

22434-T1
INTRO DATE
APRIL 17, 2024

CITY OF CHICAGO

APPLICATION FOR AN AMENDMENT TO
THE CHICAGO ZONING ORDINANCE

1. ADDRESS of the property Applicant is seeking to rezone:

1055 W. Diversey Parkway, Chicago, IL

2. Ward Number that property is located in: 43

3. APPLICANT Burnt Mountain Glades, LLC

ADDRESS 1775 N. Clybourn, Ste. 401 CITY Chicago

STATE IL ZIP CODE 60614 PHONE 312-782-1983

EMAIL nick@sambankslaw.com CONTACT PERSON Nick Ftikas

4. Is the applicant the owner of the property? YES NO
If the applicant is not the owner of the property, please provide the following information regarding the owner and attach written authorization from the owner allowing the application to proceed.

OWNER United Christian Church

ADDRESS 1055 W. Diversey Ave. CITY Chicago

STATE IL ZIP CODE 60614 PHONE 312-341-9730

EMAIL williamq@klc-ltd.com CONTACT PERSON William A. Quiceno

5. If the Applicant/Owner of the property has obtained a lawyer as their representative for the rezoning, please provide the following information:

ATTORNEY Law Offices of Sam Banks, Nicholas Ftikas

ADDRESS 221 N. LaSalle St., 38th Floor

CITY Chicago STATE IL ZIP CODE 60601

PHONE 312-782-1983 FAX 312-782-2433 EMAIL nick@sambankslaw.com

6. If the applicant is a legal entity (Corporation, LLC, Partnership, etc.) please provide the names of all owners as disclosed in the Economic Disclosure statements: Michael Breheny and Jennifer Breheny
-
7. On what date did the owner acquire legal title to the subject property? Contract to Purchase (2024)
8. Has the present owner previously rezoned this property? If yes, when? No
9. Present Zoning District: RT-4 Proposed Zoning District: B2-3
10. Lot size in square feet (or dimensions): Approx. 7,164 sq. ft. (irregular lot shape)
11. Current Use of the Property: The subject property is improved with a two-story religious assembly building.
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12. Reason for rezoning the property: To permit the development of the subject property with a new six-story residential building containing twenty-four (24) dwelling units.
13. Describe the proposed use of the property after the rezoning. Indicate the number of dwelling units; number of parking spaces, approximate square footage of any commercial space; and height of proposed building. (BE SPECIFIC): The Applicant is proposing to develop the subject property with a new six-story residential building containing twenty-four (24) dwelling units. The building will be masonry in construction and measure 64 ft.-11 inches (measured to the partial sixth floor) in height.
The subject property is a Transit Served Location and will be supported by one (1) off-street parking space and seven (7) bicycle parking spaces.
14. If filing a required or an elective Type 1 map amendment pursuant to Section 17-13-0300, applications may include relief available pursuant to Section 17-13-1000 or 17-13-1100; in such instances, City Council approval of a Type-1 application containing said elements shall preclude subsequent review otherwise required pursuant to Sections 17-13-1000 or 17-13-1100, provided that no Type 1 application permits issued may be in violation of Section 17-13-0310.

Please apply the specific code sections the applicant is seeking relief for (BE SPECIFIC) Administrative Adjustment Section(s) 17-13-1000 or Variation Section(s) 17-13-1100. (Note: more detail noted within the Type 1 narrative)

Administrative Adjustment 17-13-1003: (17-13-1003-EE) The Applicant seeks to reduce the number of off-street parking spaces required for a Transit Served Location from 50% (12 parking spaces) to 0.042% (1 parking space), (17-13-1003-GG) reduce the number of bicycle parking spaces from twenty-four (24) to seven (7), and (17-13-1003-A) reduce the minimum lot area total for twenty-four (24) units from 7,200 sq. ft. to 7,164 sq. ft.

