

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: Dave Funchion CAL NO.: 458-01-Z  
 APPEARANCE FOR: James J. Banks, Dave Funchion MAP NO.: 9-G  
 APPEARANCES AGAINST: None MINUTES OF MEETING:  
 December 14, 2001  
 PREMISES AFFECTED: 3350-52 N. Southport Avenue

NATURE OF REQUEST: Application for a variation under Article 11 of the zoning ordinance to permit, in a B4-4 Restricted Commercial District, the erection of a proposed 4-story 8 dwelling unit building whose front yard will be 5' instead of 15', and whose north and south side yards will be 1.6'\* each instead of 5' each.

ACTION OF BOARD--

THE VOTE

VARIATION GRANTED.

**COPY**

JOSEPH J. SPINGOLA  
 DEMETRI KONSTANTELOS  
 LEROY K. MARTIN, JR.  
 GIGI McCABE-MIELE  
 BRIAN L. CROWE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 14, 2001, after due notice thereof as provided under Section 11.7-2 and by publication in the Chicago Sun-Times on November 26, 2001; 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: that on December 14, 2001, the Zoning Board of Appeals, in Cal. No. 459-01-S, approved the establishment of residential use below the 2<sup>nd</sup> floor in a proposed 8 dwelling unit building, at the subject site; that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; that the plight of the owner is due to unique circumstances; that the variations, if granted, will not alter the essential character of the locality; it is therefore

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

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

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806

APPLICANT: Dave Funchion CAL NO.: 459-01-S  
 APPEARANCE FOR: James J. Banks, Dave Funchion MAP NO.: 9-G  
 APPEARANCES AGAINST: None MINUTES OF MEETING:  
 December 14, 2001  
 PREMISES AFFECTED: 3350-52 N. Southport Avenue

NATURE OF REQUEST: Application for a special use under Article 11 of the zoning ordinance for the approval of the location and the establishment of residential use below the 2nd floor in a proposed eight dwelling unit building, in a B4-4 Restricted Service District.

ACTION OF BOARD--

**COPY**

THE VOTE

APPLICATION APPROVED.

JOSEPH J. SPINGOLA  
 DEMETRI KONSTANTELOS  
 LEROY K. MARTIN, JR.  
 GIGI McCABE-MIELE  
 BRIAN L. CROWE

	AFFIRMATIVE	NEGATIVE	ABSENT
JOSEPH J. SPINGOLA	X		
DEMETRI KONSTANTELOS	X		
LEROY K. MARTIN, JR.	X		
GIGI McCABE-MIELE	X		
BRIAN L. CROWE	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 14, 2001, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on November 26, 2001; 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: that the proposed use is necessary for the public convenience at this location; that the proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be adequately protected; and that the proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; it is therefore

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

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



City of Chicago  
Richard M. Daley, Mayor

Zoning Board of Appeals

Joseph J. Spingola  
Chairman

Members  
Brian L. Crowe  
Demetri Konstantelos  
LeRoy K. Martin, Jr.  
Gigi McCabe-Miele

Michael A. Grochowiak  
Director of Code Enforcement

City Hall, Room 806  
121 North LaSalle Street  
Chicago, Illinois 60602  
(312) 744-3888/3889

<http://www.cityofchicago.org>

January 4, 2002

James J. Banks  
Law Offices of Samuel V.P. Banks  
221 N. LaSalle St. 38<sup>th</sup> Floor  
Chicago IL 60601

Dear Applicant:

At the public hearing held by the Zoning Board of Appeals on Friday, December 14, 2001, a resolution was adopted in the following case:

Cal. No. 458-01-Z and 459-01-S

Applicant: Dave Funchion

A copy of the resolution is attached.

Please note the following as indicated:

Under Section 11.7-4 of the zoning ordinance "no order of the Zoning Board of Appeals granting a Variation shall be valid for a period longer than twelve (12) months from the date of such order unless a building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period."

Under Section 11.10-5 of the zoning ordinance "no order of the Zoning Board of Appeals granting a Variation in the nature of a Special Use shall be valid for a period not longer than twelve (12) months from the date of such order unless a building permit is obtained or the use is commenced within such period. The Board, may, at its own discretion, and upon valid showing of cause, extend the period of validity of a Variation in the nature of a Special Use for a period not to exceed twelve (12) months."

Very truly yours,

ZONING BOARD OF APPEALS

Joseph J. Spingola  
Chairman

mr  
Atcs.



**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 806**

**APPLICANT:** Waste Management of Illinois, Inc. **CAL NO.:** 482-01-S  
**APPEARANCE FOR:** Graham C. Grady, Roger J. Kiley, Jr. **MAP NO.:** 32-D, 32-C,  
 34-C  
**APPEARANCES AGAINST:** None **MINUTES OF MEETING:**  
 December 14, 2001  
**PREMISES AFFECTED:** 13001-13745 S. Bishop Ford Freeway

**NATURE OF REQUEST:** Application for a special use under Article 11 of the zoning ordinance for the approval of the location and the continuation of an existing sanitary landfill and recycling facilities with related uses, including liquid waste handling, transfer station, methane gas resource recovery facilities which use shall expire on December 31, 2001 in an M3-3 Heavy Manufacturing District.

**ACTION OF BOARD--**

APPLICATION APPROVED.

