

3-O-20

AN ORDINANCE

**Granting A Major Zoning Variation for Off-Street Parking in the R5
General Residential District and oCSC Central Street Corridor Overlay
District
(2008 Harrison Street)**

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on December 3, 2019, pursuant to proper notice, to consider case no. 19ZMJV-0095, an application filed by John Fell, owner of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 2008 Harrison Street (the “Subject Property”) and located in the R5 General Residential District and the oCSC Central Street Corridor Overlay District, seeking approval of a major zoning variation from Table 16B of Section 6-16-2 of the Evanston City Code, 2012, as amended (“the Zoning Code”), to permit four (4) off-street parking spaces where seven (7) off-street parking spaces are required on the Subject Property; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and written 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 approval thereof; and

WHEREAS, at its meeting of January 13, 2020, the Planning and Development Committee of the City Council (“P&D Committee”) received input from the public, carefully considered the ZBA’s record and findings and recommended the City Council approve the Major Variation, as requested; and

WHEREAS, at its meetings of January 13, 2020 and January 27, 2020, the City Council considered the ZBA's and P&D Committee's records, findings, and recommendations, 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 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 Code, the Major Variation on the Subject Property applied for in case no. 19ZMJV-0095 and described hereinabove.

SECTION 3: The Major Variation approved hereby is as follows:

- A.** To permit the property owner to provide four (4) off-street parking spaces where seven (7) parking spaces are required by Table 16B of Section 6-16-2 of the Zoning Code.

SECTION 4: Pursuant to Subsection 6-3-8-14 of the Code, the City Council hereby imposes the following conditions on the Major Variation 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 Code:

- (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.

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 5: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 6: Except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Code 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: February 10, 2019


Adopted: February 24, 2019

Approved:

February 27, 2019


Stephen H. Hagerty, Mayor

Attest:


~~Devon Reid, City Clerk~~
Eduardo Gomez, Deputy City Clerk

Approved as to form:

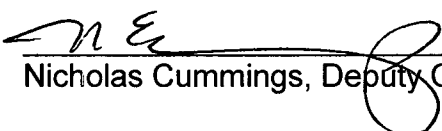

Nicholas Cummings, Deputy City Attorney

EXHIBIT A

LEGAL DESCRIPTION

Lot 15 in Block 17 in North Evanston in part of Quilmette Reservation in Section 12, Township 41 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

PINs: 10-12-108-015-0000

COMMONLY KNOWN AS: 2008 Harrison Street, Evanston, Illinois.