

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

**APPLICANT:** Efferquest, LLC Series 1

**CAL NO.:** 28-15-S

**APPEARANCE FOR:** Rolando Acosta

**MINUTES OF MEETING:**  
February 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1501 N. Milwaukee Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of an outdoor roof top patio for a proposed restaurant.

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

**THE VOTE**

MAR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
RECUSED		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 5, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to establish an outdoor roof top patio for a proposed restaurant provided the development is established consistent with the design, layout, materials and plans prepared by FC Studio and dated May 30, 2014.

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:** Deportiva De Futbol Corp. **CAL NO.:** 29-15-Z  
**APPEARANCE FOR:** Carlos Cisneros **MINUTES OF MEETING:**  
 February 20, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3040 West Lawrence Avenue

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

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

**THE VOTE**

MAR 26 2015  
 CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

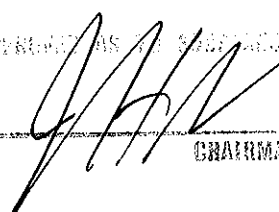
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a public place of amusement license for an indoor sports and recreation soccer facility within 125' of an RS-3 residential district; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
 \_\_\_\_\_  
 CHAIRMAN

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

**APPLICANT:** Volo Restaurant, LLC

**CAL NO.:** 30-15-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

February 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2008 West Roscoe Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the off-street, accessory parking requirement from one(1) space to zero (0) spaces to allow for the conversion of a rear, detached, one-story building, with one (1) parking space, into accessory dining space to serve the existing restaurant on t

**ACTION OF BOARD-**

WITHDRAWN ON MOTION OF THE APPLICANT

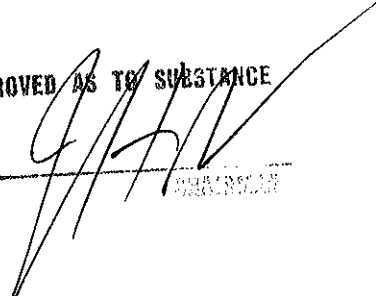
**THE VOTE**

MAR 26 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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		X
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X		

APPROVED AS TO SUBSTANCE

  
\_\_\_\_\_  
CHAIRMAN

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

**APPLICANT:** Dennis Sexton

**CAL NO.:** 31-15-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
February 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3737 N. Seminary Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the north side setback from 2' to 0'; to reduce the combined side setback from 5' to 3.5'; and, to reduce the rear setback from 30.03' to 3' for a proposed, second floor and front, two floor addition to an existing, one-story, three-unit building being converted to two units with no existing on-site parking.

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

**THE VOTE**

MAR 26 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
		X
X		
X		

**THE RESOLUTION:**

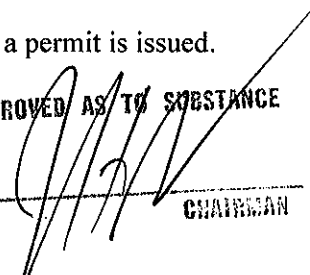
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the north side setback to 0'; to reduce the combined side setback to 3.5'; and, to reduce the rear setback to 3' for a proposed, second floor and front, two floor addition to an existing, one-story, three-unit building being converted to two units with no existing on-site parking; 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:** Estafania Antopia **CAL NO.:** 32-15-S

**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**

February 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3652 West 26th Street

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

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

MAR 26 2015

CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

**THE RESOLUTION:**

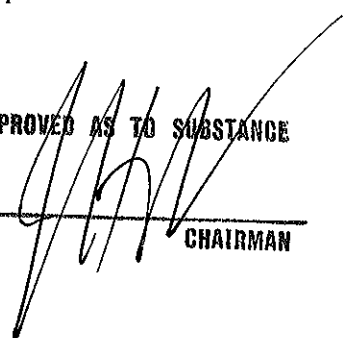
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 5, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to establish a beauty salon.

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:** Donnie Farrow/DBA The Spotlight **CAL NO.:** 33-15-S  
**APPEARANCE FOR:** Donnie Farrow **MINUTES OF MEETING:**  
February 20, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1648 East 53rd Street

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

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

**THE VOTE**

MAR 26 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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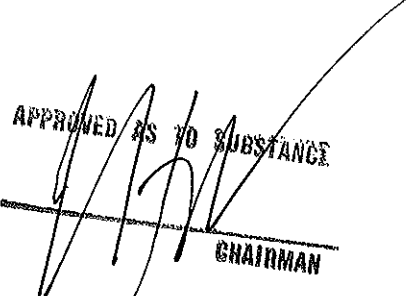
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 5, 2015; and

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

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Toan Bao Truong **CAL NO.:** 34-15-S  
**APPEARANCE FOR:** James Kurotsuchi **MINUTES OF MEETING:**  
February 20, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3550 N. Austin Avenue

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

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

**THE VOTE**

MAR 26 2015  
 CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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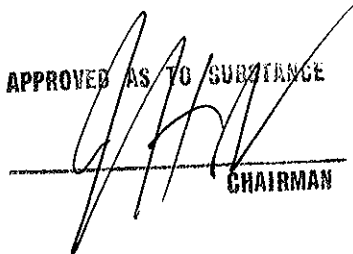
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 5, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to establish a nail salon.

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:** Kent Watkins **CAL NO.:** 35-15-S

**APPEARANCE FOR:** **MINUTES OF MEETING:**

February 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 935 West Diversey Parkway

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

**ACTION OF BOARD-**  
CASE CONTINUED TO MARCH 20, 2015

**THE VOTE**

MAR 26 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED BY TO SIGNATURE

CHAINMAN



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

**APPLICANT:** Nader Yashya **CAL NO.:** 36-15-S  
**APPEARANCE FOR:** John Pikarski **MINUTES OF MEETING:**  
February 20, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2006 West Division Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a liquor store for the sale of package goods.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

MAR 26 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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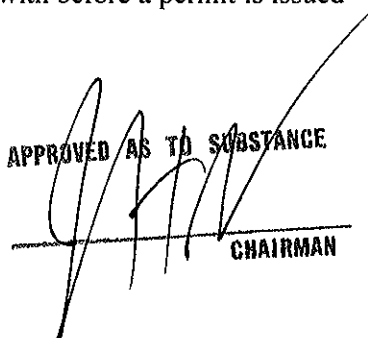
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 5, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to establish a liquor store for the sale of package goods.

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:** Adam Grimm **CAL NO.:** 37-15-Z  
**APPEARANCE FOR:** John Pikarski **MINUTES OF MEETING:**  
February 20, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4125 North Bernard Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front setback from 39' to 14.38' and to reduce the west side setback from 3' to 2.3' for a proposed, two-story single-family residence with a rear, detached, three-car garage.

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

**THE VOTE**

MAR 26 2015  
 CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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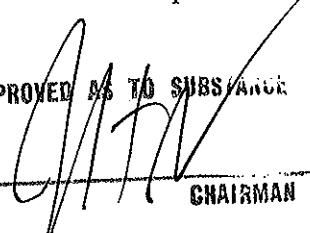
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 14.38' and to reduce the west side setback to 2.3' for a proposed, two-story single-family residence with a rear, detached, three-car garage; a variation to increase the height of the building has also been permitted in Cal. No. 38-15-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
 CHAIRMAN

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

**APPLICANT:** Adam Grimm **CAL NO.:** 38-15-Z  
**APPEARANCE FOR:** John Pikarski **MINUTES OF MEETING:**  
February 20, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4125 North Bernard Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the maximum allowed building height of 30' by no more than 10% (32.5') for a proposed, two-story single-family residence with a rear, detached, three-car garage.

