Mr. Krueger and Mr. Denny have gone to great length to soundproof their buildings but that with the proposed column, the noise level will be greatly increased; (3) that consequently, both buildings will be negatively affected and that Mr. Denny will have to close his recording studio; (4) that the proposed column will also be visually unappealing which will cause further decrease to Mr. Krueger and Mr. Denny's properties; (4) that the proposed rehabilitation plan is not compatible with the character of the surrounding area in terms of site planning, building scale, and project design; (4) that the proposed rehabilitation plan is not compatible with the character of the surrounding area in terms of operating characteristics, particularly noise; and

WHEREAS, in response to questions by the Board, Mr. O'Brien further testified that if the proposed column were placed elsewhere and were encased in concrete rather than just being a bare steel column, many of his concerns about the adverse impact of the project on the community would be alleviated; and

WHEREAS, in response to questions by Board, Mr. Larson further testified that if the proposed column were placed elsewhere and were encased in concrete rather than just being a bare steel column, many of Mr. Krueger and Mr. Denny's concerns about the project would be alleviated as neither were advocating for the movement of the Applicant's railroad track; and

WHEREAS, in response to questions by the Board, Mr. Papocchia further testified that the Applicant's proposed station was not dependent upon the placement of the proposed column; that although the bridge over Broadway must be supported by columns, the particular column in question can be moved 7' east; that this move would place the column in the street and not the sidewalk; that although the Applicant is attempting to work with both Mr. Krueger and Mr. Denny, the precise location of the proposed column is not relevant to the Applicant's special use permit for the station; that although the columns are part of the overall Red Line rehabilitation project, the columns are as related to the proposed Wilson station as the proposed Wilson station is related to Applicant's 35th/State station; that is to say, the columns and the proposed Wilson station are only related insofar as they are both part of the Applicant's Red Line train system; that currently, there are concrete columns in the middle of the street on Broadway; that the Applicant's plan to move columns onto the sidewalk is due to safety concerns as the columns currently impede line of sight; and

WHEREAS, in response to further questions by the Board, Mr. Castellino reaffirmed Mr. Denny and Mr. Kreuger were in support of the project; that Mr. Kreuger and Mr. Denny believe that an alternative design for the project can be implemented that will not result in adverse impact for their properties; and

WHEREAS, in response to these same questions by the Board, Mr. Lawlor stated that Mr. Denny and Mr. Kreuger were doing their due diligence as good citizens to make the proposed project as well-designed as possible; and

WHEREAS, Ms. Cathy Sullivan from Alderman Cappleman's office made a statement on behalf of the Alderman; that the Alderman believes the discussion between Mr. Denny, Mr. Kreuger and the Applicant is relevant to the Applicant's proposed special use; that the Applicant has committed to the Alderman's Office that the Applicant intends to move the proposed column 7' east; that the Alderman supports the approval of the Applicant's special use; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the special use provided the development is established consistent with the design, layout and plans prepared by HNTB Corporation and dated March 13, 2013; and

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

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

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as the existing station is over 90 years old and in terrible disrepair. The proposed replacement station will not only have new platforms, new elevators, new escalators, and a new auxiliary entrance but will also be ADA accessible and be a much safer station due to the increased lighting and security cameras. The replacement station will therefore have a significant positive impact on the general welfare of the neighborhood. Although the Objectors raised the issue of the proposed column and its adverse impact on the general welfare of the neighborhood, the Board determines the proposed column was not before the Board as it is not part of Applicant's special use. The proposed column is part of the larger project of the Applicant's Red Line rehabilitation but not part of the Applicant's special use. The Board reaches this conclusion based upon the Applicant's testimony in response to the Objectors' arguments wherein the Applicant stated that the proposed special use was not dependent on the proposed column or the movement thereof. The Board further

finds that the Objectors' testimony lacked credibility as they simultaneously testified they objected to and yet were in support of the proposed special use;

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 has been designed to blend in with the historic buildings in the area as well as retain some of the terra cotta of the existing station;

4. Because the Applicant already has a train station at this location, the proposed special use will be compatible with uses in the immediate area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and

5. The proposed special use is designed to promote pedestrian safety and comfort as the proposed replacement station will provide better lighting to the sidewalk surrounding the station.

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

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

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