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ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO

SPECIAL USE 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	To find your zoning district, go to: https://gisapps.chicago.gov/ZoningMapWeb/	
		NEIGHBORHOOD			
Name of person who submitted the application	3	NAME			
The person who submitted the application is	4	☐ Self-Represented ☐ Applicant's Zoning Attorney ☐ 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 ☐ Individual (if selected, skip to box #9) ☐ Legal Entity	
Type of legal entity	7	☐ LLC ☐ Corporation ☐ Trust ☐ Nonprofit ☐ Other _____	
List the name(s) and title(s) of the Applicant's principal representative(s) present at the hearing.	8	NAME(S) • • • •	TITLE(S) • • • •

BACP, Building Code, Health, Safety Violations	9	Has the owner/operator of the proposed special use received notice of any violations in terms of business operations, building code, licensing, health, or safety within the last 24 months? ☐ Yes ☐ No If yes, explain:
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BACKGROUND OF THE SUBJECT PROPERTY		
Property Type	10	CHECK ONE ☐ Vacant land <i>(If selected, skip to box #12)</i> ☐ Improved land (i.e. has existing building/structures/paving)
Description of improvements (e.g. Property contains a single-story commercial building & parking lot)	11	
Building Exterior	12	As it relates to the exterior of the building, the applicant will be: ☐ reusing an existing building with no exterior modification ☐ modifying the exterior of an existing building ☐ constructing a new building
Descriptive Statement	13	(Copy and paste the descriptive statement from the <i>Official Denial of Zoning Certification</i> here)

INSTRUCTIONS

- **Project Narrative.** In your own words, explain to the ZBA why you are seeking a special use. This is an opportunity to provide an overview of your business/organization, your plans and goals, what you hope to accomplish, etc. Page 5.
- **Proposed Findings of Fact.** Review the Special Use Criteria on page 4, then on pages 6-11 provide your answers to how this application meets each of the 5 Special Use 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 (your 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 13*.
- **Signature and Certification.** Applicants must certify the truthfulness and accuracy of their application. Page 12.
- **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 13.
- **Photographs.** Required photographs shall be attached as part of Exhibit B. Further instructions are on page 14.
- **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 16.
- **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 Special Use 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 17. 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

Criteria for a Special Use. Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use application may be approved unless the Zoning Board of Appeals finds that the proposed use in its proposed location meets all of the following criteria:

(1) It complies with all applicable standards of the Chicago Zoning Ordinance

Facts you might consider: • Besides the requirement to apply for a special use, is there any other reason the proposed use would not comply with the Chicago Zoning Ordinance? If so, is it being addressed at the same hearing? (i.e. a variation application).
• How does the proposed use fit the bulk and density standards of the zoning district?

(2) It is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community

Facts you might consider:

Public Convenience: •What are the benefits to the public? •Do the benefits of granting the special use outweigh any adverse effects? •If there are adverse effects, would they be limited/restricted to a particular person/small group? •Will the community at least derive some benefit?

General Welfare: •Will the granting of the special use have a negative impact on health, safety, environment, property values of the community? •Would the special use contribute to or increase crime in the area? •Is there a proximity to sensitive land uses such as schools, youth centers, hospitals, senior housing, homeless shelters etc. which it would negatively impact?

(3) It is compatible with the character of the surrounding area in terms of site planning and building scale and project design

Facts you might consider: •Will the applicant be reusing an existing building? •Is building height, number of floors similar to those in the area? •Does the proposed use visually fit in with the surrounding area? •Would the special use negatively impact the aesthetics or balance of the neighborhood?

(4) It 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

Facts you might consider: •What are the hours of operation for your establishment? •How do your hours of operation compare to the hours of operation of neighboring establishments in the area? •How is the lighting in the area? •What are your plans, if any, for outdoor lighting? •How would you characterize the noise of the surrounding area? Is it high/medium/low traffic (vehicle and/or pedestrian)? •Do you anticipate noise being a problem? If so why, and what would you do to limit it? If not, why not? •Will this use generate primarily pedestrian or vehicle traffic? If the special use will generate vehicle traffic, would it be out of character, excessive, or hazardous for the area? If the special use would generate excessive vehicle traffic, what are the plans to mitigate traffic? •Is there parking or a need for parking? If so, are there any plans for parking?