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

**THE VOTE**

MAR 26 2015  
 CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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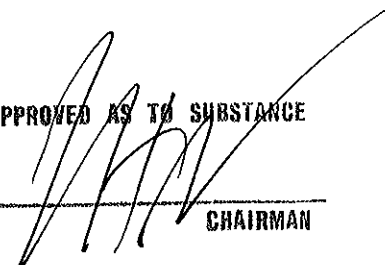
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the maximum height of no more than 10% to 32.5' for a two-story single-family residence with a rear, detached, three-car garage; the applicant was also granted a variation for yard reductions in Cal. No. 37-15-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
 CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



MAR 23 2015  
CITY OF CHICAGO

**David and Shira Cheplowitz**

APPLICANTS

**39-15-Z**

CALENDAR NUMBER

**2901 West Estes Avenue**

PREMISES AFFECTED

**February 20, 2015**

HEARING DATE

**William J.P. Banks**  
APPEARANCE FOR APPLICANT

**Shana Polsky & Others**  
OBJECTORS

**NATURE OF REQUEST**

Application for a variation to reduce the front setback from 20' to 17.5' for a proposed 3.83' x 14' terrace/patio pit/window well and to reduce the rear setback from 32.99' to 6.92' for a proposed open stair exceeding 6' in height and a second floor addition to an existing, single-family residence with a rear, attached garage and a basement kitchen (for religious beliefs).

**ACTION OF BOARD**

The application for a variation to reduce the front setback is denied. The application for a variation to reduce the rear setback is approved.

**THE VOTE (FRONT SETBACK)**

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

**THE VOTE (REAR SETBACK)**

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

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on February 20, 2015, after due notice

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance (“Zoning Ordinance”) and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. William J.P. Banks, counsel for the Applicants, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that the underlying zoning of the affected property is a RS-2 Zoning District; that the Applicants sought the requested variation due to their large family of seven-and-a-half (7 ½) children; and

WHEREAS, Mr. David Cheplowitz testified on behalf of the application; that he and his wife own the subject property; that he and his wife are attempting to enlarge the existing single-family home on the subject property; that said home would remain single-family; that he and his wife have been married for twelve-and-a-half (12 ½) years; that he and his wife have moved six (6) times during their marriage; that each time they look at a home, his wife is pregnant and by the time they move in, his wife has had another baby; that he and his wife are looking for a home they can grow into; that they would like a kosher kitchen; that he and his wife applied to the City for a building permit; that he and his wife were issued a building permit; that he and his wife built subject to the permit; that the City issued a stop work order; that no reason was given for the stop work order; and

WHEREAS in response to questions by the Board, Mr. Banks explained that the Applicants made some changes to their building plans to fit suggestions made by the City; that these suggestions were made after the Applicants renewed the initial plans; and

WHEREAS in response to questions by the Board, Ms. Kimberlee Smith, the Applicants’ architect, testified that the initial plans required no zoning relief; and

WHEREAS in response to further questions by the Board, Mr. Banks agreed that, to his knowledge, the initial plans required no zoning relief; that the Applicants have spoken to the City; that the Applicants are not interested in pursuing estoppel issues with regards to the stop work order, but the Applicants are interested in putting seven (7) children in a home; that the City gave the Applicants clear direction as to how to rectify the problem; that rectifying the problem is this request for relief; and

WHEREAS, in response to questions by the Board, Mr. Cheplowitz testified that zoning relief was not necessary under the Applicants’ first building permit; and

WHEREAS, in response to questions by the Board, Mr. Steven Valenziano, staff member of the Department of Planning and Development (“Department”) testified; that the original building permit was issued in error; that zoning review had not been completely done prior to the building permit’s issuance; that the error of the original building permit was that zoning relief was needed; that the City issued the stop work order due to the building being too tall and in violation of the subject property’s setbacks; that the Applicants came in to meet with the Department; that at that meeting, the Department told the Applicants that the Applicants needed to: (a) reduce the height of the

building; and (b) apply for the requested variations to allow for the setback relief to come into compliance with this Zoning Ordinance; that if the Applicants receive the requested relief from the Board, the Applicants will be issued a revised building permit; and

WHEREAS, Mr. Banks stated that the City has been wonderful in sitting down with the Applicants, analyzing the problem, and allowing the Applicants to move forward; and

WHEREAS, in response to further questions by the Board, Mr. Valenziano testified that the drawings submitted for the initial building permit were not drawn in compliance with this Zoning Ordinance; that the fault of the initial building permit lay with the Applicants as the Applicants are required to build to all codes of the City; that the initial zoning review was not done completely in this case prior to the original building permit's issuance; that there is therefore culpability on the City's side and the Applicant's side; and

WHEREAS, Mr. Banks then explained that the height of the property in question is now under what the maximum of this Zoning Ordinance allows in a RS-2 Zoning District; and

WHEREAS, Mr. Cheplowitz testified there is a significant amount of money being put into the subject property; that this will bring up property values as well as add to the beautification of the area; that he is investing in his family; that in terms of hardship to his family, there were no words greater than deplorable to describe what the subject property currently looks like; that he invited the Board to look at the pictures of the subject property; and

WHEREAS, in response to questions by the Board, Mr. Chepolowitz further testified that the proposed terrace/patio pit/window well was in the Applicants' original design; and

WHEREAS, Ms. Kimberlee Smith testified on behalf of the application; that she is the principal at Smith Architecture and has been a licensed architect since 1999; that the Applicants came to her to enlarge the home they had just purchased; that she and the Applicants went through the design process of making a kosher kitchen and opening the first floor; that she and the Applicants also went through the design process of building over the existing garage so that there could be more bedrooms on the second floor of the existing home; that she uploaded the project documents to the City, knowing that if there were any zoning issues, she would receive a denial letter from the City; that there was no denial letter issued and the project was approved as drawn; that the Applicants therefore proceeded with construction based on the permit issued; that she and the Applicants met with the Department; that she and the Applicants are willing to do whatever needs to be done to put the stop work order to right; that she followed the directions of the Department in making changes to the project; that she removed some dormers on the roof to lower the height of the project; that the Department had an issue with height but she made the height of the project even lower; and

WHEREAS, the Board questioned if, when Ms. Smith drew something, she typically relied upon the City to know whether what she drew complied with this Zoning Ordinance; and

WHEREAS, Ms. Smith further testified that she believed the she was “okay on everything” except for the rooms over the garage; and

WHEREAS, in response from further questions by the Board, Ms. Smith testified that she felt she was okay regarding the window well because due to the average of the yards, the window well was not in the front setback; that she emailed the Department quite a few times because she did not understand; that she never received an answer; that her biggest issue was with the second floor and the rear yard setback; that she knew the second floor was in the rear yard setback “for sure” but that the rest of the existing house was also in the rear yard setback; that the existing house had a prior addition in the 1990s that was in the rear yard setback; that there was therefore prior precedence for building in the rear yard setback; that she and the Applicants were just building over existing walls; and

WHEREAS, Mr. Banks explained that there were a number of inconsistencies with respect to this project; that one of these inconsistencies was the previous addition; that the Applicants were unsure if the previous addition had been done with plans and permits; that said previous addition was appropriately done; that the focus of why the Applicants are before the Board is not about wrong or right; that he has always trusted the Department in its opinion; that the Applicants are trying to follow the Department’s directions and rectify the issue; and

WHEREAS, the Board stated that while it appreciated the Applicants trying to follow the Department’s directions, the Board’s questions to the Applicants’ witnesses were to determine witness credibility; that the Board felt credibility was a key issue in this case as there were Objectors who were going to testify about how they did not want the Applicants’ request for zoning relief granted; and

WHEREAS, Mr. Banks stated he understood; and

WHEREAS, Ms. Smith further testified that requested variations did not in any way change the character of the neighborhood; and

WHEREAS, Mr. Steven Lech testified on behalf of the application; that he is the Applicants’ general contractor; that he has been a general contractor for almost thirty (30) years and is licensed and bonded; that his company is Midwest Remolding & Builders, Ltd.; that when working on the subject property, he has not had any problems with inspectors or anyone telling him is doing something the wrong way; that only one neighbor has asked about the project; that there have been no issues on site by any representatives of the City or the City’s Department of Buildings; that the entire building on the subject property is open at this point and is currently uninhabitable; and

