

10/12/2015

135-O-15

AN ORDINANCE

Granting a Major Variation Related to 309-323 Howard Street in the B3 Business District

WHEREAS, Ted Hortis (the "Applicant"), Property Owner of the property commonly known as 309-323 Howard Street (the "Subject Property"), located within the B3 Business Zoning District and legally described in Exhibit A, attached hereto and incorporated herein by reference, submitted an application seeking approval of Major Variation to zoning requirements imposed by Subsection 6-16-2-1(C) of Title 6 of the Evanston City Code of 2012, as amended (the "Zoning Ordinance"); and

WHEREAS, the Applicant requests the following Major Variation:

- (A) The Applicant requests zero (0) parking spaces where twelve (12) parking spaces are required; and

WHEREAS, on October 6, 2015, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held a public hearing in case no. 15ZMJV-0082 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 approval by the City Council; and

WHEREAS, at its meeting of October 26, 2015, 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 Variation, as requested; 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 Variation on the Subject Property applied for in case no. 15ZMJV-0082 and described hereinabove.

SECTION 3: The Major Variation approved hereby is as follows:

(A) Approval to allow zero (0) parking spaces. Subsection 6-16-2-1(C) requires twelve (12) parking spaces on the Subject Property.

SECTION 4: Pursuant to Subsection 6-3-8-14 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Major Variation 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

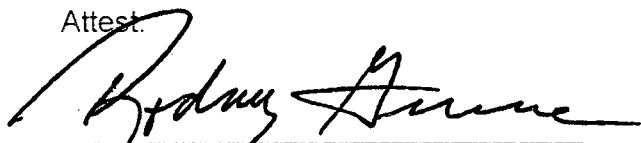
Approved:

Adopted: November 9, 2015

November 17, 2015

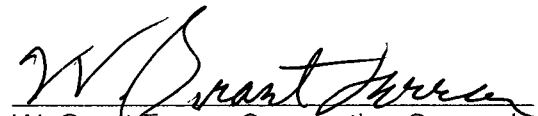

Elizabeth B. Tisdahl, Mayor

Attest.



Rodney Greene, City Clerk (H.B.)

Approved as to form:



W. Grant Farrar, Corporation Counsel

EXHIBIT A**Legal Description**

That part of the South 6.25 Chains of the Northeast $\frac{1}{4}$ of Section 30, Township 41 North, Range 14, East of the Third Principal Meridian described as follows: beginning on a line parallel with and 33.00 feet North of (measured at right angles to) South Line of said Northeast $\frac{1}{4}$ at a point 550.87 feet East of (measured along said parallel line) the Easterly Line of Chicago Avenue (formerly Clark Street) thence North at right angles to said parallel line, 85.00 feet; thence East parallel with the South Line of the Northeast $\frac{1}{4}$ 71.57 feet more or less to the Westerly Line of the right of way of the Chicago Milwaukee and St. Paul Railroad at a point 118.00 feet North of (measured at right angles to) the South Line of said Northeast $\frac{1}{4}$; thence Southeasterly along the Westerly Line of said right of way 115.81 feet more or less to a point 33.00 feet North of (measured at right angles to) the South Line of said Northeast $\frac{1}{4}$; thence West 149.46 feet more or less to place of beginning, in Cook County, Illinois.

PIN(s): 11-30-213-020-0000

Commonly Known As: 309-323 Howard Street, Evanston, Illinois.