

January 14, 2021

Nicholas J. Ftikas
Law Offices of Samuel V. P. Banks
221 N. LaSalle St., 38th Floor
Chicago, IL 60601


Re: Opinion request for PD 491, 1157-59 W. Webster Ave.

Dear Mr. Ftikas:

In response to your recent request, please be advised that the subject property is currently zoned Residential Business Planned Development No. 491 ("PD 491"). Your client owns the property and according to your request, it is improved with three multi-story, multi-unit buildings. They are seeking to convert the vacant, ground floor storefront at 1157 W. Webster into a residential unit. You are seeking clarification on whether the owner is entitled to establish an additional dwelling unit or whether a minor change or amendment is required.

Pursuant to Statement no. 5 of PD 491, while residential is a permitted use, dwelling units located on the ground floor are not permitted. The underlying zoning of PD 491 is B3-2 (converted from B4-2) and pursuant to Section 17-3-0207 of the Zoning Ordinance ("Ordinance"), ground floor residential is not a permitted use. Additionally, the PD requires a minimum lot area ("MLA") of 900 square feet per dwelling unit. Based on the survey submitted, the subject lot measures 48 feet by 125.41 feet or 6,019 sq. ft. Therefore, only 6 units are allowed on this lot and you state that the existing three buildings already contain 10 dwelling units. An amendment is required in order to add ground floor residential use as a permitted use and to reduce the residential MLA requirement.

Sincerely,



Patrick Murphey
Zoning Administrator

PM:tm

C: Noah Szafranec, Main file

A-7867

*Reclassification Of Area Shown On Map No. 3-F.
(Application No. 17660)
(Common Address: 1442 N. Mohawk St.)*

[O2013-778]

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all the RT4 Residential Two-Flat, Townhouse and Multi-Unit District symbols and indications as shown on Map Number 3-F in the area bounded by:

a line 94.38 feet south of and parallel to West Blackhawk Street; North Mohawk Street; a line 125.88 feet south of and parallel to West Blackhawk Street; and the alley next west of and parallel to North Mohawk Street,

to those of an RM4.5 Residential Multi-Unit District and a corresponding uses district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

*Reclassification Of Area Shown On Map No. 5-G.
(As Amended)
(Application No. A-7867)
(Common Address: Area Bounded By W. Webster Ave., N. Seminary Ave.,
Alley Next South Of W. Webster Ave. And N. Racine Ave.)*

RBPD 491,00

[SO2012-8255]

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all the Residential-Business Planned Development Number 491 symbols and indications as shown on Map Number 5-G in the area bounded by:

West Webster Avenue; North Seminary Avenue; the alley next south of West Webster Avenue; and North Racine Avenue,

to those of a Residential-Business Planned Development Number 491, as amended, and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Plan of Development Statements referred to in this ordinance read as follows:

Plan Of Development Statements.

1. The area delineated herein as Residential-Business Planned Development Number 491, as amended ("Planned Development") consists of approximately 60,000 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property") and is owned or controlled by various property owners ("Owners").
2. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Owners, their successors and assigns and, if different than the Owners, the legal titleholders and any ground lessors. All rights granted hereunder to the Owners shall inure to the benefit of the Owners' successors and assigns and, if different than the Owners, the legal titleholder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time of application for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made, shall be under single ownership or designated control. Single designated control is defined in Section 17-8-0400 of the Zoning Ordinance. Provided however, any Owner may seek an administrative amendment to this Planned Development for such Owner's own property within this Planned Development.
3. All applicable official reviews, approvals or permits are required to be obtained by the applicant or its successors, assignees or grantees. Any dedication or vacation of streets or alleys or grants of easements or any adjustment of the right-of-way shall require a separate submittal to the Department of Transportation on behalf of the applicant or its successors, assign or grantees.

Ingress or egress may be subject to the review and approval of the Departments of Housing and Economic Development and Transportation. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of the Department of Transportation.

All work proposed in the public way must be designed and constructed in accordance with the Department of Transportation Construction Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Prior to the issuance of any Part II Approval, the submitted plans must be approved by the Department of Transportation.

4. This Plan of Development consists of 12 statements; a Bulk Regulations Table; an Existing Zoning Map; an Existing Land-Use Map; and a Planned Development Boundary and Property Line Map. In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Building Code shall control. This Planned Development conforms to the intent and purpose of the Zoning Ordinance, and all requirements thereto, and satisfies the established criteria for approval as a Planned Development. In case of a conflict between the terms of this Planned Development ordinance and the Zoning Ordinance, this Planned Development Ordinance shall control.
5. The following uses are permitted in the area delineated herein as a Residential-Business Planned Development Number 491, as amended: residential; retail business and service uses; business and professional office and accessory uses. The following uses shall be prohibited: Day Care Centers; Liquor Stores; Schools -- music, dance, trade or business; Amusement Centers, including bowling alleys, pool halls, dance halls, gymnasiums, swimming pools and skating rinks; Arcades; Motor Vehicle Repair Shops; Community Centers; Pawn Shops; Theaters and Taverns. Provided, however, all existing restaurant uses currently operating, and any new restaurant use seeking its business license to operate, within this Planned Development as of its adoption shall be allowed to operate in its present form (or in the case of a new restaurant seeking its business license as of adoption of this Planned Development, it shall be permitted to operate in its approved form). After the adoption of this Planned Development, no new or existing restaurant shall be allowed to expand its use to include a wholly or partially unenclosed area. The continued existence of restaurant uses in the Planned Development shall be governed by the provisions regulating nonconforming uses in Article 15 of Title 17 of the Chicago Municipal Code in effect on the effective date of this Planned Development.
6. On-premises signs and temporary signs, such as construction and marketing signs, shall be permitted within the Planned Development, subject to the review and approval of the Department of Housing and Economic Development. Off-premises signs are prohibited within the boundary of the Planned Development.
7. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.

8. The maximum permitted Floor Area Ratio ("FAR") for the site shall be in accordance with the attached Bulk Regulations Table. For the purposes of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations Table has been determined using a Net Site Area of 60,000 square feet.
9. Upon review and determination, "Part II Review", pursuant to Section 17-13-0610 of the Zoning Ordinance, a Part II Review Fee shall be assessed by the Department of Housing and Economic Development. The fee, as determined by staff at the time, is final and binding on the applicant and must be paid to the Department of Revenue prior to the issuance of any Part II Approval.
10. The applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Environment and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.
11. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to Section 17-13-0611-A of the Zoning Ordinance by the Zoning Administrator upon the application for such a modification by an Owner, its successors and assigns and, if different than the Owner, the legal titleholders and any ground lessors.
12. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Commissioner of the Department of Housing and Economic Development shall initiate a Zoning Map Amendment to rezone the property to Planned Development Number 491, dated October 4, 1989.

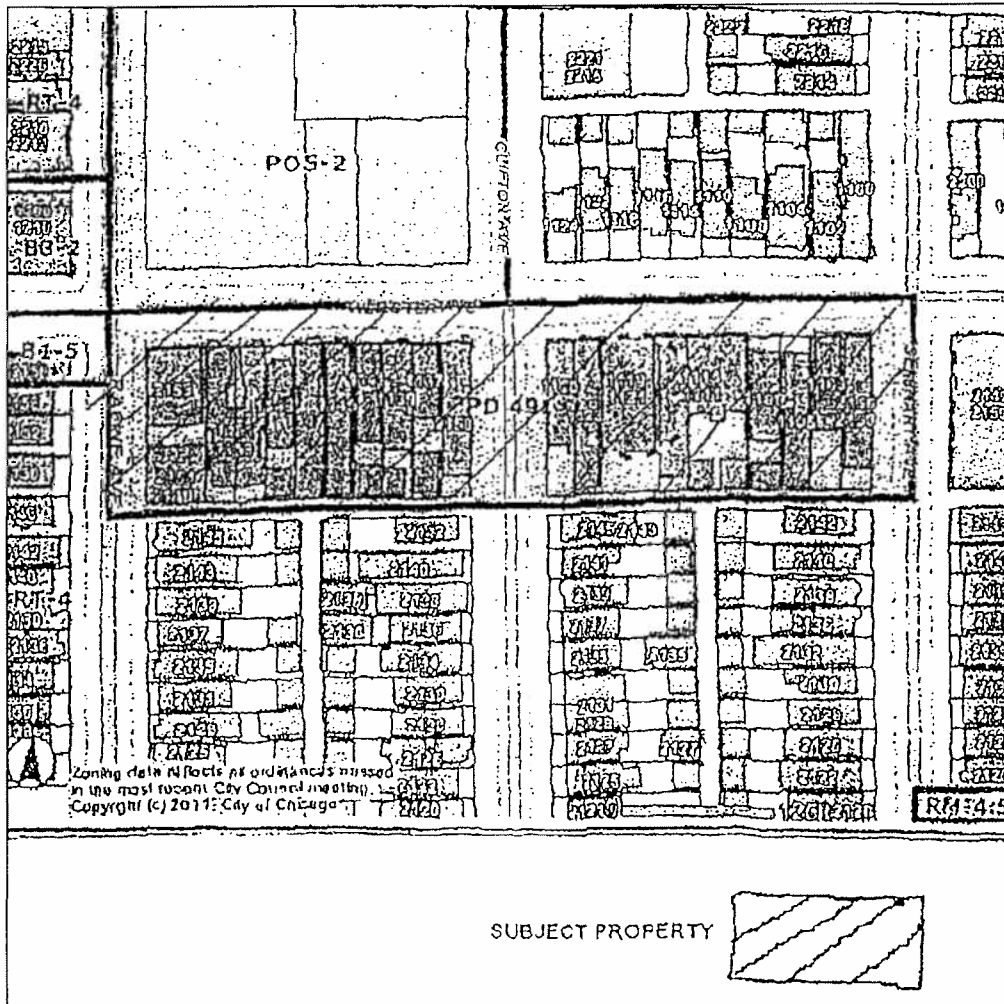
[Existing Zoning Map; Existing Land-Use Map; and Property Line and
Planned Development Boundary Map referred to in these
Plan of Development Statements printed on
pages 51842 through 51844
of this *Journal*.]

Bulk Regulations and Data Table referred to in these Plan of Development Statements reads as follows:

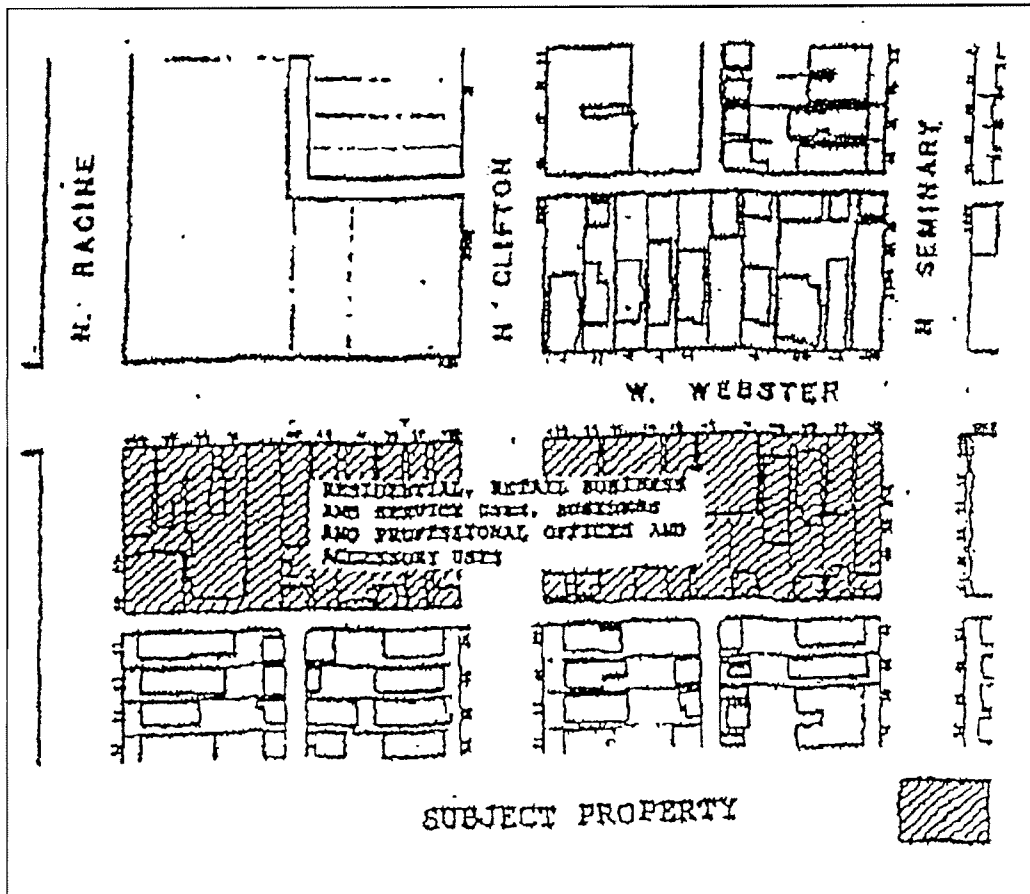
*Residential-Business Planned Development No. 491, As Amended.**Bulk Regulation And Data Table.*

Net Site Area:	60,000 square feet (1.38 acres)
Maximum Floor Area Ratio:	2.2
Minimum Lot Area:	
Residential:	900 square feet per dwelling unit 600 square feet per efficiency unit
Retail/Offices:	None
Minimum Setbacks:	
Residential:	As required in the RT4 Residential Two-Flat, Town-House and Multi-Unit District
Retail/Offices:	As required in the B3-2 Community Shopping District
Maximum Number of Off-Street Parking Spaces:	
Residential:	As required in the RT4 Residential Two-Flat, Town-House and Multi-Unit District
Retail/Office:	As required in the B3-2 Community Shopping District
Minimum Number of Off-Street Loading Berths:	
Residential:	As required in the RT4 Residential Two-Flat, Town-House and Multi-Unit District
Retail/Office	As required in the B3-2 Community Shopping District

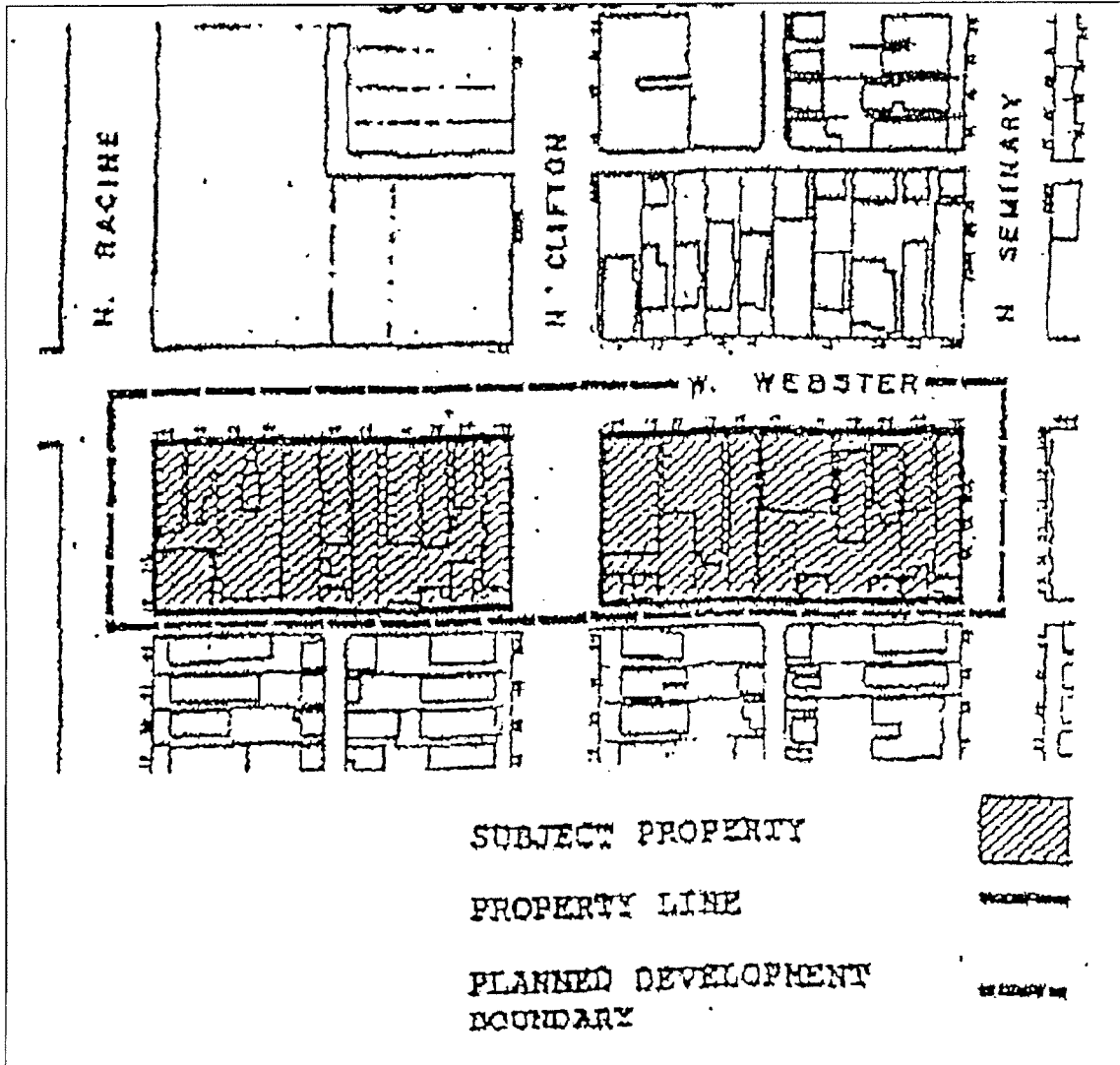
Existing Zoning Map.



Existing Land-Use Map.



Property Line And Planned Development Boundary Map.





City of Chicago
Richard M. Daley, Mayor

Department of Planning
and Development

Valerie B. Jarrett
Commissioner

City Hall, Room 1000
121 North LaSalle Street
Chicago, Illinois 60602
(312) 744-4471 (Voice)
(312) 744-2578 (TDD)
(312) 744-6550 (FAX)

September 6, 1995

Mr. Jay Metzler
Metzler Hull Development Co.
901 West Wrightwood
Rear Coach House
Chicago, IL 60614

Dear Mr. Metzler:

Re: Residential-Business Planned
Development No. 491
Location: 1103 West Webster Avenue

Please be advised that your request for a minor change to Residential-Business Planned Development No. 491 has been considered by the Department of Planning pursuant to Section 11.11-3 (c) of the Chicago Zoning Ordinance.

Specifically, you requested relief to reduce the required side yards, at the above referenced address, 2'-4" feet to 2 feet on the east side of the property and from 2'-4" feet to 2 feet on the west side of the property. The reduction in the side yard setbacks are required to permit the construction of a three-story addition. The addition will be stepped back so as to protect light and air to the adjoining property. The first story addition will extend 23 feet into the existing rear yard and the second and third floors 16 feet.

With regards to your request, the Department of Planning has determined that the modification would construct a minor change pursuant to Section 11.11-3 (c) of the Chicago Zoning Ordinance and that this minor change will not:

1. Change the character of this development;
2. Increase the number of units per acre;
3. Increase the maximum permitted floor area ratio for the site;
4. Increase the maximum permitted percent of land coverage for the site;



page 2

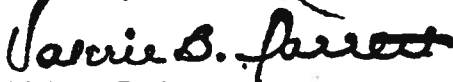
5. Reduce the periphery setbacks or distance between structures.... except "where required to permit conformance to the pattern of , or architectural arrangement related to, excising structure".

According to the applicants site plan the new development would conform to the building lines of the existing structure. In addition, the majority of properties within Planned Development 491 have only one side yard. The changes proposed for 1003 West Webster would not be inconsistent with this pattern.

Therefore, pursuant to the authority granted by the Chicago Zoning Ordinance, the Commissioner hereby authorizes the following minor change to Residential-Business Planned Development No. 491:

1. A reduction of four inches in the required side yard setbacks at both the east and west property lines from 2'-4" to 2'-0".

Sincerely,



Valerie B. Jarrett
Commissioner



City of Chicago
Richard M. Daley, Mayor

Department of Planning
Charles Thurow
Acting Commissioner

City Hall, Room 1000
121 North LaSalle Street
Chicago, Illinois 60602
312) 744-4471 (Voice)
312) 744-2578 (TDD)
312) 744-6550 (FAX)

August 14, 1991

Mr. Frank Kostner
3837 North Kenmore
Chicago, Illinois 60613

Dear Mr. Kostner:

Re: Residential-Business Planned
Development No. 491
Location: 1105 West Webster Ave.

Please be advised that your request for a minor change to Residential-Business Planned Development No. 491 has been considered by the Department of Planning pursuant to Section 11.11-3 (c) of the Chicago Zoning Ordinance.

Specifically, you requested relief to reduce the required side yard, at the above referenced address, from three feet to 0.76 feet on the east side of the property. The reduction in the side yard setback is required to permit the construction of a second story addition. The new addition would not encroach into the yard any further than the existing building.

With regards to your request, the Department of Planning has determined that the modification would constitute a minor change pursuant to Section 11.11-3 (c) of the Chicago Zoning Ordinance and that this minor change will not:

1. Change the character of this development;
2. Increase the number of units per acre;
3. Increase the maximum permitted floor area ratio for the site;
4. Increase the maximum permitted percent of land coverage for the site;
5. Reduce the periphery setbacks or distance between structures... except "where required to permit conformance to the pattern of, or architectural arrangement related to, existing structures".



Mr. Frank Kostner Page 2
August 14 1991

According to our files, the majority of properties within Planned Development 491 have only one side yard. The changes proposed for 1105 West Webster would make this building consistent with this pattern.

Therefore, pursuant to the authority granted by the Chicago Zoning Ordinance, the Commissioner of the Department of Planning hereby authorizes and approves the following minor change to Residential-Business Planned Development No. 491:

1. A reduction of 2.24 feet in the required side yard setback, from three feet to 0.76 feet, in order for the addition to conform to the pattern and footprint of the existing structure.

Sincerely,


Charles Thuro
Acting Commissioner



City of Chicago
Richard M. Daley, Mayor

Department of Planning

Charles Thurow
Acting Commissioner

City Hall, Room 1000
121 North LaSalle Street
Chicago, Illinois 60602
(312) 744-4471 (Voice)
(312) 744-2578 (TDD)
(312) 744-6550 (FAX)

August 14, 1991

Mr. Frank Kostner
3837 North Kenmore
Chicago, Illinois 60613

Dear Mr. Kostner:

Re: Residential-Business Planned
Development No. 491
Location: 1105 West Webster Ave.

Please be advised that your request for a minor change to Residential-Business Planned Development No. 491 has been considered by the Department of Planning pursuant to Section 11.11-3 (c) of the Chicago Zoning Ordinance.

Specifically, you requested relief to reduce the required side yard, at the above referenced address, from three feet to 0.76 feet on the east side of the property. The reduction in the side yard setback is required to permit the construction of a second story addition. The new addition would not encroach into the yard any further than the existing building.

With regards to your request, the Department of Planning has determined that the modification would constitute a minor change pursuant to Section 11.11-3 (c) of the Chicago Zoning Ordinance and that this minor change will not:

1. Change the character of this development;
2. Increase the number of units per acre;
3. Increase the maximum permitted floor area ratio for the site;
4. Increase the maximum permitted percent of land coverage for the site;
5. Reduce the periphery setbacks or distance between structures... except "where required to permit conformance to the pattern of, or architectural arrangement related to, existing structures".



Mr. Frank Kostner Page 2
August 14 1991

According to our files, the majority of properties within Planned Development 491 have only one side yard. The changes proposed for 1105 West Webster would make this building consistent with this pattern.

Therefore, pursuant to the authority granted by the Chicago Zoning Ordinance, the Commissioner of the Department of Planning hereby authorizes and approves the following minor change to Residential-Business Planned Development No. 491:

1. A reduction of 2.24 feet in the required side yard setback, from three feet to 0.76 feet, in order for the addition to conform to the pattern and footprint of the existing structure.

Sincerely,


Charles Thuro
Acting Commissioner

Reclassification Of Area Shown On Map No. 4-I.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the M2-3 General Manufacturing District symbols and indications as shown on Map No. 4-I in area bounded by:

~~West Cullerton Street, South Western Avenue; a line 95.10 feet south of and parallel to West Cullerton Street; a line 44.50 feet west of and parallel to South Western Avenue; a line 88.70 feet south of and parallel to West Cullerton Street; a line 468.50 feet west of and parallel to South Western Avenue,~~

~~to those of a C2-3 General Commercial District and a corresponding use district is hereby established in the area above described.~~

~~SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.~~

491

Reclassification Of Area Shown On Map No. 5-G.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the B4-2 Restricted Service District symbols and indications as shown on Map No. 5-G in the area bounded by:

West Webster Avenue; North Seminary Avenue; the alley next south of West Webster Avenue; and North Racine Avenue,

to those of a Residential-Business Planned Development and a corresponding use district is hereby established in the area described above.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Plan of Development attached to this ordinance reads as follows:

*Residential-Business Planned Development No. 491**Plan Of Development**Statements.*

1. The area delineated herein as a Residential-Business Planned Development (the "Planned Development") consists of approximately 60,000 square feet of real property, exclusive of public right-of-ways, and is depicted on the attached Property Line Map. It is controlled by the applicant, the Webster Clifton Neighborhood Association.
2. This Plan of Development, consisting of twelve (12) statements; an existing zoning map; a boundary and property line map including any proposed vacations or dedications of streets, alleys, or other public properties; a generalized land use map; and a table of use and bulk regulations and related controls, is applicable to the area delineated herein. These and no other controls shall apply to the area delineated herein.
3. The permitted uses in the Planned Development are as follows:

Residential, retail business and service uses, business and professional offices and accessory uses.
4. All uses not within the categories listed in Statement 3 shall not be permitted in the Planned Development. In addition, the following uses shall not be permitted in the Planned Development:

Day Care Centers

Liquor Stores

Schools -- music, dance, trade or business

Amusement Centers, including bowling alleys, pool halls, dance halls, gymnasiums, swimming pools and skating rinks

Arcades

Automobile Service Stations

Automobile Repair Shops

Community Centers

Pawn Shops

Theatres

Taverns

5. All restaurant uses existing within the Planned Development at the time of its adoption shall be allowed to continue to exist in their present form but, after the adoption of this Planned Development, no restaurants may be established within the Planned Development and no existing restaurant shall be allowed to expand its use to include a wholly or partially unenclosed area. The continued existence of restaurant uses in the Planned Development shall be governed by the provisions regulating nonconforming uses in Article 6 of Chapter 194A of the Chicago Municipal Code in effect on the effective date of this Planned Development. However, such uses shall not be subject to any amortization provisions which may be deemed applicable under that article.
6. Off-street parking and loading facilities will be provided in accordance with the regulations applicable in the B4-2 Restricted Service District for retail and office uses and in the R4 General Residence District for residential uses. Such regulations shall be applied in accordance with the provisions of Chapter 194A of the Chicago Municipal Code, including the applicable provisions of Section 5.8 of that Code.
7. Any service drive or other ingress or egress shall be adequately designed and paved, in accordance with the regulations of the Department of Streets and Sanitation in effect at the time of construction and in compliance with the Municipal Code of the City of Chicago, to provide ingress and egress for motor vehicles, including emergency vehicles. There shall be no parking within such paved areas. Ingress and egress shall be subject to the review and approval of the Bureau of Traffic Engineering and Operations and the approval of the Commissioner of Planning.
8. The height restriction of the improvements and any appurtenance attached thereto shall be subject to:

(1) Height limitations as certified and approved by the Federal Aviation Administration; and

(2) Airport Zoning Regulations as established by the Department of Planning, Department of Aviation and Department of Law and approved by the City Council.

9. Signs on property included within this Planned Development shall be permitted only in accordance with Section 8.9 of Chapter 194A of the Chicago Municipal Code.
10. Any dedication or vacation of streets, alleys or easements or any adjustment of right-of-way shall require a separate submittal on behalf of the applicant or its successors, assignees or grantees and approval by the City Council.
11. The applicant or its successors, assignees or grantees shall obtain all official City reviews, approvals and permits required in connection with this Plan of Development.
12. This Plan of Development shall be subject to the "Rules, Regulations and Procedures in Relation to Planned Development Amendments" as promulgated by the Commissioner of the Department of Planning and in effect on the date hereof.

[Existing Zoning Map, Boundary and Property Line Map and Generalized Land Use Map printed on pages 5708 through 5710 of this Journal.]

Use and Bulk Regulations and Data attached to this Plan of Development reads as follows:

Residential-Business Planned Development

Use And Bulk Regulations And Data.

Net Site Area:	60,000 square feet (1.38 acres)
General Description of Land Use:	Residential, retail business and service uses, business and professional office and accessory uses.
Maximum Floor Area Ratio:	2.2

Minimum Lot Area:

Residential: 900 square feet per dwelling unit.
600 square feet per efficiency unit.

Retail/Offices: None.

Minimum Setbacks:

Residential: As required in the R4 General Residence District.

Retail/Offices: As required in the B4-2 Restricted Service District.

Minimum Number of Off-Street Parking Spaces:

Residential: As required in the R4 General Residence District.

Retail/Office: As required in the B4-2 Restricted Service District.

Minimum Number of Off-Street Loading Berths:

Residential: As required in the R4 General Residence District.

Retail/Office: As required in the B4-2 Restricted Service District.

Reclassification Of Area Shown On Map No. 5-H.

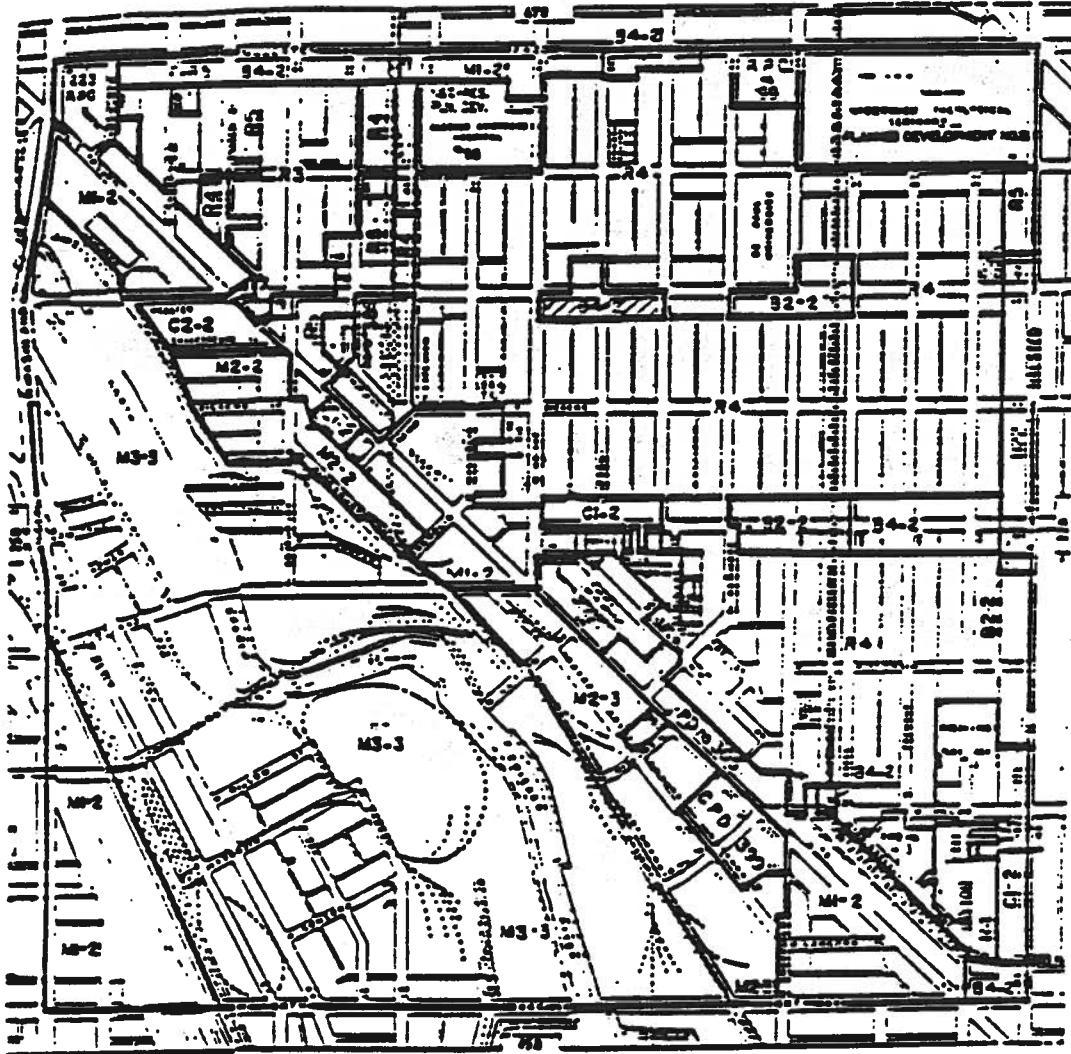
Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the M1-2 Restricted Manufacturing District symbols and indications as shown on Map No. 5-H in area bounded by:

(Continued on page 5711)

2962

RESIDENTIAL - BUSINESS PLANNED DEVELOPMENT EXISTING ZONING MAP



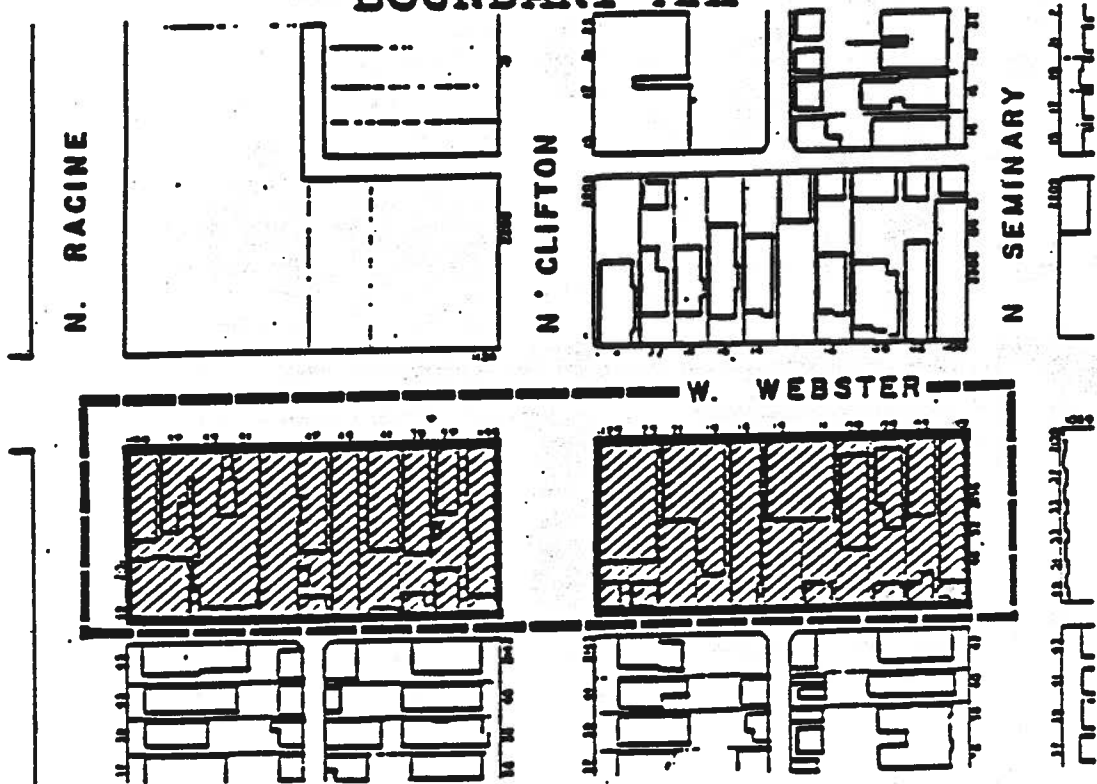
SUBJECT PROPERTY



APPLICANT: Webster Clifton Neighborhood Association
1113 West Webster
Chicago, Illinois 60614

DATE: April 26, 1989

**RESIDENTIAL - BUSINESS
 PLANNED DEVELOPMENT
 PROPERTY LINE
 AND
 PLANNED DEVELOPMENT
 BOUNDARY MAP**



SUBJECT PROPERTY



PROPERTY LINE



**PLANNED DEVELOPMENT
BOUNDARY**

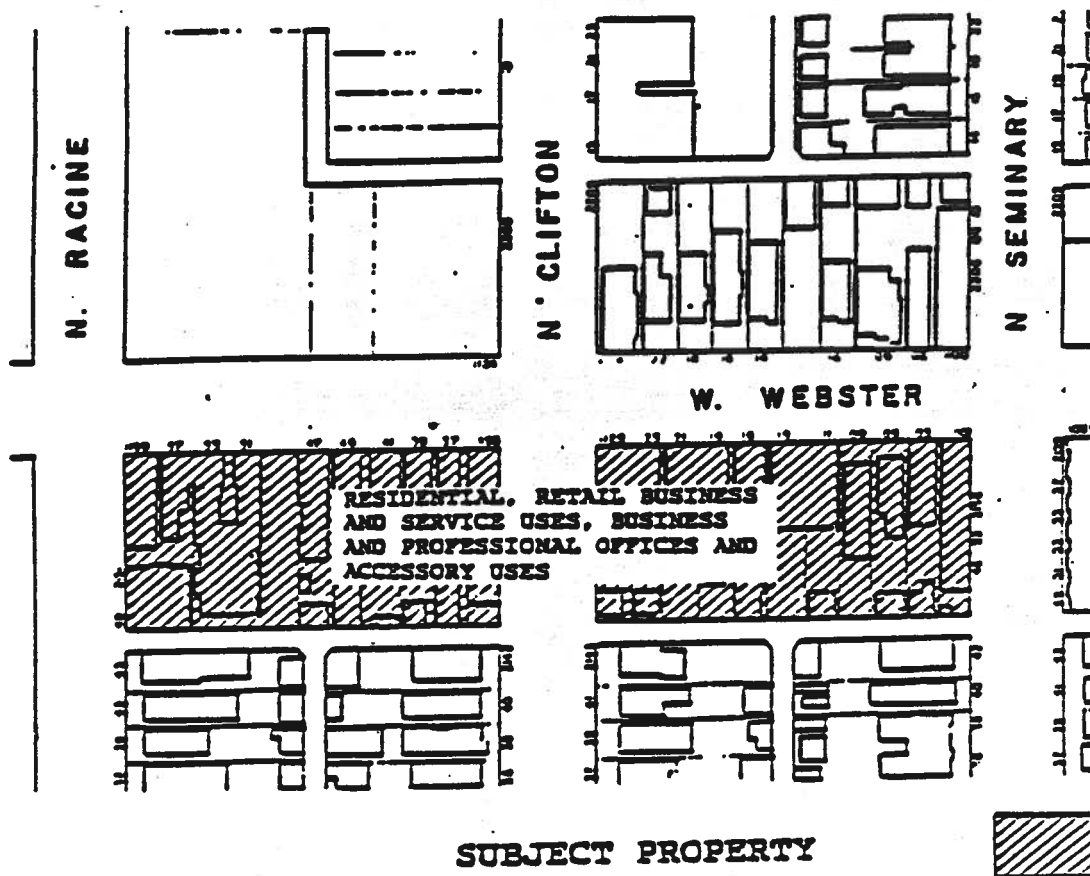


APPLICANT: Webster Clifton Neighborhood Association
1113 West Webster
Chicago, Illinois 60614

DATE: April 26, 1989

RESIDENTIAL - BUSINESS PLANNED DEVELOPMENT

GENERALIZED LAND USE MAP



APPLICANT: Webster Clifton Neighborhood Association
 1113 West Webster
 Chicago, Illinois 60614

DATE: April 26, 1989