

2/11/2016

**21-O-16**

**AN ORDINANCE**

**Granting Major Variations Related to 1140 Lakeshore Boulevard in the R1 Single Family Residential District**

**WHEREAS**, Trust 8002368034 (the "Applicant"), owner of the property commonly known as 1140 Lakeshore Boulevard (the "Subject Property"), located within the R1 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 6-4-6-9 and Subsection 6-8-2-8(C)(4) 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 to locate a generator more than two (2) feet from the principal structure where generators must be located within two (2) feet of the principal structure;
- (B) The Applicant requests a six (6) inch street side yard setback where a minimum four (4) feet is required when screened;
- (C) The Applicant requests one open parking space in the rear yard with a two (2) foot rear yard setback where a minimum three (3) feet is required; and

**WHEREAS**, on January 26, 2016, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held a public hearing in case no. 15ZMJV-0115 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 grant the Major Variations;  
and

**WHEREAS**, at its meeting of February 22, 2016, 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 accept the ZBA’s recommendation and approve the Major Variations in case no. 15ZMJV-0077; and

**WHEREAS**, at its meeting of February 22, 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-0115 and described hereinabove.

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

- (A)** Approval to allow a generator more than two (2) feet from the principal structure. Subsection 6-4-6-9 requires that a generator must be located within two (2) feet of the principal structure on the Subject Property.
- (B)** Approval to allow a six (6) inch street side yard setback. Subsection 6-4-6-9 requires that a minimum four (4) foot street side yard setback is required when the generator is screened on the Subject Property.

- (C) Approval to allow one open parking space in the rear yard with a two (2) foot rear yard setback. Subsection 6-8-2-8(C)(4) requires parking spaces in the rear yard to have a minimum three (3) foot rear yard setback 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) **Trees:** The Applicant shall minimize the disruption done on the surrounding tree root structures by working with an arborist.

**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: February 22, 2016

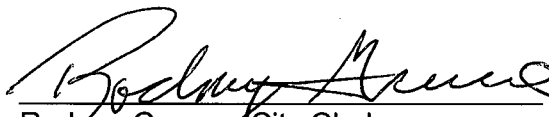
Adopted: February 22, 2016

Approved:

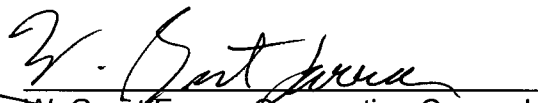
March 2, 2016

  
Elizabeth B. Tisdahl, Mayor

Attest:

  
Rodney Greene, City Clerk

Approved as to form:

  
W. Grant Farrar, Corporation Counsel

**EXHIBIT A**

**Legal Description**

The North 19 feet of Lot 19 and all of Lot 20 in Elliot's Subdivision of Block 82 and Accretions in the Resubdivision of Blocks 80, 81, and 82 in the Northwestern University Subdivision of the North Half of Section 19, Township 41 North, Range 14 East of the Third Principal Meridian lying East of Chicago Avenue, (except 15 ½ acres in the Northeast corner thereof) Situated in the City of Evanston, County of Cook and State of Illinois.

**PIN(s):** 11-19-212-007-0000

**Commonly Known As:** 1140 Lakeshore Boulevard, Evanston, Illinois.