

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

**APPLICANT:** A Fresh Start Sober Living Environments, Inc. **CAL NO.:** 219-13-S

**APPEARANCE FOR:** **MINUTES OF MEETING:**  
October 18, 2013

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2334 W. Diversey Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of transitional residence within an existing two-story building.

**ACTION OF BOARD-**  
WITHDRAWN ON MOTION OF THE APPLICANT

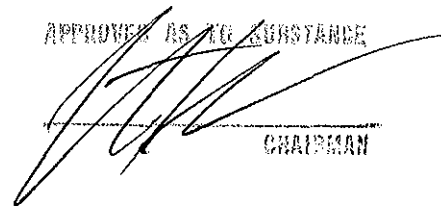
**THE VOTE**

NOV 20 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

JONATHAN SWAIN  
SAM TOIA  
JUDY MARTINEZ-FAYE  
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:** A Fresh Start Sober Living Environments, Inc. **CAL NO.:** 220-13-S

**APPEARANCE FOR:** **MINUTES OF MEETING:**  
October 18, 2013

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2128 N. Winchester Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a transitional residence within an existing two-story building.

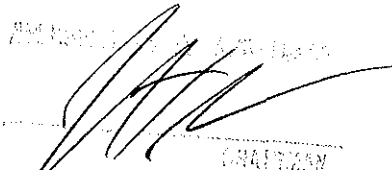
**ACTION OF BOARD-**  
WITHDRAWN ON MOTION OF THE APPLICANT

**THE VOTE**

NOV 30 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

MINUTES OF THE ZONING BOARD OF APPEALS  
  
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

**231-13-S**

CALENDAR NUMBER

**South Shore Jewelry & Loan, Inc.**

APPLICANT

**October 18, 2013**

MINUTES OF MEETING

**1861 East 71st Street**

PREMISES AFFECTED

**Jim Banks**

APPEARANCE FOR APPLICANT

**Ald. Leslie Hairston & 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
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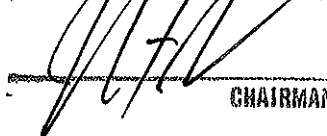
**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 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 B3-3 zoning district, a special use is required to obtain a pawn license; and

WHEREAS, Mr. Robert Woolf testified on behalf of the Applicant; that he is the owner and president of the Applicant; that he has been in the pawn business for the past 28 years; that he has owned and operated 3 different pawn shops within the Chicago area; that his current shop is located at 645 E. 79th Street; that he has had great success at all of his locations; that because of his success, he is looking to establish a second location at the subject property; that the subject property is located in the South Shore area; that he

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

chose the subject property because over 50% of his current client base travels from the South Shore area; that the Applicant then submitted a chart of its current customer volume by zip code; that over 2,500 customers come from the South Shore area; that the closest pawn shop to the subject property is about a half a mile away; that the Applicant does not pawn guns, firearms, or drug or smoking paraphernalia; that in addition to pawning an item, a customer will have the ability to sell an item outright at the Applicant's store; that items purchased outright from a customer will be offered for sale at the subject property; that if an item is pawned and the customer defaults on the loan, the item will also be offered for sale at the subject property; that based on prior business, 90% of the Applicant's business is pawn loans and 10% of the business is outright item sales; that about 70% to 80% of the pawned items are redeemed by their owners; that the space the Applicant intends to lease for the proposed special use contains 1,675 sq. ft.; that there will be 4 employees at the subject property; that one of the employees will be Mr. Woolf's son who will be the day-to-day manager of the subject property; that the proposed hours of operation for the subject property will be Monday – Friday, 9:30 AM to 6:00 PM; Saturdays, 9:30 – 5:00 PM; Sundays, Closed; that these are the hours the Applicant currently maintains at its other location; that the Applicant will install high-end security and surveillance system on the subject property; that there will also be an alarm system installed on the subject property, as well as security grade glass and bars on the windows; that customers will only be granted access to the shop via buzzer; that the Applicant intends to report items it pawns or purchases from customers to the both the local police department and the national LEADS database on a daily basis; that the Applicant maintains paperwork on each and every transaction in its store; that in the Applicant's experience, 1% of goods in the Applicant's store comes up as stolen; 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 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; (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 be utilizing an existing structure; (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 is designed to promote pedestrian safety and comfort as there will be no new curb cuts where traffic would interfere with pedestrian safety; and

WHEREAS, Dr. Robert Theatte testified in support of the application; that he has resided at 6909 South Cregiera for the past 22 years; that he has been patronizing the Applicant's business for the past 10 years; that he supports the application for three reasons: (1) the Applicant improves blighted areas when it opens a location; (2) the way the Applicant conducts its business deters crime; and (3) the service the Applicant provides is needed in the neighborhood; and

WHEREAS, Mr. Adam Tucker testified in support of the application; that he resides at 8949 South Blackstone; that he is a current customer at the Applicant's current shop; and

WHEREAS, Mr. Harlan Chambers testified in support of the application; that he uses the Applicant's services because he is on a set income; that the Applicant's services are very helpful for people on set incomes; and

WHEREAS, Ms. Susan Campbell testified in opposition to the application; that she has resided at 6939 South Bennett for the past 30 years; that she is an urban land planner and wrote for the City of Chicago the master plan to improve 71st Street; that she also worked on the creation of the Tax Increment Financing (TIF) and Special Service Area (SSA) districts for 71st Street; that the master plan she produced for the City looked to revitalize the area; that currently the area is experiencing a rise in crime, especially street and home burglary; that the community is looking to improve positive activity on the streets of the area; that consequently, the community needs good retail in the area to promote this street activity; that the proposed special use is not good retail; that additionally, the building on the subject property is not a good space for the proposed special use due to its limited parking; and

WHEREAS, Mr. Byron Mason testified in opposition to the application; that he has lived in Jackson Park Highlands for 15 years; that there is constant loitering by criminals in the immediate area of the subject property; that the area is not safe; that there are many residential burglaries in the area; that the main items taken in these burglaries are electronics; that the proposed special use will buy electronics; that the residents of the area will be reduced to buying back their electronics from the Applicant after their homes have been burgled; and

WHEREAS, Mr. Robert Van Pvyzenbroek testified in opposition to the application; that there are many criminals that loiter in the immediate area of the subject property; that there are many home burglaries in the area; that the proposed special use will not help

with either problem; that additionally, there is a lack of viable retail in the area and the proposed special use will not promote the type of economic development the neighborhood needs; and

WHEREAS, Mr. Stern testified in opposition to the application; that he has lived in Jackson Park Highlands for the past 20 years; that the area has many good points, including a Starbucks, two golf courses, and the harbor; that the area needs quality retail; that the proposed special use will not attract quality retail; and

WHEREAS, Ms. Anna Hannah testified in opposition to the application; that she is living her life long dream of living in Jackson Park Highlands; that she would like to know Mr. Woolf's home zip code; that Mr. Woolf told her it was 60611; that the South Loop recently had a Mariano's grocery store opening; that she would like a Mariano's grocery store in the immediate area; that with the Dominicks grocery store closing in the immediate area, the proposed pawn shop would be a deterrent to Mariano's grocery store opening a location in the immediate area; that she then asked Mr. Woolf where he thinks the electronics the Applicant takes in are coming from; and

WHEREAS, Mr. James Norris, III, testified in opposition to the application; that he resides at 6720 S. Euclid; that he works closely with neighborhood police on safety for the area; that the very first thing police tell you is: after you have been burgled, go to the pawn shops to look for your stolen electronics; that he then asked Mr. Woolf how many pawn shops were within a mile of Mr. Woolf's home; that Mr. Woolf told Mr. Norris there had been two but now there was only one, as a church had recently taken over the land of the second; and

WHEREAS, Ms. Ranjana Pargov testified in opposition to the application; that she has been a resident of Jackson Park Highlands for the past 35 years; that last summer, teenagers burglarized her home; that the teenagers were arrested; that the teenagers told her they sold her family's belongings to the Applicant; that her son went to the Applicant's existing location and found his ipad as well as the other stolen items; that the police would not help; that although she had all the serial numbers for her electronics, her stolen electronics remained at the Applicant's store; that she still does not have her stolen items; and

WHEREAS, Mr. Carlton Blunt testified in opposition to the application; that he resides at 6727 S. Bennett; that he is concerned about the proposed special use using South Bennett street for customer parking; and

WHEREAS, Ms. Cynthia Duncan testified in opposition to the application; that she resides at 6926 South Bennett; that based on Mr. O'Brien's mistakes of the topography of the subject area during his testimony, she does not believe he is familiar with the subject area at all; and

WHEREAS, Mr. Richard Duncan testified in opposition to the application; that he resides at 6926 S. Bennett; that he also questions Mr. O'Brien's familiarity with the

subject area; that there is already a pawn shop at 69th Street and Stony Island Avenue which is less than a mile away from the subject property; and

WHEREAS, Ms. Alisa Starks testified in opposition to the application; that she resides at 6826 S. Euclid; that she remembers when African-Americans were not allowed to live in the area; that many African-Americans are making a conscious choice to live in and revitalize the area; that she is a business owner who is dedicated to African-American business ownership in predominately African-American communities; that as a business owner, she is disturbed by the testimony that the Applicant will have bars on the windows of the proposed special use, especially as there are many homes in the area that are valued between \$400,000 and \$1 million; that the Applicant's current location is quite close to the subject property; that she finds this an unusual business decision; that as previously indicated, there is already a pawn shop at 69th Street and Stony Island Avenue; that there is also a pawn shop at 71st Street and South Jeffery Boulevard; and

WHEREAS, Mr. Charles Wagner testified in opposition to the application; that he has resided at 6840 Cregier for the past 43 years; that the area does not need a third pawn shop; and

WHEREAS, Alderman Leslie Hairston testified in objection to the application; that she believes a pawn shop on the subject property undermines the efforts of the community to stop the deterioration of retail in the area; that the proposed pawn shop would further destabilize the area; that there are many parolees in the area with insufficient employment opportunities; that the zip codes cited by the Applicant are not South Shore zip codes; and

WHEREAS, in response to the objectors' testimony, Mr. Banks was given leave to recall Mr. O'Brien; that Mr. O'Brien further testified that the vacant storefronts on 71st Street have a negative impact on the surrounding area; that vacant storefronts tend to have a spiraling effect and deter new retail from opening; that conversely, new retail in an area has the effect of bringing in more new retail; that there is no evidence a pawn shop would hold back retail development; that there is no evidence crime increases due to a pawn shop; that he is very familiar with the subject area, as he grew up near there and had many childhood friends that lived in Jackson Park Highlands; that the proposed pawn shop would be a benefit to the neighborhood; and

WHEREAS, Mr. Banks further was given to recall Det. Miller; that Det. Miller further testified that pawn shops do not increase crime; that pawn shops help people recover stolen items; that criminals do not like pawning items because one must show state identification to pawn an item; and

WHEREAS, the Board allowed the Alderman to make a further comment; that the Alderman then testified that with every time Mr. O'Brien spoke, it further proved he knew nothing about the subject area; that the vacant store fronts discussed are currently being utilized as art displays and exhibits; that this is being done by the South Shore Chamber of Commerce; and

WHEREAS, Mr. Banks reminded the Board 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; and

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

1. The proposed special use will have an adverse impact on the general welfare of the neighborhood. Mr. Byron and Mr. Van Pyzenbroek testified to the many home burglaries in the neighborhood. Mr. Duncan testified that the majority of these home burglaries resulted in the theft of electronics, one of the two items that will be taken in for pawn by the Applicant. Further, Ms. Pargov testified that when her home was burgled, her electronics were found not just at any pawnshop but at the Applicant's current location. The specific testimony of these four objectors regarding this particular Applicant and this particular neighborhood outweighs any general testimony by Mr. O'Brien and Detective Miler regarding the non-linkage of pawnshops to an increase in crime.

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:** Eddie McBrearty

**CAL NO.:** 275-13-S

**APPEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1615 W. Grand Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of residential use below the second floor for a proposed six-story, eight dwelling unit building with a rear roof deck, three-level rear balconies and an attached garage.

**ACTION OF BOARD-**  
**APPLICATION APPROVED**

**THE VOTE**

NOV 20 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

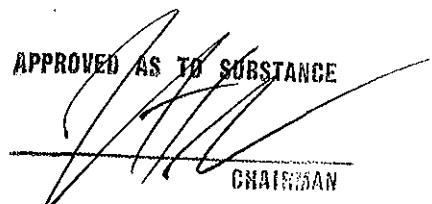
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2013; and

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 residential use below the second floor for a six-story, eight dwelling unit building unit with a rear roof deck, three-level rear balconies and an attached garage; 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 will also require that the applicant provide on premise security during business hours; 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 for a proposed six-story, eight-unit building with a rear roof deck, three-level rear balcony and an attached garage, provided the development is established consistent with the design, layout, materials and plans prepared by 360 Design Studio and dated August 16, 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:** Eddie McBrearty

**CAL NO.:** 276-13-Z

**APPEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
October 18, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1615 W. Grand Ave.