WHEREAS, Ms. Shana Polsky, of 2909 W. Estes, testified in opposition to the application; that she is the neighbor next west of the subject property; that she has lived at 2909 W. Estes for the past twenty-eight (28) years; that she strongly objects to the request for variation; that last summer, when the Applicants started demolition of the existing house, she called the Applicants and inquired as to their plans for the subject property; that she was assured that she would be not be affected by the Applicants' work; that this has not been the case; that there have been various stop work orders on the subject property; that when the building crew began digging more basement in the back of the house on the subject property, the methods the crew used caused the ground to shake so much that her china began to rattle; that when she sat in her bathtub, the bathtub rattled; she does not know if these vibrations are affecting her home's foundation; that she will not know until spring; that these vibrations are also a concern of her neighbors; that she has called the Applicants repeatedly about the rattling but the Applicants have not returned her calls; that when the building crew raised the roof of the front third of the home on the subject property, this noticeably reduced the light coming through the windows on the front half of her home; that previously, the upstairs of her home had been flooded with natural light; that now the light is greatly filtered and she must turn on the overhead light even in the morning; that it is her understanding that the Applicants plan on extending the back of the house approximately twenty-six feet (26') and building two (2) stories; that most of her home's light comes from the east side which is the side her property adjoins the subject property; that such an addition will greatly darken her home and severely impact the gardening in her backyard; that the Applicants building up and out will impact the value of her home and the quality of her life; that she has no objections to the special Passover kitchen, but the special Passover kitchen does not require this vast expansion "up and out" above ground; that the criteria for a variation says that the variation should not alter the essential character of the neighborhood; that the existing house on the subject property is not typical for the neighborhood; that she fears she has experienced vast structural damage to her home; that therefore the variation might be detrimental to the public welfare or injurious to other property or improvements in the neighborhood; that the proposed additions to the existing house on the subject property will dwarf her house and thus impair her home's supply of light and property value; and

WHEREAS, in response to questions by the Board, Ms. Polsky further testified that she does not have any hard evidence from an appraiser regarding the diminished value of her home; that if she were looking for a house and she viewed a house with little or no natural light, it would impair the value of the home she was looking at; and

WHEREAS, Mr. Joseph Polsky, also of 2909 W. Estes, testified in opposition to the application; that the Applicants testimony is that their hardship is their six (6) of seven (7) children; that he is all for family and children; that he wanted to make the Board aware that prior to the Applicants taking down the existing home on the subject property, the existing home was a large house; that the previous owners had twelve (12) children; that there were eight (8) to ten (10) bedrooms and a kitchen in the basement; that he does not see the Applicants' hardship as the existing house was more than adequate for the Applicants to house, feed, and enjoy their many children; and



WHEREAS, Mr. Slobodan Bogdanov, of 2900 W. Greenleaf, testified in opposition to the application; that he had a problem specifically with the contractor; that the contractor was using the wrong machinery to tear down walls on the subject property; that this caused vibrations to the neighboring properties and damaged his garage; and

WHEREAS, the Board stated that such problems were beyond the purview of the Board; that the issue before the Board was one of zoning; that the Board then inquired of Mr. Bogdanov if he had any concerns regarding the zoning relief requested by the Applicants, such as concerns regarding light and air to neighboring property; and

WHEREAS, Mr. Bogdanov stated he had no such problems; and

WHEREAS, Mr. Baiuch Nudman, of 2857 W. Estes, testified in opposition to the application; that is also concerned about his garage; that the south wall of his garage has been broken due to the vibration of the Applicants' construction; and

WHEREAS, the Board again stated that such problems were beyond the purview of the Board; that the Board suggested that these problems be addressed to the City's Department of Buildings or to the contractor's insurance; and

WHEREAS, Mr. Nudman further testified that he was very happy for the Applicants as they would have a beautiful house; that his concern is his broken house; that he wants to agree as to how the Applicants will fix he and his neighbors' broken homes; that the way for the Applicants to fix these broken homes is to build a beautiful home that is beautiful for the neighborhood; and

WHEREAS, in response to the Objectors testimony, the Board inquired as to the size of the home pre and post construction; and

WHEREAS, Ms. Shira Cheplowitz testified that there were definitely twelve (12) kids living in the home prior to she and her husband purchasing the home; that there were things that had be changed; that previously, there had been a very small, narrow mudroom that did not fit; that it did not matter if there were twelve (12) children or two (2) children living in the house; that people build big houses with two (2) kids; that the staircase was very steep and dangerous; that there had been two (2) additions put on so that the upstairs looked like a dormitory; and

WHEREAS, in response to the questions by the Board, Ms. Cheplowitz further testified that she did not know how many bedrooms existed at the house when she and her husband purchased it; that there were perhaps six (6) or seven (7) bedrooms; that some were big bedrooms but some were small; that she wants more open space; that she wants a library for the children because she reads to them every night; and

WHEREAS, the Board stated it understood that Ms. Cheplowitz's needs were different from the prior owners but that the Board wanted a sense of what the house was like prior to the Applicants' construction; and

WHEREAS, Ms. Cheplowitz further testified that the home was like a dormitory upstairs with a "bunch of rooms;" and

WHEREAS, in closing, Mr. Banks stated that Mr. Lech is licensed and bonded so there are remedies if there are issues regarding property damage caused by construction; that not one of the Objectors have said there is damage for sure; that therefore, all testimony regarding property damage is speculative at this time; that he is happy to entertain discussions with the objectors regarding damage if said damage exists; and

WHEREAS, the Board stated it was specifically concerned regarding the issue of character of the neighborhood; and

WHEREAS, Mr. Banks further stated that in regards to the light and air issue, the Applicants are not exceeding the allowable height; that in fact, the Applicants are under the maximum allowable height in a RS-2 Zoning District; that the subject property is in a RS-2 zoning district, and the Applicant will comply with any height regulations; that the argument regarding lack of sun in this circumstance is undue; that with regards to character of the neighborhood, the Applicants are replacing a home in a RS-2 Zoning District with another home in a RS-2 Zoning District; that said home will in no way, shape or form negatively impact the community; that said home will raise property values and create a beautiful new home; that this has been testified to by the Applicants' architect; that any other testimony is sheer speculation; 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 Applicants have proved their case by testimony and other evidence that a practical difficulty and particular hardship would be created should the rear yard setback be strictly complied with, and further, the requested variation is consistent with the stated purpose and intent of the Zoning Ordinance. However, the Board finds that pursuant to 17-13-1107-A the Applicants have not proved their case by testimony and other evidence that a practical difficulty and particular hardship would be created should the front setback be strictly complied with,

and, further, the front setback variation is not consistent with the stated purpose and intent of the Zoning Ordinance;

2. The Board finds that pursuant to 17-13-1107-B the Applicant has established by testimony and other evidence that: (1) the rate of reasonable return is not applicable as the Applicants will continue to own and reside at the subject property; (2) the practical difficulties or particular hardships are due to the unique circumstances of finding an existing single-family home that can be adequately expanded to provide additional bedrooms for the Applicants' large family; and (3) reducing the rear yard setback from 32.99' to 6.92' will not alter the essential character of the neighborhood as the Applicants are building on existing walls and as the proposed addition is within the allowable height of a RS-2 Zoning District. However, the Board further finds that the Applicants did not establish by testimony and other evidence that the requested reduction of the front setback from 20' to 17.5' for a proposed 3.83' x 14' terrace/patio pit/window will not alter the established character of the neighborhood. Despite Ms. Smith's assertion that the variation will not alter the essential character of the neighborhood, the Board finds that no evidence was presented as to the frequency of other terrace/patio pits/window wells in the neighborhood. Therefore, due to the lack of evidence presented to the Board, the Board cannot find that the Applicant proved its case that the requested front yard variation 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 inability of the Applicants to add bedrooms to their existing home would result in particular hardship to the Applicant if the strict letter of the Zoning Ordinance were carried out in regards to the rear yard setback; (2) the size of the Applicants' family and their difficulty in finding an existing single-family home that can be adequately expanded to provide additional bedrooms is not applicable, generally, to other property within the RS-2 zoning classification; (3) profit is not the sole motive for the rear yard setback variation application as the Applicants will continue to own and will continue to reside at the subject property; (4) the Applicant did not create the rear yard setback situation intentionally; (5) the rear yard setback variation being granted will not be detrimental to the public welfare or injurious to other property; and (6) the rear yard setback 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. The Board further finds that the Applicants particular hardship with respect to the property does not likewise extend to the front yard setback as the Applicants are not providing bedrooms in the front yard.

