



## ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO

### ADULT 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	<b>1</b>	ADDRESS	
Ward, Zoning District, & Neighborhood	<b>2</b>	WARD	ZONING DISTRICT
		NEIGHBORHOOD	
To find your zoning district, go to: <a href="https://gisapps.chicago.gov/ZoningMapWeb/">https://gisapps.chicago.gov/ZoningMapWeb/</a>			
Name of person who submitted the application	<b>3</b>	NAME	
The person who submitted the application is	<b>4</b>	<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	<b>5</b>	NAME	
The Applicant is a(n)	<b>6</b>	<b>CHECK ONE</b> <input type="checkbox"/> Individual (if selected, skip to box #9) <input type="checkbox"/> Legal Entity	
Type of legal entity	<b>7</b>	<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.	<b>8</b>	NAME(S) • • • •	TITLE(S) • • • •

BACP, Building Code, Health, Safety Violations	<b>9</b>	<p>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? <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b></p> <p><b>If yes, explain:</b></p>
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<b>BACKGROUND OF THE SUBJECT PROPERTY</b>		
Property Type	<b>10</b>	<p><b>CHECK ONE</b> <input type="checkbox"/> Vacant land (<i>If selected, skip to box #12</i>)</p> <p><input type="checkbox"/> Improved land (i.e. has existing building/structures/paving)</p>
Description of improvements (e.g. Property contains a single-story commercial building & parking lot)	<b>11</b>	
Building Exterior	<b>12</b>	<p><b>As it relates to the exterior of the building, the applicant will be:</b></p> <p><input type="checkbox"/> reusing an existing building with no exterior modification</p> <p><input type="checkbox"/> modifying the exterior of an existing building</p> <p><input type="checkbox"/> constructing a new building</p>
Descriptive Statement	<b>13</b>	<p>(Copy and paste the descriptive statement from the <i>Official Denial of Zoning Certification</i> here)</p>

# 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 6-9 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 11.
- **Signature and Certification.** Applicants must certify the truthfulness and accuracy of their application. Page 10.
- **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 11.
- **Photographs.** Required photographs shall be attached as part of Exhibit B. Further instructions are on page 12.
- **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 14.
- **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 15. 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

**Adult Use Approval Criteria.** No special use application for an adult use may be approved unless the Zoning Board of Appeals finds that the special use complies with all of the following criteria:

- (a) the use will not increase crime in the neighborhood in which it is located;
- (b) the use will not adversely affect other commercial or industrial enterprises in the surrounding area;
- (c) the use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located;
- (d) the use will not have an adverse effect on traffic-flow or parking within the surrounding area;
- (e) the use will not generate noise levels that would disrupt the peace and enjoyment of surrounding areas;
- (f) the use will not have an adverse effect on the character of the surrounding neighborhood because of the hours of operation of use;
- (g) the use will not be inconsistent with the exterior appearance of other commercial establishments;
- (h) the use will conform to the applicable regulations of the district in which it is to be located; and
- (i) the use complies with all other applicable city standards, including those of Sec. 17-9-0101.

## 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 Adult Use Special Use meets the 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.*

D(1)(a). The use will not increase crime in the neighborhood in which it is located because:

D(1)(b). The use will not adversely affect other commercial or industrial enterprises in the surrounding area because:

D(1)(c). The use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located because:

D(1)(d). The use will not have an adverse effect on traffic-flow or parking within the surrounding area because:

D(1)(e). The use will not generate noise levels that would disrupt the peace and enjoyment of surrounding areas because:

D(1)(f). The use will not have an adverse effect on the character of the surrounding neighborhood because of the hours of operation of use because:



D(1)(g). The use will not be inconsistent with the exterior appearance of other commercial establishments because:

D(1)(h). Explain how the use will conform to the applicable regulations of the district in which it is to be located:

D(1)(i). The use complies with all other applicable city standards, including those of Sec. 17-9-0101, because:

**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	

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	

## 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 C PLANS AND ADDITIONAL EVIDENCE

**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 – C**

*Exhibits should be labeled C1, C2, C3...etc.*

Exhibit Number	Description of the Exhibit.

[ATTACH ALL ADDITIONAL EXHIBITS (EXCEPT OPTIONAL EXPERT REPORTS) SUCH AS SITE PLANS AND ARCHITECTURAL DRAWINGS 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]