Variation 17-13-1101: When seeking a use involving a Public Place of Amusement (PPA) & Liquor License please provide an acknowledgement document from The Department of Business Affairs and Consumer Protection Office (BACP) indicating the city acknowledges your business license request. (17-13-1101-B) The Applicant seeks to reduce the rear setback for floors containing residential uses from the required 30 ft. to 3 ft.-6 inches (note irregular lot shape) and (17-13-1101-D) waive the one (1) required loading berth for the proposed twenty-four (24) unit residential building.

15. The Affordable Requirements Ordinance (ARO) requires on-site affordable housing units and/or a financial contribution for residential housing projects with ten or more units that receive a zoning change which, among other triggers, increases the allowable floor area, or, for existing Planned Developments, increases the number of units (see attached fact sheet or visit www.cityofchicago.org/ARO for more information). Is this project subject to the ARO? YES NO

COUNTY OF COOK
STATE OF ILLINOIS

I, Michael Breheny, as Manager of Burnt Mountain Glades, LLC, being first duly sworn on oath, state that all the above statements and the statements contained in the documents submitted herewith are, to the best of my knowledge, true and correct.



Signature of Applicant

Subscribed and Sworn to before me this

30th day of January, 2024.


Notary Public



For Office Use Only

Date of Introduction: _____

File Number: _____

Ward: _____

ALTA/NSPS Land Title Survey

by Central Survey PLLC

Legal Description

PARCEL 1: Lot 3 and the West 32 feet of Lot 2 (except from said property taken as a tract, that part lying South of the South face of a brick church building, being described as a line drawn from a point on the East line of said tract, 34.26 feet North of the Southeast corner thereof to a point on the West line of said tract 34.0 feet North of the Southwest corner thereof) in Leo Broomell's Subdivision of the West 1/2 of Blocks 10 and 13 in Canal Trustee's Subdivision of the East 1/2 of Section 29, Township 40 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