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required rear yard setback from 30' to 13', for a proposed six-story, eight dwelling unit building with a rear roof deck, three-level rear balconies and an attached garage.

**ACTION OF BOARD-**  
VARIATION GRANTED

**THE VOTE**

NOV 20 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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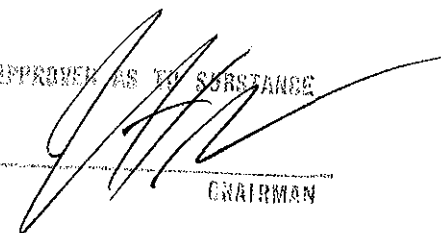
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on August 1, 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; a special use was granted to this location in Cal. No. 275-13-S to establish a residential use below the second floor; the applicant shall now be permitted to reduce the required rear yard setback from 30' to 13', for a proposed six-story, eight dwelling unit building with a rear roof deck, three-level rear balconies and an attached garage the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Douvris, LLC DBA Beef Shack

**CAL NO.:** 297-13-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
October 18, 2013

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2646 N. Jones/ 2601-15 N. Western Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of one-lane, drive-through facility for a proposed restaurant.

**ACTION OF BOARD-**  
CASE CONTINUED TO DECEMBER 20, 2013

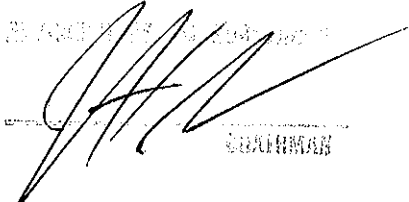
**THE VOTE**

NOV 20 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

2013 NOV 20 10:00 AM  
  
CHAIRMAN

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

**APPLICANT:** Pure Metal Recycling, LLC

**CAL NO.:** 305-13-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
August 16, 2013

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2201-2527 S. Loomis Ave.

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

**ACTION OF BOARD-**  
CASE CONTINUED TO DECEMBER 20, 2013

**THE VOTE**

NOV 20 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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: Go Spa LLC CAL NO.: 325-13-S
APPEARANCE FOR: Thomas Moore MINUTES OF MEETING: October 18, 2013
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1551 N. Mohawk Street

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

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE

NOV 20 2013
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

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

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 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 massage establishment; 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 will also require that the applicant provide on premise security during business hours; 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 establishment 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

Signature of Jonathan Swain, Zoning Administrator

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

**APPLICANT:** Darlington Hotel LLC

**CAL NO.:** 341-13-S

**APPEARANCE FOR:** Sylvia Michas

**MINUTES OF MEETING:**  
October 18, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4700 N. Racine Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of establish a three-story 63-unit, single room occupancy building.

**ACTION OF BOARD-**  
CASE CONTINUED TO OCTOBER 18, 2013

**THE VOTE**

NOV 20 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
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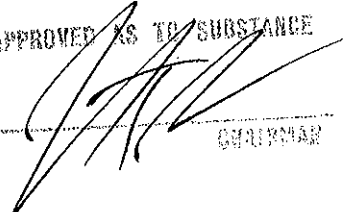
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 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 three-story 63-unit, single room occupancy 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 will also require that the applicant provide on premise security during business hours; 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 three-story, 63-unit, single room occupancy building 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: Kasper Development, LLC

CAL NO.: 335-13-S

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:  
October 18, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3918-20 S. Rockwell Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor of a proposed two-story, single family residence with an attached garage.

ACTION OF BOARD-  
APPLICATION APPROVED

THE VOTE

NOV 20 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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 October 18, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 3, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a residential use below the second floor for a two-story, single family residence with an attached garage; 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 will also require that the applicant provide on premise security during business hours; 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 two-story, single-family residence with an attached garage, provided the development is established consistent with the design, layout, materials and plans prepared by 360 Design Studio and dated May 14, 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:** Kasper Development, LLC

**CAL NO.:** 336-13-S

**APPEARANCE FOR:** Paul Kolpak

**MINUTES OF MEETING:**  
September 20, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3922-24 S. Rockwell Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of establish residential use below the second floor of a proposed two-story, single family residence with an attached garage.

**ACTION OF BOARD-**  
**APPLICATION APPROVED**

**THE VOTE**

NOV 20 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

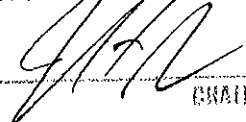
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 3, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a residential use below the second floor for a two-story, single family residence with an attached garage; 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 will also require that the applicant provide on premise security during business hours; 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 two-story, single-family residence with an attached garage, provided the development is established consistent with the design, layout, materials and plans prepared by 360 Design Studio and dated May 14, 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

**342-13-S**  
CALENDAR NUMBER

**4007 N. Paulina, LLC**  
APPLICANT

**4007 N. Paulina**  
PREMISES AFFECTED

**October 18, 2013**  
MINUTES OF MEETING

Jessica Schramm  
APPEARANCE FOR APPLICANT

Rakhael Ross  
OBJECTOR

**NATURE OF REQUEST**

Application for a special use to establish a residential use below the second floor of a proposed four-story, eight-unit building with a detached garage.

**ACTION OF BOARD**

**THE VOTE**

The application for a special use is approved.

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 October 18, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Jessica Schramm, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; and

WHEREAS, Mr. Chuck Mudd testified on behalf of the Applicant; that he has experience in development and is authorized to speak on behalf of the Applicant; that the Applicant is proposing to construct a four-story, eight-unit building on the subject property; that the proposed development will have nine parking spaces; that the units will range from 1,600 to 2,000 square feet; that both the units and parking will be offered as "for sale" units; that due to the zoning district, commercial space is required on the

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

ground floor of the proposed building; that commercial space is not a viable use for the ground floor of the proposed building due to the subject property's lack of frontage and visibility from the West Irving Park corridor; that a better use for the subject property is that of residential units on the ground floor; that the neighbor next north approves of this use; that both the Alderman and the Chamber of Commerce do not object to the proposed development; and

WHEREAS, Mr. Chris Michalek testified on behalf of the Applicant; his credentials as an expert in architecture were acknowledged by the Board; that his firm designed the plan of the proposed development; that he is therefore familiar with the subject property as it exists today; that currently the subject property is improved with a one-story commercial structure and an asphalt parking lot; that directly south of the subject property is a four-story, mixed-use building; that there is a self-storage, industrial use west of the site; that there is residential use north of the subject property; that there is also residential use across the street from the subject property; that he studied the context of the area when designing the proposed development; that the front and side yards of the proposed development are in excess of the minimums required by the Chicago Zoning Ordinance; that all parking for the proposed development will be in private garages accessed off an alley at the back of the subject property; that the development is significantly under the height, unit count, and maximum floor area of the zoning district; that the proposed development is compatible with the character of the surrounding area in terms of site planning, building scale, and project design; and

WHEREAS, Mr. Joe Wilcox 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 the subject property is located in the West Irving Park corridor; (2) that on West Irving Park Road itself there are predominately mixed-use properties with commercial on the first floor; that the subject block of North Paulina, the building that has the hard corner onto Irving Park Road runs all the way along the hard corner; (3) that consequently, the subject property is not visible from West Irving Park Road and has no access to Irving Park Road's frontage; (4) that because of the lack of visibility from Irving Park Road, the subject property would not have any foot traffic or signage that would be able to attract commercial use on the ground floor; (5) that in his opinion, this drastically decreases the viability of commercial space on the ground floor of the subject property; (6) that he considers the development, as designed, is an appropriate transition from the mix-use commercial corridor on West Irving Park Road to the more residential character of North Paulina; (7) that residential use of the subject property is a better fit for the space and more compatible with the character of the block; and

WHEREAS, in response to questions by the Board, Ms. Schramm explained that the subject property had originally included the corner lot fronting West Irving Park

Road; that the subject property no longer included the corner lot although the subject property still carried the business zoning; that the lot did not get re-zoned residential because the Applicant does not believe the property needs to be re-zoned residential; that the Applicant believes it can accomplish its goals with a special use; that the Applicant gains no extra benefit from the property being zoned business rather than residential; that obtaining the special use is a lesser amount of relief; that the Applicant has worked substantially with the Alderman, the Chamber of Commerce, and the neighbors on the development plan for the subject property; that the Alderman testified at a meeting with neighbors that he did not like zoning changes; that the Applicant has met with the neighbors of the subject property but did not meet with the block club; that the Applicant does not believe there is a formal block club for the area; and

WHEREAS, Ms. Rakhael Ross testified in opposition to the application; that she a member of the Zoning Advisory Committee for the 47th Ward; that she was against the proposed special use when the Committee ruled on it; that she is still against the proposed special use; that she does not live on Paulina but on Hermitage; that there is a neighborhood community group in the area; that the neighborhood community group is not formalized with a board but that there is active email activity; that based on the opposition raised in these emails, she is representing those opposed to the proposed special use; that she would rather the zoning of the subject property be changed to an RS-3; that this downzoning would better fit the character of the block and community; that this downzoning would uphold the purpose and intent of the Chicago Zoning Ordinance; that she requests the Applicant have a formal community meeting where other members of the community can voice their opinions; that she has spoken to the Alderman of her desire to have this property re-zoned RS-3 but that the Alderman told her it was not within his purview to re-zone the subject property; and

WHEREAS, in response to questions raised by the objector's testimony, Ms. Schramm was given leave to recall Mr. Wilcox; that Mr. Wilcox further testified that the subject property, as currently improved, is not consistent with an RS-3; that the subject block is mixed-use, with 10 properties that are multi-family use and 6 single-family homes; that across the street from subject property is a self-storage facility; that the proposed special use is therefore keeping with the character and development of the block; that the subject property has been vacant over 10 years and its development would positively impact the neighborhood; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the special use so long as it is built consistent with the design, layout, materials and plans prepared by Sullivan, Goulette & Wilson, and dated September 30, 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 it will provide residential use to a currently vacant commercial property in a neighborhood that is predominately residential. Further, because the proposed special use is harmonious and compatible with the residential land use of the immediate area, it will not have an adverse 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 because it provides a transition from the commercial corridor of West Irving Park Road to the predominantly residential use of North Paulina.
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.
5. The proposed special use will not affect pedestrian safety and comfort as it will have private, on-site parking that will be accessed off the rear alley and not the street.

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.*).

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

**4011 N. Paulina, LLC**  
APPLICANT

**343-13-S**  
CALENDAR NUMBER

**4011 N. Paulina**  
PREMISES AFFECTED

**October 18, 2013**  
MINUTES OF MEETING

Jessica Schramm  
APPEARANCE FOR APPLICANT

Rakhael Ross  
OBJECTOR

**NATURE OF REQUEST**

Application for a special use to establish a residential use below the second floor of a proposed three-story, six-unit building with a detached garage.

**ACTION OF BOARD**

**THE VOTE**

The application for a special use is approved.

