

8/28/2007

**83-O-07**

**AN ORDINANCE**

**Granting Major Zoning Variations to Allow Establishment of  
Two Off-Street Parking Spaces for Condominiums Located at  
125-33 Clyde Avenue in the R5 General Residential District**

WHEREAS, Joseph Sislow, authorized agent of the Clyde Court Condominium Association (the "Applicant"), owner of 125-33 Clyde Avenue, legally described in Exhibit A, attached hereto and made apart hereof (the "Subject Property"), submitted an application, case no. ZBA 07-21-V (R) to seek approval for major variations from Sections 6-8-7-7 and 6-16-2-7 of the Zoning Ordinance (the "Ordinance") relating, respectively, to distance of parking spaces from the rear lot line and parking space depth, to establish two (2) additional parking spaces behind the Subject Property; and

WHEREAS, the ZBA held a public hearing on August 9, 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 recommended the City Council grant the requested major variations; and

WHEREAS, the Planning and Development Committee of the City Council considered the ZBA's record and findings at its September 10, 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 September 10, 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 07-21-V (R), on the Subject Property.

**SECTION 3:** That the major variations approved hereby are:

- A. To Section 6-8-7-7 (C) 4 to allow the proposed parking spaces to be located approximately zero feet (0') from the rear lot line, whereas the Ordinance requires a minimum setback of three feet (3') for accessory parking; and
- B. To Section 6-16-2-7 to allow the proposed zero-degree (0°) parking spaces to be eighteen feet (18') deep, whereas the Ordinance requires such parking spaces be at least twenty-one feet (21') deep; 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, 83-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.

**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.

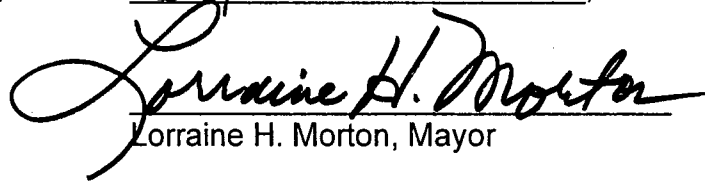
**SECTION 6:** That, when necessary to effectuate the terms and conditions and purposes of this Ordinance, "Applicant" shall read as "Applicant's agents, assigns and successors in interest."

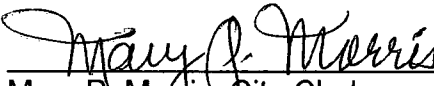
**SECTION 7:** That if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications thereof.

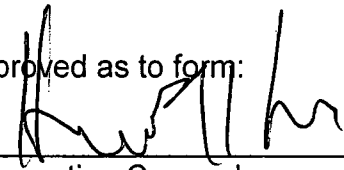
**SECTION 8:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**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: September 10, 2007      Approved:  
Adopted: September 10, 2007      September 11, 2007

  
Lorraine H. Morton, Mayor

Attest:  
  
Mary P. Morris, City Clerk

Approved as to form:  
  
Corporation Counsel

**EXHIBIT A****LEGAL DESCRIPTION****PARCEL 1:**

UNITS 125-1N, 125-2N, 125-3N, 125-1S, 125-2S, 125-3S, 125-GARDEN, 127-1E, 127-2E, 127-3E, 127-1W, 127-2W, 127-3W, 131-1E, 131-2E, 131-3E, 131-1W, 131-2W, 131-3W, 133-1N, 133-2N, 133-3N, 133-1S, 133-2S, AND 133-3S IN THE CLYDE COURT CONDOMINIUMS AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE:

LOTS 12 TO 15, INCLUSIVE, IN BLOCK 3 IN NILES HOWARD TERMINAL ADDITION, BEING A SUBDIVISION OF THE SOUTH 6.25 CHAINS OF THAT PART OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE RIGHT OF WAY OF THE CHICAGO AND NORTHWESTERN RAILROAD; WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0010634457 TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, ALL IN COOK COUNTY, ILLINOIS.

**PARCEL 2:**

THE EXCLUSIVE RIGHT TO THE USE OF L-1, L-2, L-3, L-4, L-5, L-6, L-7, L-8, L-9, L-10, L-11, L-12, L-13, L-14, L-15, L-16, L-17, L-18, L-19, L-20, L-21, L-22, L-23, L-24, AND L-25, LIMITED COMMON ELEMENTS AS DESCRIBED ON THE SURVEY ATTACHED TO THE DECLARATION AFORESAID RECORDED AS DOCUMENT NUMBER 0010634457.

**COMMONLY KNOWN As:** 125-33 Clyde Avenue, Evanston, Illinois.