

73-O-19

AN ORDINANCE

**Granting Major Variations at
1124 Florence Avenue in the B1 Business Zoning District**

WHEREAS, James Ticus (the “Applicant”), owner of the property commonly known as 1124 Florence Avenue (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 Variations to construct second story addition on the Subject Property and granting related zoning requirements imposed by Subsections 6-4-1-9 and 6-16-3-1, Table 16-B of Title 6 of the Evanston City Code of 2012, as amended (“the Zoning Ordinance”);

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

- (1) Reduce the minimum required south interior side yard setback from nine (9) feet to seven (7) feet pursuant to City Code Subsections 6-4-1-9;
- (2) Reduce the required number of parking spaces from four (4) to three (3) pursuant to City Code Subsection 6-16-3-1, Table 16-B;

WHEREAS, on June 18, 2019, the Zoning Board of Appeals (“ZBA”), pursuant to proper notice, held a public hearing in case no. 19ZMJV-0038 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; and

WHEREAS, at its meeting of July 8, 2019, 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 meeting of July 8, 2019, 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. 19ZMJV-0038 and described hereinabove.

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

- (A)** To permit a second story addition to a commercial building on the Subject Property with a seven (7) foot south interior side yard setback for an eave (yard obstruction). Subsection 6-4-1-9 of the Zoning Ordinance requires a nine (9) foot side yard setback.
- (B)** To permit three (3) parking spaces on the Subject Property. Subsection 6-16-3-1 Table 16-B of the Zoning ordinance requires four (4) 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) 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: July 8m, 2019

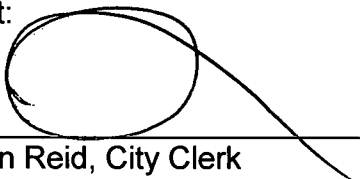
Adopted: July 8m, 2019

Approved:

July 17, 2019


Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:



Michelle L. Masoncup, Corporation
Counsel

EXHIBIT A

Legal Description

LOT 3 (EXCEPT THE NORTH 66 FEET) IN BLOCK 7 IN CHASE AND PITNER'S ADDITION TO EVANSTON, A SUBDIVISION OF THE NORTH WEST 1/4 OF THE NORTH EAST 1/4 OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13 AND THE SOUTH 1/2 OF THE SOUTH WEST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13 (EXCEPT THE NORTH 71 1/2 FEET) EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 10-24-210-021-0000

Commonly Known As: 1124 Florence Avenue, Evanston, Illinois.