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

RESOLVED, the Board finds that the Applicant has not sufficiently established by testimony and other evidence covering the specific criteria for a front yard setback variation per dwelling unit variation to be granted pursuant to Sections 17-13-1107- A, B and C of the Chicago Zoning Ordinance.

RESOLVED, the application for a variation to reduce the rear setback from 32.99' to 6.92' for a proposed open stair exceeding 6' in height and a second floor addition to an existing, single-family residence with a rear, attached garage and a basement kitchen (for religious beliefs) is hereby granted.

RESOLVED, the application for a variation for a variation to reduce the front setback from 20' to 17.5' for a proposed 3.83' x 14' terrace/patio pit/window well is hereby denied.

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

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

**APPLICANT:** Checkers Drive-In Restaurants, Inc. **CAL NO.:** 40-15-S

**APPEARANCE FOR:** Lawrence Lusk **MINUTES OF MEETING:**  
February 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6301 S. Ashland Avenue

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

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

MAR 26 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
Recused		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 5, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to establish a one-story restaurant with one drive-through lane provided the development is established consistent with the design, layout, materials and plans prepared by Ileki Associates and dated February 18, 2015.

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

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



MAR 20 2015  
CITY OF CHICAGO

**The Cannabis Group, LLC**  
APPLICANT

**41-15-S**  
CALENDAR NUMBER

**5001-03 North Clark Street**  
PREMISES AFFECTED

**February 20, 2015**  
HEARING DATE

**Mara Georges & Richard Toth**  
APPEARANCE FOR APPLICANT

**John Zappa**  
OBJECTOR

**NATURE OF REQUEST**

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

**ACTION OF BOARD**

**THE VOTE**

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

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

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

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on February 20 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, the Board took judicial notice of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et. seq.* (the "Act"); that the Board would like the Applicant to present its case relative to a proposed medical cannabis dispensary at this particular location, especially as to the background of the operators and the security plan; and

WHEREAS, Ms, Mara Georges, counsel for the Applicant, explained the underlying basis for the relief sought; that the Applicant requested a special use permit for a medical cannabis dispensary at the subject property; that said subject property is currently improved with 2300 square feet of vacant commercial space in a C1-2 zoning district;

APPROVED AS TO SUBSTANCE

CHAIRMAN

that the state of Illinois has selected the Applicant's application as the most qualified for its district under the Act; and

WHEREAS, Mr. Paul Lee testified on behalf of the Applicant; that he has extensive experience in the medical cannabis industry; that he has served and completed an apprenticeship at the Herbal Center in Denver, Colorado; that the Herbal Center is one of Colorado's original dispensing and cultivation organizations; that during his apprenticeship, he was mentored by Jean Pak, a master grower and cultivator in the medical cannabis industry; that during his apprenticeship, he was trained in establishing the different characteristics of medical strains of cannabis and their various effects on symptomology; that he worked daily at the Herbal Center dispensary and helped patients learn about products; that he is trained in inventory management, handling and storage and is also trained in the BioTrack THC inventory management and patient record system; that he is trained and certified in the ASA-CTI Cannabis Core Program, which concentrates on cannabis law, cannabis as a medicine, and best business practices for a cannabis business; that he is a principal of the Applicant and will be the Applicant's agent-in-charge; and

WHEREAS, the Board indicated it was familiar with the agent-in-charge's duties under the Act; and

WHEREAS, Mr. Lee further testified that the subject property is currently improved with a one-story brick building; that the subject property itself is located on the northeast corner of Clark and Argyle Streets; that the surrounding area has a high density of retail shops and residential properties; that there is a constant daytime flow of vehicle and pedestrian traffic along Clark Street; that the Applicant is leasing ground floor commercial space in the existing building on the subject property; that said leased space is physically separated from other commercial spaces in the building and has its own independent entrances and exits; that the Applicant's special use will make no additions or significant renovations to the existing building; that the building's current glass storefront will remain but that there will be no sight lines into the dispensary's retail area; that there is parking available on both sides of Clark Street as well as an existing fifteen (15) minute loading zone directly across from the site; that there will be a patient entrance at the corner of the building which will lead into a secure waiting area; that the secure waiting area will allow access into a separate secure sales transaction area; that this secure sales transaction area in turn leads to a separate exit vestibule providing an exit onto Clark Street; that there will be a separate and secure entry for deliveries on the east side of the building; that the dispensary's proposed hours of operation are: Monday-Sunday, 10:00 AM – 7:00 PM; that typically there will be four (4) employees on site at any time; that said employees will be comprised of: (1) a checking agent who is responsible for checking in patients and verifying patients' statuses with the Illinois State Database; (2) a limited access agent who is responsible for working the showroom and answering patients' questions; (3) a restricted access agent who is responsible for compiling the patients' product orders; and (4) a manager on duty who is responsible for overseeing all activities of the dispensary; and

WHEREAS, Mr. Lee continued to testify that the dispensary will only serve those registered patients and caregivers that have prescriptions from doctors; that the Applicant expects to accommodate less than ten (10) patients on an average day; that a patient is able to legally purchase two-and-a-half (2 ½) ounces of medical cannabis in a two (2) week period under the Act; that the Applicant anticipates patients will actually purchase a half (½) ounce every two weeks; that the Applicant bases this estimation on information from other states; that there will be a security guard on site at all times; that said security guard will continuously monitor facility operations; that, upon request, the Applicant will provide escorts to patients to and from their cars; that these escort appointments may be coordinated in advance via telephone or after the patient has arrived; that escorting duties will be performed either by the security guard or by a trained dispensary agent in possession of a mobile panic button; that once inside the Applicant's facility, the patient will be protected by the facility's operational security procedures and systems; that patients will enter the facility on the northeast corner of Clark and Argyle; that a security guard will check patient identification at the door; that the patients will then enter the open access area where the patients will be greeted by the checking agent; that the checking agent will verify each patient's status with the Illinois database; that patients will then be escorted through an access control door to the limited access area; that in the limited access area, the patients will be greeted by the limited access area agent who will show the patients products and answer patients' questions; that the patients will purchase their products via a Blue Line pay kiosk; that once patients pay, they will receive a receipt which they will then give to the restricted access agent; that the restricted access agent will compile the purchased products and then give the products to the limited access agent via a security window; that the products will then be given to the patients, and the patients will be escorted to the exit vestibule; that the exit vestibule has two (2) access control panel doors that cannot be simultaneously open; that the limited access agent will watch via security camera to make sure that the first access control door is shut before opening the second access control door and allowing the patient to exit onto Clark Street; that this process will prevent outsiders from accessing the facility through the exit door; that all patients will receive their product orders in tamper-evident packaging; and

WHEREAS, Mr. Lee further testified that during the facility's operating hours, the facility will have security personnel to provide facility security, supervise the delivery of the product, supervise the pick-up of currency, and support patients as needed; that the dispensary will have closed-circuit television monitors to record movements within and immediately outside the dispensary; that said close-circuit monitors will allow clear facial recognition and will have the ability to record video and images in jpeg format; that said close-circuit monitors will have an infrared filter to allow the recording of clear images at night; that the cameras will be able to be reviewed in real-time by police and will be archived for a minimum of ninety (90) days; that access control doors will be the primary means to control and monitor movement throughout the dispensary; that these doors will be engaged by unique key cards and automatically record the time, date, and identity of any individual that accesses the doors; that individual access to doors will be specifically assigned to correspond with the individual agent duties on any given shift; that without specific assignment, the doors cannot be accessed; that shift assignments can only be made by the agent-in-charge; that entry in and out of the limited access area will be



controlled by remote doors with a remote lock that can only be used during the dispensary's operational hours; that these remote doors will also be monitored by access key cards; that as a protective feature, panic buttons will be strategically placed throughout the dispensary; that these panic buttons signal a silent alarm; that the silent alarm's purpose is to deescalate a situation; that all the access control doors would be locked at that time, isolating the incident to one particular room; that the agent-in-charge and the customer escorts will wear mobile panic buttons; and

