

11/25/2013

123-O-13

AN ORDINANCE

**Granting Major Variations Related to Parking at 1912 Livingston Street
in the R3 Two-Family Residential Zoning District**

WHEREAS, Patricia and Brian Stieglitz (the "Applicant"), owners of the property commonly known as 1912 Livingston Street (the "Subject Property"), located within the R3 Two-Family Residential zoning district and legally described in Exhibit A, attached hereto and incorporated herein by reference, submitted an application seeking approval of Major Variations to parking requirements imposed by Subsections 6-16-2-1-C-1 and 6-4-6-3-B-18) of Title 6 of the Evanston City Code of 2012, as amended (the "Zoning Ordinance"); and

WHEREAS, the Applicant requests Major Variations to add a curb cut and driveway to place one (1) open, off-street parking space in the front yard on the Subject Property; and

WHEREAS, on November 19, 2013, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held a public hearing in case no. 13ZMJV-0110 to consider the application, received testimony, and made written records and findings that the application did meet the standards for Major Variations set forth in Subsection 6-3-8-12-(E) of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meeting of December 9, 2013, the Planning and Development ("P&D") Committee of the City Council considered and accepted the ZBA's recommendation, and recommended City Council approve the Major Variations, as requested; and

WHEREAS, at its meetings of December 9, 2013 and January 13, 2014, the City Council considered and adopted the recommendation 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 hereby found as fact and incorporated herein by reference.

SECTION 2: The City Council hereby adopts the 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. 13ZMJV-0110 and described hereinabove.

SECTION 3: The Major Variations approved hereby are as follows:

- (A) To permit open, off-street parking in the front yard of the Subject Property. Subsections 6-16-2-1 and 6-4-6-3 of the Zoning Ordinance prohibit such parking.
- (B) To permit off-street parking beyond 30' of the rear lot or alley. Subsection 6-4-6-3 of the Zoning Ordinance requires parking within 30' of the rear lot or alley.

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 hereby, violation of any of which shall constitute grounds for penalties or revocation thereof pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

- (A) **Compliance with 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 the approved plans and documents on file in this case.
- (B) **Recordation:** 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, and provide proof of such recordation to the City, before the City may issue any construction permits pursuant to the Major Variation authorized hereby.

SECTION 5: 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 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: December 9, 2013

Approved:

Adopted: January 13, 2014

January 16, 2014

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**

THAT PART OF LOT 1 IN BLOCK 33 IN C.L. JENK'S RESUBDIVISION OF BLOCKS 27, 28, 32, 33 AND 37 IN NORTH EVANSTON, BEING A SUBDIVISION OF LOTS 11, 12, 13, 14, 15 AND 16 AND THE WEST 4.3 ACRES OF LOT 17 IN GEORGE SMITH'S SUBDIVISION OF THE SOUTH PART OF ARCHANGEL OUILMETTE RESERVATION, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF WOODBINE AVENUE AND LIVINGSTON AVENUE AS NOW ESTABLISHED, THENCE SOUTH ON THE EAST LINE OF WOODBINE AVENUE 48 FEET 5 AND 3/8 INCHES TO ITS INTERSECTION WITH THE NORTHEASTERLY LINE OF EAST RAILROAD AVENUE AS NOW ESTABLISHED, THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF THE EAST RAILROAD AVENUE 13 FEET 5 INCHES (SAID NORTHEASTERLY LINE OF THE RAILROAD AVENUE MAKING AN ANGLE OF 147 DEGREES 6 MINUTES WITH THE EAST LINE OF WOODBINE AVENUE) THENCE NORTHEASTERLY AT RIGHT ANGLES TO THE NORTHEASTERLY LINE OF EAST RAILROAD AVENUE 100 FEET, THENCE NORTHWESTERLY PARALLEL WITH THE NORTHEASTERLY LINE OF THE EAST RAILROAD AVENUE 6 FEET 8 INCHES TO THE SOUTH LINE OF LIVINGSTON AVENUE AS NOW ESTABLISHED, THENCE WEST ALONG THE SOUTH LIEN OF LIVINGSTON AVENUE 87 FEET 7 AND 5/8 INCHES TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PIN: 05-34-424-001-0000

Commonly Known As: 1912 Livingston Street, Evanston, Illinois

