

77-O-18

AN ORDINANCE

**Granting Major Variations Related to 750 Chicago Avenue in the
C1a Commercial Mixed-Use District**

WHEREAS, Thomas Ahleman (the “Applicant”), architect of the property commonly known as 750 Chicago 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 6-16-3-5, Subsection 6-4-6-7(F)(2)(e), and Subsection 6-4-6-7(F) of Title 6 of the Evanston City Code of 2012, as amended (the “Zoning Ordinance”); and

WHEREAS, the Applicant requested the following Major Variations from the Zoning Board of Appeals (which the Applicant subsequently revised Request A related to ADA accessible parking spaces on June 1, 2018 as indicated below):

- (A)** The Applicant requests to eliminate two (2) of the ADA accessible parking spaces for a total of zero (0) ADA accessible parking spaces where twenty-eight (28) parking spaces were originally required and two (2) ADA accessible parking spaces currently exist on the Subject Property;
- (B)** The Applicant requests a three (3) foot tall wood fence that is one (1) foot behind the front building façade, where fencing must be at least three (3) feet behind the front building façade on the Subject Property;
- (C)** The Applicant requests an eight (8) foot tall wood fence with a zero (0) street side yard setback, where a maximum permitted fence is six (6) feet with a two (2) street side yard setback is required on the Subject Property; and

WHEREAS, on June 1, 2018, the Applicant submitted an amended application seeking to revise its Request A for a Major Variation related to zoning

requirements imposed by Table 16B of Subsection 6-16-3-5, eliminating one (1) Americans with Disabilities Act (“ADA”) accessible parking space instead of two (2) as requested in the original application; and

WHEREAS, on June 19, 2018, the Zoning Board of Appeals (“ZBA”), pursuant to proper notice, held a public hearing in case no. 18ZMJV-0044 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. one (1) ADA accessible parking space as provided for in the Applicants amended application dated June 1, 2018;
 - II. a three (3) foot tall wood fence that is one (1) foot behind the front building façade; 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. an eight (8) foot tall wood fence with a zero (0) street side yard setback; and

WHEREAS, at its meeting of July 23, 2018, 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 June 1, 2018, and recommended the City Council accept the amended application and approve the two Major Variations recommended by the Zoning Board of Appeals for one (1) ADA accessible parking space as provided for in the Applicants amended application dated June 1, 2018 and a three (3) foot tall wood fence that is one (1) foot behind the front building façade in case no. 18ZMJV-0044 and deny the Major Variation for an eight (8) foot tall wood fence with a zero (0) street side yard setback; and

WHEREAS, at its meetings of July 23, 2018 and August 13, 2018, 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. 18ZMJV-0044 and described hereinabove.

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

- (A)** Approval to eliminate one (1) of the ADA accessible parking spaces for a total of one (1) ADA accessible parking spaces where twenty-eight (28) parking spaces were originally required and two (2) ADA accessible parking spaces and no typical parking currently exist on the Subject Property. Table 16B of Subsection 6-16-3-5 permits a maximum of four (4) parking spaces for a Type 1 Restaurant on the Subject Property.
- (B)** Approval to allow a three (3) foot tall wood fence that is one (1) foot behind the front building façade, where fencing must be at least three (3) feet behind the front building façade on the Subject Property. Subsection 6-4-6-7(F)(2)(e) requires that fencing must be at least three (3) feet behind the front building facade 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) ADA Accessibility:** The Applicant shall seek assistance from a company that provides ADA compliant access solutions to provide additional ADA accessibility at the Subject Property in compliance with all state and federal laws.

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: July 23, 2018

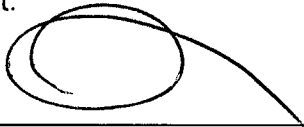
Adopted: August 13, 2018

Approved:

Sept 6, 2018

Stephen H. Hagerty
Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:

Michelle L. Masoncup
Michelle L. Masoncup, Corporation
Counsel

EXHIBIT A

Legal Description

Parcel 1: The East 50 feet of Lots 1-3 in Block 1 in J.B. Adams' Addition to Evanston in Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 2: The East 50 feet of the South 13 1/2 feet of Lot 1 in Block 12 in White's Addition to Evanston, all in the Southeast 1/4 of Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

PIN(s): 11-19-400-003-0000
11-19-400-004-0000

Commonly Known As: 750 Chicago Avenue, Evanston, Illinois.