

2/24/00  
3/9/00, 3/15/00

25-O-00

**AN ORDINANCE**

**Granting a Special Use for a Six-Story Multiple-Family Dwelling  
And Granting Variations to Floor Area Ratio and Height  
all at 1822 Ridge Avenue**

WHEREAS, the Zoning Board of Appeals (“ZBA”) held public hearings on January 4, 2000, January 18, 2000, February 1, 2000, and February 15, 2000 in case no. ZBA 00-03-SU&V(R), pursuant to proper notice, on the application of Robert Horner and Ibrahim Shahideh, (“Applicants”) managers of Ridge Investors, L.L.C., property owner, for a special use pursuant to Section 6-15-2-3 of the Zoning Ordinance (“Ordinance”) permitting a six-story multiple-family dwelling at the subject property, a variation to Section 6-5-2-7 of the Ordinance, increasing the permitted floor area ratio from 2.00 to 2.06, a variation to Section 6-15-2-9 of the Ordinance, increasing the permitted building height from below a 15-degree angle from a point 5 feet above the common zoning district line (01 and R1) to below a 27.2 degree angle, a variation to Section 6-4-6-3 (B) (6) of the Ordinance, permitting balconies within the required side yards, a variation to Section 6-4-6-3 (B) (6) of the Ordinance, increasing the maximum permitted projection of balconies from an exterior wall from 3 feet to 4 feet, and a variation to Section 6-4-1-9 (B) of the Ordinance, increasing the maximum permitted encroachment within a required yard for a listed yard obstruction, i.e., balconies, from 10 percent to 40 percent to allow use of the subject property at 1822 Ridge Avenue as a six-story multiple-family dwelling within an 01 Office District; and

WHEREAS, the City of Evanston Zoning Division determined that no variations are necessary for balconies located upon the east and west facades; and

WHEREAS, the ZBA, after hearing testimony, and receiving other evidence, applied the standards in Section 6-3-5-10 and Section 6-3-8-12 of the Ordinance, regarding special uses and major variations, respectively, and made written findings thereof; and

WHEREAS, the ZBA recommended that the City Council grant the special use application to permit the aforescribed six-story multiple-family dwelling; and

WHEREAS, the ZBA recommended denial of all variations sought; and

WHEREAS, the Applicants appeared before the Planning and Development and Committee of the City Council on February 28, 2000 and withdrew their aforescribed requests for variations to Section 6-4-6-3 (B) (6) and Section 6-4-1-9 (B), all relating to balconies located upon the north and south facades; and

WHEREAS, the Planning and Development Committee of the City Council considered the ZBA's findings and recommendations at its meetings of February 28, 2000 and March 13, 2000, adopting the ZBA's recommendation as to granting the special use, and recommending that the City Council grant the variation to Section 6-5-2-7 and grant the variation to Section 6-15-2-9, and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS,

**SECTION 1:** That the City Council hereby adopts the record of the ZBA findings and recommendations of the Planning and Development Committee in the aforescribed case no. ZBA 00-03-SU&V(R) and hereby grants a special use to allow a six-story multiple-family residential use on the property commonly known as 1822 Ridge Avenue and legally described as follows:

LOT 4 AND 5, EXCEPT THE SOUTH 53.15 FEET THEREOF, IN CIRCUIT COURT PARTITION OF LOTS 23 AND 25 IN COUNTY CLERK'S DIVISION OF UNSUBDIVIDED LAND IN THE WEST ½ OF THE NW ¼ OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN

**COOK COUNTY, ILLINOIS.**

**SECTION 2:** That the City Council hereby grants the requested aforescribed variations to Section 6-5-2-7 of the Ordinance to allow an increase in the floor area ratio from 2.00 to 2.06, and Section 6-15-2-9 regarding an increase in building height, increasing the permitted building height from below a 15 degree angle from a point 5 feet above the common zoning district line (O1 and R1) to below a 27.2 degree angle.

**SECTION 3:** That the City Council makes these findings in support of the aforescribed variations to Section 6-5-2-7 and Section 6-15-2-9:

- a) The requested variations will not have a substantial adverse impact on the use, enjoyment, or property values of adjoining properties because of the negligible incremental difference in such impacts resulting from the proposed development versus a development constructed as of right. Further, the requested variations permit the development to be sited such that building and accessory parking area better fit within the context of the neighborhood.
- b) The requested variation to the floor area ratio requirement is in keeping with the intent of the Zoning Ordinance in that the amount of floor area proposed above that amount permitted as of right is less than 3 percent of the amount permitted as of right. The requested variation to the height requirement is in keeping with the intent of the Zoning Ordinance in that the portion of the proposed building at which the height would not conform to the height requirement would be over 120 feet from the nearest R1-, R2-, or R3-zoned property.
- c) The alleged hardship or practical difficulty is peculiar to the property in that the property is atypically deep when compared to its width, and vehicular access is reasonably limited to the alley.
- d) The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out in that the applicant could not approach the permitted development potential of the subject property because of the atypical and expensive construction practices that would be required to construct this development as of right, including but not limited to terracing and the location of elevator shafts. Further, a building that would approach the permitted development potential, constructed in accordance with the floor area ratio and height requirements, could present long-term maintenance issues to future tenants.
- e) The purpose of the variations are not based exclusively upon a desire to extract additional

income from the property in that the proposed development would permit the applicant to only approach the permitted development potential of the subject property.

- f) The alleged hardship or practical difficulty does not rest upon the particular personal financial situation of the applicant in that the requested variations seek to permit development in a manner that best sites the building and accessory parking within the neighborhood, while eliminating atypical and expensive construction practices. Further, the requested variations do not increase the permitted development potential of the subject property.
- g) The alleged difficulty or hardship has not been created by any person having an interest in the property in that the subject property was recorded long before the applicant obtained it's interest therein.
- h) The requested variations are limited to the minimum change necessary to alleviate the particular hardship or practical difficulty which affects the property in that the requested variations seek to permit the development in a manner that best sites the building and accessory parking within the neighborhood while eliminating atypical and expensive construction practices.

**SECTION 4:** The City Council accepts the Applicant's withdrawal of its request for a variation to Section 6-4-6-3 (B) (6), permitting balconies within side yards.

**SECTION 5:** That pursuant to Sections 6-3-5-12 and 6-3-8-14 of the Ordinance, which provide that the City Council may impose conditions upon the grant of special uses and major variations, respectively these conditions are hereby imposed:

- a. The applicant must seek and obtain prior review and approval by the City Traffic Engineer of the configuration and operation of the parking area gates to assure that the gates neither cause nor contribute to vehicular congestion, if any, within the alley.
- b. Construction and operation of the subject multiple-family dwelling shall be in substantial compliance with the testimony of the applicant, documents placed on file by the applicant, and plans as approved, all in connection with this case.

**SECTION 6:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 7:** 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 13, 2000

Adopted: March 27, 2000

Approved: March 28, 2000

Lorraine H. Norton  
Mayor

ATTEST:

Mary J. Morris  
City Clerk

Approved as to form:

Kathleen T. Brennan  
Corporation Counsel