

111-O-18

AN ORDINANCE

**Granting Major Variations at
2415 Wade Street in the R2 Single-Family Residential Zoning District**

WHEREAS, Phillip Kupritz (the “Applicant”), architect of the property commonly known as 2415 Wade Street (the “Subject Property”), located within the R2 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 construct a one (1) car garage, a rear addition, and a deck to an existing single-family residence and related zoning requirements imposed by Subsections 6-8-3-6, 6-8-3-7, 6-4-1-9, 6-8-3-7, and 6-16-3-5 of Title 6 of the Evanston City Code of 2012, as amended (“the Zoning Ordinance”); and

WHEREAS, the Applicant requests the following Major Variations related to the Subject Property:

- (1) Have a building lot coverage of 50% where 40% is permitted on the Subject Property pursuant to City Code Subsection 6-8-3-6;
- (2) Reduce the minimum required front yard setback from 25.9 feet to 19.8 feet pursuant to City Code Subsections 6-8-3-7 and 6-4-1-9;
- (3) Reduce the required west interior side yard setback from five (5) feet to zero (0) feet pursuant to City Code Subsection 6-8-3-7;
- (4) Reduce the required east interior side yard setback from five (5) feet to 2.9 feet pursuant to City Code Subsection 6-8-3-7; and

- (5) Reduce the required off-street parking from two (2) spaces to one (1) space for a single-family residence pursuant to City Code Subsection 6-16-3-5, and Table 16-B); and

WHEREAS, on September 4, 2018, the Zoning Board of Appeals (“ZBA”), pursuant to proper notice, held a public hearing in case no. 18ZMJV-0076 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 approval thereof subject to conditions; and

WHEREAS, at its meeting of October 8, 2018, 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 Variations, as requested; and

WHEREAS, at its meetings of October 8, 2018 and October 22, 2018, 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. 18ZMJV-0076 and described hereinabove.

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

- (A) To permit a building lot coverage of 44.3% on the Subject Property. Subsection 6-8-3-6 of the Zoning Ordinance requires a maximum building lot coverage of forty percent (40%).
- (B) To permit a front yard setback of 19.8 feet. Subsections 6-8-3-7 and 6-4-1-9 require a minimum front yard setback of 25.9 feet.
- (C) To permit a west interior side yard setback of zero (0) feet. Subsection 6-8-3-7 requires a minimum west interior side yard setback of five (5) feet.
- (D) To permit an east interior side yard setback of 2.9 feet. Subsection 6-8-3-7 requires a minimum east interior side yard setback of five (5) feet.
- (E) To permit for one (1) required off-street parking space. Subsection 6-16-3-5, Table 16-B requires a minimum two (2) off-street parking spaces.

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) **Fencing:** The Applicant shall consider and implement a fence or other delineation of the west lot line in the rear as shown on the submitted plans.
- (C) **Foundation:** The Applicant shall ensure that the existing foundation is adequate per City Code. If the existing foundation is inadequate, the foundation shall be removed in its entirety and the building lot coverage shall be limited to forty percent (40%). The rear addition must comply with the setbacks required under City Code if the foundation is removed.
- (D) **Recordation:** The Applicant shall, at its cost, record a certified copy of this ordinance, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, and provide proof of such recordation to the City, before the City may issue any construction permits pursuant to the Major Variation authorized hereby.

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.

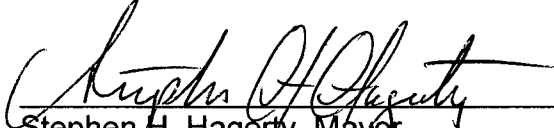
SECTION 10: The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: October 8, 2018

Adopted: October 22, 2018

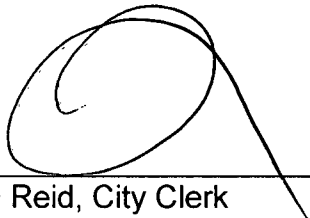
Approved:

Nov 12, 2018



Stephen H. Hagerly, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:



Michelle L. Masoncup, Corporation
Counsel

EXHIBIT A

Legal Description

LOT 2 (EXCEPT THE EAST 8 FEET) IN BLOCK 4 IN A.T. MCINTOSH CHURCH STREET ADDITION TO EVANSTON, BEING A SUBDIVISION OF PART OF THE SOUTH WEST 1/4 OF THE NORTH WEST 1/4 OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 10-13-111-006-0000

Commonly Known As: 2415 Wade Street, Evanston, Illinois.