

1/16/2007

9-O-07

AN ORDINANCE

**Granting and Major Variations to Allow Construction of
Balconies and Three Open, Off-Street Parking Spaces
at 800 Brummel Street / 142-144 Elmwood Avenue
in an R5 General Residential District**

WHEREAS, Stuart Garland, on behalf of Brummel Investment LLC, owner of 800 Brummel Street / 142-144 Elmwood Avenue (the "Property"), submitted an application, case no. ZBA 06-72-V(R), to seek approval for major variations from Sections 6-8-7-6, 6-8-7-7 (A)2, 6-8-7-7 (C)3, 6-4-6-3 (B)18, and 6-16-2-7 of the Zoning Ordinance (the "Ordinance") relating, respectively, to building lot coverage, yard requirements, allowable accessory uses and structures detached from the principal structure, and off-street parking requirements; and

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on December 5, 2006, pursuant to proper notice, to consider the application, took testimony and received other evidence, and made a *verbatim* record and written findings that the application met the respective standards for major variations in Sections 6-8-7-6, 6-8-7-7 (A)2, 6-8-7-7 (C)3, 6-4-6-3 (B)18, and 6-16-2-7 of the Ordinance, and recommended City Council approval thereof; and

WHEREAS, the Planning and Development Committee of the City Council considered and adopted the ZBA's record, findings, and recommendation at its January 22, 2007 meeting, and recommended City Council approval thereof; and

WHEREAS, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and the Planning and Development Committee at its January 22, 2007 meeting,

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 approves the major variations applied for in case no. ZBA 06-72-V(R) on property legally described in Exhibit A, attached hereto and made apart hereof.

SECTION 3: That the major variations approved hereby are:

- A. To Section 6-8-7-6 to allow a maximum lot coverage of sixty-five and nine tenths percent (65.9%) instead of the forty-five percent (45%) otherwise allowed; and
- B. To Section 6-8-7-7 (A)2 to allow the proposed balconies to be located approximately zero feet (0') from the east property line, whereas the Ordinance requires a minimum setback of fifteen feet (15') from the side property line when abutting a street; and
- C. To Section 6-8-7-7 (C)3 to allow one (1) of the proposed parking spaces to be located approximately zero and four tenths feet (0.4') from the west property line, whereas the Ordinance requires a minimum setback of five feet (5') from the side property line; and

- D. To Section 6-4-6-3 (B)18 to allow two (2) of the proposed parking spaces to be located more than thirty feet (30') from the rear property line, whereas the Ordinance requires open off-street parking in a residential district to be within thirty feet (30') of the rear property line; and
- E. To Section 6-16-2-7 to allow parking aisle width for two of the proposed spaces of approximately eight and eighteen hundredths feet (8.18'), whereas the Zoning Ordinance requires an aisle width of sixteen and seventy-five hundredths feet (16.75').

SECTION 4: That, as provided for by Section 6-3-8-14 of the Ordinance, which provides that the City Council may impose conditions upon grants of variations, the following conditions are hereby imposed:

- A. Development and use of the property shall be in substantial compliance with all applicable legislation, the testimony and representations of the Applicant, and with the approved plans and documents on file in this case.
- B. Applicant shall not place trash receptacles beyond the south property line so that they extend into the alley.

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: January 22, 2007

Approved:

Adopted: January 22, 2007

January 26, 2007

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:

[Signature]
Corporation Counsel

EXHIBIT A

**LEGAL DESCRIPTION FOR
800 BRUMMEL STREET / 142-144 ELMWOOD AVENUE**

LOT 1 LOT 2 IN BLOCK 6 IN BRUMMEL AND CASE HOWARD TERMINAL ADDITION, BEING A SUBDIVISION OF ALL THAT PART OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD MERIDIAN, COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST $\frac{1}{4}$, THENCE NORTH ON THE EAST LINE OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION, 19.65 CHAINES, THENCE WEST 19 CHAINES, TO THE INTERSECTION WITH THE CENTER LINE OF RIDGE ROAD, THENCE SOUTH 5 DEGREES, 0 MINUTES, EAST ON THE CENTER LINE OF RIDGE ROAD TO THE SOUTH LINE OF THE NORTHWEST $\frac{1}{4}$, THENCE EAST 14.99 CHAINES TO THE POINT OF BEGINNING (EXCEPT PUBLIC STREETS AND HIGHWAYS), ALL IN COOK COUNTY, ILLINOIS.

LAND TOTAL NET AREA: 7,499.71 SQ. FT. = 0.172 ACRE
EXTERIOR FOOT PRINT OF AREA OF BUILDING: 4,342.56 SQ. FT.

COMMONLY KNOWN AS: 800 BRUMMEL STREET, EVANSTON, ILLINOIS.

