

06/20/2001

76-0-01

**AN ORDINANCE**

**Granting Variations to the Off-Street Parking and  
Rear Yard Requirements of the Zoning  
Ordinance at 239 Greenwood Street**

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on December 7, 1999 and January 18, 2000 in case no. ZBA 99-56-V (F) pursuant to proper notice on the application of Howard G. Kornacki, trustee of Howard G. Kornacki Revocable Trust ("the Applicant") as owner, for variations to Section 6-4-6-3 (B) 18, Section 6-8-2-8 (A) 4, Section 6-8-2-8 (C) 3, and Section 6-16-3-1, Table 16 B of the Zoning Ordinance which regulate the location and arrangement of off-street parking spaces and location of a principal structure on a lot; and

WHEREAS, the Applicant sought the aforescribed relief to permit subdivision into two zoning lots of the property at 239 Greenwood Street, in an R1 Single-Family Residential District and the Lakeshore Historic District; and

WHEREAS, subdivision will create a north zoning lot with the existing coach house thereon and a south zoning lot with the existing principal residence thereon; and

WHEREAS, the ZBA made a written record and received testimony and other evidence, and denied the application for variations, on January 18, 2000; and

WHEREAS, the applicant appealed to the Circuit Court of Cook County from the ZBA's denial of his application for zoning relief;

WHEREAS, the Circuit Court of Cook County entered an order on February 22, 2001 in the case of *Kornacki v. City of Evanston*, Case No. 00 L 50224, remanding the said application for variations to the City Council for decision; and

WHEREAS, the Planning and Development Committee of the City Council considered the ZBA's record at its June 11, 2001 and June 25, 2001 meetings, made findings that the application met the standards for variations in Section 6-3-8-12 and recommended City Council approval thereof; and

WHEREAS, the City Council considered the record of the ZBA and the record and recommendation of the Planning and Development Committee at its June 25, 2001 and July 9, 2001 meetings, and

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

**SECTION 1:** That the foregoing recitals are found as fact and made a part hereof.

**SECTION 2:** That the City Council hereby adopts the findings and recommendation of the Planning and Development Committee in the aforescribed case no. ZBA 99-56-V (F) and grants the variations to the south zoning lot set forth in Section 1 (a) and Section 1 (b), below, on property legally described as follows:

LOT 1 IN SHEPPED RESUBDIVISION OF LOTS 4 AND 5 IN BLOCK 34, IN EVANSTON, EXCEPT THE NORTH 72 FEET THEREOF, IN THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN.

(a) to Section 6-4-6-3 (B) 18, to allow two (2) open off-street parking spaces within approximately one hundred (100) feet from the rear lot line, instead of within the required thirty (30) feet from the rear lot line.

(b) to Section 6-8-2-8 (C) 3, to allow two (2) off-street parking spaces with a three-foot setback from the east lot line, instead of the required five-foot setback.

**SECTION 3:** That the City Council hereby adopts the findings and recommendation of the Planning and Development Committee in the aforescribed case no. ZBA 99-56-V (F) and grants the variations to the north zoning lot set forth in this Section 2 (a), Section 2 (b), Section 2 (c), and Section 2 (d) on property legally described as follows:

THE NORTH 72 FEET OF LOT 1 IN SHEPPED RESUBDIVISION OF LOTS 4 AND 5 IN BLOCK 34, IN EVANSTON, IN THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN.

(a) to Section 6-8-2-8 (A) (4), to allow a 12.29 foot rear yard setback, instead of the thirty-foot required setback.

(b) to Section 6-8-2-8 (C) 3, to allow a zero-foot setback from the north lot line, instead of the five-foot required setback.

(c) to Section 6-4-6-3 (B) 18, to allow two open off-street parking spaces approximately thirty-six (36) feet from the rear lot line, instead of the requirement that off-street parking spaces be within thirty (30) feet of the rear lot line.

(d) to Section 6-16-3-1, Table 16 B, to allow two (2) parking spaces arranged in tandem serving a single-family residential use, instead of the required limitation of tandem parking to multi-family residential uses.

**SECTION 4** That the City Council hereby finds that the aforescribed application in case no. ZBA 99-56 V (F) for major variations meets the standards for major variations set forth in Section 6-3-8-12 (E) of the Zoning Ordinance:

(a) The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining property in that the subject properties are located in the Lakeshore Historic District. The Historic Preservation Ordinance, Title 2, Chapter 9, regulates alterations and land-altering activities in connection with properties located within a Historic District. The review processes provided for in this Ordinance will provide requisite safeguards. The lot sizes of approximately 7,200 square feet and 22,714 square feet after subdivision are in keeping with lot sizes in the 200 Block of Greenwood Street and its immediate vicinity.

(b) The requested variation is in keeping with the intent of the Zoning Ordinance in that the Zoning Ordinance encourages the repair and upkeep of property. The requested variations will allow subdivision into two (2) zoning lots and separate ownership thereof, thus relieving the applicant of the obligation of maintaining two (2) properties.

(c) The alleged hardship or practical difficulty is peculiar to the property, in that the relatively large size of the zoning lot, 29,914 square feet, increases the burden of maintenance on one owner.

(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 maintenance of a 29,914 square foot-zoning lot by one owner is burdensome.

(e) The purpose of the variations is not based exclusively upon a desire to extract additional income from the property, in that the applicant desires to be relieved of the burden of maintenance of an entire 29,914 square foot-lot.

(f) The alleged hardship or practical difficulty does not rest upon the particular personal financial situation of the applicant, in that the applicant seeks to relieve himself of managing the entire 29,914 square foot-lot.

(g) The alleged difficulty or hardship has not been created by any person having an interest in the property, in that the 29,914 square foot-lot size and the principal residential use and accessory residential use thereon existed prior to the applicant's acquisition of the subject property.

(h) The requested variation is limited to the minimum change necessary to alleviate the particular hardship or practical difficulty which affects the property, in that the applicant seeks variations permitting a

subdivision into only two (2) lots, one of which would have 7,200 square feet, the minimum lot size in an R1 Single-Family Residential District, and the other of which would have 22,914 square feet. Both lots comply with the zoning lot size requirements of the Zoning Ordinance.

**SECTION 5:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 6:** 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: June 25, 2001

Adopted: July 9, 2001

Approved: July 12, 2001  
Lorraine H. Norton  
Mayor

ATTEST:

Mary P. Morris  
City Clerk

Approved as to form:  
[Signature]  
Corporation Counsel

