

38-O-99

**AN ORDINANCE
GRANTING A MAJOR VARIATION FROM
THE OFF-STREET PARKING REQUIREMENT
OF SECTION 6-16-3-5 OF THE ZONING ORDINANCE
FOR THE PROPERTY AT 2421 DEMPSTER STREET**

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on March 2, 1999 pursuant to proper notice in case no. 99-7-V(R) upon the application of Michael Berger, property owner and proprietor of Evanston Tire and Auto Service at 2421 Dempster Street, for a variation from Section 6-16-3-5 of the Zoning Ordinance to provide for a reduction in off-street parking spaces from 14 to 7 in a C2 Commercial District; and

WHEREAS, the Zoning Board of Appeals, after hearing testimony and receiving other evidence, made written findings, pursuant to Section 6-3-8-12 of the Zoning Ordinance, that the application met the standards for granting major variations, and recommended that the City Council grant the application; and

WHEREAS, the Planning and Development Committee of the City Council considered and adopted the ZBA's findings and recommendation,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, ILLINOIS, as follows:

SECTION 1: That the findings and recommendations of the ZBA and the Planning and Development Committee are adopted and the aforescribed application for zoning relief is hereby granted on the property at 2421 Dempster Street, on property legally described as follows:

LOT 11 IN BLOCK 9 IN FOWLER AND MCDANIEL'S SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SECTION 2: Pursuant to Section 6-3-8-2 of the Zoning Ordinance, which provides for the imposition of conditions on the grant of major variations, these conditions are hereby imposed:

A. Construction, maintenance, and operation of the use granted hereby shall be in substantial compliance with this Ordinance, the plans as approved, and with any oral or written representations of the applicant.

B. Based upon sworn testimony of the applicant at the ZBA hearing, within ten (10) days of City Council approval of this Ordinance, and prior to the issuance of any City permits, there shall be placed on file with the Zoning Administrator, a written agreement between the applicant and the owner or lessee of 2424 Dempster Street, in form and content satisfactory to the City's Law Department, that seven (7) parking spaces at 2424 Dempster Street will be used to provide off-street parking for customers of 2421 Dempster Street in partial satisfaction of off-street-parking requirements of the Zoning Ordinance applicable to 2421 Dempster Street.

C. Based upon sworn testimony of the applicant at the ZBA hearing, within ten (10) days of City Council approval of this Ordinance, and prior to the issuance of any City permits, there shall be placed on file with the Zoning Administrator, a written agreement between the applicant and the owner or lessee

of 1305 McDaniel Avenue, in form and content satisfactory to the City's Law Department, that three (3) off-street parking spaces at 1305 McDaniel Avenue will be used to provide off-street parking for customers of 2421 Dempster Street in partial satisfaction of off-street parking requirements of the Zoning Ordinance applicable to 2421 Dempster Street.

D. A minimum of seven (7) required off-street parking spaces must be provided as long as the subject automobile repair service establishment operates. These parking spaces may be provided on properties other than 2424 Dempster Street and 1305 McDaniel, provided: 1) compliance is had in all respects with all applicable legislation, 2) the use of said spaces is memorialized in a written agreement between the owner of 2421 Dempster Street and the owner or lessee of the property upon which the parking spaces to be provided are located, 3) said agreement, in form and content acceptable to the City's Law Department, is on file with the Zoning Administrator prior to the termination of any other agreement(s) required by this Ordinance for the provision of off-street parking.

E. Required off-street parking as provided for in this Ordinance on any property other than 2421 Dempster Street must be for the exclusive use of customers of 2421 Dempster and shall not permit overnight parking.

F. When the subject automobile repair service establishment is closed, 1) vehicles parked on the subject property, 2421 Dempster Street, shall be parked only within designated parking spaces and within service bays and in no other

locations, and 2) at no time shall vehicles awaiting service, or which have been serviced, be parked or stored upon the public way.

SECTION 3: Violation of any of the conditions set forth in Section 2 of this Ordinance, shall, at the City's option, void the zoning relief granted.

SECTION 4: That all Ordinances or parts of Ordinances conflicting with this Ordinance be and the same are hereby repealed.

SECTION 5: That 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 22, 1999

Adopted: April 5, 1999

Approved April 9, 1999

Edmund B. Moran, Jr.
Mayor pro tem

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel