

75-O-14

AN ORDINANCE

**Granting Major Variations Related to 802 Florence Avenue in the R3
Two-Family Residential Zoning District**

WHEREAS, Karen Pratt (the "Applicant"), owner of the property commonly known as 802 Florence Avenue (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 zoning requirements imposed by Subsections 6-8-4-4, 6-8-4-7-A-4, 6-8-4-7-C-3, and 6-16-3-5 of Title 6 of the Evanston City Code of 1979, as amended (the "Zoning Ordinance"); and

WHEREAS, the Applicant requests the following Major Variations with proposed Lot 1 as 802 Florence Avenue, Evanston, Illinois and proposed Lot 2 as 1600 Washington Street, Evanston, Illinois:

- (A) With respect to Lot 1, the Applicant proposes a lot size of 4,000 square feet where the minimum lot size for a single family residence is 5,000 square feet;
- (B) With respect to Lot 2, the Applicant proposes a lot size of 4,900 square feet where the minimum lot size for two-family residences is 7,000 square feet;
- (C) With respect to Lot 1, the Applicant proposes a 19.3' rear yard setback for the existing single family residence where 30' is required;
- (D) With respect to Lot 2, the Applicant proposes a 15' rear yard setback for the existing two-family residence where 30' is required;

- (E) With respect to Lot 1, the Applicant proposes a 3.5' north interior side yard setback for the existing two-car detached garage where 5' is required; and
- (F) With respect to Lot 2, the Applicant proposes zero parking spaces where three on-site parking spaces are required for two-family dwelling units; and

WHEREAS, on May 6, 2014 and May 20, 2014, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held a public hearing in case no. 14ZMJV-0040 to consider the application, received testimony, and made written records and findings that the application did not meet the standards for Major Variations set forth in Subsection 6-3-8-12-(E) of the Zoning Ordinance and did not recommend to City Council the approval thereof; and

WHEREAS, at its meeting of June 9, 2014, the Planning and Development ("P&D") Committee of the City Council considered and reversed the ZBA's recommendation, and recommended City Council approve the Major Variations, as originally requested; and

WHEREAS, at its meetings of June 9, 2014 and June 23, 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. 14ZMJV-0040 and described hereinabove.

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

- (A) With respect to Lot 1, to permit a lot size of 4,000 square feet. Subsection 6-8-4-4 requires the minimum lot size for single family residences to be 5,000 square feet.
- (B) With respect to Lot 2, to permit a lot size of 4,900 square feet. Subsection 6-8-4-4 requires the minimum lot size for two-family residences to be 7,000 square feet.
- (C) With respect to Lot 1, to permit a 19.3' rear yard setback for the existing single family residence. Subsection 6-8-4-7-A-4 requires a 30' rear yard setback.
- (D) With respect to Lot 2, to permit a 15' rear yard setback for the existing two-family residence. Subsection 6-8-4-7-A-4 requires a 30' rear yard setback.
- (E) With respect to Lot 1, to permit a 3.5' north interior side yard setback for the existing two-car detached garage. Subsection 6-8-4-7-C-3 requires a 5' north interior side yard setback.
- (F) With respect to Lot 2, to permit zero parking spaces. Subsection 6-16-3-5 requires three on-site parking spaces for two-family dwelling units.

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.

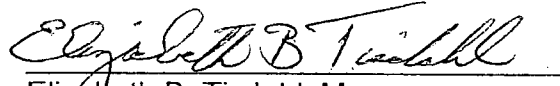
SECTION 10: The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: June 9, 2014

Approved:

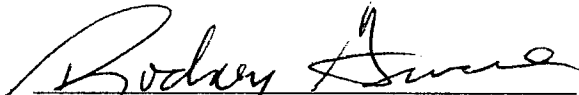
Adopted: June 23, 2014

June 25, 2014


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


W. Grant Farrar, Corporation Counsel

EXHIBIT A

Legal Description

Lot 1 in Block 10 in Pitner and Son's Second Addition to South Evanston a Subdivision of the North ½ of the North ½ of the Southeast ¼ and the South ½ of the South ½ of the Southwest ¼ of the Northeast ¼ of Section 24, Township 41 North, Range 13, East of the third principal meridian, in Cook County, Illinois.

PIN: 10-24-405-012-0000

Commonly Known As: 802 Florence Avenue & 1600 Washington Street, Evanston, Illinois