WHEREAS, in response to questions by the Board, Mr. Lee further testified that the Applicant will accept government issued identification cards as proof of a patient's identification; that any state government issued identification card will be accepted in conjunction with a patient's medical cannabis card; that currently, there are no plans to expand the Applicant's hours of operation; that there would be a trained manager to be the agent-in-charge when he was not at the facility; that there is no trained manager at this time; that therefore, he will be at the Applicant's facility seven (7) days a week; and

WHEREAS, Mr. Lawrence Mulcrone testified on behalf of the Applicant; that he is the Applicant's security consultant with the respect to the subject property; that he has extensive experience in law enforcement and security; that he has been a member of the both the United States Army Military Police Corps and the Illinois State Police; that when he retired from the Illinois State Police, he held the position of Lieutenant Colonel and was in charge of operations for Northern Illinois; that he also has ten (10) years' experience as the Senior Director of Security and Safety for McCormick Place and Navy Pier; that he therefore has a blend of military, police, and security experience; that with regards to the Applicant's facility, all deliveries of medical products will be made at dedicated delivery access control doors on the east side of the building away from the patient entrance and exit areas; that the agent-in-charge will coordinate with the cultivation center and the security manager to secure a window of time for expected delivery of product; that this coordination will include pre-identification of delivery personnel and confirmation of products and quantities to be delivered; that visitor badges for the delivery personnel will be created ahead of time and a separate log will be kept for delivery personnel; that prior to opening the delivery access control doors, the agent-in-charge or the manager will first review closed-circuit television footage of exterior cameras to check for suspicious activity; that the agent-in-charge or manager will also check the delivery personnel's identification to confirm that they are the authorized personnel; that the delivery personnel will then be issued the visitor badges; that the agent-in-charge or manager will escort the delivery personnel into the restricted area; that once secured in the restricted area, the agent-in-charge will biometrically log into the dispensary inventory and compliance system, and all products will be visually inspected, scanned, and weighed into the inventory tracking system; that once the products have been confirmed, the dispensary manifest will be checked against the cultivation center invoice; that when the manifest and invoice agree, a change in the chain of custody will be triggered; that at this point, the agent-in-charge or manager will place the delivery into the product safe and then escort the delivery personnel out of the facility; that at all times, to the extent required by ordinance, a security person will be present; and

WHEREAS, Mr. Mulcrone further testified that all medical cannabis products will be stored in the restricted access area until the moment of sale; that inside the restrictive access area there is a selective access room which is dedicated to the cannabis storage safe; that both the restricted access area and the selective access room are secured by keycard access control security and are monitored by closed-circuit television; that only the agent-in-charge and managers whose keycards have been assigned access for a given shift will have access to the selective access room; that the agent-in-charge will assign access to all access control security system doors for all managers and agents at the start of each shift based on the employees' respective roles for that day's shift; that the access control security system will automatically log the agent-in-charge or assigned manager for the shift with time and date stamp via keycard; that at the start of each day, the agent-in-charge or assigned manager will remove the day's working product inventory from the storage safe and place it in the security cabinet in the restricted access area; that this removal will be done in clear view of the dedicated security camera; that the agent-in-charge will then scan the barcodes of all product transferred into the security cabinet into the biometric inventory and compliance system; that the system will then advance the chain of custody and store the inventory information for the end-of-shift audit; that the chain of custody for the product will then be transferred to the restricted access agent; that at the end of the final shift, the restricted access agent will complete an end-of-shift audit; that the agent-in-charge will then log into the inventory and compliance system and scan all remaining product; that the biometric system will automatically audit the totals and if a discrepancy exists, all remaining work inventory product will be transferred back to the storage safe; that an investigation and full audit will then be conducted; that the agent-in-charge will have the biometric inventory and compliance system generate a report to document the discrepancy; that the chain of custody and access control records will be reviewed to confirm accountable agents and time of occurrence; that security footage will also be checked; that if a discrepancy cannot be reconciled, the report generated by the system will be saved and stored and the Illinois State Police and the Illinois Department of Financial and Professional Regulation will be notified; and

WHEREAS, Mr. Mulcrone further testified that as required by ordinance, the Applicant will provide security personnel on-site as needed during nonbusiness hours; that during nonbusiness hours all perimeter doors and windows will have contact sensors that will trigger the alarm system in the event of breach or tampering; that the triggering of the alarm system will be detected by Guardian Security Solutions; that Guardian Security Solutions' call center will automatically notify authorities and the agent-in-charge; that the agent-in-charge will be notified by both phone and instant message; that as a redundant procedure, the agent-in-charge will also notify the local authorities; that the agent in charge will also proceed to the facility to wait outside until law enforcement has arrived and provide clearance for entry; that in addition to onsite security and contact sensors, there will be motion sensors to trigger movement inside the facility during off-hours; that tripping the motion sensors will also trigger an alarm; that due to the Applicant's concentric layers of security, there would be stopgaps to keep an intruder from continuing forward; that the alarm system will be supplied with a two (2) hour battery backup and a power outage will trigger an appropriate alarm and notice; that in general, the dispensary's alarm system will be monitored twenty-four (24) hours a day by

Guardian Security Solutions and its call center; that breaches of security and related alarms will trigger an evaluation to determine the ramifications of the breach; that Guardian Security Solutions will also evaluate all electronic security monthly to ensure proper functioning of all systems; that all security systems will be subject to regular security assessment recommendations performed by a third-party licensed security contractor; and

WHEREAS, in response to questions by the Board, Mr. Mulcrone testified that having a security guard present when a patients walks from one area of the facility to another is optional not necessary; that the presence of the security officer is for the comfort of the employees; that patients may be escorted by the agent-in-charge as well as the security officer; that the facility will be on lockdown during delivery time; that there is mantrap door to secure certain areas of the facility; and

WHEREAS, Mr. Zachary Zises testified on behalf of the Applicant; that he is a principal of the Applicant and will be involved in the management of the dispensary; that currently, he owns an organic blueberry farm in Benton Harbor, Michigan; that he also currently runs a business called the Local Government Regional Center of Illinois that is involved in the EB-5 immigrant investor program; that prior to this, he was a commodities trader at the Chicago Board of Trade; that he will be the Applicant's chief financial officer; that the dispensary will be able to accept debit card transactions, checks and cash; that all financial transactions will be performed through a self-service kiosk that will independently validate the patient's identification and interface with the dispensary's Biotrack compliance and inventory system; that the kiosk system will ensure that dispensary employees are not handling currency; that there will be no cash registers or cash drawer systems from which a theft could occur; that the kiosk contents will not be accessible to any dispensary employees and will be owned and maintained by Blue Line Security; that Blue Line Security is a publicly traded security company specializing in cannabis industry financial transactions nationwide; that after reaching a preset amount of cash funds, the kiosk system will electronically notify Blue Line Security to schedule a pick-up which will be conducted by Blue Line Security's own armored security services; and

WHEREAS, in response to questions by the Board regarding cash pick-up, Mr. Mulcrone testified that he would prefer Blue Line Security came through the back door because the back door could be absolutely secured; and

WHEREAS, in response to further questions by the Board, Mr. Zises testified that cash pick-up would occur when the Applicant triggered the preset amount; that he expected this amount to be triggered less than once a day; that the Applicant's dispensary will create between six and eight (6-8) full-time jobs; that the dispensary will reserve one percent (1%) of all its product for low-income, qualified patients; that the Applicant plans to make some charitable donations from the proceeds of the dispensary; that these charitable donations will be made to the Tokhon Jude Academy after-school program as well as to a drug abuse not-for-profit; and

WHEREAS, in response to further questions by the Board, Ms. Kristie Zises testified on behalf of the Applicant; that she is a principal of the Applicant and will be involved in the management of the dispensary; that she is the Applicant's Chief Executive Officer; that she is currently an Illinois licensed real estate broker; that she also has a master's degree from the University of Chicago in Social Service Administration; that her previous work experience is in nonprofit development and social work; that she believes this is a good fit for her role in the Applicant; that she is Mr. Zises sister-in-law; that it is her intention to be trained as a manager of the dispensary so that she can serve as the Applicant's agent-in-charge if necessary; and

