

139-O-18

AN ORDINANCE

**Granting Major Variations at
1943 Sherman Avenue in the R5 General Residential Zoning District**

WHEREAS, Angie Radman (the “Applicant”), owner of the property commonly known as 1943 Sherman 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 convert a single family residence into a three (3) unit multiple family residence and granting related zoning requirements imposed by Subsections 6-4-1-9 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) Have a twenty-two (22) foot rear yard setback for a three (3) story stair where a twenty-two and a half (22.5) rear yard setback is required on the Subject Property pursuant to City Code Subsection 6-4-1-9; and
- (2) Have an increase of zero (0) additional parking spaces where three (3) additional parking spaces are required on the Subject Property for a total of one (1) parking space where five (5) parking spaces are required pursuant to City Code Subsection 6-16-3-5, Table 16-B;

WHEREAS, on August 28, 2018 and September 25, 2018, the Zoning Board of Appeals (“ZBA”), pursuant to proper notice, held public hearings in case

no. 18ZMJV-0073 to consider the application, received testimony, and made written records and findings that the application 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 denial thereof; and

WHEREAS, at its meeting of December 10, 2018, the Planning and Development (“P&D”) Committee of the City Council considered the ZBA’s recommendation, and recommended City Council approve the Major Variations, as requested; and

WHEREAS, at its meetings of January 14, 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-0073 and described hereinabove.

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

- (A)** To permit a twenty-two (22) foot rear yard setback for a three story stair on the Subject Property. Subsection 6-4-1-9 of the Zoning Ordinance requires a twenty-two and a half (22.5) foot rear yard setback for a three story stair on the Subject Property.
- (B)** To permit an increase of zero (0) additional parking spaces for a total of one (1) on-site parking space on the Subject Property. Table 16-B of Subsection 6-16-3-

5 requires three (3) additional parking spaces where five (5) are required on the Subject Property for a three (3) unit multiple family residence.

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) Architectural Plans:** The Applicant shall submit the architectural plans in digital form, along with: (1) a statement of explanation of work to be completed; (2) elevation drawings with building materials labeled; and (3) timeframe for completion of all work.
- (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.

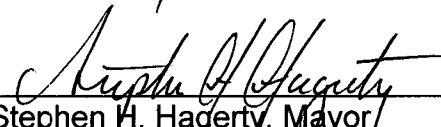
SECTION 10: The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: December 10, 2018

Adopted: December 10, 2018

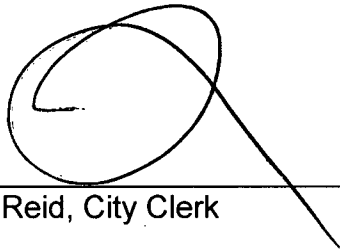
Approved:

January 8, 2019



Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:



Michelle L. Masoncup, Corporation Counsel

EXHIBIT A

Legal Description

THE SOUTH 50.0 FEET OF THE WEST 100.0 FEET OF LOT 12 IN BLOCK 5 IN ORIGINAL VILLAGE (NOW CITY) OF EVANSTON, IN SECTION 13, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY.

PIN: 11-18-110-002-0000

Commonly Known As: 1934 Sherman Avenue, Evanston, Illinois.