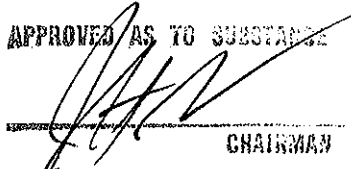
	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy Martinez-Faye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>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

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Jessica Schramm, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; and

WHEREAS, Mr. Chuck Mudd testified on behalf of the Applicant; that the Applicant is proposing to construct a three-story, six-unit building on the subject property; that the proposed development will have eight parking spaces; that the units will range from 1,600 to 2,000 square feet; that both the units and parking will be offered as "for sale" units; that due to the zoning district, commercial space is required on the ground floor of the proposed building; that commercial space is not a viable use for the ground floor of

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

the proposed building due to the subject property's lack of frontage and visibility from the West Irving Park corridor; that a better use for the subject property is that of residential units on the ground floor; that the neighbor next north approves of this use; that both the Alderman and the Chamber of Commerce do not object to the proposed development; and

WHEREAS, Mr. Chris Michalek testified on behalf of the Applicant; his credentials as an expert in architecture were acknowledged by the Board; that his firm designed the plan of the proposed development; that he is therefore familiar with the subject property as it exists today; that currently the subject property is improved with a one-story commercial structure and an asphalt parking lot; that directly south of the subject property is a four-story, mixed-use building; that there is a self-storage, industrial use west of the site; that there is residential use north of the subject property; that there is also residential use across the street from the subject property; that he studied the context of the area when designing the proposed development; that the front and side yards of the proposed development are in excess of the minimums required by the Chicago Zoning Ordinance; that all parking for the proposed development will be in private garages accessed off an alley at the back of the subject property; that the development is significantly under the height, unit count, and maximum floor area of the zoning district; that the proposed development is compatible with the character of the surrounding area in terms of site planning, building scale, and project design; and

WHEREAS, Mr. Joe Wilcox 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 the subject property is located in the West Irving Park corridor; (2) that on West Irving Park Road itself there are predominately mixed-use properties with commercial on the first floor; that the subject block of North Paulina, the building that has the hard corner onto Irving Park Road runs all the way along the hard corner; (3) that consequently, the subject property is not visible from West Irving Park Road and has no access to Irving Park Road's frontage; (4) that because of the lack of visibility from Irving Park Road, the subject property would not have any foot traffic or signage that would be able to attract commercial use on the ground floor; (5) that in his opinion, this drastically decreases the viability of commercial space on the ground floor of the subject property; (6) that he considers the development, as designed, is an appropriate transition from the mix-use commercial corridor on West Irving Park Road to the more residential character of North Paulina; (7) that residential use of the subject property is a better fit for the space and more compatible with the character of the block; and

WHEREAS, in response to questions by the Board, Ms. Schramm explained that the subject property had originally included the corner lot fronting West Irving Park Road; that the subject property no longer included the corner lot although the subject

property still carried the business zoning; that the lot did not get re-zoned residential because the Applicant does not believe the property needs to be re-zoned residential; that the Applicant believes it can accomplish its goals with a special use; that the Applicant gains no extra benefit from the property being zoned business rather than residential; that obtaining the special use is a lesser amount of relief; that the Applicant has worked substantially with the Alderman, the Chamber of Commerce, and the neighbors on the development plan for the subject property; that the Alderman testified at a meeting with neighbors that he did not like zoning changes; that the Applicant has met with the neighbors of the subject property but did not meet with the block club; that the Applicant does not believe there is a formal block club for the area; and

WHEREAS, Ms. Rakhael Ross testified in opposition to the application; that she a member of the Zoning Advisory Committee for the 47th Ward; that she was against the proposed special use when the Committee ruled on it; that she is still against the proposed special use; that she does not live on Paulina but on Hermitage; that there is a neighborhood community group in the area; that the neighborhood community group is not formalized with a board but that there is active email activity; that based on the opposition raised in these emails, she is representing those opposed to the proposed special use; that she would rather the zoning of the subject property be changed to an RS-3; that this downzoning would better fit the character of the block and community; that this downzoning would uphold the purpose and intent of the Chicago Zoning Ordinance; that she requests the Applicant have a formal community meeting where other members of the community can voice their opinions; that she has spoken to the Alderman of her desire to have this property re-zoned RS-3 but that the Alderman told her it was not within his purview to re-zone the subject property; and

WHEREAS, in response to questions raised by the objector's testimony, Ms. Schramm was given leave to recall Mr. Wilcox; that Mr. Wilcox further testified that the subject property, as currently improved, is not consistent with an RS-3; that the subject block is mixed-use, with 10 properties that are multi-family use and 6 single-family homes; that across the street from subject property is a self-storage facility; that the proposed special use is therefore keeping with the character and development of the block; that the subject property has been vacant over 10 years and its development would positively impact the neighborhood; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the special use so long as it is built consistent with the design, layout, materials and plans prepared by Sullivan, Goulette & Wilson, and dated September 30, 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 it will provide residential use to a currently vacant commercial property in a neighborhood that is predominately residential. Further, because the proposed special use is harmonious and compatible with the residential land use of the immediate area, it will not have an adverse 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 because it provides a transition from the commercial corridor of West Irving Park Road to the predominantly residential use of North Paulina.
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.
5. The proposed special use will not affect pedestrian safety and comfort as it will have private, on-site parking that will be accessed off the rear alley and not the street.

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.*).



**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

**JWS Charter Special Asset, LLC**  
APPLICANT

**353-13-S**  
CALENDAR NUMBER

**5140 South Kenwood Avenue, Unit 101**  
PREMISES AFFECTED

**October 18, 2013**  
MINUTES OF MEETING

**Bernard Citron**  
APPEARANCE FOR APPLICANT

**NO OBJECTORS**

**NATURE OF REQUEST**

Application for a special use to establish a vacation rental unit.

**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"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 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. Bernard Citron, 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 owns the subject property; that the subject property is currently improved with an 18 unit building; that the applicant intends to turn 6 of these units into short-term rentals; and

WHEREAS, Mr. Ari Golson testified on behalf of the application; that he is a member of the Applicant; that the Applicant has owned the property since 2011; that there would not be any changes to the building should the special use be granted; that the Applicant would not advertise its short-term rentals on the side of the building; that the Applicant owns and operates approximately 500 apartments in the Kenwood/Hyde Park

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

area; that there is currently a lack of short-term rental units in the Kenwood/Hyde Park area; that the Applicant intended the proposed special use to serve visiting professors and other visitors to the University of Chicago and its affiliated hospitals; that this would be a boon to the community; and

WHEREAS, Ms. Lauren Kirby testified on behalf of the Applicant; that she is a licensed clinical social worker with the cancer program at the University of Chicago; that she works with patients that undergo stem cell transplants; that when patients undergo stem cell transplants, they must remain in the hospital for at least three weeks; that after they are released from the hospital, they must stay close to the hospital for about three months; that she also works with leukemia patients; that many leukemia patients have caregivers that need short-term places to stay; that her patients come from all over the nation and require short-term places to stay; that unlike the Mayo or Anderson Clinic, the cancer program at the University of Chicago does not have any short-term housing; that as oncology patients have compromised immune systems, doctors do not like them staying in hotels; that therefore clean, short-term, furnished rental facilities are very much needed in the area; and

WHEREAS, in response to questions by the Board, Ms. Kirby further testified that she was not aware of the University of Chicago building any short-term housing of this type; that she does not believe the University has any plans to build; that she is not and would not be in any decision-making process about the University building short-term rental facilities; that she has advocated for short-term housing for patients in the past; that the Ronald McDonald house in the area only serves children;

WHEREAS, Mr. Mike Wolin 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 that the proposed special use would not have an adverse impact on the surrounding properties because the special use is indistinguishable from the other units in the building; and

WHEREAS, in response to questions by the Board, Mr. Golson further testified that the Applicant would probably advertise the units on its website but that he did not believe there would any need to advertise the units; that the units were already being used as short-term rentals before the Applicant took over the subject property; that therefore, the property is known in the community for providing the proposed special use; that the Applicant did not intend to advertise the units on any website other than its own; that there is a property manager on the premises; that the Applicant would not rent to students or young adults looking for a place to throw a party; that the Applicant would mostly rely on word of mouth from university professors for its business; and

WHEREAS, in response to further questions by the Board, Mr. Golson testified that the other units in the building that would continue to be full-term rentals; that many of the

these full-term rentals are yearly but that some are month-to-month; that unless required by the proposed special use, there were no plans by the Applicant to inform the renters of these full-term units about the proposed special use; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the special use so long as it is developed consistent with the design, layout, materials and plans prepared by Young Architects, LLC and dated October 16, 2013; and

WHEREAS, the staff of the Department of Housing and Economic Development further recommended approval of the special use so long as the contact information for the management company is clearly posted on the exterior of the building; 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 Applicant did not demonstrate the proposed special use is in the interest of the public convenience. The Applicant, in its case-in-chief, argued that the proposed special use is in the interest of the public convenience because the University of Chicago needs short-term rental units for its patients and visiting professors. However, the Applicant provided no testimonial evidence of this need. Although Ms. Kirby is employed by the University of Chicago, she admitted she held no decision-making authority for the University, and therefore her testimony cannot be said to represent the University at the hearing. Consequently, Ms. Kirby's testimony cannot be taken as evidence that the proposed special use is in the interest of the public convenience as her testimony regarding the University's need for short-term rental units for its patients and visiting professors is not credible.
2. The subject property and its surrounding area are residential in nature. The Applicant proposes to introduce a commercial purpose to the area with the proposed special use. The Board does not find this commercial purpose compatible with the character of the residential surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation. Further, the Applicant did not provide the Board with satisfactory testimony as to how the full-term renters on the subject property would be given notice of the proposed special use. This casts further doubt on the Applicant's ability to operate the proposed special use in a manner compatible with the surrounding area.

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

RESOLVED, the aforesaid special use application is hereby denied.

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

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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



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

**JWS Charter Special Asset, LLC**  
APPLICANT

**354-13-S**  
CALENDAR NUMBER

**5140 South Kenwood Avenue, Unit 103**  
PREMISES AFFECTED

**October 18, 2013**  
MINUTES OF MEETING

Bernard Citron  
APPEARANCE FOR APPLICANT

NO OBJECTORS

**NATURE OF REQUEST**

Application for a special use to establish a vacation rental unit.

**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"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 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. Bernard Citron, 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 owns the subject property; that the subject property is currently improved with an 18 unit building; that the applicant intends to turn 6 of these units into short-term rentals; and

WHEREAS, Mr. Ari Golson testified on behalf of the application; that he is a member of the Applicant; that the Applicant has owned the property since 2011; that there would not be any changes to the building should the special use be granted; that the Applicant would not advertise its short-term rentals on the side of the building; that the Applicant owns and operates approximately 500 apartments in the Kenwood/Hyde Park

APPROVED AS TO SUBSTANCE

CHAIRMAN

area; that there is currently a lack of short-term rental units in the Kenwood/Hyde Park area; that the Applicant intended the proposed special use to serve visiting professors and other visitors to the University of Chicago and its affiliated hospitals; that this would be a boon to the community; and

WHEREAS, Ms. Lauren Kirby testified on behalf of the Applicant; that she is a licensed clinical social worker with the cancer program at the University of Chicago; that she works with patients that undergo stem cell transplants; that when patients undergo stem cell transplants, they must remain in the hospital for at least three weeks; that after they are released from the hospital, they must stay close to the hospital for about three months; that she also works with leukemia patients; that many leukemia patients have caregivers that need short-term places to stay; that her patients come from all over the nation and require short-term places to stay; that unlike the Mayo or Anderson Clinic, the cancer program at the University of Chicago does not have any short-term housing; that as oncology patients have compromised immune systems, doctors do not like them staying in hotels; that therefore clean, short-term, furnished rental facilities are very much needed in the area; and

WHEREAS, in response to questions by the Board, Ms. Kirby further testified that she was not aware of the University of Chicago building any short-term housing of this type; that she does not believe the University has any plans to build; that she is not and would not be in any decision-making process about the University building short-term rental facilities; that she has advocated for short-term housing for patients in the past; that the Ronald McDonald house in the area only serves children;

WHEREAS, Mr. Mike Wolin 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 that the proposed special use would not have an adverse impact on the surrounding properties because the special use is indistinguishable from the other units in the building; and

WHEREAS, in response to questions by the Board, Mr. Golson further testified that the Applicant would probably advertise the units on its website but that he did not believe there would any need to advertise the units; that the units were already being used as short-term rentals before the Applicant took over the subject property; that therefore, the property is known in the community for providing the proposed special use; that the Applicant did not intend to advertise the units on any website other than its own; that there is a property manager on the premises; that the Applicant would not rent to students or young adults looking for a place to throw a party; that the Applicant would mostly rely on word of mouth from university professors for its business; and

WHEREAS, in response to further questions by the Board, Mr. Golson testified that the other units in the building that would continue to be full-term rentals; that many of the

these full-term rentals are yearly but that some are month-to-month; that unless required by the proposed special use, there were no plans by the Applicant to inform the renters of these full-term units about the proposed special use; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the special use so long as it is developed consistent with the design, layout, materials and plans prepared by Young Architects, LLC and dated October 16, 2013; and

WHEREAS, the staff of the Department of Housing and Economic Development further recommended approval of the special use so long as the contact information for the management company is clearly posted on the exterior of the building; 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 Applicant did not demonstrate the proposed special use is in the interest of the public convenience. The Applicant, in its case-in-chief, argued that the proposed special use is in the interest of the public convenience because the University of Chicago needs short-term rental units for its patients and visiting professors. However, the Applicant provided no testimonial evidence of this need. Although Ms. Kirby is employed by the University of Chicago, she admitted she held no decision-making authority for the University, and therefore her testimony cannot be said to represent the University at the hearing. Consequently, Ms. Kirby's testimony cannot be taken as evidence that the proposed special use is in the interest of the public convenience as her testimony regarding the University's need for short-term rental units for its patients and visiting professors is not credible.
2. The subject property and its surrounding area are residential in nature. The Applicant proposes to introduce a commercial purpose to the area with the proposed special use. The Board does not find this commercial purpose compatible with the character of the residential surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation. Further, the Applicant did not provide the Board with satisfactory testimony as to how the full-term renters on the subject property would be given notice of the proposed special use. This casts further doubt on the Applicant's ability to operate the proposed special use in a manner compatible with the surrounding area.

