

113-O-18

AN ORDINANCE

**Granting Major Variations at
348 Custer Avenue in the R5 General Residential Zoning District**

WHEREAS, Graciela Lopez (the “Applicant”), owner of the property commonly known as 348 Custer Avenue (the “Subject Property”), located within the R5 General 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 add a dwelling unit in the basement of an existing two (2) unit building and related zoning requirements imposed by Subsections 6-8-7-4(D), 6-8-7-5(D), and 6-16-3-5 Table 16-B 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) A lot area of 3,993 square feet where 4,5000 square feet are required on the Subject Property pursuant to City Code Subsection 6-8-7-4(D);
- (2) A lot width of thirty three (33) feet where fifty (50) feet is required pursuant to City Code Subsections 6-8-7-5(D);and
- (3) Provide three (3) off-street parking spaces where four (4) are required pursuant to City Code Subsection 6-16-3-5, Table 16-B; and

WHEREAS, on August 28, 2018, the Zoning Board of Appeals (“ZBA”), pursuant to proper notice, held a public hearing in case no. 18ZMJV-0060 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 denial thereof; 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-0060 and described hereinabove.

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

- (A) To permit a lot area of 3,993 square feet on the Subject Property. Subsection 6-8-7-4(D) of the Zoning Ordinance requires a minimum lot area of 4,500 square feet on the Subject Property.
- (B) To permit a lot width of thirty three (33) feet on the Subject Property. Subsections 6-8-7-5(D) requires a minimum lot width of fifty (50) feet on the Subject Property.
- (C) To permit three (3) off street parking spaces on the Subject Property. Subsection 6-16-3-5, Table 16-B requires a minimum of four (4) off street parking spaces for 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) **Affordable Unit:** The Applicant shall make the basement unit on the Subject Property an affordable unit for ten (10) years at eighty percent (80%) of the Area Median Income ("AMI").
- (C) **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 3, 2018

Approved:

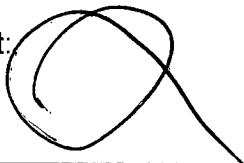
Adopted: October 3, 2018

October 26, 2018



Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:



Michelle L. Masoncup, Corporation Counsel

EXHIBIT A

Legal Description

LOT 8 IN EAST RIDGE ADDITION TO EVANSTON, BEING A SUBDIVISION OF THE EAST 298 FEET OF THE SOUTH 7.56 CHAINS OF THE NORTH 14.63 CHAINS OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 11-30-110-028-0000

Commonly Known As: 348 Custer Avenue, Evanston, Illinois.