

**94-O-20**

**AN ORDINANCE**

**Granting Major Zoning Variations to Construct an Upper Story Dwelling Unit Atop A One-Part Commercial Building in the B1a Business District and oCSC Central Street Corridor Overlay District (1800 Central Street)**

**WHEREAS**, the Zoning Board of Appeals (“ZBA”) met on September 15, 2020, pursuant to proper notice, to consider case no. 20ZMJV-0045, an application filed by Matthew Kerouac, architect for the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1800 Central Street (the “Subject Property”) and located in the B1a Business District and the oCSC Central Street Corridor Overlay District, seeking approval of major zoning variations from: (1) Section 6-9-5-7(H) of the Evanston City Code, 2012, as amended (“the Zoning Code”), to permit a thirteen (13) foot rear-yard setback where fifteen (15) feet is required on the Subject Property; (2) Section 6-15-14-8 of the Zoning Code, to permit a zero (0) foot setback between the first and second floors where ten (10) percent of the lot depth from the required pedestrian area (7.25 feet) is required; and (3) Table 16-B of Section 6-16 of the Zoning Code, to permit zero (0) off-street parking spaces where one (1) is required; 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

10.26.20

**WHEREAS**, at its meeting of October 12, 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 Variations, as requested; and

**WHEREAS**, at its meetings of October 12, 2020 and October 26, 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 the Zoning Code, the Major Variations on the Subject Property applied for in case no. 20ZMJV-0045 and described hereinabove.

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

- A. To permit a thirteen (13) foot rear-yard setback where fifteen (15) feet is required by Section 6-9-5-7(H) of the Zoning Code.
- B. To permit a zero (0) foot setback between the first and second floors where ten (10) percent of the lot depth from the required pedestrian area (7.25 feet) is required by Section 6-15-14-8 of the Zoning Code.
- C. To permit zero (0) parking spaces where one (1) is required by Table 16-B of Section 6-16 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 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 Code:

- (A) The residential unit shall be rented at a rate at or below 120% of the area median income for the period of time until said unit becomes owner occupied.
- (B) 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.
- (C) 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.

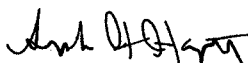
**SECTION 10:** The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: October 12, 2020

Approved:

Adopted: October 26, 2020

April 23, 2021



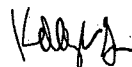
\_\_\_\_\_  
Stephen H. Hagerty, Mayor

Attest:

Approved as to form:



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Devon Reid, City Clerk



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Kelley A. Gandurski, Corporation Counsel

**EXHIBIT A**

**LEGAL DESCRIPTION**

THE EAST 24 FEET OF THE NORTH 75 FEET OF LOT 1 (EXCEPT THAT PART THEREOF, IF ANY, FALLING WITHIN THE SOUTH 73 FEET OF SAID LOT 1) IN BLOCK 9, IN NORTH EVANSTON IN SECTION 12, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

**PIN:** 10-12-201-002-0000

**COMMONLY KNOWN AS:** 1800 Central Street, Evanston, Illinois.