

6/15/2016

82-O-16

AN ORDINANCE

**Granting A Major Variation Related to 922 Noyes Street in the
B1 Business District**

WHEREAS, Travis Ahrens (the "Applicant"), potential lessee of the property commonly known as 922 Noyes Street (the "Subject Property"), located within the B1 Business Zoning District and legally described in Exhibit A, attached hereto and incorporated herein by reference, submitted an application seeking approval of a Major Variation to zoning requirements imposed by Subsection 6-16-3-5 (Table 16B) 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 to maintain the current sixty-two (62) parking spaces, where an additional three (3) are required for a total of sixty-five (65) parking spaces for the Subject Property; and

WHEREAS, on June 7, 2016, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held a public hearing in case no. 16ZMJV-0040 to consider the submitted 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 June 27, 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. 16ZMJV-0040; and

WHEREAS, at its meeting of June 27, 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. 16ZMJV-0040 and described hereinabove.

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

- (A) Approval to allow sixty-two (62) parking spaces located both on and off-site of the Subject Property. Subsection 6-16-3-5(Table 16B) requires a minimum of sixty-five (65) 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.

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 27, 2016


Adopted: July 11, 2016

Approved:

July 18, 2016


Elizabeth B. Tisdahl, Mayor

Attest:


Rodney Greene, City Clerk

Approved as to form:



W. Grant Farrar, Corporation Counsel

EXHIBIT A**Legal Description****Parcel 1:**

That part of the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ East of the East line of Maple Avenue and West of the West line of right-of-way of Chicago, Milwaukee and St. Paul Railroad in Assessor's Division of Section 7, Township 41 North, Range 14 East of the Third Principal Meridian in the City of Evanston bounded and described as follows: Beginning at a point 293.44 feet North of the South line of the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 7, Township 41 North, Range 14 East of the Third Principal Meridian; thence South on the East line of Maple Avenue 127.44 feet; thence East on a line parallel with the South line of the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 7, Township 41 North, Range 14 East of the Third Principal Meridian, 175 feet; thence North on a line parallel to the East line of Maple Avenue 128.09 feet, more or less, to the South line of Noyes Street; thence Westerly 175 feet to place of beginning (except the East 51 feet thereof), in Cook County, Illinois.

Parcel 2:

The East 51 feet of that part of Lot 9 East of the East line of Maple Avenue and West of the West line of the right of way of the Chicago, Milwaukee and St. Paul Railroad in Assessor's Division of Section 7, Township 41 North, Range 14 East of the Third Principal Meridian bounded and described as follows: Beginning at a point 293.44 feet North of the South line of the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 7, Township 41 North, Range 14 East of the Third Principal Meridian; thence South on the East line of Maple Avenue 127.44 feet; thence East on a line parallel with the South line of the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 7, Township 41 North, Range 14 East of the Third Principal Meridian, 175 feet; thence North on a line parallel to the East line of Maple Avenue 128.09 feet, more or less, to the South line of Noyes Street; thence Westerly 175 feet to the place of beginning, in Cook County, Illinois.

Parcel 3:

That part of Lot 9 in Assessor's Division of Fractional, Section 7, Township 41 North, Range 14, East of the Third Principal Meridian, lying West of Maple Avenue and East of the East line of an Alley as dedicated and occupied (except that part thereof lying North of a line parallel with the South line of Noyes Street and located 170.17 feet South thereof, in Cook County, Illinois.

PIN(s): 11-07-120-049-8001
 11-07-120-049-8002
 11-07-120-049-8003
 11-07-120-049-8004
 11-07-120-049-8005
 11-07-120-049-8006
 11-07-120-049-8007

Commonly Known As: 922 Noyes Street, Evanston, Illinois.