WHEREAS, Mr. Terrance O'Brien testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in this Zoning Ordinance which must be addressed in support of such an application; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance; (2) will have no adverse impact on the neighborhood because: (a) the property is located on a primary thoroughfare; and (b) as uses equal to or more intense than the proposed special use, such as taverns, a U-haul facility, an automobile repair shop, and restaurants, are located along this primary thoroughfare; (3) is compatible with the character of the surrounding neighborhood in terms of site planning, building scale and project design as the proposed special use will utilize an existing structure of adequate size; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation because: (a) the proposed use will not create significant traffic generation; and (b) there are numerous businesses in the area whose hours of operations are greater than those of the proposed use, such as the taverns immediately to the south side of Argyle Street; (5) is designed to promote pedestrian safety and comfort because it is designed so that there will not be any interaction of pedestrians with the traffic generated by the proposed special use; that this is evidenced by the fact there are going to be no curb cuts; and (6) will have no negative effect on surrounding properties as it is compatible with land uses along Clark Street and in the surrounding area; and

WHEREAS, in response to questions by the Board with respect to escorting patients to and from their cars, Mr. Zises testified that there is a large amount of street parking available on Clark Street; and

WHEREAS, in response to further questions by the Board with respect to escorting patients to and from their cars, Mr. Mulcrone testified that if a patient parked a block to a block-and-a-half away from the subject property, a security officer or another employee would escort said patient to and from the facility; that the security officer would likely be the person to do the escorting; that, however, if the security officer is involved in other activities, the customer may have to wait; and

WHEREAS, the Board inquired if the Applicant could include another security guard in its security plans; and

WHEREAS, Mr. Mulcrone further testified that during the Applicant's first year of operation there is going to be a constant inspection and audit of procedures; that the Applicant may very well need an additional security officer during certain hours based on customer capabilities; and

WHEREAS, the Board stated that most medical cannabis dispensary applicants that have appeared before the Board have included two (2) security guards in their security plans at all times due to this issue of patient escort; and

WHEREAS, the Board then inquired of the Applicant's counsel if the Applicant would object to having two (2) security guards at its dispensary at all times; and

WHEREAS, Ms. Georges stated that the Applicant had no objection to having two (2) security guards at the dispensary at all times; that if an audit demonstrated that two (2) security guards was warranted, the Applicant would immediately comply; and

WHEREAS, the Board specifically inquired if the Applicant would have a problem if the Board's approval of the special use was conditioned upon the Applicant having two (2) security guards at its dispensary at all times; and

WHEREAS, Ms. Georges stated that the Applicant had no problem with such a condition; and

WHEREAS, in response to further questions by the Board, Ms. Georges confirmed that at the request of the patient, a security guard will escort the patient; and

WHEREAS, Mr. Mulcrone further testified that if there were a second security officer, there would be one available to escort patients; and

WHEREAS, Mr. John Zappa, of 4897 N. Ashland Avenue, testified in opposition of the application; that he lives approximately two (2) blocks away from the proposed facility; that he lives with his wife and daughter; that there is another family that lives in his building; that there are numerous other families within the surrounding area; that he is concerned that the proposed establishment will impact the safety of the neighborhood; that medical cannabis dispensaries are a cash only business; that he anticipates both the patients and the dispensary will have substantial amounts of cash; that there is also valuable inventory to attract the criminal element; that as medical cannabis is new to Illinois, he has looked to other states to get an understanding of what some of the impacts could be; that he then read some recent headlines from states where medical cannabis dispensaries are legal; that he then read a quote from Chicago Police Superintendent Garry McCarthy; that although the Applicant's security measures are impressive, said security measures underscore the Applicant's concern regarding safety as well; that the Applicant would not be making the security investments otherwise; that this facility will

significantly alter the character of the neighborhood; that as a nearby resident, he strongly objects to the placement of the proposed dispensary at the proposed location; and

WHEREAS, in response to questions by the Board, Mr. Zappa clarified that he is against the proposed dispensary at this location; that there are probably other viable locations for dispensaries that are not so close to families and other situations where safety is going to be a primary concern; and

WHEREAS, Ms. Georges, in closing, stated that the Applicant rested its presentation to the Board; that the Applicant had a thoughtful plan of operations that was well-accepted and highly rated by the state of Illinois; that the Applicant had received the support of the community and of the alderman; that the Applicant had worked very hard to insure that it presented to the Board the most thoughtful, safest, and strongly regarded plan; that all the evidence presented by the Applicant demonstrated that the Applicant had met all applicable standards of the Board; that the Applicant reiterated its request for a special use; and

WHEREAS, in response to questions by the Board, Ms. Georges stated that the Applicant worked with Alderman Pauer as the subject property is located within the 47th Ward; that neither the Alderman nor his staff suggested the Applicant work with any other alderman; that the Alderman did request the Applicant approach several community organizations; and

WHEREAS, Mr. Zises stated the Applicant also worked with Alderman Cappelman; that Alderman Cappelman did not issue a letter of support as he did not believe he had the jurisdiction; that nevertheless, Alderman Cappelman let the Applicant know the Applicant had his strong support; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed medical cannabis dispensary provided the development is established consistent with the design, layout and plans prepared by Perimeter Architects and dated February 17, 2015; now, therefore,

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

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as evidenced by the Act and will have no adverse impact on the neighborhood because: (a) the property is located in a primary thoroughfare; and (b) as uses equal to or more intense than the proposed special use, such as taverns, a U-haul facility, an automobile repair shop, and restaurants, are located along this primary thoroughfare. The Board finds Mr. O'Brien's

expert testimony on this factor very credible and that said expert testimony outweighs any speculative comments regarding neighborhood safety made by Mr. Zappa;

3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the proposed special use will utilize an existing structure of adequate size;

4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because: (a) the proposed use will not create significant traffic generation; and (b) because there are numerous businesses in the area whose hours of operations are greater than the proposed use, such as the taverns immediately to the south side of Argyle Street;

5. The proposed special use is designed to promote pedestrian safety and comfort because it is designed so that there will not be any interaction of pedestrians with the traffic generated by the proposed special use. This is evidenced by the fact there are going to be no curb cuts.

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

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

1. The Applicant shall hire two (2) security officers to be on the premises at all times during the facility's hours of operations.

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

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

**APPLICANT:** McDonald's USA, LLC **CAL NO.:** 42-15-S  
**APPEARANCE FOR:** Timothy Hinchman **MINUTES OF MEETING:**  
February 20, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4849 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 one-story restaurant with a dual-lane drive-through.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

MAR 26 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
RECUSED		

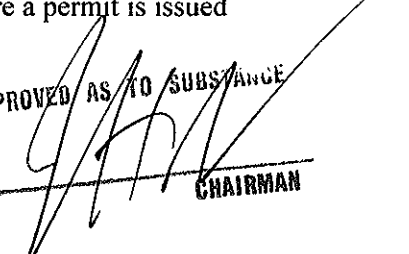
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 5, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to establish a one-story restaurant with a dual-lane drive-through provided the development is established consistent with the design, layout, materials and plans prepared by Watermark Engineering and dated January 26, 2015.

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:** Dolyva Properties, LLC

**CAL NO.:** 43-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
February 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 3102 South Giles Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor for a proposed four-story, eight unit building, with eight rear surface parking spaces.

**ACTION OF BOARD-**  
CASE CONTINUED TO MAY 15, 2015

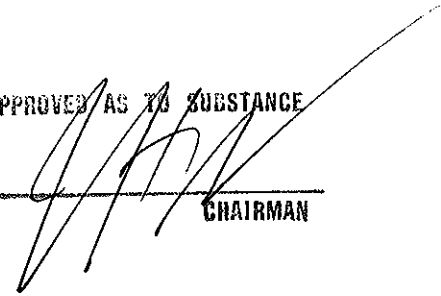
**THE VOTE**

MAR 26 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** Dolyva Properties, LLC-3108 S. Giles **CAL NO.:** 44-15-S

**APPEARANCE FOR:** **MINUTES OF MEETING:**  
February 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 3108 South Giles Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor for a proposed four-story, eight-unit building with eight, rear surface parking spaces.

