



ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO

VARIATION PUBLIC HEARING PACKET

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

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INFORMATION ABOUT THE APPLICATION			
Address of the Subject Property	1	ADDRESS	
Ward, Zoning District, & Neighborhood	2	WARD	ZONING DISTRICT
		NEIGHBORHOOD	
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)	

INFORMATION ABOUT THE APPLICANT			
Full name of Applicant	5	NAME	
The Applicant is a(n)	6	CHECK ONE <input type="checkbox"/> Individual (if selected, skip to box #9) <input type="checkbox"/> Legal Entity	
Type of legal entity	7	<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.	8	NAME(S)	TITLE(S)
		•	•
		•	•
		•	•
		•	•

BACKGROUND OF THE SUBJECT PROPERTY		
Property Type	9	CHECK ONE <input type="checkbox"/> Vacant land <i>(If selected, skip to box #11)</i> <input type="checkbox"/> Improved land (i.e. has existing building/structures/paving)
Description of improvements <i>(e.g. Property contains a single-story commercial building and parking lot)</i>	10	
Building Exterior	11	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	12	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	13	(Copy and paste the descriptive statement(s) from the <i>Official Denial of Zoning Certification</i> here)
Continued on next page.		

Continued from previous page.

14 Additional specific circumstances that may apply to the application.

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.
- 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.

Continued on the following page

INSTRUCTIONS

- **Project Narrative.** In your own words, explain to the ZBA why you are seeking (a) variation(s). This is an opportunity to provide an overview of your project, your plans and goals, etc. Page 7.
- **Proposed Findings of Fact.** Review the Variation Criteria on page 6, then provide your answers to how this application meets the criteria on pages 8-12. 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* on page 14.
- **Signature and Certification.** Applicants must certify the truthfulness and accuracy of their application. Page 13.
- **Witness Certification.** Any witnesses who you plan to have testify at the public hearing, must also swear to the truthfulness and accuracy of their contributions to the application. The signature page is part of *Exhibit A* on page 14.
- **Photographs.** Required photographs shall be attached as part of *Exhibit B*. Further instructions are on page 15.
- **Plans and Additional Evidence.** All additional evidence, including site plans, landscape plan, architectural drawings, etc. shall be attached as *Exhibit C1, C2, C3, etc.* and fill out *Table of Exhibits – C* accordingly on page 17.
- **Expert Reports (optional).** As there are circumstances where an expert witness might be helpful to bolster a case, parties may hire expert witnesses to testify in support of their position. However, no party is required to hire an expert witness. Any testimony by expert witnesses must be accompanied by a written report and a copy of their CV. **As it relates to the Variation Approval Criteria, Reports must explain why a conclusion was reached.** Attach expert witness reports as *Exhibit D1, D2, D3, etc.* and fill out *Table of Exhibits – D* accordingly on page 18. Expert witnesses include but are not limited to certified real estate appraisers and land use planners.

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)].

PROJECT NARRATIVE

In your own words, explain why you are seeking (a) variation(s):

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 were the practical difficulties or particular hardships created? Does the property owner propose to use the property in a reasonable manner not permitted by the zoning ordinance? How are the practical difficulties or particular hardships distinguishable from mere inconvenience? Does the hardship/difficulty result in an unnecessary deprivation of the full enjoyment of property?

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. The applicant is a developer: Yes No
3. There is, in part, a profit motive for this variation (developers must select “yes”): Yes No
4. Further reasonable return analysis **should apply** **should not apply** to my application.

If you checked “should not apply” explain below:

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

5. 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
6. My capitalization rate (rate of return on an investment property based on the income the property is expected to generate) 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
7. 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
8. 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) 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 how your application meets those purposes selected.

- §17-1-0501. Promoting the public health, safety and general welfare.
- §17-1-0502. Preserving the overall quality of life for residents and visitors.
- §17-1-0503. Protecting the character of established residential neighborhoods.
- §17-1-0504. Maintaining economically vibrant as well as attractive business and commercial areas.
- §17-1-0505. Retaining and expanding the city's industrial base.
- §17-1-0506. Implementing the policies and goals contained with officially adopted plans, including the Central Area Plan.
- §17-1-0507. Promoting pedestrian, bicycle and transit use.
- §17-1-0508. Maintaining orderly and compatible land use and development patterns.
- §17-1-0509. Ensuring adequate light, air, privacy, and access to property.
- §17-1-0510. Encouraging environmentally responsible development practices.
- §17-1-0511. Promoting rehabilitation and reuse of older buildings.
- §17-1-0512. Maintaining a range of housing choices and options.
- §17-1-0513. Establishing clear and efficient development review and approval procedures.
- §17-1-0514. Accommodating growth and development that complies with the preceding purposes.
- §17-1-0515. Enabling the city to establish an integrated network of city digital signs.

Explain:

APPLICANT 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.

Witness Name	
Title (if applicable)	
Signature	
Date	

Witness Name	
Title (if applicable)	
Signature	
Date	

Witness Name	
Title (if applicable)	
Signature	
Date	

Witness Name	
Title (if applicable)	
Signature	
Date	

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Signature	
Date	

Witness Name	
Title (if applicable)	
Signature	
Date	

Witness Name	
Title (if applicable)	
Signature	
Date	

Witness Name	
Title (if applicable)	
Signature	
Date	

EXHIBIT B PHOTOGRAPHS

Instructions: As part of your application, 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. B1. 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 (B11)*, Google Maps and other satellite imagery will be accepted.
- Exhibits B1-B11 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 – B

Exhibit Number	Description of the Exhibit.
B1	View of the front the property
B2	View of the front of the property also showing the neighboring property to the right
B3	View of the front of the property also showing the neighboring property to the left
B4	Across the way - standing at the front of the property, take a photo of what you see across the street from you (<i>standing with your back to the front of the property</i>).
B5	Side views of the property (if applicable).
B6	View of the rear of the property.
B7	View of the rear of the property also showing the neighboring property to the right.
B8	View of the rear of the property also showing the neighboring property to the left.

EXHIBIT D

OPTIONAL EXPERT REPORTS

Note: Pursuant to Rule 4.7 of the ZBA Rules of Procedure, as there are circumstances where an expert witness might be helpful to bolster a case, parties may hire expert witnesses to testify in support of their position. However, no party is required to hire an expert witness.

Each expert report must be accompanied by that expert's C.V.

Table of Exhibits – D

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

Exhibit Number	Description of the Exhibit.

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.

Witness Name	
Title (if applicable)	
Signature	
Date	

Witness Name	
Title (if applicable)	
Signature	
Date	

Witness Name	
Title (if applicable)	
Signature	
Date	

Witness Name	
Title (if applicable)	
Signature	
Date	

[ATTACH OPTIONAL EXPERT REPORTS BEHIND THIS PAGE]