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

RESOLVED, the aforesaid special use application is hereby denied.

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

STATE OF ILLINOIS  
DEPARTMENT OF REVENUE  
CHICAGO, ILLINOIS

STATE OF ILLINOIS  
DEPARTMENT OF REVENUE  
CHICAGO, ILLINOIS

STATE OF ILLINOIS  
DEPARTMENT OF REVENUE  
CHICAGO, ILLINOIS

STATE OF ILLINOIS  
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CHICAGO, ILLINOIS

STATE OF ILLINOIS  
DEPARTMENT OF REVENUE  
CHICAGO, ILLINOIS

STATE OF ILLINOIS  
DEPARTMENT OF REVENUE  
CHICAGO, ILLINOIS



**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

**355-13-S**  
CALENDAR NUMBER

**JWS Charter Special Asset, LLC**  
APPLICANT

**October 18, 2013**  
MINUTES OF MEETING

**5140 South Kenwood Avenue, Unit 207**  
PREMISES AFFECTED

**Bernard Citron**  
APPEARANCE FOR APPLICANT

**NO OBJECTORS**

**NATURE OF REQUEST**

Application for a special use to establish a vacation rental unit.

**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"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 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. Bernard Citron, 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 owns the subject property; that the subject property is currently improved with an 18 unit building; that the applicant intends to turn 6 of these units into short-term rentals; and

WHEREAS, Mr. Ari Golson testified on behalf of the application; that he is a member of the Applicant; that the Applicant has owned the property since 2011; that there would not be any changes to the building should the special use be granted; that the Applicant would not advertise its short-term rentals on the side of the building; that the Applicant owns and operates approximately 500 apartments in the Kenwood/Hyde Park

APPROVED AS TO SUBSTANCE

area; that there is currently a lack of short-term rental units in the Kenwood/Hyde Park area; that the Applicant intended the proposed special use to serve visiting professors and other visitors to the University of Chicago and its affiliated hospitals; that this would be a boon to the community; and

WHEREAS, Ms. Lauren Kirby testified on behalf of the Applicant; that she is a licensed clinical social worker with the cancer program at the University of Chicago; that she works with patients that undergo stem cell transplants; that when patients undergo stem cell transplants, they must remain in the hospital for at least three weeks; that after they are released from the hospital, they must stay close to the hospital for about three months; that she also works with leukemia patients; that many leukemia patients have caregivers that need short-term places to stay; that her patients come from all over the nation and require short-term places to stay; that unlike the Mayo or Anderson Clinic, the cancer program at the University of Chicago does not have any short-term housing; that as oncology patients have compromised immune systems, doctors do not like them staying in hotels; that therefore clean, short-term, furnished rental facilities are very much needed in the area; and

WHEREAS, in response to questions by the Board, Ms. Kirby further testified that she was not aware of the University of Chicago building any short-term housing of this type; that she does not believe the University has any plans to build; that she is not and would not be in any decision-making process about the University building short-term rental facilities; that she has advocated for short-term housing for patients in the past; that the Ronald McDonald house in the area only serves children;

WHEREAS, Mr. Mike Wolin 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 that the proposed special use would not have an adverse impact on the surrounding properties because the special use is indistinguishable from the other units in the building; and

WHEREAS, in response to questions by the Board, Mr. Golson further testified that the Applicant would probably advertise the units on its website but that he did not believe there would any need to advertise the units; that the units were already being used as short-term rentals before the Applicant took over the subject property; that therefore, the property is known in the community for providing the proposed special use; that the Applicant did not intend to advertise the units on any website other than its own; that there is a property manager on the premises; that the Applicant would not rent to students or young adults looking for a place to throw a party; that the Applicant would mostly rely on word of mouth from university professors for its business; and

WHEREAS, in response to further questions by the Board, Mr. Golson testified that the other units in the building that would continue to be full-term rentals; that many of the

these full-term rentals are yearly but that some are month-to-month; that unless required by the proposed special use, there were no plans by the Applicant to inform the renters of these full-term units about the proposed special use; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the special use so long as it is developed consistent with the design, layout, materials and plans prepared by Young Architects, LLC and dated October 16, 2013; and

WHEREAS, the staff of the Department of Housing and Economic Development further recommended approval of the special use so long as the contact information for the management company is clearly posted on the exterior of the building; 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 Applicant did not demonstrate the proposed special use is in the interest of the public convenience. The Applicant, in its case-in-chief, argued that the proposed special use is in the interest of the public convenience because the University of Chicago needs short-term rental units for its patients and visiting professors. However, the Applicant provided no testimonial evidence of this need. Although Ms. Kirby is employed by the University of Chicago, she admitted she held no decision-making authority for the University, and therefore her testimony cannot be said to represent the University at the hearing. Consequently, Ms. Kirby's testimony cannot be taken as evidence that the proposed special use is in the interest of the public convenience as her testimony regarding the University's need for short-term rental units for its patients and visiting professors is not credible.
2. The subject property and its surrounding area are residential in nature. The Applicant proposes to introduce a commercial purpose to the area with the proposed special use. The Board does not find this commercial purpose compatible with the character of the residential surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation. Further, the Applicant did not provide the Board with satisfactory testimony as to how the full-term renters on the subject property would be given notice of the proposed special use. This casts further doubt on the Applicant's ability to operate the proposed special use in a manner compatible with the surrounding area.

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

RESOLVED, the aforesaid special use application is hereby denied.

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

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



JAN 21 2014

CITY OF CHICAGO  
DEPARTMENT OF HOUSING AND  
ECONOMIC DEVELOPMENT

**356-13-S**  
CALENDAR NUMBER

**JWS Charter Special Asset, LLC**  
APPLICANT

**October 18, 2013**  
MINUTES OF MEETING

**5140 South Kenwood Avenue, Unit 209**  
PREMISES AFFECTED

**Bernard Citron**  
APPEARANCE FOR APPLICANT

**NO OBJECTORS**

**NATURE OF REQUEST**

Application for a special use to establish a vacation rental unit.

**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"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 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. Bernard Citron, 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 owns the subject property; that the subject property is currently improved with an 18 unit building; that the applicant intends to turn 6 of these units into short-term rentals; and

WHEREAS, Mr. Ari Golson testified on behalf of the application; that he is a member of the Applicant; that the Applicant has owned the property since 2011; that there would not be any changes to the building should the special use be granted; that the Applicant would not advertise its short-term rentals on the side of the building; that the Applicant owns and operates approximately 500 apartments in the Kenwood/Hyde Park

APPROVED AS TO SUBSTANCE

CHAIRMAN

area; that there is currently a lack of short-term rental units in the Kenwood/Hyde Park area; that the Applicant intended the proposed special use to serve visiting professors and other visitors to the University of Chicago and its affiliated hospitals; that this would be a boon to the community; and

WHEREAS, Ms. Lauren Kirby testified on behalf of the Applicant; that she is a licensed clinical social worker with the cancer program at the University of Chicago; that she works with patients that undergo stem cell transplants; that when patients undergo stem cell transplants, they must remain in the hospital for at least three weeks; that after they are released from the hospital, they must stay close to the hospital for about three months; that she also works with leukemia patients; that many leukemia patients have caregivers that need short-term places to stay; that her patients come from all over the nation and require short-term places to stay; that unlike the Mayo or Anderson Clinic, the cancer program at the University of Chicago does not have any short-term housing; that as oncology patients have compromised immune systems, doctors do not like them staying in hotels; that therefore clean, short-term, furnished rental facilities are very much needed in the area; and

WHEREAS, in response to questions by the Board, Ms. Kirby further testified that she was not aware of the University of Chicago building any short-term housing of this type; that she does not believe the University has any plans to build; that she is not and would not be in any decision-making process about the University building short-term rental facilities; that she has advocated for short-term housing for patients in the past; that the Ronald McDonald house in the area only serves children;

WHEREAS, Mr. Mike Wolin 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 that the proposed special use would not have an adverse impact on the surrounding properties because the special use is indistinguishable from the other units in the building; and

WHEREAS, in response to questions by the Board, Mr. Golson further testified that the Applicant would probably advertise the units on its website but that he did not believe there would any need to advertise the units; that the units were already being used as short-term rentals before the Applicant took over the subject property; that therefore, the property is known in the community for providing the proposed special use; that the Applicant did not intend to advertise the units on any website other than its own; that there is a property manager on the premises; that the Applicant would not rent to students or young adults looking for a place to throw a party; that the Applicant would mostly rely on word of mouth from university professors for its business; and

WHEREAS, in response to further questions by the Board, Mr. Golson testified that the other units in the building that would continue to be full-term rentals; that many of the

these full-term rentals are yearly but that some are month-to-month; that unless required by the proposed special use, there were no plans by the Applicant to inform the renters of these full-term units about the proposed special use; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the special use so long as it is developed consistent with the design, layout, materials and plans prepared by Young Architects, LLC and dated October 16, 2013; and

WHEREAS, the staff of the Department of Housing and Economic Development further recommended approval of the special use so long as the contact information for the management company is clearly posted on the exterior of the building; 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 Applicant did not demonstrate the proposed special use is in the interest of the public convenience. The Applicant, in its case-in-chief, argued that the proposed special use is in the interest of the public convenience because the University of Chicago needs short-term rental units for its patients and visiting professors. However, the Applicant provided no testimonial evidence of this need. Although Ms. Kirby is employed by the University of Chicago, she admitted she held no decision-making authority for the University, and therefore her testimony cannot be said to represent the University at the hearing. Consequently, Ms. Kirby's testimony cannot be taken as evidence that the proposed special use is in the interest of the public convenience as her testimony regarding the University's need for short-term rental units for its patients and visiting professors is not credible.
2. The subject property and its surrounding area are residential in nature. The Applicant proposes to introduce a commercial purpose to the area with the proposed special use. The Board does not find this commercial purpose compatible with the character of the residential surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation. Further, the Applicant did not provide the Board with satisfactory testimony as to how the full-term renters on the subject property would be given notice of the proposed special use. This casts further doubt on the Applicant's ability to operate the proposed special use in a manner compatible with the surrounding area.

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

RESOLVED, the aforesaid special use application is hereby denied.

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



**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



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

**JWS Charter Special Asset, LLC**  
APPLICANT

**357-13-S**  
CALENDAR NUMBER

**5140 South Kenwood Avenue, Unit 314**  
PREMISES AFFECTED

**October 18, 2013**  
MINUTES OF MEETING

**Bernard Citron**  
APPEARANCE FOR APPLICANT

**NO OBJECTORS**

**NATURE OF REQUEST**

Application for a special use to establish a vacation rental unit.

