

5/2/2012

**48-O-12**

**AN ORDINANCE**

**Granting Major Variations Related to Front-Yard Parking  
and Rear-Yard Setbacks at 2627 Lincolnwood Drive  
in the R1 Single-Family Residential District**

**WHEREAS**, Dawn and Nikolai Larbalestier (the "Applicants"), owners of the property commonly known as 2627 Lincolnwood Drive (the "Subject Property"), located within the R1 Single-Family 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 Subsections 6-8-2-8-(A)-1, 6-8-2-8-(A)-4, 6-4-6-3-(B)-18, and 6-16-2-1-(C)-1 of Title 6 of the Evanston City Code of 1979, as amended ("the Zoning Ordinance"); and

**WHEREAS**, the Applicants request Major Variations to the applicable rear-yard setback requirement and prohibitions on front-yard parking, in order to alter the existing single-family dwelling on the Subject Property by constructing a two (2)-story addition in the rear yard, converting the attached garage to habitable space, and establishing one (1) open parking space in the front yard; and

**WHEREAS**, on April 17, 2012, the Zoning Board of Appeals ("ZBA") held a public hearing, pursuant to proper notice, in case no. 12ZMJV-0020, to consider the application, received testimony, and made written records and findings whether the application met the standards for Major Variations set forth in Subsection 6-3-8-12-(E) of the Zoning Ordinance; and

**WHEREAS**, the ZBA recommended the City Council deny the application for Major Variations to allow front-yard parking and issued no recommendation regarding the application for a Major Variation to the applicable rear-yard setback requirement; and

**WHEREAS**, at its meeting of May 14, 2012, the Planning and Development Committee of the City Council (the "P&D Committee") considered the ZBA's findings and recommendations, rejected those regarding the proposed front-yard parking, and recommended City Council approve all the requested Major Variations; and

**WHEREAS**, at its meetings of May 14, 2012 and May 29, 2012, the City Council considered and adopted the recommendations of the P&D Committee,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

**SECTION 1:** The foregoing recitals are found as fact and incorporated herein by reference.

**SECTION 2:** The City Council hereby adopts the ZBA and P&D Committee's records, findings, and recommendations, and hereby approves, pursuant to Subsection 6-3-8-10-(D) of the Zoning Ordinance, the Major Variations on the Subject Property applied for in case no. 12ZMJV-0020.

**SECTION 3:** The Major Variations approved hereby are:

- (A)** To permit open, off-street parking in the front yard of the Subject Property. 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 forty-five feet (45') 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 a rear-yard setback of fourteen and seven-tenths feet (14.7'). Subsection 6-8-2-8-(A)-4 of the Zoning Ordinance requires a rear-yard setback of thirty feet (30') for residential structures in the R1 District.

**SECTION 4:** Pursuant to Subsection 6-3-8-14 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Major Variations granted by the terms of this ordinance, violation of any of which shall constitute grounds for revocation thereof, pursuant to Subsection 6-3-10-6 of the Zoning Ordinance:

- (A) **Compliance with Requirements:** 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, the P&D Committee, and the City Council, and the approved plans and documents on file in this case.
- (B) **Recordation:** The Applicants shall, at their cost, record a certified copy of this ordinance, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, and provide proof of such recordation to the City, before the City may issue any construction permits pursuant to the Major Variations authorized by the terms of this ordinance.

**SECTION 5:** 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 6:** 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 7:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**SECTION 8:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 9:** 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 10:** The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: May 14, 2012

Approved:

Adopted: May 29, 2012

May 30, 2012

Elizabeth B. Tisdahl  
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene  
Rodney Greene, City Clerk

W. Grant Farrar  
W. Grant Farrar, Corporation Counsel

**EXHIBIT A**

**LEGAL DESCRIPTION**

THE WEST  $\frac{1}{2}$  OF LOT 11 IN WESTERLAWN, A SUBDIVISION OF LOTS 9, 10, 11 AND 12 IN COUNTY CLERK'S DIVISION OF THE SOUTHEAST FRACTIONAL  $\frac{1}{4}$  OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 17, 1915 IN BOOK 140 OF PLATS, PAGE 37 AS DOCUMENT 5772065, IN COOK COUNTY, ILLINOIS.

**PIN:** 05-33-429-001-0000

**COMMONLY KNOWN As:** 2627 Lincolnwood Drive, Evanston, Illinois.