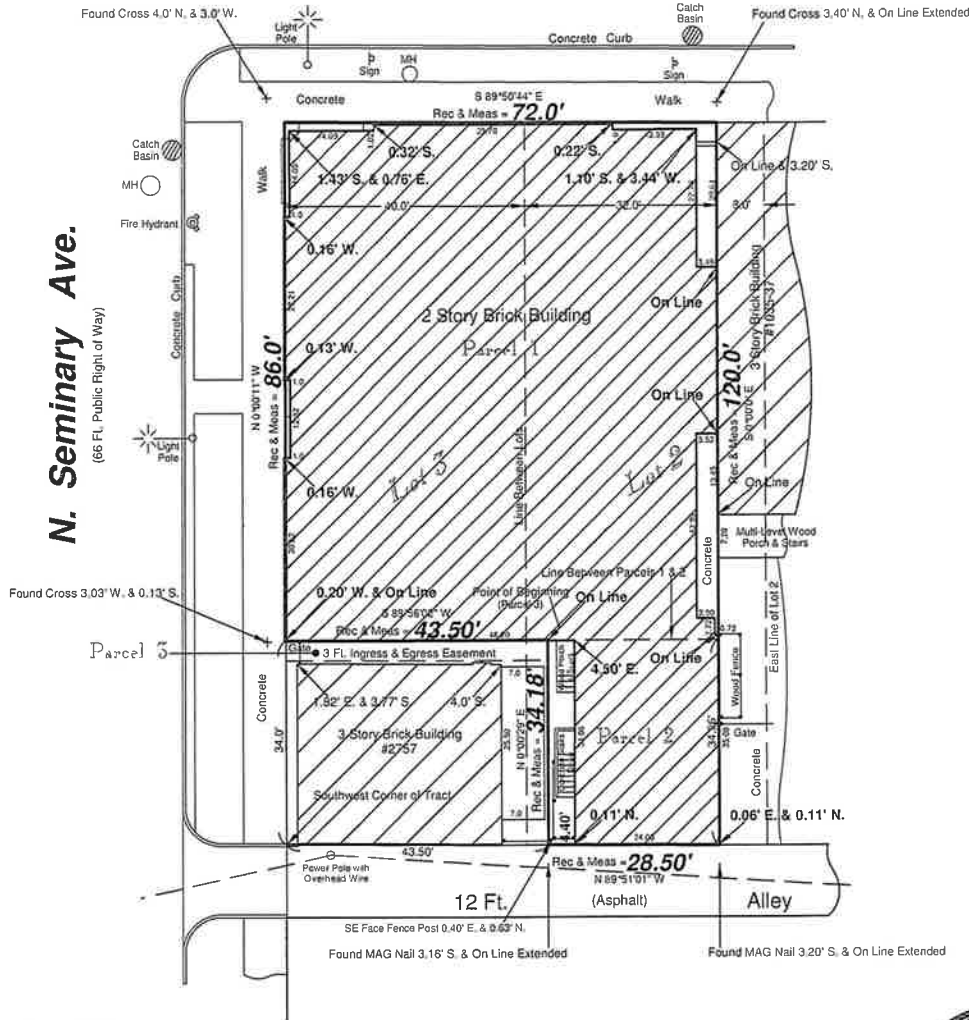
PARCEL 2: Lot 3 and the West 32 feet of Lot 2 (except from said property taken as a tract, that part lying North of the South face of a brick church building being described as a line drawn from a point on the East line of said tract, 34.26 feet North of the Southeast corner thereof to a point on the West line of said tract 34.0 feet North of the Southwest corner thereof, and except therefrom that part described as beginning at the Southwest corner of said tract; thence Easterly along the South line of said tract 43.50 feet; thence North parallel with the West line of said tract 34.18 feet to the South face of a brick church building being described as a line drawn from a point on the East line of said tract 34.26 feet North of the Southeast corner thereof to a point on the West line of said tract 34.0 feet North of the Southwest corner thereof; thence West along said South face 43.50 feet to a point 34.0 feet North of the Southwest corner of said tract; thence South along said West line 34.0 feet to the point of beginning) in Leo Broomell's Subdivision of the West 1/2 of Blocks 10 and 13 in Canal Trustee's Subdivision of the East 1/2 of Section 29, Township 40 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

PARCEL 3: Easement appurtenant to and for the benefit of Parcel 2 for ingress and egress over the following described property: that part of Lot 3 and the West 32 feet of Lot 2, taken as a tract, described as beginning at the Southwest corner of said tract; thence Easterly along the South line of said tract 43.50 feet; thence North parallel with the West line of said tract 34.18 feet to the South face of a brick church building being described as a line drawn from a point on the East line of said tract, 34.26 feet North of the Southeast corner thereof to a point on the West line of said tract 34.0 feet North of the Southwest corner thereof; thence West along said South face 43.50 feet to a point 34 feet North of the Southwest corner of said tract; thence South along said West line 3.0 feet; thence East parallel with said South face of brick church building 43.50 feet; thence North parallel with the West line of said tract 3.0 feet to the point of beginning; in Leo Broomell's Subdivision of the West 1/2 of Blocks 10 and 13 in Canal Trustee's Subdivision of the East 1/2 of Section 29, Township 40 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as: 1055 W. Diversey Parkway, Chicago, Illinois
Area of Land Described: 7,156 Sq. Ft.

W. Diversey Parkway

(66 Ft. Public Right of Way)



Legend

N. = North (TYP) = Typical
S. = South Rec = Record
E. = East Meas = Measure
W. = West St. = Street
MH = Manhole Ave. = Avenue

Decimal	Inch	Conversions
0.01' = 1/8"	0.02' = 1/4"	0.05' = 1"
0.03' = 3/8"	0.07' = 7/16"	0.10' = 1 1/8"
0.04' = 1/2"	0.08' = 2"	0.12' = 1 1/4"
0.05' = 5/8"	0.09' = 3"	0.15' = 1 3/8"
0.06' = 3/4"	0.10' = 4"	0.18' = 1 3/4"
0.07' = 7/8"	0.12' = 5"	0.20' = 2"
	0.15' = 6"	0.25' = 2 1/2"
	0.18' = 7"	0.30' = 3"
	0.20' = 8"	0.35' = 3 1/2"
	0.25' = 10"	0.40' = 4"
	0.30' = 12"	0.45' = 4 1/2"
		0.50' = 5"
		0.55' = 5 1/2"
		0.60' = 6"
		0.65' = 6 1/2"
		0.70' = 7"
		0.75' = 7 1/2"
		0.80' = 8"
		0.85' = 8 1/2"
		0.90' = 9"
		0.95' = 9 1/2"
		1.00' = 12"

NOTES: *Property corners were staked per customer.
*AutoCad file will not be provided under this contract. *For building restrictions refer to your abstract, deed, contract, title policy and local ordinances. *Assume no dimension from scaling upon this plat. *Compare all points before building and report any difference at once. *Area had snow & ice covering some improvements at time of survey.

Scale: 1 Inch equals 20 Feet.
Ordered By: Contemporary Concepts
Order Number: 1055

Surveyor's Notes:

- *No observed evidence of earth moving work, building construction or additions.
- *No observed evidence of site use as a solid waste dump, sump or sanitary landfill.
- *No observed evidence of changes in the street right of way lines, recent street or sidewalk construction or repairs.
- *This survey is based on commitment by First American Title Insurance Company commitment number AF1040751, dated January 16, 2024.
- *All plottable Schedule B item numbers that pertain have been plotted hereon.

State of Illinois)
) S.S.
County of Cook)

This is to certify to Gold Coast Bank, Burnt Mountain Glades LLC and First American Title Insurance Company that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys," jointly established and adopted by ALTA and NSPS and includes items 1, 4, 7(a), 8, 11 (observed), 14, 16 and 19 of Table "A" thereof.

The field work was completed on January 19, 2024.

Dated this 19th day of January 2024
John M. Henriksen P.L.S. #2668 (exp. 11/30/2024) Professional Design Firm Land Surveying LLC (#184.005417)



This professional service conforms to current Illinois minimum standards for a boundary survey.

Written Notice, Form of Affidavit: Section 17-13-0107

April 17, 2024

Acting Chairperson
Committee on Zoning
121 North LaSalle Street
Room 304 - City Hall
Chicago, Illinois 60602

To Whom It May Concern:


The undersigned, **Nicholas Ftikas**, being first duly sworn on oath, deposes and says the following:

That the undersigned certifies that he has complied with the requirements of Section 17-13-0107 of the Zoning Code of the City of Chicago, by sending written notice to such property owners who appear to be the owners of the property within the subject area not solely owned by the Applicant, and on the owners of all property within 250 feet in each direction of the lot line of the subject property, exclusive of the public roads, streets, alleys and other public ways, or a total distance limited to 400 feet. That said written notice was sent by USPS First Class Mail no more than 30 days before filing the application.

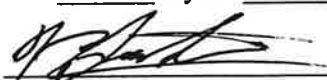
That the undersigned certifies that the notice contained the address of the property sought to be rezoned as **1055 W. Diversey Parkway, Chicago, IL**; a statement of intended use of said property; the name and address of the Applicant and Owner; and a statement that the Applicant intends to file an application for a change in zoning on approximately **April 17, 2024**.

That the Applicant has made a bonafide effort to determine the addresses of the parties to be notified under Section 17-13-0107 of the Zoning Code of the City of Chicago and that the Applicant certifies that the accompanying list of names and addresses of surrounding property owners within 250 feet is a complete list containing the names and last known addresses of the owners of the property required to be served.

Law Offices of Samuel V.P. Banks

By: 
Nicholas J. Ftikas
Attorney for Applicant

Subscribed and Sworn to before me
this 30 day of MARCH, 2024.