**ACTION OF BOARD-**  
CASE CONTINUED TO MAY 15, 2015

**THE VOTE**

MAR 26 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

**APPLICANT:** Dolyva Properties, LLC

**CAL NO.:** 45-15-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
February 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 3108 S. Giles Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to reduce the front setback from 8.75' to 0' for a proposed four-story, eight-unit building with eight, rear surface parking spaces.,

**ACTION OF BOARD-**  
CASE CONTINUED TO MAY 15, 2015

**THE VOTE**

MAR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** 1429 N. Sedgwick, LLLP

**CAL NO.:** 46-15-S

**APPEARANCE FOR:** Nick Ftikas

**MINUTES OF MEETING:**  
February 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1429 N. Sedgwick Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to reduce the size of the ground floor retail unit from 1,020.5 square feet to 592 square feet in an existing, six-story, 110-unit building with a rear, first floor, eight-car garage, accessed from North Sedgwick Street.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

MAR 20 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the size of the ground floor retail unit from 1,020.5 square feet to 592 square feet in an existing, six-story, 110-unit building with a rear, first floor, eight-car garage, accessed from North Sedgwick Street ;expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s):The Department of Planning and Development recommends approval of the proposal to reduce the size of the ground floor retail unit from 1,020.5 square feet to 592 square feet provided the development is established consistent with the design, layout and plans prepared by 2RZ Architecture and dated November 5, 2014.

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:** 1429 N. Sedgwick, LLLP

**CAL NO.:** 47-15-Z

**APPEARANCE FOR:** Nick Ftikas

**MINUTES OF MEETING:**  
February 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1429 North Sedgwick Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 30' to 0' for an existing, six-story, 10-unit building with a rear , first floor, eight-car garage, accessed from North Sedgwick Street.

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

**THE VOTE**

MAR 26 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**THE RESOLUTION:**

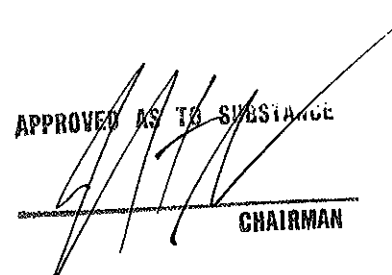
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a special use to reduce the size of the ground floor retail was granted in Cal. No. 46-15-S; the applicant shall now also be permitted to reduce the rear setback from 30' to 0'; 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:** 1429 N. Sedgwick, LLLP

**CAL NO.:** 48-15-Z

**APPEARANCE FOR:** Nick Ftikas

**MINUTES OF MEETING:**  
February 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1429 North Sedgwick Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the 10-space parking requirement by no more than 20% (to eight spaces) for an existing, six-story, 10-unit building with a rear, first floor, eight-car garage, accessed from North Sedgwick Street.

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

**THE VOTE**

MAR 26 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

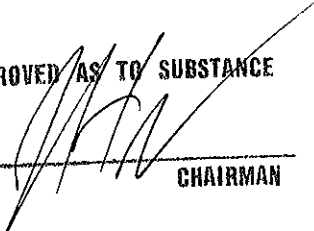
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a special use and variation was granted to the site in Cal. No. 46-15-Z, 47-15-Z; the applicant shall also be permitted to reduce the 10-space parking requirement by no more than 20% (to eight spaces); the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request 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:** 1429 N. Sedgwick, LLLP

**CAL NO.:** 49-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
February 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1429 N. Sedgwick Street

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

**ACTION OF BOARD.**

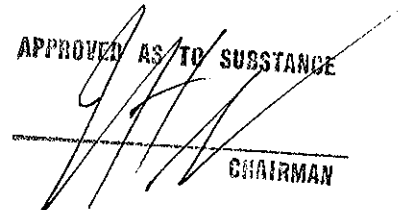
WITHDRAWN ON MOTION OF THE APPLICANT

**THE VOTE**

MAR 26 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:**

Hookah Palace, Inc.

**CAL NO.:** 50-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

February 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:**

4614 West Lawrence Avenue

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

**ACTION OF BOARD:**

CASE CONTINUED TO MARCH 20, 2015

**THE VOTE**

MAR 26 2015

CITY OF CHICAGO

JONATHAN SWAIN

CATHERINE BUDZINSKI

SOL FLORES

SHEILA O'GRADY

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN



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

**APPLICANT:** 814 N Marshfield, Inc.

**CAL NO.:** 51-15-S

**APPEARANCE FOR:** Nick Ftikas

**MINUTES OF MEETING:**  
February 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 814 N. Marshfield Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor for a proposed three-story, six-unit building with an open, three-story rear dock connected to a rear, six-car garage with a roof top deck.

**ACTION OF BOARD-**

**THE VOTE**

MAR 26 2015

CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**THE RESOLUTION:**

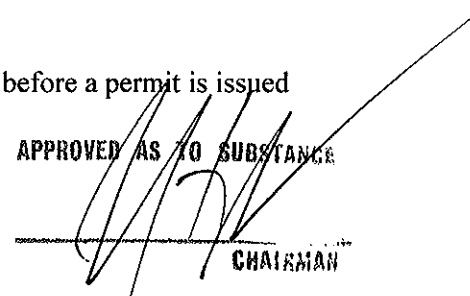
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 5, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to establish a residential use below the second floor for a proposed three-story, six-unit building with an open, three-story rear deck connected to a rear, six-car garage with a roof top deck provided the development is established consistent with the design, layout, materials and plans prepared by Hanna Architects and dated September 25, 2014.

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:** The Michael H. Schiek Trust

**CAL NO.:** 52-15-Z

**APPEARANCE FOR:** Nick Ftikas

**MINUTES OF MEETING:**  
February 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2130 W. Charleston Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front setback from 10.83' to 8.6'; to reduce the rear setback from 28' to 3.23; to reduce the east side setback from 2' to 0'; to reduce the west side setback from 2' to 0'; to reduce the combined side setback from 4.8' to 0'; and, to reduce the front setback from the property line for parked vehicles from 20' to 8.6' for a proposed third floor addition, with a terrace, to an existing, single-family residence with a front, detached, two-car garage.

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

**THE VOTE**

MAR 26 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**THE RESOLUTION:**

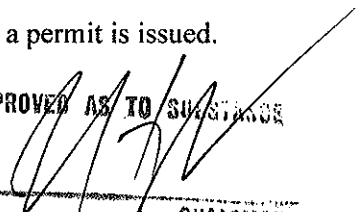
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 5, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 8.6'; to reduce the rear setback to 3.23; to reduce the east side setback to 0'; to reduce the west side setback to 0'; to reduce the combined side setback to 0'; and, to reduce the front setback from the property line for parked vehicles from 20' to 8.6' for a proposed third floor addition, with a terrace, to an existing, single-family residence with a front, detached, two-car garage the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



MAR 20 2015  
CITY OF CHICAGO

**Erie Acquisitions, LLC**  
APPLICANT

**355-14-S**  
CALENDAR NUMBER

**61 West Erie Street**  
PREMISES AFFECTED

**February 20, 2015**  
HEARING DATE

**Nicholas J. Ftikas**  
APPEARANCE FOR APPLICANT

**NO OBJECTORS**

**NATURE OF REQUEST**

Application for a special use to establish a residential use below the second floor for a proposed ten-story, eight-unit building with sixteen (16) indoor, at-grade parking spaces.

