

70-O-16

AN ORDINANCE

Granting Major Variations Related to 493 - 495 Sheridan Road in the R5 General Residential District

WHEREAS, Cary Rosen (the "Applicant"), owner of the property commonly known as 493 – 495 Sheridan Road (the "Subject Property"), located within the R5 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 6-8-7-4, Subsection 6-16-3-5, Subsection 6-4-1-9(B)(1), and Subsection 6-8-7-7(A)(3) of Title 6 of the Evanston City Code of 2012, as amended (the "Zoning Ordinance"); and

WHEREAS, on May 6, 2016, the Applicant submitted an amended application seeking to withdraw consideration for Major Variation approval related to zoning requirements imposed by Subsection 6-8-7-7(A)(3), and seeking consideration for Major Variation approval related to zoning requirements imposed by Subsection 6-8-7-6; and

WHEREAS, the Applicant requested the following Major Variations from the Zoning Board of Appeals (which the Applicant subsequently withdrew Request B related to parking spaces on May 27, 2016 as indicated below):

- (A) The Applicant requests to add two (2) dwelling units where six (6) dwelling units currently exist for a total of eight (8) dwelling units, where a maximum of six (6) dwelling units are permitted on the Subject Property;
- (B) The Applicant requests to add zero (0) additional parking spaces where an increase of three (3) parking spaces are required for a total of twelve (12)

required parking spaces, where four (4) parking spaces currently exist on the Subject Property;

- (C) The Applicant requests a zero (0) foot east interior side yard setback for four (4) balconies, where a two and seven tenths (2.7) foot east interior side yard setback is required on the Subject Property;
- (D) The Applicant requests an increase in building lot coverage from fifty and a half percent (50.5%) to fifty-five and six tenths percent (55.6%) where a maximum building lot coverage of forty-five percent (45%) is permitted on the Subject Property; and

WHEREAS, on May 17, 2016, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held a public hearing in case no. 16ZMJV-0025 to consider the application, received testimony, and made written records and findings that the application:

- (A) 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 Variation for:
 - I. a zero (0) foot east interior side yard setback for four (4) balconies; and
- (B) 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 for:
 - I. permitting eight (8) dwelling units;
 - II. permitting twelve (12) parking spaces;
 - III. permitting a building lot coverage of fifty-five and six tenths percent (55.6%); and

WHEREAS, on May 27, 2016, the Applicant submitted an amended application seeking to withdraw consideration for Major Variation approval related to zoning requirements imposed by Subsection 6-16-3-5 related to parking, and seeking consideration for Major Variation amendment approval related to zoning requirements imposed by Subsection 6-8-7-6 decreasing the original request of adding two (2) additional dwelling units to one (1) additional dwelling unit; and

WHEREAS, at its meeting of June 13, 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, the Applicant’s amended application dated May 27, 2016, and recommended the City Council accept the amended application and approve the Major Variations in case no. 16ZMJV-0025; and

WHEREAS, at its meetings of June 13, 2016 and June 27, 2016, the City Council considered and adopted the recommendation of the P&D Committee, as amended,

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. 16ZMJV-0025 and described hereinabove.

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

- (A)** Approval to allow the addition of one (1) additional dwelling unit where six (6) dwelling units currently exist for a total of seven (7) dwelling units. Subsection 6-8-7-4 permits a maximum of six (6) dwelling units on the Subject Property.
- (B)** Approval to allow a zero (0) foot east interior side yard setback for four (4) balconies. Subsection 6-4-1-9(B)(1) requires a minimum of a two and seven tenths (2.7) foot east interior side yard setback on the Subject Property.
- (C)** Approval to allow building lot coverage of fifty-five and six tenths percent (55.6%). Subsection 6-8-7-6 requires maximum building lot coverage of forty-five percent (45%) is permitted 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.

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.

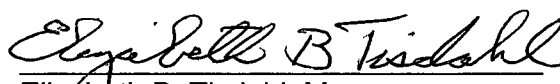
SECTION 10: The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: June 13, 2016

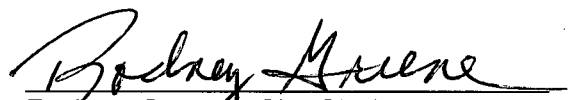
Adopted: June 27, 2016

Approved:

July 11, 2016, 2016


Elizabeth B. Tisdahl, Mayor

Attest:


Rodney Greene, City Clerk

Approved as to form:

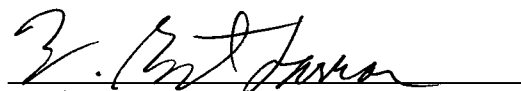

W. Grant Farrar, Corporation Counsel

EXHIBIT A

Legal Description

Lot 8 in Essiq and Munson's Subdivision of Lots 11 to 17, inclusive in Block 3 in Arnold and Warren's Addition to Evanston, a Subdivision of the Fractional Southwest Quarter of Section 20, Township 41 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

PIN(s): 11-20-103-022-0000

Commonly Known As: 493 – 495 Sheridan Road, Evanston, Illinois.