

10-0-10

AN ORDINANCE

**Granting Major Variations to a Private Educational Institution
Located at 425 Dempster Street
in the R1 Single-Family Residential District
(“Chiaravalle”)**

WHEREAS, Chiaravalle Montessori School (the “Applicant”), lessee and contract purchaser of the property commonly known as 425 Dempster Street (the “Subject Property”), located within the R1 General Residential District (“R1 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 6-8-2-7, 6-8-2-8, 6-8-2-9, and 6-8-2-10 of Title 6 of the Evanston City Code of 1979, as amended (“the Zoning Ordinance”); and

WHEREAS, on December 15, 2009, January 19, 2010, and January 26, 2010, the Zoning Board of Appeals (“ZBA”) held public hearings, pursuant to proper notice, in case no. 09 MJV-0089, to consider the application, received testimony, made written record and 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 meeting of February 8, 2009, the Planning and Development Committee of the City Council (the “P&D Committee”) considered the ZBA’s findings and accepted the ZBA’s recommendation and recommended City Council approval of the requested Major Variations; and

WHEREAS, at its meeting of February 22, 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-0089.

SECTION 3: That the Major Variations approved hereby are:

- A.** To permit a building lot coverage of seventy-two percent (72%). Subsection 6-8-2-7 of the Zoning Ordinance establishes the maximum building lot coverage for the R1 District as thirty percent (30%);
- B.** To permit side yards of zero feet (0') and two feet (2') along the western and eastern edges, respectively, of the Subject Property. Subsection 6-8-2-8 (B)3 of the Zoning Ordinance requires side yards of fifteen feet (15') for non-residential structures in the R1 District;
- C.** To permit a rear yard of zero feet (0') on the Subject Property. Subsection 6-8-2-8 (B)4 of the Zoning Ordinance requires rear yards of thirty feet (30') for non-residential structures in the R1 District;
- D.** To permit a maximum mean building height of forty-six feet (46'). Subsection 6-8-2-9 of the Zoning Ordinance establishes the maximum mean building height for the R1 District as thirty-five feet (35'); and
- E.** To permit a maximum impervious surface coverage of eighty-seven percent (87%). Subsection 6-8-2-10 of the Zoning Ordinance establishes the maximum impervious surface coverage for the R1 District as forty-five percent (45%).

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; and
- (B) **Recordation:** The Applicant shall record a certified copy of this ordinance, at its cost, including all Exhibits attached hereto, with the Cook County Recorder of Deeds.

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 8, 2010

Approved:

Adopted: January 22, 2010

January 26, 2010

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, City Attorney

EXHIBIT A**LEGAL DESCRIPTION**

THAT PART OF LOTS 10 THROUGH 15 IN BLOCK 37 OF EVANSTON IN THE SOUTH EAST $\frac{1}{4}$ OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF EVANSTON, COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH EAST CORNER OF SAID LOT 10; THENCE WEST 150.25 FEET ALONG THE SOUTH LINE OF SAID LOT 10; THENCE NORTH 99.83 FEET PARALLEL WITH THE EAST LINE OF SAID LOTS 10 THROUGH 15; THENCE EAST 39.33 FEET PARALLEL WITH SAID SOUTH LINE OF LOT 10; THENCE NORTH 27.67 FEET PARALLEL WITH SAID EAST LINE OF LOTS 10 THROUGH 15; THENCE EAST 44.50 FEET PARALLEL WITH SAID SOUTH LINE OF LOT 10; THENCE NORTH 73.67 FEET PARALLEL WITH SAID EAST LINE OF LOTS 10 THROUGH 15; THENCE EAST 66.42 FEET PARALLEL WITH SAID SOUTH LINE OF LOT 10 TO A POINT ON SAID EAST LINE OF LOTS 10 THROUGH 15, 201.17 FEET NORTH OF AFORESAID SOUTH EAST CORNER OF LOT 10; AND THENCE SOUTH 201.17 FEET ALONG SAID EAST LINE OF LOTS 10 THROUGH 15 TO THE POINT OF BEGINNING.

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.

COMMONLY KNOWN AS: 425 Dempster Street, Evanston, Illinois.