**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"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 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. Bernard Citron, 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 owns the subject property; that the subject property is currently improved with an 18 unit building; that the applicant intends to turn 6 of these units into short-term rentals; and

WHEREAS, Mr. Ari Golson testified on behalf of the application; that he is a member of the Applicant; that the Applicant has owned the property since 2011; that there would not be any changes to the building should the special use be granted; that the Applicant would not advertise its short-term rentals on the side of the building; that the Applicant owns and operates approximately 500 apartments in the Kenwood/Hyde Park

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

area; that there is currently a lack of short-term rental units in the Kenwood/Hyde Park area; that the Applicant intended the proposed special use to serve visiting professors and other visitors to the University of Chicago and its affiliated hospitals; that this would be a boon to the community; and

WHEREAS, Ms. Lauren Kirby testified on behalf of the Applicant; that she is a licensed clinical social worker with the cancer program at the University of Chicago; that she works with patients that undergo stem cell transplants; that when patients undergo stem cell transplants, they must remain in the hospital for at least three weeks; that after they are released from the hospital, they must stay close to the hospital for about three months; that she also works with leukemia patients; that many leukemia patients have caregivers that need short-term places to stay; that her patients come from all over the nation and require short-term places to stay; that unlike the Mayo or Anderson Clinic, the cancer program at the University of Chicago does not have any short-term housing; that as oncology patients have compromised immune systems, doctors do not like them staying in hotels; that therefore clean, short-term, furnished rental facilities are very much needed in the area; and

WHEREAS, in response to questions by the Board, Ms. Kirby further testified that she was not aware of the University of Chicago building any short-term housing of this type; that she does not believe the University has any plans to build; that she is not and would not be in any decision-making process about the University building short-term rental facilities; that she has advocated for short-term housing for patients in the past; that the Ronald McDonald house in the area only serves children;

WHEREAS, Mr. Mike Wolin 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 that the proposed special use would not have an adverse impact on the surrounding properties because the special use is indistinguishable from the other units in the building; and

WHEREAS, in response to questions by the Board, Mr. Golson further testified that the Applicant would probably advertise the units on its website but that he did not believe there would any need to advertise the units; that the units were already being used as short-term rentals before the Applicant took over the subject property; that therefore, the property is known in the community for providing the proposed special use; that the Applicant did not intend to advertise the units on any website other than its own; that there is a property manager on the premises; that the Applicant would not rent to students or young adults looking for a place to throw a party; that the Applicant would mostly rely on word of mouth from university professors for its business; and

WHEREAS, in response to further questions by the Board, Mr. Golson testified that the other units in the building that would continue to be full-term rentals; that many of the

these full-term rentals are yearly but that some are month-to-month; that unless required by the proposed special use, there were no plans by the Applicant to inform the renters of these full-term units about the proposed special use; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the special use so long as it is developed consistent with the design, layout, materials and plans prepared by Young Architects, LLC and dated October 16, 2013; and

WHEREAS, the staff of the Department of Housing and Economic Development further recommended approval of the special use so long as the contact information for the management company is clearly posted on the exterior of the building; 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 Applicant did not demonstrate the proposed special use is in the interest of the public convenience. The Applicant, in its case-in-chief, argued that the proposed special use is in the interest of the public convenience because the University of Chicago needs short-term rental units for its patients and visiting professors. However, the Applicant provided no testimonial evidence of this need. Although Ms. Kirby is employed by the University of Chicago, she admitted she held no decision-making authority for the University, and therefore her testimony cannot be said to represent the University at the hearing. Consequently, Ms. Kirby's testimony cannot be taken as evidence that the proposed special use is in the interest of the public convenience as her testimony regarding the University's need for short-term rental units for its patients and visiting professors is not credible.
2. The subject property and its surrounding area are residential in nature. The Applicant proposes to introduce a commercial purpose to the area with the proposed special use. The Board does not find this commercial purpose compatible with the character of the residential surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation. Further, the Applicant did not provide the Board with satisfactory testimony as to how the full-term renters on the subject property would be given notice of the proposed special use. This casts further doubt on the Applicant's ability to operate the proposed special use in a manner compatible with the surrounding area.

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

RESOLVED, the aforesaid special use application is hereby denied.

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

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



JAN 21 2014

CITY OF CHICAGO  
DEPARTMENT OF HOUSING AND  
ECONOMIC DEVELOPMENT

**358-13-S**  
CALENDAR NUMBER

**JWS Charter Special Asset, LLC**  
APPLICANT

**5140 South Kenwood Avenue, Unit 316**  
PREMISES AFFECTED

**October 18, 2013**  
MINUTES OF MEETING

**Bernard Citron**  
APPEARANCE FOR APPLICANT

**NO OBJECTORS**

**NATURE OF REQUEST**

Application for a special use to establish a vacation rental unit.

**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"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 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. Bernard Citron, 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 owns the subject property; that the subject property is currently improved with an 18 unit building; that the applicant intends to turn 6 of these units into short-term rentals; and

WHEREAS, Mr. Ari Golson testified on behalf of the application; that he is a member of the Applicant; that the Applicant has owned the property since 2011; that there would not be any changes to the building should the special use be granted; that the Applicant would not advertise its short-term rentals on the side of the building; that the Applicant owns and operates approximately 500 apartments in the Kenwood/Hyde Park

APPROVED AS TO SUBSTANCE

CHAIRMAN

area; that there is currently a lack of short-term rental units in the Kenwood/Hyde Park area; that the Applicant intended the proposed special use to serve visiting professors and other visitors to the University of Chicago and its affiliated hospitals; that this would be a boon to the community; and

WHEREAS, Ms. Lauren Kirby testified on behalf of the Applicant; that she is a licensed clinical social worker with the cancer program at the University of Chicago; that she works with patients that undergo stem cell transplants; that when patients undergo stem cell transplants, they must remain in the hospital for at least three weeks; that after they are released from the hospital, they must stay close to the hospital for about three months; that she also works with leukemia patients; that many leukemia patients have caregivers that need short-term places to stay; that her patients come from all over the nation and require short-term places to stay; that unlike the Mayo or Anderson Clinic, the cancer program at the University of Chicago does not have any short-term housing; that as oncology patients have compromised immune systems, doctors do not like them staying in hotels; that therefore clean, short-term, furnished rental facilities are very much needed in the area; and

WHEREAS, in response to questions by the Board, Ms. Kirby further testified that she was not aware of the University of Chicago building any short-term housing of this type; that she does not believe the University has any plans to build; that she is not and would not be in any decision-making process about the University building short-term rental facilities; that she has advocated for short-term housing for patients in the past; that the Ronald McDonald house in the area only serves children;

WHEREAS, Mr. Mike Wolin 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 that the proposed special use would not have an adverse impact on the surrounding properties because the special use is indistinguishable from the other units in the building; and

WHEREAS, in response to questions by the Board, Mr. Golson further testified that the Applicant would probably advertise the units on its website but that he did not believe there would any need to advertise the units; that the units were already being used as short-term rentals before the Applicant took over the subject property; that therefore, the property is known in the community for providing the proposed special use; that the Applicant did not intend to advertise the units on any website other than its own; that there is a property manager on the premises; that the Applicant would not rent to students or young adults looking for a place to throw a party; that the Applicant would mostly rely on word of mouth from university professors for its business; and

WHEREAS, in response to further questions by the Board, Mr. Golson testified that the other units in the building that would continue to be full-term rentals; that many of the

these full-term rentals are yearly but that some are month-to-month; that unless required by the proposed special use, there were no plans by the Applicant to inform the renters of these full-term units about the proposed special use; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the special use so long as it is developed consistent with the design, layout, materials and plans prepared by Young Architects, LLC and dated October 16, 2013; and

WHEREAS, the staff of the Department of Housing and Economic Development further recommended approval of the special use so long as the contact information for the management company is clearly posted on the exterior of the building; 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 Applicant did not demonstrate the proposed special use is in the interest of the public convenience. The Applicant, in its case-in-chief, argued that the proposed special use is in the interest of the public convenience because the University of Chicago needs short-term rental units for its patients and visiting professors. However, the Applicant provided no testimonial evidence of this need. Although Ms. Kirby is employed by the University of Chicago, she admitted she held no decision-making authority for the University, and therefore her testimony cannot be said to represent the University at the hearing. Consequently, Ms. Kirby's testimony cannot be taken as evidence that the proposed special use is in the interest of the public convenience as her testimony regarding the University's need for short-term rental units for its patients and visiting professors is not credible.
2. The subject property and its surrounding area are residential in nature. The Applicant proposes to introduce a commercial purpose to the area with the proposed special use. The Board does not find this commercial purpose compatible with the character of the residential surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation. Further, the Applicant did not provide the Board with satisfactory testimony as to how the full-term renters on the subject property would be given notice of the proposed special use. This casts further doubt on the Applicant's ability to operate the proposed special use in a manner compatible with the surrounding area.

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

RESOLVED, the aforesaid special use application is hereby denied.

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



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

**APPLICANT:** 5501 S. Kedzie, LLC

**CAL NO.:** 359-13-S

**APPEARANCE FOR:** Mara Georges

**MINUTES OF MEETING:**  
October 18, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5602 S. Kedzie Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a minimum of 181 off-site, accessory, parking spaces to fulfill the parking requirement for a proposed health club to be located at 5599 S. Kedzie Avenue.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

NOV 20 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

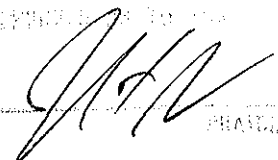
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 3, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a minimum of 181 off-site, accessory, parking spaces to fulfill the parking requirement for a proposed health club to be located at 5599 S. Kedzie Avenue ; 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 will also require that the applicant provide on premise security during business hours; 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 275-space, off-site, accessory, parking garage to fulfill the parking requirement for a proposed health club to be located at 5599 South Kedzie Avenue, provided the development is established consistent with the design, layout and plans prepared by Mark D. McKinney and dated August 23, 2013.

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

APPROVED BY THE BOARD  
  
CHAIRMAN

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

**APPLICANT:** Christian Heritage Training Center

**CAL NO.:** 360-13-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
October 18, 2013

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 6741 S. Michigan Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of an off-site accessory parking lot to serve a religious assembly located at 146-160 E. Marquette Rd./ 6664-70 S. Indiana Ave

**ACTION OF BOARD-**  
CASE CONTINUED TO NOVEMBER 15, 2013

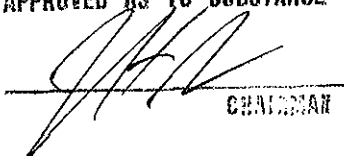
**THE VOTE**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

NOV 30 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

  
\_\_\_\_\_  
CHAIRMAN

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

**APPLICANT:** Christian Heritage Training Center

**CAL NO.:** 361-13-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

October 18, 2013

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 146-160 E. Marquette Rd./ 6664-70 S. Indiana Ave.

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to reduce the front yard setback from 9' to 0', reduce the rear yard setback from 22' to 9'9" and reduce the north side yard setback from 10' to 1' for a proposed renovation and expansion of the existing religious assembly.

**ACTION OF BOARD-**

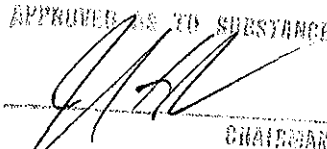
CASE CONTINUED TO NOVEMBER 15, 2013

**THE VOTE**

NOV 20 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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) 744-5777



JAN 21 2014

CITY OF CHICAGO  
DEPARTMENT OF HOUSING AND  
ECONOMIC DEVELOPMENT

**Wells & Scott Development Partners, LLC**

APPLICANT

**362-13-Z**

CALENDAR NUMBER

**211 West Scott Street**

PREMISES AFFECTED

**October 18, 2013**

MINUTES OF MEETING

**Mara Georges**

APPEARANCE FOR APPLICANT

**Michael Silver**

OBJECTOR

**NATURE OF REQUEST**

Application for a variation to reduce the north side yard setback from 7.16' to 0' and reduce the rear yard setback from 4.68' to 3.69' for a proposed six-story building with 59 units, 71 indoor parking spaces, and ground floor retail.

**ACTION OF BOARD**

**THE VOTE**

The application for a variation is approved.

Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy Martinez-Faye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 October 18, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Mara Georges, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that due to an error on the City's part, the foundation for the proposed six-story building has already been poured; that for some reason, the foundation permit was issued for the proposed building even though no variation had been granted for the foundation; that the variation requested is to correct this error; and

WHEREAS, Mr. James Letchinger testified on behalf of the Applicant; that he represented JDL Development, one of the parties that make up the Applicant; that the

APPROVED AS TO SUBSTANCE

CHAIRMAN

Applicant became aware of the problem when it went to pick up its final building permit; that the Applicant's proposed building on the subject property had passed all other City reviews; that the subject property is a unique lot and therefore no one realized the proposed building required setback relief until the "final hour"; that at this "final hour" the City did realize its error and, in consequence, the final building permit was not issued; that the proposed building is not built on the subject property; that only the foundation is laid; that the foundation reflects the requested variation relief sought from the Board; that if the foundation had to be ripped out from the subject property, it would be very difficult to yield a reasonable return on the subject property; and

WHEREAS, Mr. Letchinger further testified that the subject property is located at the corner of Wells Street and Scott Street; that the property is located in a C2-3 zoning district; that in the past few years, the property has been vacant and used as a parking lot; that the proposed development is a six-story, 62' high residential building with first floor retail uses along Wells Street; that there is no retail along Scott Street but that retail will be visible from Scott Street; and

WHEREAS, Mr. James Plunkard testified on behalf of the Applicant; that his credentials as an expert in architecture were acknowledged by the Board; that he is the architect of the proposed building; that the foundation on the subject property was constructed in accordance with the foundation permit issued by the City; that the foundation reflects the setback relief requested by the variation; that, in his professional opinion: (1) there would be significant cost associated with removing the current foundation if the variation was not granted; (2) the proposed building would not alter the character of the neighborhood; (3) the proposed building would not impair the quality of life for any of the adjacent property owners; (4) the building would not substantially increase congestion in the public streets or increase the danger of fire or diminish public safety in any way; and

WHEREAS, in response to questions by the Board, Mr. Letchinger further testified that the retail portion of the proposed building has not been decided; that the Applicant has turned down many retail uses because the Applicant intends the retail to be high-end; that the Applicant is looking to provide services for the neighborhood in the retail space, such as a restaurant; and

