

90-0-14

AN ORDINANCE

**Granting Major Variations Related to 1026 Davis Street in the D2
Downtown Retail Core Zoning District**

WHEREAS, Daniel Kelch and Marty Cless, contract purchaser and owner, respectively (collectively, the "Applicants"), of the property commonly known as 1026 Davis Street (the "Subject Property"), located within the D2 Downtown Retail Core 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 6-11-3-8-E 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:

- (A) The Applicant requests a 9.9 foot rear yard setback where a fifteen (15) foot rear yard setback is required; and
- (B) The Applicant requests zero (0) on-site parking spaces where thirty-one (31) 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-0063 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-0063 and described hereinabove.

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

- (A) Approval to allow a 9.9 foot rear yard setback where Subsection 6-11-3-8-E requires a fifteen (15) foot rear yard setback.
- (B) Approval to allow zero (0) on-site parking spaces where Subsection 6-16-3-5 requires thirty-one (31) parking spaces.

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) **Employee Parking:** Employees must not park on the street when driving to and from work.

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:

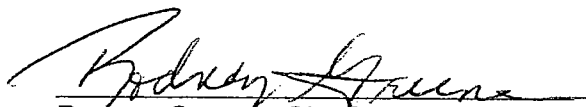
Adopted: July 28, 2014

July 30, 2014


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk

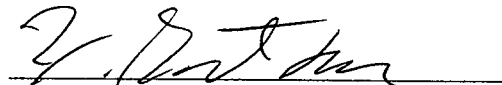

W. Grant Farrar, Corporation Counsel

EXHIBIT A

Legal Descriptions

PARCEL 1:

THE NORTH 135 FEET OF LOT 5 AND THE NORTH 135 FEET OF LOT 6 (EXCEPT THE WEST 51 FEET 8 7/8 INCHES OF LOT 6) IN BLOCK 62 IN EVANSTON IN SECTION 18, T 41 N, R14E OF THE 3RD PM, IN COOK COUNTY, IL.

PARCEL 2:

NONEXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY DEED FROM PHILIP JUDSON AND ELIZABETH JUDSON, HIS WIFE, TO WILLIAM H. GRANT DATED MAY 19, 1871 AND RECORDED MAY 14, 1872 AS DOCUMENT 30726 FOR PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED LAND: THE SOUTH 10 FEET OF THE NORTH 135 FEET OF THE WEST 51 FEET 8 7/8 INCHES OF LOT 6 IN BLOCK 62 IN EVANSTON IN SECTION 18, T 41 N, R 14 E OF THE 3RD PM, IN COOK COUNTY, IL.

PIN: 11-18-309-031-0000

Commonly Known As: 1026 DAVIS STREET, EVANSTON, IL

