

101-O-14

AN ORDINANCE

**Granting Major Variations Related to 910 Hinman Avenue in the R5
General Residential Zoning District**

WHEREAS, Mark Michonski (the "Applicant"), architect of the property commonly known as 910 Hinman Avenue (the "Subject Property"), located within the R5 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 6-8-7-6, 6-8-7-9-A, 6-8-7-7-C-3, 6-8-7-7-C-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 the following Major Variations:

- (A) The Applicant requests 56.3% building lot coverage where a maximum 45% is allowed;
- (B) The Applicant requests a 81% impervious surface coverage where a maximum 60% is allowed;
- (C) The Applicant requests a zero (0) foot north interior side yard setback for a carport where three (3) feet are required;
- (D) The Applicant requests a zero (0) foot rear yard setback for a carport where three (3) feet is required;
- (E) The Applicant requests a parking variance to allow eleven (11) parking spaces (nine (9) spaces on-site and two (2) spaces off-site) where thirteen (13) parking spaces are required; and

WHEREAS, on July 15, 2014, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held a public hearing in case no. 14ZMJV-0075 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 August 11, 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 meeting of August 11, 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-0046 and described hereinabove.

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

- (A) Approval to allow 56.3% building lot coverage. Subsection 6-8-7-6 requires a maximum 45% building lot coverage.
- (B) Approval to allow 81% impervious surface coverage. Subsection 6-8-7-9-A requires a maximum 60% impervious surface coverage.

- (C) Approval to allow a zero (0) foot north interior side yard setback for a carport. Subsection 6-8-7-7-C-3 requires a three (3) foot north interior side yard setback.
- (D) Approval to allow a zero (0) foot rear yard setback for a carport. Subsection 6-8-7-7-C-4 requires a three (3) foot rear yard setback.
- (E) Approval to allow a parking variance to allow eleven (11) parking spaces (nine (9) spaces on-site and two (2) spaces off-site). Subsection 6-16-3-5 requires thirteen (13) parking spaces are required.

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) **Stormwater Requirements:** The Applicant must comply with all stormwater requirements as requested by the City Engineer.

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: August 11, 2014

Adopted: August 11, 2014

Approved:

August 13, 2014

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

EXHIBIT A**Legal Description**

Lot 22 (Except that part taken for widening Hinman Avenue) in Block 2 in Gibbs, Ladd and Georges Addition to Evanston said addition being a subdivision of that part lying East of Gravel Road of the South 44 ½ acres of a tract of land consisting of the South ½ of the Northeast fractional ¼ of Section 19, the South ½ of the East 32 Rods in width of the East ½ of the Northwest ¼ of Section 19 Township 41 North, Range 14, East of the Third Principal Meridian in Cook County, Illinois.

PIN: 11-19-220-018-0000

Commonly Known As: 910 Hinman Avenue, Evanston, Illinois