WHEREAS, Mr. Michael Silver testified in opposition to the application; that he is a 15 year resident of Scott Street; that he has met with Applicant's counsel prior to the hearing and that the meeting mitigated some of his concerns; that nevertheless, he wished to place his concerns on the record; that he is concerned about additional traffic generation due to the proposed variation; that he is especially concerned about the loading dock on Scott Street as that would additionally congest traffic; that he would like a pedestrian stop sign or crosswalk at the intersection of Scott and Wells Street; and

WHEREAS, in response to questions raised by Mr. Silver's testimony, Ms. Georges was given leave to recall Mr. Letchinger; that Mr. Letchinger further testified no retail trucks would be entering or exiting Scott Street; that the loading dock on Scott Street will

not be used for retail but only for garbage pick-up; that the Applicant would work with Mr. Silver to establish a stop sign or crosswalk at the intersection of Scott Street and Wells Street; and

WHEREAS, the Board reminded both the Applicant and the objector that while Mr. Silver's request for a stop sign or pedestrian crosswalk could be put on the record, granting such a request was beyond the Board's purview; 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 regarding reducing the rear and north side setbacks for the current foundation 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 whether the property can yield a reasonable return is not material as the applicant intends to continue to own the subject property; (2) the practical difficulty or particular hardship of the property is due to the unique circumstance of the foundation for the proposed building already permitted and poured without the required variation for the foundation; and (3) the variation, if granted, will not alter the essential character of the neighborhood;
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 fact that the foundation was lawfully permitted by the City presents particular hardship upon the Applicant if the strict letter of the Zoning Ordinance for the subject property's rear and side yard setbacks were carried out; (2) the unique situation of the setback relief required for the proposed building being missed until the final building permits were to be issued is a condition not generally applicable to other property in a C2-3 zoning district; (3) as the applicant will continue to own the subject property, profit is not a motive for the application; (4) the applicant did not create the hardship in question as the foundation was lawfully permitted and only later was the error discovered; (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:** 75th Street Entertainment, Inc.

**CAL NO.:** 363-13-Z

**APPEARANCE FOR:** Warren Silver

**MINUTES OF MEETING:**  
October 18, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1530 E. 75th Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to establish a public place of amusement license to permit an existing tavern, located within 125' of an RS-3 residential single-unit (detached house) district, to provide live entertainment, DJ and dancing.

**ACTION OF BOARD-**  
**VARIATION GRANTED**

**THE VOTE**

NOV 20 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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 October 18, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on December 6, 2012 and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a variation to permit a PPA license was granted previously in 2010; the applicant is again requesting to establish a public place of amusement license at this location so that they can provide live entertainment an DJ and dancing; the applicant shall be permitted to establish the PPA license at this location; 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.

*[Handwritten Signature]*  
CHICAGO



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

**APPLICANT:** Sonco Real Estate LLC, 2317 N. Halsted Series **CAL NO.:** 364-13-Z

**APPEARANCE FOR:** Warren Silver

**MINUTES OF MEETING:**  
October 18, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2317 N. Halsted Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to allow an existing four-story building with six units to exceed its allowed floor ratio of 6,408 square feet by not more than 15% (961 square feet) for a proposed three-story rear addition.

**ACTION OF BOARD-**  
**VARIATION GRANTED**

**THE VOTE**

NOV 30 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

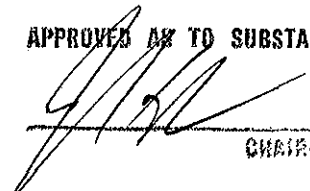
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on December 6, 2012 and

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 rear three-story addition which shall increase the floor area ratio by 961 square feet which is not more than 15% of the existing floor area (6,408 square feet); 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: Howe-Armitage, LLC

CAL NO.: 365-13-Z

APPEARANCE FOR:

MINUTES OF MEETING:  
October 18, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 625 W. Armitage 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 9.6' to 0.0' and reduce the rear yard setback from 22.4' to 9.84' for a proposed second floor front addition with a balcony and a two-story rear addition to an existing one-story single family residence with an existing rear attached garage.

**ACTION OF BOARD-**

CASE CONTINUED TO NOVEMBER 15, 2013

*then continued to December 20, 2013*

**THE VOTE**

NOV 20 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED BY THE BOARD  
*[Signature]*  
SECRETARY

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

**APPLICANT:** Bart Przyjemski

**CAL NO.:** 366-13-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
October 18, 2013

**APPEARANCE AGAINST:**

**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 front yard setback from 15' to 8.33' and 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 detached garage with a rooftop deck.

**ACTION OF BOARD-**  
CASE CONTINUED TO NOVEMBER 15, 2013

**THE VOTE**

NOV 20 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

2013 OCT 18 10 10 AM  
*[Signature]*  
CITY CLERK

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

APPLICANT: Esther P. Morgan-Watts

CAL NO.: 367-13-Z

APPEARANCE FOR:

MINUTES OF MEETING:  
October 18, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 11735 S. Longwood Drive

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front yard setback from the average of 30.69' to 22.56' for a proposed one-story front addition to an existing single-family residence with a detached garage.

ACTION OF BOARD-  
CASE CONTINUED TO DECEMBER 20, 2013

THE VOTE

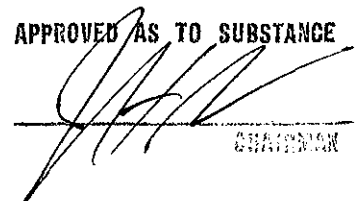
NOV 20 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



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

**APPLICANT:** Forest Himmelfarb

**CAL NO.:** 368-13-Z

**APPEARANCE FOR:** Same

**MINUTES OF MEETING:**  
October, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2020 N. Hoyne Street

**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 2' to 1.15', reduce the combined side yard setback from 4.8' to 4.48', reduce the rear yard setback from 30' to 15.37' and to exceed the allowed floor area ratio of 3,033 square feet by not more than 15% (454 square feet ) for a proposed second floor addition to an existing three unit building.

**ACTION OF BOARD-**  
**VARIATION GRANTED**

**THE VOTE**

NOV 20 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

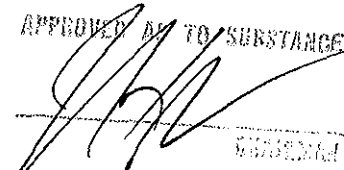
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on December 6, 2012 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 1.15', reduce the combined side yard setback to 4.48', reduce the rear yard setback to 15.37' and to exceed the allowed floor area ratio of 3,033 square feet by not more than 15% (454 square feet ) for a proposed second floor addition to an existing 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 therefore

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

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

APPROVED BY TO SUBSTANCE  
  
JONATHAN SWAIN

**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

**369-13-Z**

CALENDAR NUMBER

**SDS Development, Inc.**

APPLICANT

**4534 North Damen Avenue**

PREMISES AFFECTED

**October 18, 2013**

MINUTES OF MEETING

**Jim Banks**

APPEARANCE FOR APPLICANT

**Jon Bliese**

OBJECTOR

**NATURE OF REQUEST**

Application for a variation to reduce the front yard setback to 0', reduce the south side yard setback from 2.66' to 0', reduce the combined side yard setback from 6.66' to 3.33' and reduce the rear yard setback from 48.56' to 27.25' for a proposed three-story single family residence with an attached garage.

**ACTION OF BOARD**

**THE VOTE**

The application for a variation is approved.

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 October 18, 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 currently the subject property is comprised of a single zoning lot located at 4534 - 4542 North Damen Avenue; that the subject property is currently improved with a vacant, one-story commercial building that runs lot line to lot line; that the Applicant intends to subdivide the lot into three new lots; that the Applicant intends to provide new, single-family homes upon these three new lots; that the Applicant requires the requested variation to erect a single-family home at 4534 North Damen Avenue; and

APPROVED AS TO SUBSTANCE

CHAIRMAN

WHEREAS, Mr. Stuart Shiner testified on behalf of the Applicant; that he is the managing member of the Applicant; that the current zoning lot on the subject property is 100' wide x 173' deep; that the Applicant intends to subdivide this lot into three new lots measuring 33.3' wide x 173' deep; that the Applicant intends to reuse and adapt as much of the existing building and foundation as possible; that consequently, the Applicant requires a variation at 4534 North Damen to reduce the front setback to 0', reduce the south side setback from the required 2.6' to 0, reduce the combined side yard setback from 6.6' to 3.3', and reduce the required rear yard setback from 48.56' to 27.25' feet; that the front wall of the current building on the subject property is at the front lot line; that the Applicant intends to divide the front wall into three separate, garden walls for the new, single-homes; that the proposed homes will actually be set 13' off the front property line; that the proposed 0' south side setback currently exists at 4534 North Damen today and that the Applicant would like to maintain that setback; that in regards to the rear setback, a wall currently exists along the entire rear lot line of the lot; that again, the Applicant is hoping to re-use this wall for the proposed new development; that the Applicant plans to make a 13% to 15% return on the proposed development; that this is a reasonable return based on today's real estate market; that the Applicant has the support of Alderman Pawar for the development; and

WHEREAS, Mr. Douglas B. Gillespie testified on behalf of the Applicant; his credentials as an expert in architecture were acknowledged by the Board; that he was hired by the Applicant to prepare a program of adaptive reuse for the existing building on the subject property; that the subject property is zoned RS-3; that the surrounding area is mixed use; that there are many buildings with reduced setbacks and buildings built to lot lines; that although the interior existing building on the subject property will be radically altered, the exterior of the existing building on the subject property will remain the same; that because the proposed plan of development is a re-adaptive use of the existing building, the requested variation is necessary; that because the property is RS-3, the former commercial use of the building is out of character for the neighborhood; that consequently, the return of the subject property to residential use will be more in keeping with the character of the neighborhood; that the proposed variation will not be detrimental to the public welfare or injurious to other property in the area; that the proposed variation will not impair an adequate amount 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 substantially increase congestion of the public street as the new home on the subject property will have a three-car, private garage; that the proposed variation will not substantially diminish or impair property values; and the proposed variation will not alter the character of the locality because it will be utilizing an existing building; and

WHEREAS, Mr. Jon Bliese testified in opposition to the application; that he resides at 4532 North Damen, which is directly south of the existing building; that although many buildings in the area are built to the lot line, single-family homes in the area have been consistently held to almost 40' yard setbacks; that he is concerned about the increased load on the footings of the existing building due to the increase in build-out of

new, three single-family homes; that he is also concerned that roof deck of the southernmost unit will block the light to his bedroom window, as well as cause noise and disrupt his sleep; and

WHEREAS, in response to the issues raised by the objector's testimony, Mr. Banks was allowed leave to recall Mr. Gillespie; that Mr. Gillespie further testified that there would be no additional load to the footings of the existing building that the footings could not bear; that the only way to mitigate Mr. Bliese's concern about the roof deck would be to make the roof deck smaller; and

WHEREAS, in response to questions raised by the Board, Mr. Banks explained that the Applicant was not seeking relief from the Board in regards to the roof deck; that nevertheless, Mr. Banks believed the Applicant could come up with a fair and reasonable change to the plan for the roof deck; and

WHEREAS, the Chair explained to Mr. Bliese that the Chicago Department of Buildings would govern the terms of what the footings could hold; that Mr. Bliese's concern about the roof deck is beyond the Board's purview; and

WHEREAS, Mr. Banks stated that the Applicant was amenable to adjusting the roof deck on the southernmost unit; 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 its case by testimony and other evidence that a practical difficulty and particular hardship exists regarding the proposed use the subject property should the requirements of the Zoning Ordinance be strictly complied with, and, further, the requested variation regarding reducing the front, side, and rear yard setbacks for the proposed single-family house 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 because the Applicant intends to re-adapt the current, non-conforming building on the property, the property in question cannot yield a reasonable rate of return if used only in accordance with the standards of the Zoning Ordinance; (2) the practical difficulty or particular hardship of the property is due to the unique circumstance of the Applicant's desire to re-adapt the existing commercial



building on the subject property building which is not generally applicable to other RS-3 properties; and (3) the proposed variation will not alter the essential character of the neighborhood because the reduced setback conditions already exist on the subject property;

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 Applicant's desire to re-adapt the existing, non-conforming building on the subject property results in a particular hardship upon the Applicant if the strict letter of the Zoning Ordinance were carried out; (2) the Applicant's desire to re-adapt the existing, non-conforming building on the subject property is not a condition generally applicable to other properties within the RS-3 classification; (3) as the Applicant hopes only to make a reasonable return of 13% to 15% on his investment, profit is not the sole motive for the application; (4) the Applicant did not create the non-conforming building; (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  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-5777



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

**SDS Development, Inc.**

APPLICANT

**370-13-Z**

CALENDAR NUMBER

**4538 North Damen Avenue**

PREMISES AFFECTED

**October 18, 2013**

MINUTES OF MEETING

**Jim Banks**

APPEARANCE FOR APPLICANT

**Jon Bliese**

OBJECTOR

**NATURE OF REQUEST**

Application for a variation to reduce the front yard setback to 0', reduce the north and south side setbacks from the required 2.66' to 1.67', reduce the combined side yard setback from 6.66' to 3.33' and reduce the rear yard setback from 48.56' to 27.25' for a proposed three-story single family residence with an attached garage.

