

7/29/2009.

**70-O-09**

**AN ORDINANCE**

**Granting a Major Variation Related to Parking  
at 2150 Sherman Avenue  
in the R5 General Residential District**

**WHEREAS**, Hawthorne House Condominium Association (the "Applicant"), owner of the property commonly known as 2150 Sherman Avenue (the "Subject Property"), located within the R5 General Residential District and legally described in Exhibit A, attached hereto and incorporated herein by reference, submitted an application seeking approval for a Major Variation pursuant to Sections 6-16-2-7 of Title 6 of the Evanston City Code of 1979, as amended ("the Zoning Ordinance"); and

**WHEREAS**, on June 16, 2009, the Zoning Board of Appeals ("ZBA") held a public hearing, pursuant to proper notice, in case no. 09ZMJV-0043, to consider the application, received testimony, took minutes and made 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 meetings of August 10, 2009, and September 14, 2009, the Planning and Development Committee of the City Council (the "P&D Committee") considered the ZBA's findings and recommendation and recommended City Council approval thereof; and

**WHEREAS**, at its meeting of September 14, 2009, the City Council considered and adopted the respective records and recommendations of the ZBA and the P&D 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 and the P&D Committee's records, findings, and recommendations, and hereby approves the Major Variation on the Subject Property applied for in case no. 09ZMJV 0043.

**SECTION 3:** That the Major Variation approved hereby is to allow a parking lot with double-loaded ninety degree (90°) angled parking with a drive aisle width of nineteen and nine-tenths feet (19.9') and a double-loaded module width of fifty-five and seven-tenths feet (55.7') on the Subject Property. Section 6-16-2-7 of the Zoning Ordinance requires such parking lots to have a minimum drive aisle width of twenty-four feet (24') and a double-loaded module width of sixty feet (60').

**SECTION 4:** That, as permitted by Section 6-3-8-14 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the grant of these Variations, violation of any of which shall constitute grounds for revocation of said Variations pursuant to Subsection 6-3-10-6 of the Zoning Ordinance:

- A. Compliance with Applicable Requirements:** The Applicant shall develop and use the Subject Property in substantial compliance with all applicable legislation, with the testimony and representations of the Applicant to the ZBA, the P&D Committee, and the City Council, and with the approved plans and documents on file in this case.
- B. Fine for Non-Compliance:** Should the City determine that the Applicant has failed to comply with any of the terms of this ordinance, the City may deliver written notice of non-compliance to the Applicant. If the Applicant does not cure the non-compliance identified in said notice within five (5) days, the Applicant shall owe the City a fine of two hundred fifty and no/100 dollars (\$250.00) per day that the Applicant fails to comply. If, in the City's determination, the Applicant is diligently pursuing the cure of such non-compliance and that such cure cannot be completed within five (5) days, the City may grant the Applicant additional time that the City determines to be reasonably necessary. The Applicant shall pay any such fine within thirty (30) days of written notice from the City to do so.

**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, "Applicant" shall be read as "Applicant's agents, assigns, and successors in interest."

**SECTION 7:** That the Applicant shall record a certified copy of this ordinance, at his 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 10, 2009      Approved:  
Adopted: September 14, 2009      September 16, 2009

  
Elizabeth B. Tisdahl, Mayor

Attest:

  
Rodney Greene, City Clerk

Approved as to form:

  
Elke B. Tober-Purze, Interim  
First Assistant Corporation Counsel

**EXHIBIT A**

**LEGAL DESCRIPTION**

LOT 1 IN GAFFIELD'S SUBDIVISION OF THAT PART OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF SECTION 7, TOWNSHIP 41, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN LYING WEST OF THE WEST LINE OF SHERMAN AVENUE, IN COOK COUNTY, ILLINOIS.

**PINS:** 11-07-120-043-1001  
11-07-120-043-1002  
11-07-120-043-1003  
11-07-120-043-1004  
11-07-120-043-1005  
11-07-120-043-1006  
11-07-120-043-1007  
11-07-120-043-1008  
11-07-120-043-1009  
11-07-120-043-1010  
11-07-120-043-1011  
11-07-120-043-1012  
11-07-120-043-1013  
11-07-120-043-1014

**COMMONLY KNOWN As:** 2150 Sherman Avenue, Evanston, Illinois.

