

6/24/04

67-O-04

**AN ORDINANCE
Granting a Variation to Reduce the
Required Off-Street Parking Requirements from
Five to Zero Spaces**

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on June 1, 2004 in case no. ZBA 04-21-V(R), pursuant to proper notice, on the application of Eric Kerlow and Mike Wittenbrink, officers of Trust no. 96-6782 held by Cole Taylor Bank as Trustee for a variation to Section 6-16-3-5 of the Zoning ordinance ("the Ordinance") to reduce the required off-street parking for the subject property, 1500 Darrow Avenue, from five (5) spaces to zero (0) spaces in an R4 General Residential District; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a verbatim record and pursuant to Section 6-3-8-12 of the Ordinance, recommended City Council approval of the application; and

WHEREAS, the ZBA did not make specific findings; and

WHEREAS, the Planning and Development Committee of the City Council considered the record and recommendation of the ZBA, adopted same, and made findings at its June 28, 2004 meeting that the application met the standards for major variations, and recommended approval thereof; and

WHEREAS, the City Council considered and adopted the respective records and recommendations of the ZBA and the Planning and Development Committee at its June 28, 2004 and July 12, 2004 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 of the Planning and Development Committee that the application met the standards for major variations set forth in Section 6-3-8-12 of the Ordinance, as follows:

(a) The variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties. The use of the property will remain the same, with the only difference in ownership of the units. Ample off-street parking exists in the neighborhood.

(b) The variation is in keeping with the intent of the Ordinance in that the subject property is located in the R4 General Residential District and the proposed use is consistent with the permitted uses in that District. The proposed project will provide an opportunity for the provision of affordable housing in the community.

(c) The hardship or practical difficulty is peculiar to the property in that the entire development, which once included 1815 Lake Street, 1500 Darrow Avenue, and 1510 Darrow Avenue under single ownership, was divided and sold off over 40 years ago without the benefit of recorded easements or covenants to notify prospective purchasers that the subject property was to be provided with parking in the lot to the north of 1510 Darrow Avenue.

(d) The property owners 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 because the easement for access to the existing parking lot to the north of 1510 Darrow Avenue was never recorded, the applicants would have to undertake legal action to obtain access or purchase/lease spaces from the owner of 1510 Darrow Avenue.

(e) While the granting of the variation will result in additional income to the applicants and while the applicants may not have demonstrated that the application is not based exclusively upon a desire to extract additional income from the property, public benefits to the surrounding neighborhood and the City as a whole will be derived from approval of the variation including the provision of a variety of housing types in accordance with the City's housing goals and preservation and enhancement of desirable site characteristics and open space. Without required parking, the units may sell for a lower price than if they had parking spaces.

(f) The alleged difficulty or hardship has not been created by any person having an interest in the property. The current owners were unaware of the parking requirement prior to their request to convert the rental units into townhouses. The hardship was created when the property was sold by the original owner without recordation of a document stating the parking requirement associated with the use or without creating an access easement to the existing parking lot.

(g) The variation is limited to the minimum change necessary to alleviate the particular hardship or practical difficulty which affects the property in that the applicants will maintain the existing use and parking arrangement.

SECTION 3: That the aforesaid variation is granted to property legally

described as:

THE SOUTH FORTY-FIVE (45) FEET (MEASURED ON THE EAST LINE) OF LOT 5 AND THAT PART OF THE SOUTH FORTY-FIVE (45) FEET (MEASURED ON THE EAST LINE) OF LOT 6 AND THAT PART OF THE SOUTH 45 FEET (MEASURED ON THE EAST LINE) OF NORTH AND SOUTH VACATED ALLEY WHICH LIES BETWEEN SAID LOTS 5 AND 6 WHICH LIES SOUTHEASTERLY OF A LINE DRAWN PARALLEL WITH AND A DISTANCE OF FORTY-THREE AND FIFTY HUNDREDTHS (43.50) FEET SOUTHEASTERLY (MEASURED AT RIGHT ANGLES) FROM CENTER LINE OF EXISTING MAIN TRACT (AS SAME WAS LOCATED ON MAY 6, 1960) OF CHICAGO AND NORTHWESTERN RAILROAD COMPANY BEING THE MOST SOUTHEASTERLY TRACT AS SAID MAIN TRACT IS NOW LOCATED AND ESTABLISHED IN BLOCK 12 IN THE HINMAN'S ADDITION TO EVANSTON BEING A SUBDIVISION OF THE NORTHWEST ONE-FORTH (1/4) OF THE SOUTHEAST ONE-FORTH (1/4) OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, AND COMMONLY KNOWN AS 1500 DARROW AVENUE.

SECTION 4: That pursuant to Section 6-3-8-14 of the Ordinance, which provides that the City Council may impose conditions upon the grant of a variation, this condition is hereby imposed:

(a) Construction and operation of the development on the subject property must be in substantial compliance with the testimony of the applicants, documents, and approved plans placed on file in connection with this case.

Introduced: June 28, 2004

Adopted: July 12, 2004

Approved: July 13, 2004

Lorraine H. Morton
Lorraine H. Morton, Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel



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June 8, 2004

**ZONING BOARD OF APPEALS' DECISION
REGARDING 1500 DARROW AVENUE
CASE ZBA 04-21-V(R);
HEARD JUNE 1, 2004.**

Based on the application, submitted documents, testimony, and upon the deliberations and findings contained in the transcript of the hearing, the Zoning Board of Appeals recommends approval of the application by Eric Kartow and Mike Wittenbrink, officers of Trust No. 96-6762 held by Cole Taylor Bank, trustee, for a variation to Section 6-16-3-5 for 1500 Darrow Avenue in the R4, General Residential District. The property owners propose to convert the existing five-unit rental building into fee simple townhouses. A condition of the original Certificate of Occupancy for the building was the provision of five off-street parking spaces on the adjoining lot at 1510 Darrow. The property owners seek relief from the provision of the five required off-street parking spaces.

The Zoning Board of Appeals recommends approval of this variation subject to construction and use of the development being in substantial compliance with the testimony and documents placed on file in connection with this case.

This decision is final and appealable within the meaning of the Illinois Administrative Review Act, 735 ILCS 5/3-101, et seq. That Act grants certain rights, among which is the right to appeal this decision to the Circuit Court. Any such appeal must be filed within 35 days from the date this decision was served upon you.



Greg Norwell, Chair Date
Zoning Board of Appeals

6-8-04

Voting Aye: Reiches, Samson, Creamer, Norwell.
Voting Nay: None.
Abstaining: None.
Absent: Koberstein, Putta, Walsh.

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