

7/10/2007
6/27/2007

73-O-07

AN ORDINANCE

**Granting Major Zoning Variations to Allow Establishment of
Off-Street Parking Spaces for an Apartment Building Located at
2526 Jackson Avenue in the R5 General Residential District**

WHEREAS, David Weislogel, on behalf of 2526 Jackson, LLC (the "Applicant"), owner of 2526 Jackson Avenue, legally described in Exhibit A, attached hereto and made apart hereof (the "Subject Property"), submitted an application, case no. ZBA 07-11-V(R) to seek approval for major variations from Sections 6-4-6-3 (B) 18, 6-8-7-6, 6-8-7-7, 6-8-7-9, and 6-16-2-4 of the Zoning Ordinance (the "Ordinance") relating, respectively, to distance of parking spaces from the rear lot line, building lot coverage, yard requirements, impervious surface area, and size of parking spaces, to establish twelve (12) parking spaces behind the Subject Property; and

WHEREAS, prior to the Zoning Board of Appeals ("ZBA") meeting of May 15, 2007, the Applicant revised his application by decreasing the requested number of parking spaces to six (6), thereby eliminating the need for variations from Sections 6-4-6-3 (B) 18 and 6-8-7-9 of the Ordinance; and

WHEREAS, the ZBA held a public hearing on May 15, 2007, pursuant to proper notice, to consider the revised application, took testimony and received other evidence, and made a *verbatim* record and written findings concerning the application as it related to the standards for major variations set

forth in Section 6-3-8-12(E) of the Ordinance, and made no recommendation to the City Council regarding approval thereof; and

WHEREAS, the Planning and Development Committee of the City Council considered the ZBA's record and findings at its June 25, 2007 meeting, and recommended the City Council grant the requested major variations; and

WHEREAS, the City Council considered and adopted the records, findings, and recommendations of the Planning and Development Committee at its July 9, 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 07-11-V(R), on the Subject Property.

SECTION 3: That the major variations approved hereby are:

- A. To Section 6-8-7-6 to allow a maximum lot coverage of fifty-seven and five tenths percent (57.5%) instead of the forty-five percent (45%) otherwise allowed; and
- B. To Section 6-8-7-7 (A) 2 to allow the proposed parking spaces to be located approximately zero feet (0.0') from the north and south property lines, whereas the Ordinance requires a minimum setback of three feet (3') for accessory parking; and
- C. To Section 6-16-2-4 to allow the proposed parking spaces to be eight and thirty-four hundredths feet wide (8.34'), whereas the Ordinance requires parking spaces be at least eight and five tenths feet (8.5') wide; and

SECTION 4: That, as permitted by Section 6-3-8-14 of the Ordinance, the City Council imposes the following condition upon the major variations granted by this ordinance, 73-O-07:

- A. The Applicant shall develop and use the Subject Property in substantial compliance with all applicable legislation, with the testimony and representations of the Applicant, and with the approved plans and documents on file in this case.
- B. Without further action by the City, the Applicant shall be permitted to remove refuse from the east side of the Subject Property, along Jackson Avenue, by means of private contractor, who shall be paid by the Applicant. Said private contractor shall take the refuse containers from the rear of the building on the Subject Property and return them thereto immediately after collection is complete.

SECTION 5: Except as otherwise provided for in this Ordinance, all applicable regulations of the Zoning Ordinance shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same.

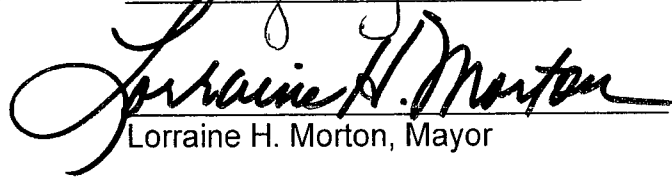
SECTION 6: That, when necessary to effectuate the terms and conditions and purposes of this Ordinance, "Applicant" shall read as "Applicant's agents, assigns and successors in interest."

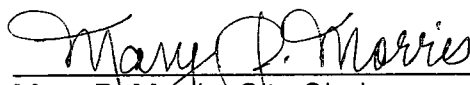
SECTION 7: That if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications thereof.

SECTION 8: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9: 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: July 9, 2007 Approved:
Adopted: July 9, 2007 July 12, 2007


Lorraine H. Morton, Mayor

Attest:

Mary P. Morris, City Clerk

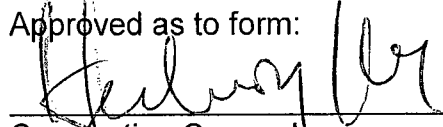
Approved as to form:

Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION

LOT 3 IN CRAVEN'S SUBDIVISION OF LOTS 5 TO 8 IN BLOCK 5 IN NORTH EVANSTON IN THE NORTHEAST FRACTIONAL QUARTER OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN As: 2526 Jackson Avenue, Evanston, Illinois.

