

89-O-14

AN ORDINANCE

**Granting Major Variations Related to 1825 Greenwood Street/1409
Dodge Avenue in the R4 General Residential Zoning District**

WHEREAS, Thomas Heskin (the "Applicant"), property owner of the property commonly known as 1825 Greenwood Street/1409 Dodge Avenue, (the "Subject Property"), located within the R4 General 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 6-4-1-6-B, 6-8-7-A-1, 6-8-5-7-A-2, 6-8-5-7-A-3, 6-8-5-7-A-4, 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 to establish two principal structures on one lot where one principal structure is allowed; and

WHEREAS, the Applicant requests the following Major Variations for the single family residence located at 1825 Greenwood Street (the "Greenwood Residence"):

- (A) The Applicant requests a 14.4 foot front yard setback where a twenty-seven (27) foot front yard setback is required for the second story addition;
- (B) The Applicant requests an 8.5 foot street side yard setback where a fifteen (15) foot street side yard setback is required for the attached garage;
- (C) The Applicant requests a 1.9 foot east interior side yard setback where a five (5) foot east interior side yard setback is required for the second story addition; and

WHEREAS, the Applicant requests the following Major Variations for the two-family residence located at 1409 Dodge Avenue (the "Dodge Residences"):

- (A) The Applicant requests a 1.7 foot east interior side yard setback where a five (5) foot east interior side yard setback is required for the second story addition;
- (B) The Applicant requests a 6.6 foot rear yard setback where a twenty-five (25) foot rear yard setback is required for the second story addition;
- (C) The Applicant requests two (2) on-site parking spaces where three (3) parking spaces are required; and

WHEREAS, on July 1, 2014, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held a public hearing in case no. 14ZMJV-0065 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 July 14, 2014, 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 July 14, 2014 and July 28, 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-0065 and described hereinabove.

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

- (A) Approval to allow two principal structures on one lot where one principal structure is allowed. Subsection 6-4-1-6-B allows for one principal use on one lot.
- (B) Approval to allow a 14.4 foot front yard setback where Subsection 6-8-5-7-A-1 requires a twenty-seven (27) foot front yard setback for the Greenwood Residence.
- (C) Approval to allow an 8.5 foot street side yard setback where Subsection 6-8-5-7-A-2 requires a fifteen (15) foot street side yard setback for the Greenwood Residence.
- (D) Approval to allow a 1.9 foot east interior side yard setback where Subsection 6-8-5-7-A-3 requires a five (5) foot east interior side yard setback for the Greenwood Residence.
- (E) Approval to allow a 1.7 foot east interior side yard setback where Subsection 6-8-5-7-A-3 requires a five (5) foot east interior side yard setback for the Dodge Residences.
- (F) Approval to allow a 6.6 foot rear yard setback where Subsection 6-8-5-7-A-4 requires a twenty-five (25) foot rear yard setback for the Dodge Residences.
- (G) Approval to allow two (2) on-site parking spaces where Subsection 6-16-3-5 requires three (3) parking spaces are required for the Dodge Residences.

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) **Property Requirement:** All residential units on the Property shall either (1) be sold as condominiums; or (2) a Homeowners Association must be established.

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.

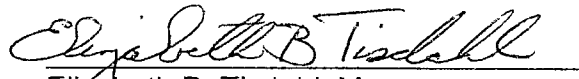
SECTION 10: The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: July 14, 2014

Approved:

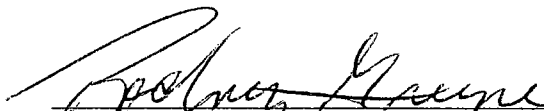
Adopted: July 28, 2014

July 30, 2014


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk

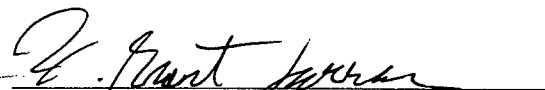

W. Grant Farrar, Corporation Counsel

EXHIBIT A

Legal Descriptions

PARCEL 1:

THE SOUTH ½ OF LOTS 20 AND 21 IN BLOCK 3 IN BROWN AND CULVER'S ADDITION TO EVANSTON, BEING A SUBDIVISION OF THE NORTH ½ OF THE SOUTHWEST ¼ AND THE NORTH 71 FEET OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 10-13-419-040-0000

Commonly Known As: 1825 GREENWOOD STREET, EVANSTON, IL 60201

PARCEL 2:

THE NORTH ½ OF LOTS 20 AND 21 IN BLOCK 3 IN BROWN AND CULVER'S ADDITION TO EVANSTON, BEING A SUBDIVISION OF THE NORTH ½ OF THE SOUTHWEST ¼ AND THE NORTH 71 FEET OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 10-13-419-041-0000

Commonly Known As: 1409 DODGE AVENUE, EVANSTON, IL 60201