**ACTION OF BOARD**

**THE VOTE**

The application for a variation is approved.

Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy Martinez-Faye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 October 18, 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 currently the subject property is comprised of a single zoning lot located at 4534 through 4542 North Damen Avenue; that the subject property is currently improved with a vacant, one-story commercial building that runs lot line to lot line; that the Applicant intends to subdivide the lot into three new lots; that the Applicant intends to erect new, single-family homes upon these three new lots; that the Applicant requires the requested variation to erect a single-family home at 4538 North Damen Avenue; and

APPROVED AS TO SUBSTANCE

CHAIRMAN

WHEREAS, Mr. Stuart Shiner testified on behalf of the Applicant; that he is the managing member of the Applicant; that the current zoning lot on the subject property is 100' wide x 173' deep; that the Applicant intends to subdivide this lot into three new lots measuring 33.3' wide x 173' deep; that the Applicant intends to reuse and adapt as much of the existing building and foundation as possible; that consequently, the Applicant requires a variation at 4538 North Damen to reduce the front setback to 0', reduce the north and south side setbacks from 2.66' to 1.67', reduce the combined side yard setback from 6.66' to 3.33', and reduce the required rear yard setback from 48.56' to 27.25' feet; that the front wall of the current building on the property is at the front lot line; that the Applicant intends to divide the front wall into three separate, garden walls for the new, single-homes; that the proposed homes will actually be set 13' off the front property line; that as the proposed new home at 4538 North Damen will be the middle lot, the Applicant has designed the home to be evenly spaced between the two homes on the other two lots; that consequently, the north and south side yard setbacks for 4538 North Damen will measure 1.67'; that in regards to the rear setback, a wall currently exists along the entire rear lot line of the lot; that again, the Applicant is hoping to re-use this wall for the proposed new development; that the Applicant plans to make a 13% to 15% return on the proposed development; that this is a reasonable return based on today's real estate market; that the Applicant has the support of Alderman Pawar for the development; and

WHEREAS, Mr. Douglas B. Gillespie testified on behalf of the Applicant; his credentials as an expert in architecture were acknowledged by the Board; that he was hired by the Applicant to prepare a program of adaptive reuse for the existing building on the subject property; that the subject property is zoned RS-3; that the surrounding area is mixed use; that there are many buildings with reduced setbacks and buildings built to lot lines; that although the interior existing building on the subject property will be radically altered, the exterior of the existing building on the subject property will remain the same; that because the proposed plan of development is a re-adaptive use of the existing building, the requested variation is necessary; that because the property is RS-3, the former commercial use of the building is out of character for the neighborhood; that consequently, the return of the subject property to residential use will be more in keeping with the character of the neighborhood; that the proposed variation will not be detrimental to the public welfare or injurious to other property in the area; that the proposed variation will not impair an adequate amount 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 substantially increase congestion of the public street as the new home on the subject property will have a three-car, private garage; that the proposed variation will not substantially diminish or impair property values; and the proposed variation will not alter the character of the locality because it will be utilizing an existing building; and

WHEREAS, Mr. Jon Bliese testified in opposition to the application; that he resides at 4532 North Damen, which is directly south of the existing building; that although many buildings in the area are built to the lot line, single-family homes in the area have

been consistently held to almost 40' yard setbacks; that he is concerned about the increased load on the footings of the existing building due to the increase in build-out of new, three single-family homes; that he is also concerned that roof deck of the southernmost unit will block the light to his bedroom window, as well as cause noise and disrupt his sleep; and

WHEREAS, in response to the issues raised by the objector's testimony, Mr. Banks was allowed leave to recall Mr. Gillespie; that Mr. Gillespie further testified that there would be no additional load to the footings of the existing building that the footings could not bear; that the only way to mitigate Mr. Bliese's concern about the roof deck would be to make the roof deck smaller; and

WHEREAS, in response to questions raised by the Board, Mr. Banks explained that the Applicant was not seeking relief from the Board in regards to the roof deck; that nevertheless, Mr. Banks believed the Applicant could come up with a fair and reasonable change to the plan for the roof deck; and

WHEREAS, the Chair explained to Mr. Bliese that the Chicago Department of Buildings would govern the terms of what the footings could hold; that Mr. Bliese's concern about the roof deck is beyond the Board's purview; and

WHEREAS, Mr. Banks stated that the Applicant was amenable to adjusting the roof deck on the southernmost unit; 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 its case by testimony and other evidence that a practical difficulty and particular hardship exists regarding the proposed use the subject property should the requirements of the Zoning Ordinance be strictly complied with, and, further, the requested variation regarding reducing the front, side, and rear yard setbacks for the proposed single-family house 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 because the Applicant intends to re-adapt the current, non-conforming building on the property, the property in question cannot yield a reasonable rate of return if used only in accordance with the standards of the Zoning

Ordinance; (2) the practical difficulty or particular hardship of the property is due to the unique circumstance of the Applicant's desire to re-adapt the existing commercial building on the subject property building which is not generally applicable to other RS-3 properties; and (3) the proposed variation will not alter the essential character of the neighborhood because the reduced setback conditions already exist on the subject property;

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 Applicant's desire to re-adapt the existing, non-conforming building on the subject property results in a particular hardship upon the Applicant if the strict letter of the Zoning Ordinance were carried out; (2) the Applicant's desire to re-adapt the existing, non-conforming building on the subject property is not a condition generally applicable to other properties within the RS-3 classification; (3) as the Applicant hopes only to make a reasonable return of 13% to 15% on his investment, profit is not the sole motive for the application; (4) the Applicant did not create the non-conforming building; (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  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-5777



JAN 21 2014

CITY OF CHICAGO  
DEPARTMENT OF HOUSING AND  
ECONOMIC DEVELOPMENT

**371-13-Z**  
CALENDAR NUMBER

**SDS Development, Inc.**

APPLICANT

**4542 North Damen Avenue**

PREMISES AFFECTED

**October 18, 2013**

MINUTES OF MEETING

**Jim Banks**

APPEARANCE FOR APPLICANT

**Jon Bliese**

OBJECTOR

**NATURE OF REQUEST**

Application for a variation to reduce the front yard setback to 0', reduce the north side yard setback from 2.66' to 1.67', reduce the combined side yard setback from 6.66' to 3.33' and reduce the rear yard setback from 48.56' to 27.25' for a proposed three-story single family residence with an attached garage.

**ACTION OF BOARD**

**THE VOTE**

The application for a variation is approved.

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 October 18, 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 currently the subject property is comprised of a single zoning lot located at 4534 through 4542 North Damen Avenue; that the subject property is currently improved with a vacant, one-story commercial building that runs lot line to lot line; that the Applicant intends to subdivide the lot into three new lots; that the Applicant intends to erect new, single-family homes upon these three new lots; that the Applicant requires the requested variation to erect a single-family home at 4542 North Damen Avenue; and

APPROVED AS TO SUBSTANCE

WHEREAS, Mr. Stuart Shiner testified on behalf of the Applicant; that he is the managing member of the Applicant; that the current zoning lot on the subject property is 100' wide x 173' deep; that the Applicant intends to subdivide this lot into three new lots measuring 33.3' wide x 173' deep; that the Applicant intends to reuse and adapt as much of the existing building and foundation as possible; that consequently, the Applicant requires a variation at 4542 North Damen to reduce the front setback to 0', reduce the north side setback from the required 2.6' to 0, reduce the combined side yard setback from 6.6' to 3.3', and reduce the required rear yard setback from 48.56' to 27.25' feet; that the front wall of the current building on the property is at the front lot line; that the Applicant intends to divide the front wall into three separate, garden walls for the new, single-homes; that the proposed homes will actually be set 13' off the front property line; that the proposed 0' north side setback currently exists at 4542 North Damen today and that the Applicant would like to maintain that setback; that in regards to the rear setback, a wall currently exists along the entire rear lot line of the lot; that again, the Applicant is hoping to re-use this wall for the proposed new development; that the Applicant plans to make a 13% to 15% return on the proposed development; that this is a reasonable return based on today's real estate market; that the Applicant has the support of Alderman Pawar for the development; and

WHEREAS, Mr. Douglas B. Gillespie testified on behalf of the Applicant; his credentials as an expert in architecture were acknowledged by the Board; that he was hired by the Applicant to prepare a program of adaptive reuse for the existing building on the subject property; that the subject property is zoned RS-3; that the surrounding area is mixed use; that there are many buildings with reduced setbacks and buildings built to lot lines; that although the interior existing building on the subject property will be radically altered, the exterior of the existing building on the subject property will remain the same; that because the proposed plan of development is a re-adaptive use of the existing building, the requested variation is necessary; that because the property is RS-3, the former commercial use of the building is out of character for the neighborhood; that consequently, the return of the subject property to residential use will be more in keeping with the character of the neighborhood; that the proposed variation will not be detrimental to the public welfare or injurious to other property in the area; that the proposed variation will not impair an adequate amount 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 substantially increase congestion of the public street as the new home on the subject property will have a three-car, private garage; that the proposed variation will not substantially diminish or impair property values; and the proposed variation will not alter the character of the locality because it will be utilizing an existing building; and

WHEREAS, Mr. Jon Bliese testified in opposition to the application; that he resides at 4532 North Damen, which is directly south of the existing building; that although many buildings in the area are built to the lot line, single-family homes in the area have been consistently held to almost 40' yard setbacks; that he is concerned about the increased load on the footings of the existing building due to the increase in build-out of

new, three single-family homes; that he is also concerned that roof deck of the southernmost unit will block the light to his bedroom window, as well as cause noise and disrupt his sleep; and

WHEREAS, in response to the issues raised by the objector's testimony, Mr. Banks was allowed leave to recall Mr. Gillespie; that Mr. Gillespie further testified that there would be no additional load to the footings of the existing building that the footings could not bear; that the only way to mitigate Mr. Bliese's concern about the roof deck would be to make the roof deck smaller; and

WHEREAS, in response to questions raised by the Board, Mr. Banks explained that the Applicant was not seeking relief from the Board in regards to the roof deck; that nevertheless, Mr. Banks believed the Applicant could come up with a fair and reasonable change to the plan for the roof deck; and

WHEREAS, the Chair explained to Mr. Bliese that the Chicago Department of Buildings would govern the terms of what the footings could hold; that Mr. Bliese's concern about the roof deck is beyond the Board's purview; and

WHEREAS, Mr. Banks stated that the Applicant was amenable to adjusting the roof deck on the southernmost unit; 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 its case by testimony and other evidence that a practical difficulty and particular hardship exists regarding the proposed use the subject property should the requirements of the Zoning Ordinance be strictly complied with, and, further, the requested variation regarding reducing the front, side, and rear yard setbacks for the proposed single-family house 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 because the Applicant intends to re-adapt the current, non-conforming building on the property, the property in question cannot yield a reasonable rate of return if used only in accordance with the standards of the Zoning Ordinance; (2) the practical difficulty or particular hardship of the property is due to the unique circumstance of the Applicant's desire to re-adapt the existing commercial



building on the subject property building which is not generally applicable to other RS-3 properties; and (3) the proposed variation will not alter the essential character of the neighborhood because the reduced setback conditions already exist on the subject property;

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 Applicant's desire to re-adapt the existing, non-conforming building on the subject property results in a particular hardship upon the Applicant if the strict letter of the Zoning Ordinance were carried out; (2) the Applicant's desire to re-adapt the existing, non-conforming building on the subject property is not a condition generally applicable to other properties within the RS-3 classification; (3) as the Applicant hopes only to make a reasonable return of 13% to 15% on his investment, profit is not the sole motive for the application; (4) the Applicant did not create the non-conforming building; (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: Insight: Eating Disorders, Weight Management CAL NO.: 372-13-S

APPEARANCE FOR: Francis Ostian MINUTES OF MEETING: October 18, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 200 E. Ohio Street, Unit 400

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

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE

NOV 20 2013

CITY OF CHICAGO ZONING BOARD OF APPEALS

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

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows show 'X' marks for affirmative votes.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 3, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a transitional residence; the applicant testified that the will provide services to people that suffer from eating disorders and will reside at the facility temporarily for treatment; 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 will also require that the applicant provide on premise security during business hours; 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 16-bed transitional residence for the treatment of eating disorders, provided the development is established consistent with the design, layout and plans prepared by Forma, Inc. and dated August 6, 2013.