(5) It is designed to promote pedestrian safety and comfort

Facts you might consider: •Would plans interfere with pedestrian right of way? •Would plans interfere with a bus stop? •Is there an issue with the landscaping or anything else that might create blind spots or block sight lines for pedestrians? •What pedestrian-focused accommodations do you plan on making? (e.g. bike racks, outdoor seating, plans for ice/snow/debris removal) •What pedestrian-focused design features will the project have? (e.g. sufficient sidewalk space, minimizing falling/tripping hazards such as damaged/cracked/uneven surfaces, building entrances oriented toward the street, sidewalk width accommodates those with disabilities such as wheelchair users). •If building parking lot or drive-through, what are you doing to promote safe pedestrian crossing and reduce conflict points between vehicles and pedestrians?

Note: the “facts you might consider” under each criterion 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.

PROJECT NARRATIVE

In your own words, explain why you are seeking a special use:

PROPOSED FINDINGS OF FACT

Instructions: Explain to the ZBA why or how your proposed special use meets the 5 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.*

A (1). The proposed special use complies with all applicable standards of the Chicago Zoning Ordinance

Select and complete one of the following which best fits your application:

☐ The subject property is located in a _____ [insert zoning designation] zoning district. Since a(n) [insert proposed use] _____ is a special use in this zoning district, the Applicant requires a special use. The proposed use complies with all other standards set forth in the Chicago Zoning Ordinance because it is only the requirement to request a special use from the Zoning Board of Appeals that prevents full compliance with all applicable standards of the Chicago Zoning Ordinance.

OR

☐ The proposed use complies with all applicable standards of the Chicago Zoning Ordinance because:

List witnesses who contributed & exhibits relied on for a(1):

A (2). The proposed special use is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community. *Explain why/how:*

The proposed special use is in the interest of the public convenience because:

The proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community because:

List witnesses who contributed & exhibits relied on for a(2):

A (3). The special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design. *Explain why/how:*

List witnesses who contributed & exhibits relied on for a(3):

A (4). The 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. *Explain why/how:*

List witnesses who contributed & exhibits relied on for a(4):

A (5). The special use is designed to promote pedestrian safety and comfort. *Explain why/how:*

List witnesses who contributed & exhibits relied on for a(5):

ADDITIONAL FINDINGS

☐ 1. This Special Use Application is for a General Special Use and requires no additional findings. If checked, proceed to the signature and certification on the page 12

☐ 2. This Special Use Application is for a non-general special use listed below (check all that apply):

- ☐ Special Use is located in a **Planned Manufacturing District (PMD)** under 17-13-0905-C.
- ☐ Special Use is a **Business Live/Work Unit** under 17-13-0905-E.
- ☐ Special Use is a **Freestanding Wireless Communication Facility** under 17-9-0118-D(2).
- ☐ Special Use is an **Indoor Event Venue** under 17-9-0130.1 & 17-13-0902-B(4).
- ☐ Special Use is a **Waste-Related Use** under 17-13-0905-B(1).
- ☐ Special Use is a **Sanitary Landfill** under 17-13-0905-B(1), (2), & (3).
- ☐ Special Use is a **Liquid Waste Handling Facility** under 17-13-0905-B(1) & (2).
- ☐ Special Use is a **Resource Recovery Facility** or **Incinerator** under 17-13-0905-B(1), (2), & (4).
- ☐ Special Use is a **Transfer Station** or **Reprocessable Construction/Demolition Material Facility** or **Hazardous Waste Treatment or Storage Facility** under 17-13-0902-B(2).

If any of the above are checked, complete and attach the Findings of Fact Insert for Non-General Special Uses (available on the ZBA website) behind this page.

- ☐ Special Use is a **Cannabis Business Establishment** under 17-13-0905-G.

If this special use is a cannabis business establishment, meaning an Adult Use Cannabis Dispensary, Medical Cannabis Dispensary, Cannabis Craft Grower, Cannabis Infuser, Cannabis Processor, Cannabis Cultivation Center, you must also complete the Cannabis Supplemental Packet.

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	
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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 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. *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.

B9	Rear across the way - view of the area that the rear of the property faces (<i>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</i>).
B10	Any photos that help demonstrate the character of the neighborhood.
B11	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.

[ATTACH THE PHOTOGRAPH EXHIBITS BEHIND THIS PAGE]

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]