

1/13/2010

5-O-10

AN ORDINANCE

**Granting Major Variations to Allow
Front-Yard Parking at 2433 Cowper Avenue
in the R1 Single-Family Residential District**

WHEREAS, Carter Klein (the "Applicant"), owner of the property commonly known as 2433 Cowper Avenue (the "Subject Property"), located within the R1 General Residential District and legally described in Exhibit A, attached hereto and incorporated herein by reference, submitted an application seeking approval of Major Variations pursuant to Subections 6-4-6-3 (B)18, 6-8-2-8, 6-16-2-1, and 6-16-2-7 of Title 6 of the Evanston City Code of 1979, as amended ("the Zoning Ordinance"); and

WHEREAS, on December 1, 2009, the Zoning Board of Appeals ("ZBA") held a public hearing, pursuant to proper notice, in case no. 09 MJV-0088, to consider the application, received testimony, made a *verbatim* transcript and written findings that the application did not meet the standards for Major Variations set forth in Section 6-3-8-12 (E) of the Zoning Ordinance, and recommended City Council denial thereof; and

WHEREAS, at its meeting of January 11, 2009, the Planning and Development Committee of the City Council (the "P&D Committee") considered the ZBA's findings and rejected the ZBA's recommendation and recommended City Council approval of the requested Major Variations; and

WHEREAS, at its meeting of January 25, 2010, the City Council considered and adopted the record and recommendation of 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 P&D Committee's records, findings, and recommendations, and hereby approves the Major Variations on the Subject Property applied for in case no. 09 MJV-0088.

SECTION 3: That the Major Variations approved hereby are:

- A. To permit open off-street parking in the Subject Property's front yard, which abuts a street. Subsections 6-8-2-8 (A)1 and 6-16-2-1 (C)1 of the Zoning Ordinance prohibit such parking;
- B. To permit one (1) open off-street parking space approximately one hundred eight feet (108') from the rear lot line of the Subject Property. Subsection 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;
- C. To permit accessory parking within one and two-tenths feet (1.2') of the Subject Property's east lot line. Subsections 6-8-2-8 (C)3 of the Zoning Ordinance requires a minimum setback of five feet (5') for accessory uses;
- D. To permit ninety degree (90°) parking with a depth of seventeen and one-half feet (17.5') on the Subject Property. Section 6-16-2-7 of the Zoning Ordinance requires such spaces to be at least eighteen feet (18') deep.

SECTION 4: That, as permitted by Section 6-3-8-14 of the Zoning Ordinance, the City Council hereby imposes the following conditions and limitations on the Major Variations granted by the terms of this ordinance, violation of any of which shall constitute grounds for revocation, pursuant to Subsection 6-3-10-6 of the Zoning Ordinance, of said Major Variations:

- (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) **Recordation:** 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;
- (C) **Time Limitation:** The Major Variations granted by the terms of this ordinance shall relate to the Applicant and not the Subject Property. The Applicant shall benefit from said Major Variations only for (i) as long as the Applicant resides at the Subject Property or (ii) the duration of the life of the Applicant's mother, whichever ends first. Thereafter, said Major Variations shall automatically terminate, without further action by the City, and be rendered null, void, and of no further force or effect;
- (D) **Removal:** The Applicant shall remove the open off-street parking authorized by the Major Variations granted by the terms of this ordinance before either (i) permanently vacating the Subject Property or (ii) the date sixty (60) days after the termination of said Major Variations pursuant to Section 4(C) hereof, whichever occurs first.

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


SECTION 8: 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 25, 2010

Approved:


Adopted: January 25, 2010

January 27, 2010


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk

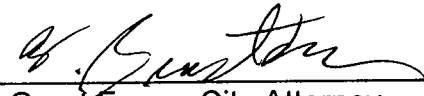

W. Grant Farrar, City Attorney

EXHIBIT A

LEGAL DESCRIPTION

LOTS 10 AND 11 IN HASTING'S SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 10-11-302-013-0000

COMMONLY KNOWN As: 2433 Cowper Avenue, Evanston, Illinois.



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