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

Handwritten signature and stamp at the bottom right of the page.

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

APPLICANT:

Kevin Luu

CAL NO.: 373-13-S

APPEARANCE FOR:

MINUTES OF MEETING:

October 18, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED:

2347 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 nail salon.

ACTION OF BOARD-

CASE CONTINUED TO DECEMBER 20, 2013

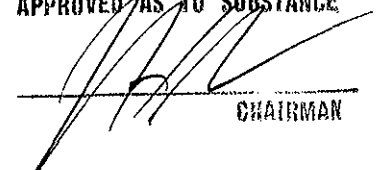
THE VOTE

NOV 20 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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: Cruz Recycling Inc.

CAL NO.: 374-13-S

APPEARANCE FOR: James Banks

MINUTES OF MEETING:  
October 18, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3937 W. Lake Street

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

ACTION OF BOARD-  
APPLICATION APPROVED

THE VOTE

NOV 20 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

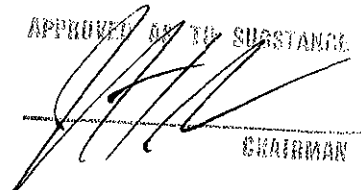
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 3, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following the applicant shall be permitted to establish a Class IV-A recycling facility; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board will also require that the applicant provide on premise security during business hours; 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 Class IVA recycling facility 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  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-5777



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

**Chillar Party, Inc. / DBA Red Violin Wine &  
Spirits**

APPLICANT

**7407 N. Clark Street**

PREMISES AFFECTED

**375-13-S**

CALENDAR NUMBER

**October 18, 2013**

MINUTES OF MEETING

**Auni Shaw**

APPEARANCE FOR APPLICANT

**Patricia Shaw & Lorraine Dovite**

OBJECTORS

**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.

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 October 18, 2013, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Auni Shaw, 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 is currently operating a liquor store at the subject property; that the Applicant has only an accessory use liquor license; that the Applicant acknowledges that this is not in compliance as the Applicant needs a packaged goods liquor license; that due to the zoning of the subject property, the Applicant must obtain a special use for a packaged goods liquor license; that therefore the Applicant is seeking a special use to obtain a packaged goods liquor license and rectify the Applicant's mistake in failing to obtain the correct liquor license; and

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

WHEREAS, Mr. Pradeep Patel testified on behalf of the Applicant; that he is the owner and president of the Applicant; that the Applicant has been operating a liquor store at the subject property for 1 year; that he has an accessory liquor license to operate the store; that he knows an accessory use is not the correct liquor license; that he always intended to operate a liquor store at the subject property; that when he applied for his liquor license, he was told by the City Zoning Department that the B3-3 zoning of the subject property only permitted an accessory liquor license; that liquor could therefore only be sold as an accessory to groceries; that the only way he could have a liquor store on the subject property would be to apply for a special use; that the Liquor Commission came to his store due to his lack of a special use; that the Commission gave the Applicant time to come into compliance; that the Alderman supports the special use; that the Applicant offers unique craft beers, very high quality wine, and hard to find single malt scotches; that he has 15 years experience in the liquor business; that the Applicant's hours of operation at the subject location are 10:00 AM to 10:00 PM; that he employs 1 full-time employee and 1 half-time employee at the subject location; that he has surveillance cameras inside and outside the store to prohibit loitering; that he has had no trouble with loitering; and

WHEREAS, Mr. Paul Woznicki testified on behalf of the Applicant; that his credentials as an expert in land planning 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 it will provide high quality beers, wines, and spirits to consumers and will not have an adverse affect on the general welfare of the community; (3) 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 be utilizing two storefronts in an existing structure; (4) that the proposed special use will be compatible with the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation as this intersection of Clark Street and Rogers Street is a highly traveled area; and (5) that the proposed special use is designed to promote pedestrian safety and comfort as there will be no new entranceways to the storefront that would affect pedestrian safety; and

WHEREAS, Ms. Patricia Shaw testified in opposition to the application; that she resides at 1741 West Jarvis Street; that she has resided in the neighborhood for the past 72 years; that on July 3, 2012, the Jargowood Block Club had a meeting; that prior to the meeting, the Block Club was informed of the liquor license on the subject property; that no interested organizations or groups in the ward were notified of the application for a liquor license prior to July 3, 2012; that at this July 3, 2012 meeting, Mr. Patel stated there would be food and liquor sold at this location; that the Block Club objected to this because there was no need for another liquor store as there is both a Dominicks grocery

store and a Walgreens in the immediate area; that both Rogers Street and Clark Street are very busy streets with no place for his liquor trucks to unload; that the store is not a fine wine shop, it is merely a liquor store; there is no food sold in the store; that there is a nursing home right next to the liquor store; that there is a daycare center half a block away from the liquor store; that Mr. Patel has 7 other liquor stores in the City and therefore knew or should have known what liquor licenses required; and

WHEREAS, Ms. Lorraine Dovite testified in opposition to the application; that she resides at 7429 N. Greenview; that she is the chair of the Jargowood Block Club; that at the July 3, 2012 meeting, the Block Club was not impressed by Mr. Patel's liquor store; that no one at the Block Club supported this store; that Mr. Patel should have been much more familiar with the licensing requirement, much more familiar with the zoning requirement, and much more aware that the square footage was not enough to sell both liquor and the required non-liquor items for the accessory liquor license; that he therefore planned his business in violation of the existing regulations; that she is offended by this; that she wants to see him selling food at the subject property; and

WHEREAS, in response to questions raised by the objectors' testimony, Mr. Patel further testified that he never intended to sell food at the subject property; that he always presented his store as a wine and spirits store; that he has never before applied for a liquor license; that for his other 7 stores, he purchased the license when he purchased those businesses; and

WHEREAS, Alderman Joe Moore testified in support of the application; that Mr. Patel had always represented to him that the store would be solely a liquor store; that most of the Alderman's ward is under a liquor moratorium and therefore he has never been faced with an issue of the zoning requirements for liquor licenses; that the Alderman believed B3-3 zoning was sufficient for a packaged liquor license; that the Alderman did not attend the July 3, 2012 meeting but that his chief of staff did; that his chief of staff stated that Mr. Patel represented his store as a liquor store at that meeting not as a grocery store with a liquor section; that it was only after a liquor license inspector came to the store 9 months after opening that the Alderman became aware a special use was necessary for Mr. Patel's liquor store; that this store provides a niche in the community for upscale wines, spirits, and craft beers that are otherwise not available in the community; and

WHEREAS, in response to questions from the Board, the Alderman further testified that Mr. Patel's establishment is a premium facility with premium products; that he has personally been in Mr. Patel's store; and

WHEREAS, the staff of the Department of Housing and Economic Development recommended approval of the special use; 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 is the only store in the community selling upscale wines, spirits, and premium craft beer. Further, the proposed special use will not have an adverse 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 in a B3 zoning district;
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 because Clark Street and Rogers Street are highly traveled areas;
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.

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: Edison Learning Inc.

CAL NO.: 376-13-S

APPEARANCE FOR: David Sattelberger

MINUTES OF MEETING:  
October 18, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 10928 S. Halsted Street

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

ACTION OF BOARD-  
APPLICATION APPROVED

THE VOTE

NOV 20 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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 October 18, 2013 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 3, 2013; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a high school; 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 will also require that the applicant provide on premise security during business hours; 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 high school, provided the development is established consistent with the design, layout and plans submitted to the Board and dated October 18, 2013.

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

*[Handwritten Signature]*  
CHIEF CLERK

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

APPLICANT: McDonald's Corporation

CAL NO.: 377-13-S

APPEARANCE FOR:

MINUTES OF MEETING:  
October 18, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 1454 W. 47th Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a new drive-through lane and relocate an existing drive-through window for an existing restaurant.

ACTION OF BOARD-  
CASE CONTINUED TO DECEMBER 20, 2013

THE VOTE

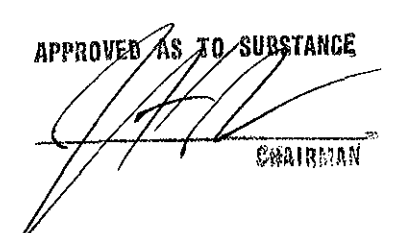
NOV 20 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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: McDonald's Corporation

CAL NO.: 378-13-Z

APPEARANCE FOR:

MINUTES OF MEETING:  
October 18, 2013

APPEARANCE AGAINST:

PREMISES AFFECTED: 1454 W. 47th Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the maximum gross floor area of a commercial establishment by 10% for a floor area total of 4,400 square feet for a proposed one-story addition to an existing restaurant.

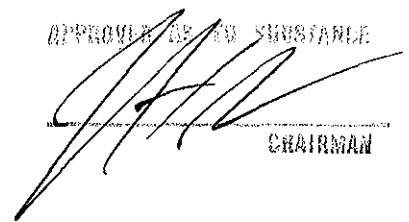
ACTION OF BOARD-  
CASE CONTINUED TO DECEMBER 20, 2013

THE VOTE

NOV 20 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED BY TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Janice and Mohab Wagdy

**CAL NO.:** 379-13-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
October 18, 2013

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 4110 N. Mozart Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to expand a permitted residential use by an amount not to exceed 15% of the floor area in existence 50 years prior to such filing.

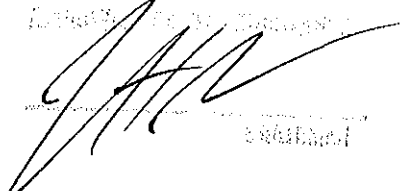
**ACTION OF BOARD-**  
CASE CONTINUED TO DECEMBER 20, 2013

**THE VOTE**

NOV 20 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		



Jonathan Swain  
Chairman

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

**APPLICANT:** Nathan Davis

**CAL NO.:** 380-13-Z

**APPEARANCE FOR:** James Banks

**MINUTES OF MEETING:**  
October 18, 2013

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3434 W. Glenlake Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front yard setback to 17' and reduce the rear yard setback from 34.86' to 21.17' for a proposed two-story single family residence with an attached garage.

**ACTION OF BOARD-**  
**VARIATION GRANTED**

**THE VOTE**

NOV 20 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

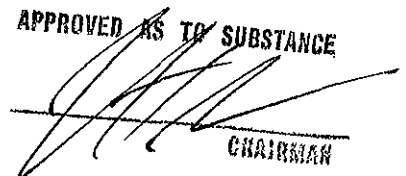
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on December 6, 2012 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 17' and reduce the rear yard setback to 21.17' for a proposed two-story single family residence with an attached garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

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

**CAL NO.:** 381-13-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
October 18, 2013

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 3804 N. Mozart Street

**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 within an existing two-story building.

**ACTION OF BOARD-**  
WITHDRAWN ON MOTION OF THE APPLICANT

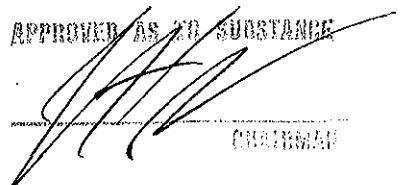
**THE VOTE**

NOV 20 2013  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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: 1708 N. Damen, LLC

CAL NO.: 382-13-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:  
October 18, 2013

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1708 N. Damen Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to waive the one required parking space for a proposed two-story building with ground floor retail space and one second floor residential unit.

ACTION OF BOARD-  
VARIATION GRANTED

THE VOTE

NOV 18 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

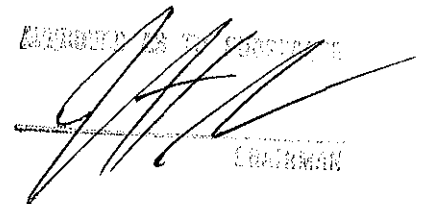
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2013, after due notice thereof as provided under Section 17-13-0107A and by publication in the Chicago Sun-Times on December 6, 2012 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 waive the one required parking space for a proposed two-story building with ground floor retail space and one second floor residential unit; 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.

  
CHIEF OF STAFF  
CHAIRMAN

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

**APPLICANT:**

Robert Buono

**CAL NO.:** 383-13-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

October 18, 2013

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:**

1420-1422 N. Hoyne Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear yard setback from 42' to 0', reduce the north side yard setback from 3.6' to 2' and reduce the combined side yard setback from 9' to 5' for a proposed one and two-story addition to an existing residential building.

**ACTION OF BOARD-**

WITHDRAWN ON MOTION OF THE APPLICANT

**THE VOTE**

NOV 20 2013

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE