

#22487
INTRO DATE
JUNE 12, 2024

CITY OF CHICAGO
APPLICATION FOR AN AMENDMENT TO
THE CHICAGO ZONING ORDINANCE

1. ADDRESS of the property Applicant is seeking to rezone:
433 West Diversey Parkway, Chicago, Illinois

2. Ward Number that property is located: 43

3. APPLICANT: 433 West Diversey LLC

ADDRESS: 433 West Diversey Parkway CITY: Chicago

STATE: Illinois ZIP CODE: 60614 PHONE: 312-450-8421

EMAIL: s.barnes@gozdel.com CONTACT PERSON: Sara Barnes – Attorney for Applicant

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: Same as Above

ADDRESS: _____ CITY: _____

STATE: _____ ZIP CODE: _____ PHONE: _____

EMAIL: _____ CONTACT PERSON: _____

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

ATTORNEY: Sara K. Barnes – Gozdecki, Del Giudice, Americus & Brocato LLP

ADDRESS: One East Wacker Drive – Suite 1700

CITY: Chicago STATE: Illinois ZIP CODE: 60601

PHONE: 312-450-8421 FAX: N/A EMAIL: s.barnes@gozdel.com

6. If the applicant is a legal entity (Corporation, LLC, Partnership, etc.), please provide the names of all owners as disclosed on the Economic Disclosure Statements.
Alex D. Zupancic – Manager-Sole Owner
7. On what date did the owner acquire legal title to the subject property?
March 2021
8. Has the present owner previously rezoned this property? If Yes, when?
No
9. Present Zoning District: B3-2 Proposed Zoning District: C1-3
10. Lot size in square feet (or dimensions): 3,771 square feet (25.14 feet x 150.00 feet)
11. Current Use of the Property: The subject property is improved with a one-story commercial building, that is presently occupied by a general restaurant (with outdoor patio at grade level).
12. Reason for rezoning the property: The Applicant is seeking a Zoning Map Amendment in order to permit the establishment and operation of a tavern within the existing building at the subject property, which such tavern will be owned and managed by the existing restaurant operator. *[A tavern is not a 'permitted use' under the current Zoning Ordinance (B3).]
13. Describe the proposed use of the property after the rezoning. Indicate the number of dwelling unit number of parking spaces; approximate square footage of any commercial space; and height of the proposed building. (BE SPECIFIC) The Applicant is seeking a Zoning Map Amendment in order to permit the establishment and operation of a tavern within the existing commercial building (3,030 square feet) at the subject property, which such tavern will be owned and managed by the existing restaurant operator. *[A tavern is not a 'permitted use' under the current Zoning Ordinance (B3).] There is no off-street parking currently servicing the existing building (restaurant) and no onsite parking is required in consideration of the conversion of "uses" (restaurant to tavern). The existing building measures +/- 36 feet- 0 inches in height.
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: _____

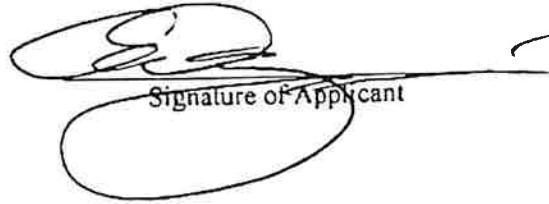
- Variation 17-13-1101:** When seeking a use involving a Public Place of Amusement (PPA) & Liquor License please provide an acknowledgement document from The Department of Business Affairs and Consumer Protection Office (BACP) indicating the city acknowledges your business license request. _____

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 X


COUNTY OF COOK
STATE OF ILLINOIS

I, ALEX D. ZUPANCIC, being first duly sworn on oath, state that all of the above statements and the statements contained in the documents submitted herewith are true and correct.


Signature of Applicant

Subscribed and sworn to before me this

12th day of May, 2024.


Notary Public



For Office Use Only

Date of Introduction: _____

File Number: _____

Ward: _____

LEGEND

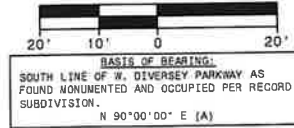
A = ASSUMED	NW = NORTHWEST
C = CALCULATED	P.O.B. = POINT OF BEGINNING
CH = CHORD	P.O.C. = POINT OF COMMENCEMENT
CL = CENTERLINE	R = RECORD
D = DEED	RAD = RADIUS
E = EAST	R.O.W. = RIGHT OF WAY
F.I.P. = FOUND IRON PIPE	S = SOUTH
F.I.R. = FOUND IRON ROD	S.I.P. = SET IRON PIPE
FT. = FEET/FOOT	S.I.R. = SET IRON ROD
L = ARC LENGTH	SE = SOUTHEAST
M = MEASURED	SW = SOUTHWEST
N = NORTH	W = WEST
NE = NORTHEAST	

X - X	= CHAIN LINK FENCE
○	= WOOD FENCE
○	= METAL FENCE
○	= VINYL FENCE
○	= EASEMENT LINE
○	= SETBACK LINE
○	= INTERIOR LOT LINE

PLAT OF SURVEY

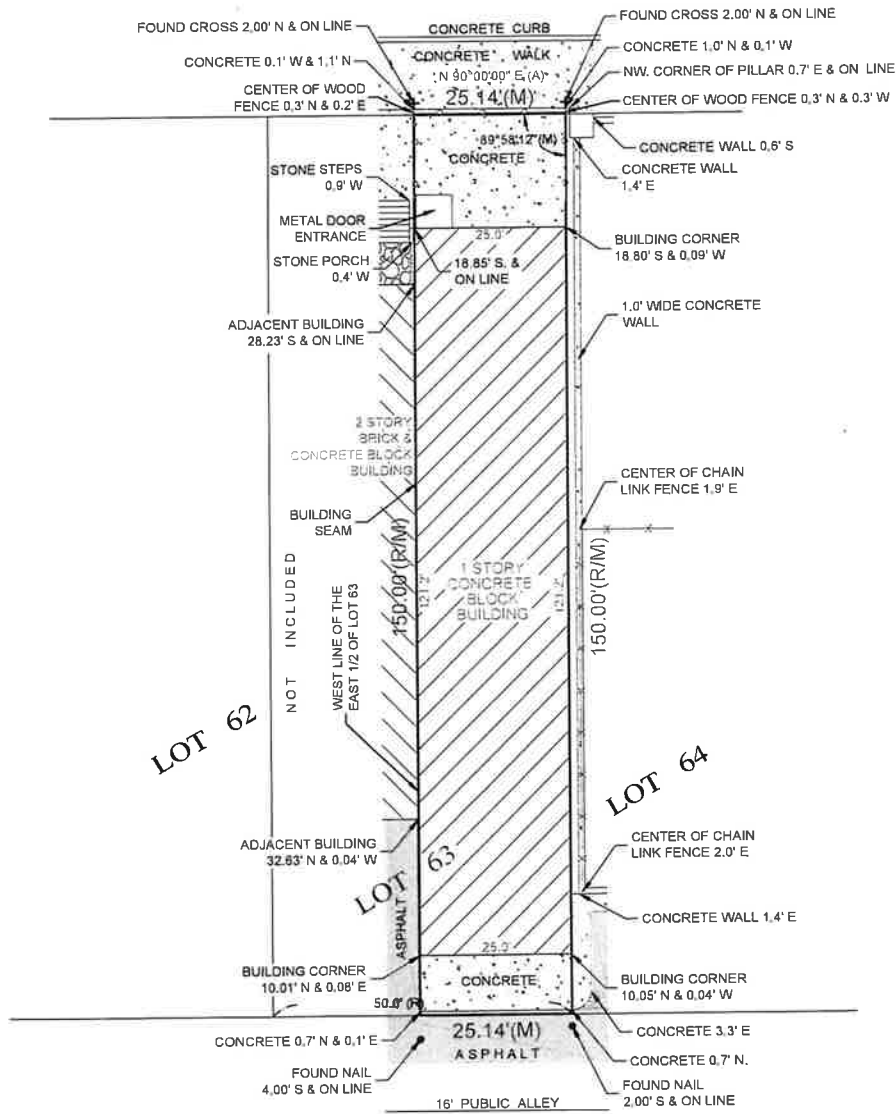
OF

THE EAST HALF OF LOT 63 IN ANDREWS, SPAFFORD AND COLEHOUR'S SUBDIVISION OF BLOCKS 1 AND 2 (EXCEPT LOTS 1 AND 2) OF OUTLOT "A" IN WRIGHTWOOD, SAID WRIGHTWOOD BEING A SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



AREA OF SURVEY:
CONTAINING 3.771 SQ. FT. OR 0.09 ACRES MORE OR LESS

(66 FT. R.O.W.)
W. DIVERSEY PARKWAY

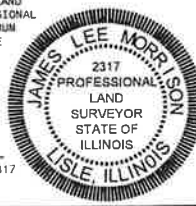


Morris Engineering, Inc.
515 Warrenville Road, Lisle, IL 60532
Phone: (630) 271-0770
FAX: (630) 271-0774
WEBSITE: WWW.ECIVIL.COM

STATE OF ILLINOIS
COUNTY OF DUPAGE
I, THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY, AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED, THIS 22ND DAY OF MARCH, A.D., 2024, AT LISLE, ILLINOIS.

J. E. Morrison
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-2317
LICENSE EXPIRATION DATE NOVEMBER 30, 2024
ILLINOIS BUSINESS REGISTRATION NO. 184-001245



- NOTE:
- ALL TIES SHOWN ON THIS SURVEY ARE MEASURED TO THE BUILDING'S SIDING (BRICK, FRAME, STUCCO, METAL, ETC.) AND NOT TO THE FOUNDATION, UNLESS NOTED OTHERWISE.
 - ROOF LINES AND OVERHANGS ARE TYPICALLY NOT SHOWN HEREON.
 - COMPARE ALL DISTANCES AND POINTS IN FIELD AND REPORT ANY DISCREPANCIES TO SURVEYOR AT ONCE.
 - NO DIMENSIONS SHALL BE ASSUMED BY SCALING.

ADDRESS COMMONLY KNOWN AS 433 W. DIVERSEY PARKWAY
CHICAGO, ILLINOIS
CLIENT 433 WEST DIVERSEY LLC
FIELDWORK DATE (CREW) 03/20/2024 (AT/AT)
DRAWN BY: RT REVISED: JOB NO. 24-02-0186

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

June 12, 2024

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

To Whom It May Concern:

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

That the undersigned certifies that she 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-Property Owner, 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 **433 West Diversey Parkway, Chicago, Illinois**; a statement of intended use of said property; the name and address of the Applicant-Property Owner; and a statement that the Applicant intends to have an application for a change in zoning introduced on approximately **June 12, 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 serve.

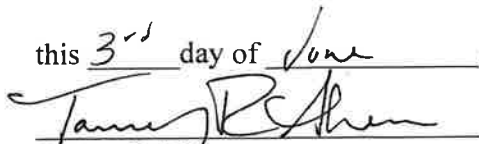
By:

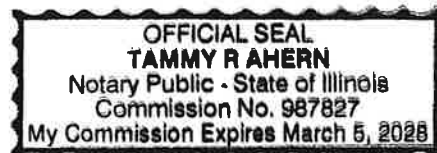


Sara K. Barnes
Attorney for Applicant

Subscribed and sworn to before me

this 3rd day of June, 2024.


Notary Public



PUBLIC NOTICE

Via USPS First Class Mail

June 12, 2024

Dear Sir or Madam:

In accordance with amendment to the Chicago Zoning Ordinance enacted by the City Council, Section 17-13-0107-A, please be informed that on or about **June 12, 2024**, I, the undersigned, intend to file an application for a change in zoning from a *B3-2 Community Shopping District* and to a *C1-3 Neighborhood Commercial District*, on behalf of the Applicant/Property Owner – **433 West Diversey LLC**, for the property generally located at **433 West Diversey Parkway, Chicago, Illinois**.

The Applicant is seeking a *Zoning Map Amendment* in order to permit the establishment and operation of a *tavern* within the existing commercial building at the subject property, which such *tavern* will be owned and managed by the existing *restaurant* operator. **[A tavern is not a 'permitted use' under the current Zoning Ordinance (B3).]* There is no off-street parking currently servicing the existing building (*restaurant*) and no onsite parking is required in consideration of the conversion of “uses” (*restaurant* to *tavern*). The existing building measures 36 feet- 0 inches (approximately) in height.

The Applicant and Property Owner – **433 West Diversey LLC** is located at 433 West Diversey Parkway, Chicago, Illinois 60614.

The contact person for this application is **Sara K. Barnes - Attorney for Applicant**. My address is One East Wacker Drive – Suite 1700, Chicago, Illinois. My telephone number is 312-450-8421.

Very truly yours,

Sara K. Barnes

Sara K. Barnes

Gozdecki, Del Giudice, Americus & Brocato LLP
Attorneys for Applicant

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

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

To Whom It May Concern:

I, ALEX D. ZUPANCIC, on behalf of *433 West Diversey LLC* – the Applicant and Owner, with regard to the property generally located at 433 West Diversey Parkway, Chicago, Illinois, authorize *Gozdecki, Del Giudice, Americus & Brocato LLP* to file an application for a *Zoning Map Amendment*, before the City of Chicago – City Council, for and affecting such property.



Alex D Zupancic
433 West Diversey LLC

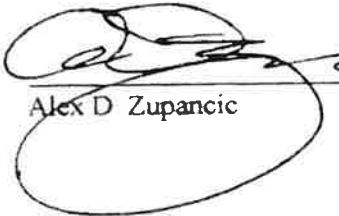
-FORM OF AFFIDAVIT-

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

Honorable Chairperson and Esteemed Committee Members

I, ALEX D. ZUPANCIC, on behalf of *433 West Diversey LLC*, understand that *Gozdecki, Del Giudice, Americus & Brocato LLP* has filed a sworn affidavit identifying *433 West Diversey LLC* as holding present title interest in certain land that is subject to the proposed *Zoning Map Amendment*, for the property generally identified as 433 West Diversey Parkway, Chicago, Illinois.

I, ALEX D. ZUPANCIC, being first duly sworn under oath, depose and say that *433 West Diversey LLC* holds that interest for itself, and for no other person, association, or shareholder


Alex D Zupancic 5/12/24
Date

Subscribed and sworn to before me
this 12th day of MAY, 2024.



Notary Public