Notary Public



Via USPS First Class Mail
April 17, 2024

PUBLIC NOTICE

Dear Sir or Madam:

In accordance with the Amendment to the Chicago Zoning Code enacted by the City Council, Section 17-13-0107-A, please be informed that on or about April 17, 2024, I, the undersigned, intend to file an application for a change in zoning from the RT-4 Residential Two-Flat, Townhouse and Multi-Unit District to the B2-3 Neighborhood Mixed-Use District, on behalf of the Applicant, Burnt Mountain Glades, LLC, for the property located at **1055 W. Diversey Parkway, Chicago, IL.**

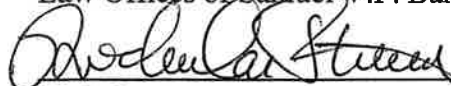
The Applicant is proposing to develop the subject property with a new six-story residential building containing twenty-four (24) dwelling units. The proposed building will be masonry in construction and measure 64 ft.-11 inches in height (measured to the partial sixth floor). The subject property is a Transit Served Location and will be supported by one (1) off-street parking space and seven (7) bicycle parking spaces. Pursuant to Secs. 17-13-1003 and 17-13-1101 of the Chicago Zoning Ordinance, the Applicant is seeking to reduce the number of required off-street vehicle parking spaces for a Transit Served Location from twelve (12) parking spaces to one (1) parking space, reduce the number of required bicycle parking spaces for a Transit Served Location from twenty (24) to seven (7), waive the loading berth requirement, reduce the minimum lot area requirement for twenty-four (24) residential units from 7,200 sq. ft. to 7,164 sq. ft., and reduce the rear setback for floors containing residential uses from 30 ft. to 3 ft.-6 inches.

The Applicant, Burnt Mountain Glades, LLC, maintains offices at 1775 N. Clybourn, Ste. 401, Chicago, IL 60614.

The Property Owner, United Christian Church, an Illinois not-for-profit corporation, maintains offices at 1055 W. Diversey Ave., Chicago, IL 60614.

I am the attorney for the Applicant, and I will serve as the contact person for this zoning application. My address is 221 N. LaSalle St., 38th Floor, Chicago, IL 60601. My telephone number is (312) 782-1983.

Sincerely,
Law Offices of Samuel V.P. Banks



Nicholas J. Ftikas
Attorney for the Applicant

***Please note the Applicant is NOT seeking to purchase or rezone your property.**

***The Applicant is required by Ordinance to send this notice to you because you are shown to own property located within 250 feet of the property subject to the proposed Zoning Amendment.**

To whom it may concern:

I, Michael Breheny, as Manager of Burnt Mountain Glades, LLC, the contract purchase and Applicant concerning the subject property located at 1055 W. Diversey, Chicago, IL, authorize the Law Offices of Samuel V.P. Banks to file a Zoning Amendment Application with the City of Chicago for that property.



Michael Breheny
Burnt Mountain Glades, LLC

Jan 30 2024
Date

FORM OF AFFIDAVIT

Chairman, Committee on Zoning
Room 304 - City Hall
Chicago, IL 60602

To Whom It May Concern:

I, Michael Breheny, as Manager of Burnt Mountain Glades, LLC, understand that the Law Offices of Samuel V.P. Banks has filed a sworn affidavit identifying Burnt Mountain Glades, LLC, as the contract purchase and Applicant holding interest in land subject to the proposed zoning amendment for the property identified as 1055 W. Diversey, Chicago, IL.

I, Michael Breheny, as Manager of Burnt Mountain Glades, LLC, being first duly sworn under oath, depose and say that Burnt Mountain Glades, LLC, holds that interest for itself and no other person, association, or shareholder.


Michael Breheny
Burnt Mountain Glades, LLC

Jan 30 2024
Date

Subscribed and Sworn to before me
this 30th day of January, 2024.


Notary Public