**ACTION OF BOARD**

**THE VOTE**

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

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

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

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Nicholas J. Ftikas, counsel for the Applicant, explained the underlying basis for the relief sought; that the subject property is currently improved with a vacant two (2) story brick building that covers nearly the entire lot; that the Applicant proposes to raze said existing building and redevelop the site with a ten (10) story, eight (8) unit all-residential building; that the new building will have a residential lobby and indoor, at-grade garage parking; that the subject property is located in the DX-5 Zoning District and establishing residential use below the second floor requires a special use; and

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

WHEREAS, Mr. Michael Lerner testified on behalf of the Applicant; that he is the managing member of the Applicant; that the Applicant owns the subject property; that the subject property is located in the middle of the block halfway between Dearborn and Clark Streets; that the plan is to raze the existing structure on the property and redevelop the site with a new ten (10) story, eight (8) unit all-residential building; that the design of said building will be modern and contemporary; that there will be a residential lobby at grade; that there will be a total of seven (7) simplex units on floors two (2) through eight (8); that there will be a penthouse unit on the ninth floor that duplexes up onto the tenth floor; that each of these units will have (2) private terraces; that each unit will come with at least one (1) dedicated parking space; that the plan, as proposed, has ten (10) indoor parking spaces so the Applicant is over-parked; that the subject property is located in a DX Zoning District; that special uses are required in order to permit residential use below the second floor in a DX Zoning District; that the Applicant's plan calls for a residential lobby and residential parking at-grade; that therefore, the Applicant is seeking a special use; that he is personally familiar with the immediate area as he has developed a number of properties in and around River North; that in his opinion, the newer pattern of development in River North locates retail use at the intersections and corners of blocks and places all-residential buildings on the interior of said blocks; that this is true for the particular block of Erie Street where the subject property is located; that each of the four corners of this particular block of Erie Street has a retail component; that the interior of the block is developed as all-residential buildings; that this includes the subject property's immediate neighbors to the east and the property directly across the street; that it is the Applicant's plan to follow this trend of development; that the Applicant's plan of development for the subject property is consistent with the plan of development in the subject area; and

WHEREAS, Mr. Ftikas explained that there is an additional issue with the plan with respect to the alley; that the Applicant will need to seek approval from the City's Department of Transportation ("CDOT approval"); and

WHEREAS, the Board inquired as to the Applicant's renderings of the project, especially the fact that half the wall had been rendered as concrete block; that with the first floor made out of concrete block, pedestrian friendliness was reduced; and

WHEREAS, Mr. Lerner testified that the renderings were preliminary; that the Applicant is attempting to describe in its renderings large, open terraces that are somewhat shielded; that it is the Applicant's intent to create private areas on the outdoor terraces; that the Applicant's plan is to expand the common area on the first floor; that this would open up the first floor and make it all glass; and

WHEREAS, the Board inquired if it would be a problem if the Board required that the Applicant open up the first floor and make it all glass; and

WHEREAS, Mr. Lerner testified this would not be a problem; and

WHEREAS, Mr. Terrance O'Brien testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in this Zoning Ordinance which must be addressed in support of such an application; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance; (2) is in the interest of the public convenience as there is a need for residential units in the area and will not have an adverse impact on the general welfare of the neighborhood; (3) is compatible with the character of the surrounding neighborhood in terms of site planning, building scale and project design as there are other new, residential high-rises in the area; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and (5) is designed to promote pedestrian safety and comfort; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use provided the development is established consistent with the design, layout and plans prepared by Hartshorne Plunkard Architecture and dated September 10, 2014; 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 there is a need for residential units in the area and will not have an adverse impact on the general welfare of the neighborhood;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design as there are other new, residential high-rises in the area;
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation; and
5. The proposed special use is designed to promote pedestrian safety and comfort.

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

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

1. The first floor of the proposed building shall have either clear or opaque glass windows past the vestibule to make the first floor clearly and entirely all glass.

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

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

**APPLICANT:** Wendy's Old Fashioned Hamburgers  
of New York, LLC

**APPEARANCE FOR:** Donna Pugh

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 7015-7043 South Western Avenue

**CAL NO.:** 410-14-S

**MINUTES OF MEETING:**  
February 20, 2015

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

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

MAR 26 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
RECUSED		

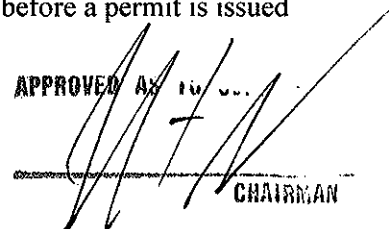
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2014; 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 dual-lane drive through which shall serve a one-story fast food restaurant; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to establish a one-story restaurant with two drive-through lanes provided the development is established consistent with the design, layout, materials and plans prepared by Watermark Engineering Resources and dated November 21, 2014 (landscaping plan) and December 2, 2014 (site plan).

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

APPROVED AS TO ...  
  
CHAIRMAN

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

**APPLICANT:** ZAM's Hope

**CAL NO.:** 412-14-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
February 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 6401 North Artesian Avenue/ 2422 West Devon

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

**ACTION OF BOARD-**  
CASE CONTINUED TO APRIL 17, 2015

**THE VOTE**

MAR 26 2015

CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

  
CHAIRMAN



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

**APPLICANT:** Migert Baburi

**CAL NO.:** 417-14-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

December 19, 2014

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 3718 North Springfield Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 28.84' to 2'; to reduce the north side setback from 5' to 4.33'; and, to increase the floor area ratio from 0.65 to 0.75 for a proposed, two-story, rear addition, including an attached garage, to an existing, two-story, single-family residence.

**ACTION OF BOARD-**  
CASE CONTINUED TO APRIL 17, 2015

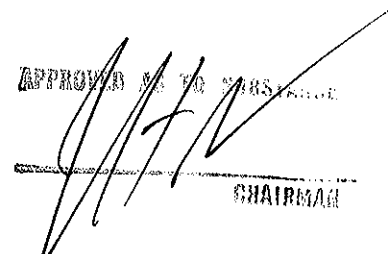
**THE VOTE**

MAR 26 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED BY THE BOARD



CHAIRMAN

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

**APPLICANT:** Jorge Marban

**CAL NO.:** 8-15-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

February 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 6310 West Grand Avenue

**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 for a proposed indoor soccer facility located within 125' of an RS-3 Residential Single-Unit (Detached House) District.

**ACTION OF BOARD-**  
CASE CONTINUED TO APRIL 17, 2015

**THE VOTE**

MAR 26 2015

CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

**APPLICANT:** Bang Salon 4, LLC **CAL NO.:** 11-15-S  
**APPEARANCE FOR:** Gary Wigoda **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None February 20, 2015  
**PREMISES AFFECTED:** 1630 North Milwaukee Avenue

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

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

**THE VOTE**

MAR 26 2015  
 CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

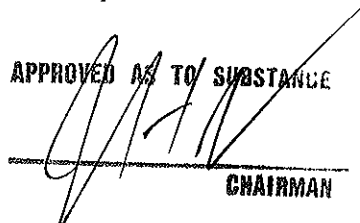
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to establish a hair salon.

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:**

POGN, LLC

**CAL NO.:** 17-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

February 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:**

220 South Green Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a non-accessory parking garage for 24 spaces in a proposed 156-space parking garage at this location; the remaining 132 spaces will serve for the exclusive use of the 60 units to be located in this proposed 10-story building.

**ACTION OF BOARD-**

CASE CONTINUED TO FEBRUARY 20, 2015

**THE VOTE**

MAR 26 2015

CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

**APPLICANT:** POGN, LLC

**CAL NO.:** 18-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

February 20, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 220 South Green Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 30' to 15'; to reduce the rear setback off of the alley for a garage entrance from 2' to 0'; and, to eliminate the one required, off-street 10' x 14' x 25' loading berth for a proposed, 10-story, 60-unit building with a 156- space parking garage located on the first three floors.

**ACTION OF BOARD-**  
CASE CONTINUED TO MARCH 20, 2015

**THE VOTE**

MAR 26 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

**APPLICANT:** MD's We're Not Doctors, Inc./DBA Pizano's Pizza & Pasta I CAL NO.: 21-15-Z

**APPEARANCE FOR:** Nick Ftikas

**MINUTES OF MEETING:**  
February 20, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 864-866 North State Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to expand an existing non-confirming eating and drinking establishment.

**ACTION OF BOARD-**  
VARIATION GRANTED

**THE VOTE**

MAR 26 2015  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
RECUSED		

**THE RESOLUTION:**

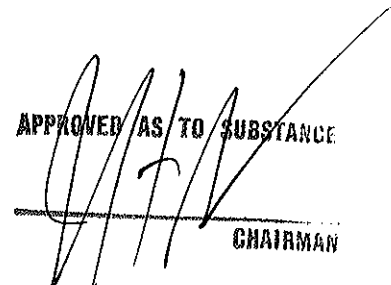
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to expand an existing non-confirming eating and drinking establishment; 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