

134-O-15

AN ORDINANCE

**Granting Major Variations Related to 839 Hartrey Avenue in the R2
Single Family Residential District**

WHEREAS, Juan Montoya (the "Applicant"), contractor of the property commonly known as 839 Hartrey Avenue (the "Subject Property"), located within the R2 Single 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 Subsection 6-4-6-3(B)(18), Subsection 6-8-3-7(A)(1), Subsection 6-16-2-1(C)(1) and Subsection 6-8-3-11 of Title 6 of the Evanston City Code of 2012, as amended (the "Zoning Ordinance"); and

WHEREAS, the Applicant requests the following Major Variations:

- (A) The Applicant requests an open parking space that is not within thirty (30) feet of the rear property line where open parking is only permitted within thirty (30) feet of the rear property line;
- (B) The Applicant requests open parking in the front yard where open parking in the front yard is prohibited;
- (C) The Applicant requests open parking in front of the principal structure where open parking in front of a principal structure is prohibited;
- (D) The Applicant requests access to on-site parking via the street when alley access is present where access to on-site parking via the street is prohibited when alley access is present; and

WHEREAS, on October 6, 2015, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held a public hearing in case no. 15ZMJV-0077 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 recommended City Council deny the Major Variations; and

WHEREAS, at its meeting of October 26, 2015, the Planning and Development ("P&D") Committee of the City Council received input from the public, carefully considered the ZBA's record and findings and recommended the City Council reject the ZBA's recommendation and instead approve the Major Variations in case no. 15ZMJV-0077; and

WHEREAS, at its meetings of October 26, 2015 and November 9, 2015, 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. 15ZMJV-0077 and described hereinabove.

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

- (A) Approval to allow an open parking space that is not within thirty (30) feet of the rear property line on the Subject Property. Subsection 6-4-6-3(B)(18) requires

that open parking be permitted only within thirty (30) feet of the rear property line on the Subject Property.

- (B) Approval to allow open parking in the front yard of the Subject Property. Subsection 6-8-3-7(A)(1) prohibits open parking in the front yard on the Subject Property.
- (C) Approval to allow open parking in front of a principal structure on the Subject Property. Subsection 6-16-2-1(C)(1) prohibits parking in front of a principal structure on the Subject Property.
- (D) Approval to allow access to on-site parking via the street for the Subject Property. Subsection 6-8-3-11 prohibits street access to on-site parking when alley access is present.

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.

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.

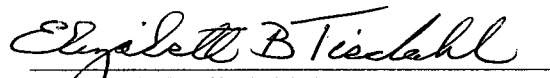
SECTION 10: The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: October 26, 2015

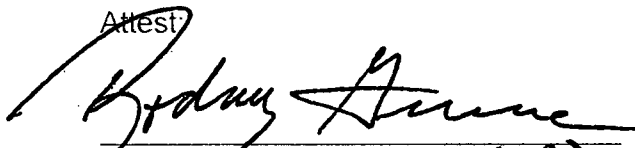
Approved:

Adopted: November 9, 2015

November 12, 2015


Elizabeth B. Tisdahl, Mayor

Approved as to form:

Attest:

Rodney Greene, City Clerk (LR)


W. Grant Farrar, Corporation Counsel

EXHIBIT A

Legal Description

Lot 22 in Block 1 in Travers Subdivision of the North ½ of the Middle 1/3 of the North ½ of the Southwest ¼ of Section 24, Township 41 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

PIN(s): 10-24-302-049-0000

Commonly Known As: 839 Hartrey Avenue, Evanston, Illinois.