

12/31/2015
1/15/2016

6-O-16

AN ORDINANCE

**Granting Major Variations Related to 860 Hinman Avenue in the C1a
Commercial Mixed-Use District**

WHEREAS, Kathleen Barry (the "Applicant"), attorney of the property commonly known as 860 Hinman Avenue (the "Subject Property"), located within the C1a Commercial Mixed-Use 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 6-10-3-4 and Subsection 6-16-1-2(C) 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 a total of one hundred two (102) dwelling unites where a maximum of forty (40) dwelling units are permitted;
- (B) The Applicant requests to increase the parking by zero (0) spaces where an increase of fifty-five (55) parking spaces is required and nine (9) parking spaces currently exist; and

WHEREAS, on December 1, 2015, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held a public hearing in case no. 15ZMJV-0100 to consider the application, received testimony, and made written records and findings that the application did meet the standards for a Major Variation 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 January 11, 2016, 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 with the additional condition regarding the building’s dumpster location as more specifically references in Section 4(B) of this Ordinance; and

WHEREAS, at its meetings of January 11, 2016 and January 25, 2016, 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-0100 and described hereinabove.

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

- (A)** Approval to allow one hundred two (102) dwelling units on the Subject Property. Subsection 6-10-3-4 permits a maximum of forty (40) dwelling units on the Subject Property.
- (B)** Approval to allow an increase of parking spaces by zero (0) where nine (9) parking spaces currently exist on the Subject Property. Subsection 6-16-1-2(C) requires an increase of fifty-five (55) 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 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) **Dumpster Location:** The Applicant shall initially locate the building's trash dumpsters on two on-site parking spaces until August 1, 2017 to provide clear access in the alley during construction of the Planned Development located at 835 Chicago Avenue. After August 1, 2017, the Applicant must either find a legal on-site location for the dumpsters or apply for a parking variation for the permanent loss of the two parking spaces on which the dumpsters were originally located.

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: January 11, 2016

Adopted: January 25, 2016

Approved:

February 22, 2015

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**Parcel 1:

Lot 23 (except the southerly 4.46 feet of said Lot 23) in the Resubdivision of the East ½ of Block 11 and the West ½ of Block 10 in White's Addition to Evanston, a Subdivision of part of the North ½ of the North ½ of the South East ¼ of Section 19, Township 41 North, Range 14 East of the Third Principal Meridian, according to the Plat thereof recorded November 13, 1873 in Book 6 of Plats, Page 64 in Cook County, Illinois.

Parcel 2:

Easement for the benefit of Parcel 1 aforesaid as created by the deed made by Frank Lambert White, Frederick Donald Bird, Donald O. White and Henry A. White as trustees under Trust Indenture dated November 16, 1929 and recorded February 28, 1946 as Document 13730053 over the South 4.46 feet of Lot 23 in the Resubdivision aforesaid (excepting therefrom those parts thereof now occupied by a three story brick building and appurtenances thereto) for the purpose of maintaining a cornice overhanging said premises, the right of the ingress and egress, and an easement for light, air and drainage.

PIN(s): 11-19-401-008-0000

Commonly Known As: 860 Hinman Avenue, Evanston, Illinois.