**COPY**

**THE VOTE**

JOSEPH J. SPINGOLA  
 DEMETRI KONSTANTELOS  
 LEROY K. MARTIN, JR.  
 GIGI McCABE-MIELE  
 BRIAN L. CROWE

	AFFIRMATIVE	NEGATIVE	ABSENT
JOSEPH J. SPINGOLA	X		
DEMETRI KONSTANTELOS	X		
LEROY K. MARTIN, JR.	X		
GIGI McCABE-MIELE	X		
BRIAN L. CROWE	X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 14, 2001, after due notice thereof as provided under Section 11.10-3 and by publication in the Chicago Sun-Times on November 26, 2001; and

WHEREAS, the district maps show that the premises is located in an M3-3 Heavy Manufacturing District; 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 makes the following findings of fact:

1. That the subject property, consisting of approximately 270 acres of land, is generally bounded by E. 130<sup>th</sup> Street on the north, the Little Calumet River on the east, City Limits on the south and the Bishop Ford Freeway on the west, and is commonly known as 13001-13745 S. Bishop Ford Freeway; and
2. That Waste Management of Illinois, Inc., the applicant herein, has operated the subject property as a sanitary landfill with related uses pursuant to prior Resolutions authorized by the Zoning Board of Appeals in Cal. Nos. 201-75-S, 218-75-S, 300-65-S, 18-70-S, 208-80-S, 322-85-S, 290-90-S, 446-96-S and subsequent extensions thereof; and
3. That the December 20, 1996 Resolution under Cal. No, 446-96-S, extended the special use to December 31, 2001; and
4. That the applicant herein requests the continuation of the aforesaid sanitary landfill and related uses; and
5. That the applicant's uses of the subject site are necessary for the public convenience at this location in that it is located in an area of heavy manufacturing uses, including other landfills; that it will continue to provide within the City of Chicago a sanitary landfill to serve the continuing need for such facilities to accommodate refuse materials generated within the City of Chicago and will do so in the face of seriously diminishing landfill capacity within Chicago, the region and the state; and

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6. That the uses in question are subject to the approval and regulations of the Department of Environment of the City of Chicago and of the Illinois and United States Environmental Protection Agencies; that the applicant has substantial experience in the operation of sanitary landfills and related uses such as those located at the subject site; that the applicant has designed and implemented pollution control systems and an emergency response plan in conjunction with local emergency response departments thus insuring that the said uses are so operated in a manner that the public health, safety and welfare will be protected; and

7. That the uses will not cause substantial injury to the value of other property in the neighborhood in which it is located; that the site is located in an area where the dominant land use is heavy manufacturing and other landfill operations; that the subject property is self-contained and because of the natural physical barriers around the site it is essentially isolated and buffered from other nearby properties; and

8. That the subject site is located outside the boundary of the 100 year flood plain; and

9. That the uses are so designed and located as to minimize the impact on existing traffic flow in the surrounding area in that there is only one entrance to the subject site on its west side, just north of 138<sup>th</sup> Street and this entrance can only be accessed from the Bishop Ford Freeway; that there is no traffic related to the said uses which flows through surrounding neighborhoods; and

10. That the uses are designed and operated as to minimize adverse impacts on air, land and water quality in that the applicant uses the best commercially available pollution control technology; and

11. That the uses are located and operated so as to minimize adverse effects on the economic development potential of the area in that the subject site is surrounded by land uses that are primarily heavy industrial in character; that several of these uses are sanitary landfills which have been in operation for a number of years; and that the use is therefore consistent with these heavy industrial uses; it is therefore

RESOLVED, that the application for a special use be and it hereby is approved and the Zoning Administrator is authorized to approve the continuation of an existing sanitary landfill with related uses, including liquid waste handling, transfer station, methane gas resource recovery facilities, on premises commonly known as 13001-13745 S. Bishop Ford Freeway, upon the following conditions being complied with before a permit is issued;

1. That the continuation of the landfill and related uses shall be limited to the geographic area bounded by E. 130<sup>th</sup> Street on the north, the Little Calumet River on the east, City Limits on the south, and the Bishop Ford Freeway on the west, and commonly known as 13001-13745 S. Bishop Ford Freeway;

2. That the applicant shall obtain all permits and licenses required under the Chicago Municipal Code or State or Federal law; and that the operations shall at all times be conducted in conformance with the applicable regulations and permits of the Department of Environment of the City of Chicago, the Illinois and United States Environmental Protection Agencies and the performance standards established for the M3-1 through M3-5 Heavy Manufacturing Districts in the zoning ordinance;

(Additional conditions follow on page 40b.)

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3. That the applicant shall submit by May 10, 2002, an end use plan for review and approval by the Department of Environment, and that if such plan is not submitted by May 10, 2002, the special use approval for the sanitary landfill waste disposal portion of the operation shall expire automatically;

4. That the end use plan shall include the following:

- a. A firm date for implementation of the end use plan;
- b. Engineering drawings and report detailing how the proposed end use will not compromise the final cover and other landfill control systems;
- c. Details on how inspection and maintenance of final cover cap will occur in areas with trails and other proposed enhancements;
- d. Topographical map and narrative illustrating proposed enhancements, including but not limited to placement and materials to be used for trails and plantings;
- e. Detailed maintenance plan for all enhancements, including maintenance schedule and proof of financial assurance for maintenance costs;
- f. A narrative describing if and how the public will have access to the enhanced areas, and if the public will have access, a description of site security necessary to protect both the public and the landfill control systems must be included;
- g. A statement that nothing in the proposed end use plan changes the approved closure and post-closure plans for the facility, or if it does, how approval for these changes will be obtained from the proper regulatory agencies.

5. That the special use approved herein shall terminate on December 31, 2006, if not otherwise terminated under conditions set forth above or when the use of the property as a land fill and related uses cease operations.