



**MEETING MINUTES**  
**ZONING BOARD OF APPEALS**

Tuesday, March 20, 2018

7:00 PM

Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Mary Beth Berns, Mary McAuley, Violetta Cullen, Lisa Dziekan

Members Absent: Kiril Mirintchev, Scott Gingold, Myrna Arevalo

Staff Present: Scott Mangum

Presiding Member: Mary Beth Berns

**Declaration of Quorum**

With a quorum present, Chair Berns called the meeting to order at 7:04 p.m.

**Minutes**

Ms. Cullen motioned to approve the February 20, 2018 meeting minutes, which were seconded by Ms. Dziekan and unanimously approved with one correction.

**New Business**

**1301 Chicago Ave.**

**ZBA 18ZMJV-0006**

Sebastian Koziura, lessee, applies for a special use permit for a Type 2 Restaurant, Frio Gelato, in the B1 Business District and the oDM Dempster-Main Overlay District (Zoning Code Section 6-9-2-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Mr. Mangum read the case into the record.

The applicant explained the business is currently in operation as a Food Store, but customers requested seating which requires a special use for a Type 2 Restaurant.

Chair Berns noted seating has been in the space since January, and asked if that is a zoning violation. Chair Berns observed 16 seats including stools. The applicant responded he requests 8 seats, and Chair Berns explained 8 is the maximum allowed based on the Illinois Plumbing Code, for a total seating/employees per shift not to exceed 10. Chair Berns inquired if a second bathroom could be added to address the seating limit. The applicant responded he would remove the stools if needed, but there is no room to add a second bathroom in the facility.

Ms. Dziekan asked if outdoor seating counts, and Mr. Mangum responded he is not aware that they would count towards the seating limit. Outdoor seating for a Sidewalk Café is evaluated based on dimensions of the seating area, sidewalk width, etc.

Ms. Cullen asked how many employees will work per shift, and the applicant responded two at the most.

Chair Berns inquired about parking, sustainability, and deliveries, and the applicant responded:

- 2 parking spaces behind the building are leased to Frio Gelato. Most employees are college students who do not have vehicles. Employees will not park on the street.
- Agree to Sustainability Practices noted on the submitted worksheet including all recyclable food containers and flatware.
- Deliveries occur once each morning via a transit van.
- No additional changes to the building are proposed. Signage is already in place on the awning.
- Hours of operation are noon-9pm during the week and until 10pm Friday – Sunday throughout winter; noon – 10pm daily throughout the summer.

Ms. McAuley noted this is an established business, and the seating/plumbing code appears to be the only issue. Chair Berns agreed and stated customers can stand at a bar without stools to comply with the plumbing code.

Deliberation:

Ms. Cullen stated she supports the business at 1301 Chicago as well as the production facility on Simpson St.

Ms. Dziekan explained the corner commercial space in question was vacant for a while, possibly because there is not enough seating inside due to the plumbing code issue. Outdoor seating will help the business succeed. Mr. Mangum added the addition of outdoor seating will be evaluated based on the conditions at the location.

Chair Berns stated the seating limit is due to the plumbing code, which is a state requirement. The location is great for this business, but limiting seating to 8 where there is a greater demand is concerning.

The Standards were addressed:

1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes

Ms. Cullen motioned to recommend approval of the special use with the following conditions:

1. Seating within the facility is limited to 8.
2. Employees shall not utilize on-street parking.
3. Hours of operation shall not exceed noon-11pm, 7 days a week.
4. Sustainability Plan shall be followed.
5. Substantial compliance with the documents and testimony on record.

The motion was seconded by Ms. McAuley and unanimously recommended for approval.

**Other Business**

There was no other business.

**Discussion**

There was no additional discussion.

The meeting adjourned at 7:33pm.