

Special Use (Adult Use) (v.1 2021)

PROPOSED FINDINGS OF FACT
SUBMITTED TO THE ZONING BOARD OF APPEALS

In the Matter of a Special Use Application

for Address: _____

Submitted by: _____,

[*check one*] Applicant or Applicant's Attorney

Special Use (Adult Use) (v.1 2021)

ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO

FINDINGS OF THE ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO

IN THE MATTER OF A SPECIAL USE APPLICATION

FOR ADDRESS: _____

BY APPLICANT _____

I. THE APPLICANT

The Applicant is a(n) [check one] individual limited liability company corporation trust other (*please specify:*_____).

[*If the Applicant is a legal entity, please fill out this section. Otherwise skip to Section II.*]
The Applicant's [*insert title*] _____, [*insert name*] _____ (the "Applicant's Representative") was present at the hearing.

[*NOTE: The Applicant or (if applicable) the Applicant's Representative **MUST** be present at the hearing.*]

II. BRIEF SUMMARY OF REQUEST

The Applicant seeks a special use to _____

III. BACKGROUND OF THE SUBJECT PROPERTY

The subject property is currently zoned _____ and is [*check one*] vacant improved. Additionally [*provide any additional pertinent facts about the property*],

IV. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting held on _____, 20___, after due notice thereof as provided

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under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*.

The [*check one*] Applicant Applicant's Representative was present at the hearing. The Applicant/Applicant's Representative (as applicable) testified that their testimony was consistent with the affidavit attached to these proposed Findings of Fact as Exhibit A.

The Applicant's expert witness(es) [*insert name(s)*] _____" was present at the hearing. The Applicant's expert witness(es) testified that their testimony was consistent with the Report(s) on the subject property attached these proposed Findings of Fact as Exhibit B. A copy of their CV(s) is attached to the aforementioned Report(s).

[If additional witnesses are necessary to explain the Applicant's application, please attach their affidavits to these proposed Findings of Fact as Exhibit C. The affiant of any affidavit submitted as part of Exhibit C must be present at the hearing on the application.]

[All affidavits submitted as part of Exhibits A through C must be: (1) notarized; (2) fact-based; (3) based solely on an affiant's personal knowledge; (4) non-conclusory; and (5) made on the form attached to these proposed Findings of Fact. Please note that these requirements do not and are not intended to provide legal advice. If you have questions regarding the drafting of affidavits, please consult an attorney. The ZONING BOARD OF APPEALS and its staff cannot provide legal advice.]

The Applicant also submitted into the record the following documents: [*List all documents the Applicant intends to submit; add additional sheets as necessary*]

_____. Copies of these submitted documents are attached to these proposed Findings of Fact as Exhibit D. [*Note: **Plans must be attached.***]

B. Criteria for a Special Use For Adult Uses

Pursuant to Section 17-13-0905-D of the Chicago Zoning Ordinance, 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 Section 17-9-0101 of the Chicago Zoning Ordinance.

V. FINDINGS OF FACT

[Any statement set forth below shall only refer to facts and opinions expressed in Exhibits A, B, C and D attached to these proposed Findings of Fact and must use those references to explain why or how the proposed special use meets the standards set forth. In other words, what is written below must be explanatory and must be supported by an exhibit. Add additional sheets as necessary.]

After careful consideration of the evidence, testimony and the entire record and consistent with the Applicant's constitutional rights, as contained in the First, Fifth and Fourteenth Amendments of the United States Constitution, and Sections 2 and 4 of Article I of the Illinois Constitution, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-D of the Chicago Zoning Ordinance:

1. The proposed special use will not increase crime in the neighborhood in which it is located because:

2. The proposed special use will not adversely affect other commercial or industrial enterprises in the surrounding area because:

3. The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located because:

4. The proposed special use will not have an adverse effect on traffic-flow or parking within the surrounding area because:

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5. The proposed special use will not generate noise levels that would disrupt the peace and enjoyment of surrounding areas because:

6. The proposed special use will not have an adverse effect on the character of the surrounding neighborhood because of the hours of operation of use because:

7. The proposed special use will not be inconsistent with the exterior appearance of other commercial establishments because:

8. The proposed special use will conform to the applicable regulations of the district in which it is to be located because:

9. The proposed special use will comply with all other applicable city standards, including those of Section. 17-9-0101 of the Chicago Zoning Ordinance, because:

VI. CONCLUSION

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For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved their/its case by evidence, testimony and the entire record covering the specific criteria for a special use for an adult use pursuant to Section 17-13-0905-D of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a special use for an adult use, and the Zoning Administrator is authorized to permit said special use for an adult use.

This is a final decision subject to review under the Illinois Administrative Review Law, 735 ILCS 5/3-101 *et seq.*

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EXHIBIT A

[ATTACH APPLICANT'S/APPLICANT'S REPRESENTATIVE'S AFFIDAVIT]

EXHIBIT B

[ATTACH ALL EXPERT REPORTS]

EXHIBIT C

[ATTACH ALL ADDITIONAL AFFIDAVITS NECESSARY TO SUPPORT STATEMENTS MADE IN THESE FINDINGS OF FACT]

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EXHIBIT D

[ATTACH ALL OTHER DOCUMENTS NECESSARY TO SUPPORT STATEMENTS MADE IN THESE PROPOSED FINDINGS OF FACT]

[NOTE: AN ALDERMANIC SUPPORT LETTER IS NOT REQUIRED]

[NOTE: PLANS MUST BE ATTACHED]

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for Address: _____

AFFIDAVIT

[*Insert name*] _____, AN INDIVIDUAL, after being first duly sworn on oath, deposes and states that they have personal knowledge of facts set forth in this Affidavit and if called to testify in this matter, they would swear the following facts are true and correct:

- 1.
- 2.
- 3.
4. [*add additional pages to continue*]

Signature: _____

Name: [*INSERT NAME*] _____

Signed and sworn to before me on [*insert date*] _____ by [*insert name of affiant*] _____, at [*insert county name*] _____ County, [*insert state*] _____.

Notary Public

Commission expires: _____