



ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO

PUBLIC HEARING PACKET

Everything submitted in this packet will be made available for public inspection.

| INFORMATION ABOUT THE APPLICATION | | | |
|--|----------|---|-----------------|
| Address of the Subject Property | 1 | ADDRESS | |
| Ward & Zoning District | 2 | WARD | ZONING DISTRICT |
| | | To find your zoning district, go to: https://gisapps.chicago.gov/ZoningMapWeb/ | |
| Name of person who submitted the application | 3 | NAME | |
| The person who submitted the application is | 4 | <input type="checkbox"/> Self-Represented <input type="checkbox"/> Applicant’s Zoning Attorney <input type="checkbox"/> Applicant’s Principal Representative (if a legal entity) | |
| Contact Information | 5 | MAILING ADDRESS | |
| | | EMAIL | |
| | | PHONE | |

| INFORMATION ABOUT THE APPLICANT | | | |
|--|----------|---|----------|
| Full name of Applicant | 6 | NAME | |
| The Applicant is a(n) | 7 | CHECK ONE <input type="checkbox"/> Individual (if selected, skip to box #10) <input type="checkbox"/> Legal Entity | |
| Type of legal entity | 8 | <input type="checkbox"/> LLC <input type="checkbox"/> Corporation <input type="checkbox"/> Trust <input type="checkbox"/> Nonprofit <input type="checkbox"/> Other _____ | |
| List the name(s) and title(s) of the Applicant’s principal representative(s) present at the hearing. | 9 | NAME(S) | TITLE(S) |
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| BACKGROUND OF THE SUBJECT PROPERTY | | |
|---|-----------|--|
| Property Type | 10 | CHECK ONE <input type="checkbox"/> Vacant land (If selected, skip to box #12) <input type="checkbox"/> Improved land (i.e. has existing building/structures/paving) |
| Description of improvements (e.g. Property contains a single-story commercial building and parking lot) | 11 | |
| Building Exterior | 12 | As it relates to the exterior of the building, the applicant will be: <input type="checkbox"/> reusing an existing building with no exterior modification <input type="checkbox"/> modifying the exterior of an existing building or constructing an addition <input type="checkbox"/> constructing a new building |
| Lot Characteristics | 13 | Check all that apply: <input type="checkbox"/> Lot shape is square or rectangular. <input type="checkbox"/> Lot shape is triangular, trapezoidal, or has 5 or more sides. <input type="checkbox"/> Lot is standard size (approx. 25' x 125') <input type="checkbox"/> Lot size is non-standard, the dimensions are: _____ |
| Descriptive Statement | 14 | (Copy and paste the descriptive statement from the Official Denial of Zoning Certification here) |

| | | |
|-------------------|----|----------------------------------|
| | | |
| Project Narrative | 15 | Why are you seeking a variation? |

Check all that apply:

- Property contains a nonconforming development. (A nonconforming development is any aspect of development such as structure, parking, or landscaping that complied with Zoning Code at the time it was built but which, because of subsequent changes to the Zoning Code, no longer fully complies with those regulations.)
- Property is a nonconforming lot. (A nonconforming lot is a tract of land lawfully established as a lot on a plat of subdivision recorded or registered, pursuant to statute, that does not comply with the minimum lot area or lot width standards of the zoning district in which it is now located)
- Property contains a development (i.e., structure, parking, landscaping) that was unpermitted and/or built in violation of the Zoning Code and needs a variation to bring it into compliance.
- Applicant seeks to add a building addition along existing wall lines.
- Property was cited for building code violation(s) and need variation(s) to cure and/or this matter is the subject of a court case. Please explain here:
- Applicant/Owner applied for building permit and was told work required a variation.
- Applicant is seeking a variation from parking and/or loading zone requirements.
- Property is in a transit-served location as defined by 17-10-0102-B of the Zoning Code.
 - The property is within 2,640 feet of the following CTA/METRA rail station(s):
 - The property is within 1,320 feet of the following bus line corridor(s):
- Property has a landmark designation or is located in a landmark district.
- There is no public alley behind the property.
- Applicant is seeking to operate a business that requires a Public Place of Amusement (PPA) license within 125 feet of a residential district.
- None of the above apply.

