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 X 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


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

19th day of May, 2024.

[Signature of Notary Public]

OFFICIAL SEAL
SARA K BARNES  
NOTARY PUBLIC, STATE OF ILLINOIS  
My Commission Expires 11/15/2024

For Office Use Only

Date of Introduction: ________________________________

File Number: ______________________________________

Ward ______________________________________
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

OFFICIAL SEAL  
TAMMY R AHERN  
Notary Public - State of Illinois  
Commission No. 987827  
My Commission Expires March 5, 2026
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

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.

[Signature]  
5/12/24  
Alex D. Zupanic  
Date

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

[Signature]  
Notary Public

OFFICIAL SEAL  
SARA K BARNES  
NOTARY PUBLIC, STATE OF ILLINOIS  
My Commission Expires 11/15/2024