

**7-O-16**

**AN ORDINANCE**

**Granting Major Variations Related to 2115 Dewey Avenue in the MXE  
Mixed-Use Employment District**

**WHEREAS**, Adriano Galvao (the "Applicant"), owner of the property commonly known as 2115 Dewey Avenue (the "Subject Property"), located within the MXE Mixed-Use Employment 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 6-13-4-6(C), Subsection 6-4-1-9(B)(1), Subsection 6-13-4-6-2 and Subsection 6-16-2-7 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 4.1 foot north interior side yard setback and a 3.4 south interior side yard setback for a second story addition where five foot north and south interior side yard setbacks are required;
- (B)** The Applicant requests a 2.5 foot south interior side yard setback for a yard obstruction where 4.5 feet is required;
- (C)** The Applicant requests a four (4) foot south interior side yard setback for open parking where five (5) feet is required;
- (D)** The Applicant requests a zero (0) foot parking aisle width for tandem parking where twelve feet is required; and

**WHEREAS**, on December 15, 2015, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held a public hearing in case no. 15ZMJV-0102 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; and

**WHEREAS**, at its meeting of January 11, 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-0102 and described hereinabove.

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

- (A)** Approval to allow a five foot north interior side yard setback and a 3.4 south interior side yard setback for a second story addition on the Subject Property. Subsection 6-13-4-6(C) requires a five (5) foot north and south interior side yard setbacks are required.
- (B)** Approval to allow a 2.5 foot south interior side yard setback for a yard obstruction on the Subject Property. Subsection 6-4-1-9(B)(1) requires a 4.5 foot south interior side yard setback for a yard obstruction.

- (C) Approval to allow a four foot south interior side yard setback for open parking on the Subject Property. Subsection 6-13-4-6-2 requires a five (5) foot south interior side yard setback for open parking.
- (D) Approval to allow a zero foot parking aisle width for tandem parking on the Subject Property. Subsection 6-16-2-7 requires a twelve (12) foot parking aisle for tandem parking.

**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: January 11, 2016


Adopted: January 11, 2016

Approved:

January 15, 2016

  
Elizabeth B. Tisdahl, Mayor

Attest:

  
Rodney Greene, City Clerk

Approved as to form:

  
W. Grant Farrar, Corporation Counsel

**EXHIBIT A**

**Legal Description**

Lot 12 (except the North .5 feet and except the South 16 feet thereof) in Block 7 in Payne's Addition to Evanston, a Subdivision of the West ½ of the South ½ of the Southeast ¼ of Section 12, Township 41 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

**PIN(s):** 10-12-421-005-0000

**Commonly Known As:** 2115 Dewey Avenue, Evanston, Illinois.