ANSWERING THE APPROVAL CRITERIA

Instructions:

- **Proposed Findings of Fact.** Review the Variation Criteria on the following page, then provide your answers to how this application meets the criteria. All answers must be (1) fact-based; (2) based solely on the Applicant's and any additional witness's personal knowledge; and (3) **non-conclusory** (i.e. must be able to explain why a conclusion was reached). At the bottom of each answer, list the names of the people (yourself/ witnesses) who contributed to the answer and any exhibits you relied on. Witnesses must certify the truthfulness of any answer they contributed to and must be present the day of the hearing and able to testify if asked by the ZBA. Witness certifications are located in Exhibit A.
- **Expert Witnesses.** Any testimony by expert witnesses must be accompanied by a written report and a copy of their CV. **Reports must explain why a conclusion was reached.** Attach expert witness reports as Exhibit B1, B2, B3, etc. and fill out Table of Exhibits – B accordingly on page B0. Expert witnesses include but are not limited to certified real estate appraisers, architects, and land use planners.
- **Photographs.** Required photographs shall be attached as Exhibit C1, C2, C3 etc. Further instructions on page C0.
- **Additional Evidence.** All additional evidence, including site plans, landscape plan, architectural drawings, etc. shall be attached as Exhibit D1, D2, D3, etc. and fill out Table of Exhibits – D accordingly.
- Please note that all these requirements do not and are not intended to provide legal advice. If you have questions regarding this application, please consult a zoning attorney. The Zoning Board of Appeals and its staff cannot provide legal advice.

OVERVIEW OF CRITERIA

17-13-1107-A Approval Criteria. The Zoning Board of Appeals may not approve a *variation* unless it makes findings, based upon the evidence presented to it in each specific case, that:

1. strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; and
2. the requested *variation* is consistent with the stated purpose and intent of this Zoning Ordinance (See Sec. 17-1-0500).

17-13-1107-B Evidence of Practical Difficulties or Particular Hardship. In order to determine that practical difficulties or particular hardships exist, the Zoning Board of Appeals must find evidence of each of the following:

1. the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance;
2. the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and
3. The *variation*, if granted, will not alter the essential character of the neighborhood.

17-13-1107-C Other Review Factors. In making its determination of whether practical difficulties or particular hardships exist, the Zoning Board of Appeals must take into consideration the extent to which evidence has been submitted substantiating the following facts:

1. the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the *property owner* as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
2. the conditions upon which the petition for a *variation* is based would not be applicable, generally, to other property within the same zoning classification;
3. the purpose of the *variation* is not based exclusively upon a desire to make more money out of the property;
4. the alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property;
5. the granting of the *variation* will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
6. The proposed *variation* will not impair an adequate supply of light and air to adjacent property, 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.

For the purpose of clarity, the ZBA has rearranged the approval criteria under the Chicago Zoning Ordinance into five broad categories consisting of the following: (I) **practical difficulties or particular hardships** [17-13-1107 A(1) & C(4)]; (II) **reasonable return** [17-13-1107 B(1) & C(3)]; (III) **unique circumstances** [17-13-1107 B(2), C(1), & C(2)]; (IV) **neighborhood's essential character** [17-13-1107 B(3), C(5), & C(6)]; and (V) **consistency with the stated purpose and intent of the Zoning Ordinance** [17-13-1107 A(2)].

PROPOSED FINDINGS OF FACT

Instructions: Explain to the ZBA why or how your proposed variation(s) meet(s) the variation standards below. Applicants may add addenda if they run out of room but must begin writing their answers on this form. Please note that failure to submit clear and comprehensive answers may result in a delay of your hearing and/or dismissal or denial of your case.

Note: the “facts you might consider” under each section are provided to assist applicants and witnesses in providing comprehensive answers to the standards, but are by no means a required, exhaustive, or determinative list, and are not intended to be legal advice. If you are uncertain how to answer the criteria, please consult a zoning attorney.

I. PRACTICAL DIFFICULTIES OR PARTICULAR HARDSHIPS

A(1) What are the practical difficulties or particular hardships that would derive from strict compliance with the regulations and standards of the Zoning Ordinance?

C(4) Were the practical difficulties or particular hardships created by any person presently having an interest in the property? Yes No

Explain:

Facts you might consider: How are the practical difficulties or particular hardships distinguishable from mere inconvenience? How were the practical difficulties or particular hardships created?

