

3/16/94
4/5/94

21-0-94

AN ORDINANCE

Granting Variations from Certain
Lot Width, Off-Street Parking, and General
Lot and Bulk Control Regulations
to Allow A Development of Twelve-Single Family
Attached Dwellings Units at 816 Hinman Avenue

WHEREAS, the Zoning Board of Appeals ("ZBA") held public hearings on November 16, 1993 and December 21, 1993 in case no. ZBA 93-18V(R), pursuant to proper notice, on the application of the 816 Hinman Avenue Limited Partnership, the contract purchaser, for variations from the lot width, rear yard, yard obstruction, general lot and bulk controls, and off-street parking regulations of the Zoning Ordinance to permit construction of fourteen single-family attached dwelling units at 816 Hinman Avenue ("subject property") in an R6 Residential District; and

WHEREAS, the applicant withdrew the request for a yard obstruction variation after a determination that the proposed construction would not encroach into the required side yard; and

WHEREAS, the ZBA, after receiving testimony from the applicant and objectors, and other evidence, recommended that the City Council deny the application, as amended; and

WHEREAS, the Planning and Development Committee considered this case at its meetings on January 31, 1994, February 7, 1994, and February 21, 1994; and

WHEREAS, the applicant presented a revised plan to the Planning and Development Committee on February 7, 1994, calling for construction of twelve single-family attached dwelling units; and

WHEREAS, the revised plan required fewer variations than originally sought, namely from lot width, off-street parking, and general lot and bulk controls regulations; and

WHEREAS, the subject property is held in common ownership with, and provides required parking for, the adjoining property at 811 Chicago Avenue; and

WHEREAS, as an inducement to the City Council to grant the aforesaid lot width, off-street parking, and general lot and bulk controls variations, the applicant and the owner of the 811 Chicago Avenue property have agreed to execute a covenant to the City to take certain steps to assure that off-street parking will be provided to the 811 Chicago Avenue property in accordance with the Zoning Ordinance if the common ownership of the subject property and the property at 811 Chicago Avenue are severed; and

WHEREAS, case no. ZBA 93-18V(R) was passed out of the Planning and Development Committee without recommendation, and

WHEREAS, the Planning and Development Committee made findings of fact pursuant to section 6-3-8-12(E)(3); and

WHEREAS, the applicant submitted a letter dated March 22, 1994 to the City Council advising that it will eliminate the curb cut in the 800 Block of Hinman Avenue proposed in connection with the aforesaid construction,

NOW THEREFORE, be it ordained by the City Council of the City of Evanston, Cook County, Illinois:

SECTION 1: That the application, as amended, of the 816 Hinman Avenue Limited Partnership, the contract purchaser, in case no. ZBA 93-18V(R), be granted for these variations from the Zoning Ordinance to build twelve single-family attached dwelling units:

- a. A variation from the lot width requirement of section 6-8-7-5(C), which requires that all dwelling units front on a public street, whereas only two of the twelve units will have such frontages;
- b. A variation from the general lot and bulk control regulations of section 6-4-1-8 to permit the separation of ownership of the subject property from 811 Chicago Avenue; and
- c. Elimination of the off-street parking requirement of section 6-16-1-3 as applied to the improvements currently located on 811 Chicago Avenue, inasmuch as the subject property presently provides said-off-street parking for 811 Chicago Avenue,

on property legally described as:

"LOTS 15 AND 16 IN BLOCK 11 IN WHITE'S ADDITION TO EVANSTON ACCORDING TO A RESUBDIVISION OF THE EAST HALF OF BLOCK 11 AND WEST HALF OF BLOCK 10 IN SAID ADDITION IN SECTION 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED ON NOVEMBER 13, 1873 IN BOOK 6 OF PLANS, PAGE 64 IN COOK COUNTY, ILLINOIS."

SECTION 2: That the grant of the aforesaid variations meets the standards of section 6-3-8-12(E) of the Zoning Ordinance in that:

- a. The variations will not have a substantial adverse effect upon adjoining properties because single-family attached homes are in keeping with the character of this residential neighborhood, whereas a parking lot is not. The end units on Hinman Avenue are designed with windows and other detailing so as to make the view of the development from the street consistent with the

residential dwellings in the neighborhood.

- b. The variations are in keeping with the intent of the Zoning Ordinance in that they will eliminate a parking lot, located in a residential neighborhood, which serves a commercial use in a commercial district, while providing parking for the residents of the twelve dwelling units.
- c. The relatively narrow frontage requires a development which extends into the depth of the lot rather than fronting on it. The common ownership of the subject property and the adjoining lot, the former providing required off-street parking to the latter, are very unusual.
- d. The variations will alleviate a particular hardship inasmuch as they will allow for development of two properties which have not been economically viable for a prolonged period. The applicant has agreed to enter into a covenant with the City with respect to providing parking on the 811 Chicago Avenue property.
- e. The variations are not sought for the exclusive purpose of extracting additional income from the subject property, in that 1) a high-rise, high density development, allowed as a matter of right, would be expected to realize a higher profit than the proposed twelve dwelling units, and 2) the variations will solve problems created by the afore-described common ownership.
- f. The applicant did not create the common ownership or lot configuration of the subject property.
- g. The common ownership and afore-described parking requirements, not the applicant's personal financial situation, gave rise to the request for variations.
- h. The variations sought are the minimum necessary to alleviate the hardships in question, in that they allow development of the subject property and the potential development or re-use of the 811 Chicago Avenue property.

SECTION 3: The aforesaid grants of variation are conditioned upon:

- a. Compliance with all other provisions of the Zoning Ordinance and other applicable laws;

- b. The proposed construction and development shall be in substantial conformity with the plans bearing the date stamp of the Zoning Department of March 3, 1993, testimony and evidence of the applicant at the ZBA hearings and representations of the applicant at the Planning and Development Committee's consideration of the case, no. ZBA 93-18-V(R);
- c. The applicant shall execute and record the covenant which was provided to the Planning and Development Committee prior to issuance of any building permits for the project;
- d. The north and south side yards of the subject property shall not contain patios, decks, porches or balconies and shall not be used for the preparation or cooking of food.
- e. No curb cuts will be made in the 800 block of Hinman Avenue in connection with the subject project.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

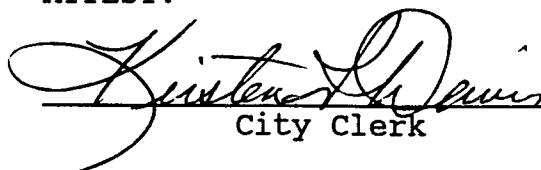
Introduced: March 21, 1994

Adopted: March 28, 1994

Approved: April 6, 1994

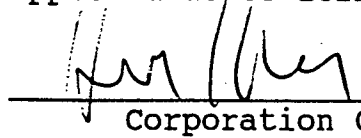
Lorraine H. Morton
Mayor

ATTEST:



City Clerk

Approved as to form:



Corporation Counsel