

9/13/2010
8/30/2010

68-O-10

AN ORDINANCE

**Granting a Major Variation Relating to Building Height
to Permit Construction of a Multi-Family Residence
Located at 910 Hinman Avenue
in the R5 General Residential District**

WHEREAS, Esskay III Series, LLC (the "Applicant"), owner of the property commonly known as 910 Hinman Avenue (the "Subject Property"), located within the R5 General Residential District ("R5 District") and legally described in Exhibit A, attached hereto and incorporated herein by reference, submitted an application seeking approval of a Major Variation pursuant to Subsection 6-8-7-8 of Title 6 of the Evanston City Code of 1979, as amended ("the Zoning Ordinance"); and

WHEREAS, the Applicant requested a Major Variation to permit a maximum mean building height of fifty-four feet, eight inches (54'8"), while Subsection 6-8-7-8 of the Zoning Ordinance establishes the maximum mean building height for the R5 District as fifty feet (50');

WHEREAS, on August 3, 2010, and August 17, 2010, the Zoning Board of Appeals ("ZBA") held public hearings, pursuant to proper notice, in case no. 10 ZMJV-0051, to consider the application, received testimony, and made records and 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 denial thereof, but did recommend City Council approval of a Major Variation to permit a maximum mean building height of fifty-two feet (52'); and

WHEREAS, at its meeting of September 13, 2010, the Planning and Development Committee of the City Council (the "P&D Committee") considered the ZBA's findings, rejected the ZBA's recommendation and recommended City Council approval of the Major Variation as requested by the Applicant; and

WHEREAS, at its meeting of September 27, 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 Variation on the Subject Property in case no. 10 ZMJV-0051 as requested by the Applicant.

SECTION 3: That the Major Variation approved hereby is to permit a maximum mean building height of fifty-four feet, eight inches (54'8"). Subsection 6-8-7-8 of the Zoning Ordinance establishes the maximum mean building height for the R5 District as fifty feet (50'); and

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 Variation 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 Variation:

- (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:** Before the City may issue any building permits for the Subject Property, the Applicant shall, at its cost, record a certified copy of this ordinance, 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.

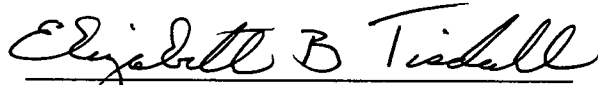
SECTION 8: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: September 13, 2010

Approved:


Adopted: September 27, 2010

September 29, 2010


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk



W. Grant Farrar, City Attorney

EXHIBIT A**LEGAL DESCRIPTION**

LOT 22 (EXCEPT THAT PART TAKEN FOR WIDENING HINMAN AVENUE) IN BLOCK 2 IN GIBBS, LADD AND GEORGES ADDITION TO EVANSTON SAID ADDITION BEING A SUBDIVISION OF THAT PART LYING EAST OF GRAVEL ROAD OF THE SOUTH 44½ ACRES OF A TRACT OF LAND CONSISTING OF THE SOUTH ½ OF THE NORTHEAST FRACTIONAL ¼ OF SECTION 19, THE SOUTH ½ OF THE EAST 32 RODS IN WIDTH OF THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PIN: 11-19-220-018-0000

COMMONLY KNOWN As: 910 Hinman Avenue, Evanston, Illinois.