II. REASONABLE RETURN

B(1) Explain why the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of the zoning ordinance:

1. The applicant is the owner-occupier of this property, or a not-for-profit entity: Yes No

2. There is no profit motive for this variation (does not apply for developers): Yes No

3. Reasonable return analysis **should apply** **should not apply** to my application.

If you checked "should not apply" explain below:

If you believe that a reasonable return analysis should not apply to your application, skip to question C(3) below

4. My total costs would be greater if I were required to strictly comply with the Chicago Zoning Ordinance compared to the costs if the variation were granted Yes No

5. My capitalization rate would be lower if I were required to strictly comply with the Chicago Zoning Ordinance compared to the capitalization rate if the variation were granted Yes No

6. My profit would be lower if I were required to strictly comply with the Chicago Zoning Ordinance compared to the profit if the variation were granted Yes No

7. Please explain further how the property cannot yield a reasonable return if the variation were not granted:

C(3) Is the purpose of the variation(s) based exclusively upon a desire to make more money out of the property? Yes No

Explain:

Facts you might consider: Are there alternative uses for this property under the zoning code? Without the variation, to what extent has the value of the property been reduced? Without the variation, to what extent has the ability to use the property been reduced?

III. UNIQUE CIRCUMSTANCES

B(2) Explain why the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property:

C(1) What is it about the particular physical surroundings, shape or topographical condition of the subject property that would result in a particular hardship upon the property owner if the strict letter of the regulations were carried out?

C(2) How are the conditions upon which this application for variation(s) is based not generally applicable to other property within the same zoning classification?

Facts you might consider: What about the configuration of the subject property renders it unusable? Why isn't it possible to create alternative site designs to fit the property? Are lot dimensions substandard/atypical? Are there other physical or environmental surroundings such as property location, water features, trees/plants, hills/elevation, ground composition that cause a hardship for the subject property?

IV. NEIGHBORHOOD'S ESSENTIAL CHARACTER

B(3) Explain why the variation(s) if granted, will not alter the essential character of the neighborhood:

C(5) Explain why the granting of the variation(s) will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located:

C(6) Explain why the granting of the variation(s) will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion in the public streets, or increase the danger of fire, or endanger public safety, or substantially diminish or impair property values within the neighborhood:

Facts you might consider: What is type of neighborhood in which the subject property is located (historical, residential, mixed use, commercial, manufacturing, etc.)? Would the proposed variation(s) impact the use of adjacent properties? How close will any proposed structure come to neighboring structures? Will proposed variation(s) block sightlines on streets/pedestrian rights of way? Will there be any impact on health, safety, environment, property values of the community? Do neighboring buildings have a similar layout? If the variation is granted, will the subject property still visually fit in with the surrounding area?

V. CONSISTENT WITH THE STATED PURPOSE AND INTENT OF THE ZONING ORDINANCE

A(2) Explain how the requested variation(s) is(are) consistent with the stated purpose and intent of the Chicago Zoning Ordinance. Select only those that apply and explain.

Promoting the public health, safety and general welfare, pursuant to Section 17-1-0501, by/because:

Preserving the overall quality of life for residents and visitors, pursuant to Section 17-1-0502, by/because:

Protecting the character of established residential neighborhoods, pursuant to Section 17-1-0503, by/because:

Maintaining economically vibrant as well as attractive business and commercial areas, pursuant to Section 17-1-0504, by/because:

Retaining and expanding the city's industrial base, pursuant to Section 17-1-0505, by/because:

Implementing the policies and goals contained with officially adopted plans, including the Central Area Plan, pursuant to Section 17-1-0506, by/because:

Promoting pedestrian, bicycle and transit use, pursuant to Section 17-1-0507, by/because:

Maintaining orderly and compatible land use and development patterns, pursuant to Section 17-1-0508, by/because:

Ensuring adequate light, air, privacy, and access to property, pursuant to Section 17-1-0509, by/because:

Encouraging environmentally responsible development practices, pursuant to Section 17-1-0510, by/because:

Promoting rehabilitation and reuse of older buildings, pursuant to Section 17-1-0511, by/because:

Maintaining a range of housing choices and options, pursuant to Section 17-1-0512, by/because:

Establishing clear and efficient development review and approval procedures, pursuant to Section 17-1-0513, by/because:

Accommodating growth and development that complies with the preceding stated purposes, pursuant to Section 17-1-0514, by/because:

Enabling the city to establish an integrated network of city digital signs, pursuant to Section 17-1-0515, by/because:

SIGNATURE AND CERTIFICATION

Under the penalty of perjury pursuant to Section 1-109 of the Illinois Code of Civil Procedure, I certify that all of the above statements in the proposed Findings of Fact and statements on any documents, photos and/or drawings submitted herewith are true, correct, and complete as of the date signed to the best of my knowledge and belief.

Print Name: _____
Applicant (or if Legal Entity, Applicant’s Principal Representative)

Signature: _____ Date: _____
Applicant (or if Legal Entity, Applicant’s Principal Representative)

EXHIBIT A
Witness Certifications

Under the penalty of perjury pursuant to Section 1-109 of the Illinois Code of Civil Procedure, I certify that all of the above statements for which I contributed to in the proposed Findings of Fact and statements on any documents, photos and/or drawings I contributed to herewith are true, correct, and complete as of the date signed to the best of my knowledge and belief. I further certify that if asked by the ZBA to testify to or be cross-examined about my contributions for this application, I would be able to do so.

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|-----------------------|--|
| Witness Name | |
| Title (if applicable) | |
| Signature | |
| Date | |

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| Witness Name | |
| Title (if applicable) | |
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| Witness Name | |
| Title (if applicable) | |
| Signature | |
| Date | |

EXHIBIT B

[ATTACH EXPERT REPORTS BEHIND THIS PAGE]

Checklist:

- Expert Report
- Expert C.V.

Table of Exhibits – B

Exhibits should be labeled B1, B2, B3... etc.

| Exhibit Number | Description of the Exhibit. |
|----------------|-----------------------------|
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Certification

Under the penalty of perjury pursuant to Section 1-109 of the Illinois Code of Civil Procedure, I certify that all of the statements in my report are true, correct, and complete as of the date signed to the best of my knowledge and belief. I further certify that if asked by the ZBA to testify to or be cross-examined about my contributions for this application, I would be able to do so.

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| Witness Name | |
| Title (if applicable) | |
| Signature | |
| Date | |

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| Witness Name | |
| Title (if applicable) | |
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| Witness Name | |
| Title (if applicable) | |
| Signature | |
| Date | |

EXHIBIT C

Instructions: As part of the proposed findings of fact, you must include photographs of the subject property and surrounding area. **As a reminder, the ZBA does not conduct site visits or do independent research. All the ZBA is able to consider is the information you submit into the record (i.e. testimony, evidence, photographs, maps, plans, etc. that you provide in your application and proposed findings). Failure to provide a clear and comprehensive application may result in a delay of your hearing and/or a dismissal or denial of your case.**

Photo Specifications:

- The photos attached must show the property and neighborhood in its current condition.
- Every photograph must be labeled with an exhibit number, a description of the photo, and the date it was taken (e.g. C1. View of the front of the subject property, 121 N. LaSalle, facing N. LaSalle St. – 6/08/2023)
- Screenshots from Google Street View and other online photographs may not be submitted for the required photographs with a ground level view. However, for the overhead view (C11)*, Google Maps and other satellite imagery will be accepted.
- Exhibits C1-C11 are required, though applicants may provide additional photos.

Tips:

- Photos including neighboring properties should be taken from a location on public property (i.e. don't trespass).
- Panoramic photos may be helpful for showing the character of the neighborhood/surrounding area.
- If trying to make the case that there are other similarly situated properties in the area, it would be helpful to include photos of them and label them on a map in relation to your property.

Table of Exhibits – C

| Exhibit Number | Description of the Exhibit. |
|----------------|---|
| C1 | View of the front the property |
| C2 | View of the front of the property also showing the neighboring property to the right |
| C3 | View of the front of the property also showing the neighboring property to the left |
| C4 | Across the way - standing at the front of the property, take a photo of what you see across the street from you (standing with your back to the front of the property). |
| C5 | Side views of the property (if applicable). |
| C6 | View of the rear of the property. |
| C7 | View of the rear of the property also showing the neighboring property to the right. |

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| C8 | View of the rear of the property also showing the neighboring property to the left. |
| C9 | Rear across the way - view of the area that the rear of the property faces (standing near the edge of your property with your back to the rear of your property, take a photo of the property directly across from you). |
| C10 | Any photos that help demonstrate the character of the neighborhood. |
| C11 | Overhead view* of the property and surrounding area (may use online photo/satellite map for this one). The property must be labeled and include the date accessed if using satellite imagery. |
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[ATTACH THE PHOTOGRAPH EXHIBITS BEHIND THIS SHEET]

EXHIBIT D

Checklist:

- Most recent Site Plan
- Most recent Landscape Plan,
- Building Elevations (provide heights and list materials used)
- Floor Plans
- Plat of Survey
- Legal description of the premises.

Table of Exhibits – D

Exhibits should be labeled D1, D2, D3...etc.

| Exhibit Number | Description of the Exhibit. |
|----------------|-----------------------------|
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[ATTACH ALL ADDITIONAL EXHIBITS SUCH AS SITE PLANS AND ARCHITECTURAL DRAWINGS BEHIND THIS SHEET]