

7/31/2008

95-O-08

AN ORDINANCE

**Granting Major Variations to Allow
Front-Yard Parking at 1317 Livingston Street
in the R1 Single-Family Residential District**

WHEREAS, Patrick Hughes and Kathy Tisdahl (the "Applicants"), owners of the property commonly known as 1317 Livingston Street (the "Subject Property"), legally described in Exhibit A, attached hereto and incorporated herein by reference located within the R1 Single-Family Residential District, submitted an application seeking approval for Major Variations pursuant to Sections 6-4-6-3 (B) 18, 6-8-2-8 (C) 1, and 6-16-2-7 of the Zoning Ordinance, to allow one (1) open, off-street accessory parking space in the front yard of the Subject Property; and

WHEREAS, on May 6, 2008 and June 3, 2008, pursuant to proper notice, the Zoning Board of Appeals ("ZBA") held public hearings in case no. ZBA 08-10-V, to consider the application, took testimony and received other evidence, and made a *verbatim* record and written findings that the application met the standards for Major Variations set forth in Section 6-3-8-12 (E) of the Zoning Ordinance, and recommended City Council approval thereof; and

WHEREAS, at its August 11, 2008 meeting, the Planning and Development Committee of the City Council considered the ZBA's findings and recommendation and recommended City Council approval thereof; and

WHEREAS, at its September 8, 2008 meeting, the City Council considered and adopted the respective records and recommendations of the ZBA and the Planning and Development Committee,

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 incorporated herein by reference.

SECTION 2: That the City Council hereby adopts the ZBA's record, findings, and recommendation, and the Planning and Development Committee's record, findings, and recommendation, and hereby approves the Major Variations as applied for in case no. ZBA 08-10-V, on the Subject-Property.

SECTION 3: That the Major Variations approved hereby are:

- A. To allow open off-street parking approximately one hundred fifty-eight feet (158') from the rear lot line and five feet (5') from the front property line. Section 6-4-6-3 (B) 18 of the Zoning Ordinance requires open off-street parking to be within thirty feet (30') of the rear lot line or alley; and
- B. To allow open off-street parking in a front yard. Section 6-8-2-8 (C) 1 of the Zoning Ordinance permits only garages as front-yard accessory uses in the R1 Single-Family Residential District; and
- C. To allow a parking stall width of seven feet, seven inches (7'7"). Section 6-16-2-7 of the Zoning Ordinance requires off-street parking stalls to be at least eight feet, six inches (8'6") wide.

SECTION 4: That, as permitted by 6-3-8-14 of the Zoning Ordinance, the City Council hereby imposes the following conditions upon the Major Variations granted by this ordinance:

- A. The Applicants shall develop and use the Subject Property in substantial compliance with all applicable legislation, with the testimony and representations of the Applicants to the ZBA, Planning and Development Committee, and City Council, and with approved plans and documents on file in this case.
- B. Should the City determine that the Applicants have failed to comply with any of the terms of this ordinance, the City may deliver written notice of non-compliance to the Applicants. If the Applicants do not cure the non-compliance identified in the notice within five (5) days, the Applicants shall owe the City a fine in the amount of two hundred fifty and no/100 dollars (\$250.00) per day that the Applicants are not in full compliance. If, in the City's determination, the Applicants are diligently pursuing the cure of such non-compliance and that such cure cannot be completed within five (5) days, the City may grant the Applicants additional time that the City determines to be reasonably necessary. The Applicants shall pay the total fine assessed within thirty (30) days after written notice from the City to do so. If the Applicants fail to pay the total amount of the fine within the thirty (30) days after written notice from the City to do so, the City may revoke the Major Variations granted by this ordinance.

SECTION 5: That, except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Ordinance and the entire City Code 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, conditions, and purposes of this ordinance, "Applicants" shall be read as "Applicants' agents, assigns, and successors in interest."

SECTION 7: That the Applicants shall record a certified copy of this ordinance, at their cost, including all Exhibits attached hereto, with the Cook County Recorder of Deeds.

SECTION 8: That if any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 9: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.


SECTION 10: 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: August 11, 2008


Approved:

Adopted: September 8, 2008

September 9, 2008


Lorraine H. Morton, Mayor

Attest:


Rodney Greene, City Clerk

Approved as to form:


Elke Tober-Purze, Interim
First Assistant Corporation Counsel

EXHIBIT A**LEGAL DESCRIPTION**

LOT 16 AND THE WEST 15 FT. OF LOT 15 IN BLOCK 2 IN ROSE AND GRANT'S SUBDIVISION OF THE NORTH 1266 FT. OF THE EAST HALF OF LOT 19 IN GEORGE SMITH'S SUBDIVISION OF THE SOUTH SECTION OF OUILMETTE RESERVE (EXCEPT THE NORTH 260 ACRES) IN COOK COUNTY, ILLINOIS.

THAT PART OF THE EAST 45 FT. OF THE EAST HALF OF THE WEST HALF OF LOT 19 IN SAID GEORGE SMITH'S SUBDIVISION OF THE SOUTHERN PORTION OF OUILMETTE RESERVE, IN TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF A LINE 637.5 FT. NORTH OF AND PARALLEL TO THE SOUTH LINE OF LOT 19, AND LYING SOUTH OF A LINE PARALLEL TO THE SOUTH LINE OF LOT 19, WHICH IS, WHEN MEASURED ALONG THE EAST LINE OF THE WEST HALF OF LOT 19, AFORESAID, 628.07 FT. SOUTH OF THE SOUTH LINE OF THE NORTH 33 FT. OF LOT 19, SAID NORTH 33 FT. BEING THE PREMISES SURVEYED BY GRANTORS TO THE CITY OF EVANSTON, A MUNICIPAL CORPORATION, BY DEED DOCUMENT No. 9850324, FOR STREET AND HIGHWAY PURPOSES, AND INTENDED FOR USE AS A PART OF ISABELLA STREET, ALL IN THE CITY OF EVANSTON, COUNTY OF COOK, AND STATE OF ILLINOIS.

PIN: 05-35-312-017-0000

Commonly Known As: 1317 LIVINGSTON STREET, EVANSTON, ILLINOIS.

