

8/30/2019
9/13/2019

105-O-19

AN ORDINANCE

**Granting Major Variations at
3101 Central Street in the R4 General Residential Zoning District and
oCSC Central Street Overlay District**

WHEREAS, Lakeside Auto Rebuilders Inc., (the “Applicant”), owner of the property commonly known as 3101 Central Street (the “Subject Property”), located within the R4 General Residential Zoning District and the oCSC Central Street Overlay 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 five hundred and eighty (580) square foot on-story garage bay enclosure; expand the legally nonconforming use for an Automobile Repair Service Establishment and an Automobile Body Repair Establishment, and granting related zoning requirements imposed by Subsections 6-16-3-5, Table 16-B of Title 6 of the Evanston City Code of 2012, as amended (“the Zoning Code”); and

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

- (1) To expand a legally nonconforming structure, Lakeside Auto Rebuilders, by constructing a five hundred and eighty (580) square foot one-story garage bay enclosure where the expansion of a legally nonconforming use is not permitted without approval of a Major Variation pursuant to Zoning Code Subsections 6-6-4-4 and 6-6-4-5;

- (2) To expand the legally nonconforming use for an Automobile Repair Service Establishment and an Automobile Body Repair Establishment where said uses are not eligible permitted or special uses in the R4 General Residential District pursuant to Zoning Code Sections 6-8-5-2 and 6-8-5-3, or an eligible Active Ground Floor Use in the oCSC Central Street Overlay District pursuant to Zoning Code Section 6-15-14-7;
- (3) To add zero (0) parking spaces to the current total of eleven (11) where one additional parking space is required pursuant to Zoning Code Section 6-16-3-5 Table 16-B.

WHEREAS, on August 27, 2019, the Zoning Board of Appeals (“ZBA”), pursuant to proper notice, held public hearings in case no. 19ZMJV-0076 to consider the application, received testimony, and made written records and findings that the application met the standards for Major Variations set forth in Subsection 6-3-8-12(E) of the Zoning Code and recommended City Council denial thereof; and

WHEREAS, at its meeting on September 23, 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 meetings of September 23, 2019, and October 14, 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-0076 and described hereinabove.

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

- (A) To permit the expansion of a legally nonconforming structure by allowing the construction of a five hundred and eighty (580) square foot one-story garage bay enclosure;
- (B) To permit the expansion the legally nonconforming use for an Automobile Repair Service Establishment and an Automobile Body Repair Establishment where said uses are not eligible permitted or special uses in the R4 General Residential District (Zoning Code Sections 6-8-5-2 & 6-8-5-3) or an eligible Active Ground Floor Use in the oCSC Central Street Overlay District (Zoning Code Section 6-15-14-7)
- (C) To permit an increase of zero (0) additional parking spaces for a total of eleven (11) on-site parking spaces on the Subject Property. Table 16-B of Subsection 6-16-3-5 requires one (1) additional parking space.

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) **Continued Use after Damage:** In the event the subject building on the subject property is either (a) damaged by fire or other casualty beyond 50% of the cost of restoring the building new, or (b) said building is otherwise removed from the premises, the variations granted herein shall terminate;

- (C) **Use Limitations:** The use of the subject building shall be limited to a public garage including body repair and painting;
- (D) **Environmental Standards:** Equipment to control paint fumes emanating from the premises shall be installed and maintained by the applicant and any successor in interest authorized under Condition (F) below, and such equipment shall comply with the requirements of the Building Department, the Fire Department and the Federal and Illinois Environmental Protection Agency standards;
- (E) **Landscaping:** The Applicant shall landscape and beautify the portion of the Subject Property at the corner of Lawndale Avenue and Central Street in substantial compliance with the documents and testimony on record.
- (F) **Termination:** The variations granted herein shall terminate upon the transfer of ownership of the property to anyone other than Vartkes Yegiyayan, Mari Yegiyayan, Anni Yegiyayan Tokat or Sarkis Tokat or the survivor of them, or upon the cessation of operations of the public garage business by Sarkis Tokat; and
- (G) **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: September 23, 2019

Approved:

Adopted: September 23, 2019

October 15, 2019

Stephen H. Hagerty
Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

Eduardo Gomez
~~Devon Reid, City Clerk~~

Eduardo Gomez, Deputy City Clerk

Michelle L. Masoncup
Michelle L. Masoncup, Corporation Counsel

EXHIBIT A

Legal Description

The East 128 feet of Lot 2 in Henry Wittbold's Subdivision of the South 47 feet of Lots 5 and 8 and that part of Lot 7 lying East of the West 247.50 feet thereof all in that part of the East 1/2 lying South of Gross Point Road of the County Clerk's Division of Fractional Section 33, Township 42 North, Range 13 East of the Third Principal Meridian in Cook County, Illinois

PIN: 05-33-425-032-0000

Commonly Known As: 3101 Central Street, Evanston, Illinois.