

MEETING MINUTES

LAND USE COMMISSION

Wednesday, October 25, 2023

7:00 PM

Lorraine H. Morton Civic Center, 2100 Ridge Avenue, James C. Lytle City Council Chambers

Members Present: George Halik, Kiril Mirintchev, Kristine Westerberg, Max Puchtel, Jeanne Lindwall, Brian Johnson, and Matt Rodgers

Members Absent: Myrna Arevalo and John Hewko

Staff Present: Assistant City Attorney Brian George, Neighborhood and Land Use Planner Meagan Jones, and Zoning Administrator Melissa Klotz

Presiding Member: Matt Rodgers

Call to Order

Chair Rodgers opened the meeting at 7:00 PM. A roll call was then done and a quorum was determined to be present.

Approval of October 11, 2023 Meeting Minutes

Commissioner Westerberg made a motion to approve the Land Use Commission meeting minutes from October 11, 2023. Seconded by Commissioner Lindwall. Amendments stating that Commissioner Lindwall led the review of Standards for Amendments and other corrections to the standards were discussed. Directions were also given to staff to specify within the minutes when alternative opinions on standards are given. A voice vote was taken, and the motion passed on a vote of 7-0.

New Business

A. Public Hearing: Major Variation | 1723 Simpson Street | 23ZMJV-0059

Nathan Kipnis, architect, Kipnis Architecture + Planning, submits for a Major Variation for an 85 square foot addition for Meals on Wheels of Northeastern Illinois. The applicant requests a zero foot street side yard setback where a 3 foot street side yard setback is required (Section 6-9-2-7) in the B1 Business District. The Land Use Commission is the determining body for this case in accordance with Section 6-3-8-10 of the Evanston Zoning Code. PIN: 10-12-420-014-0000

Deborah Mack, Meals on Wheels Northeastern Illinois, 1723 Simpson Street, spoke about the organization's growth and need for a more accessible walk-in cooler space. Mr. Kipnis, 1642 Payne Street, further described the current operational challenges and reviewed the alternatives that were investigated for the walk-in cooler relocation.

Commissioner Questions

Commissioner Westerberg sought clarification on the front of the building since it is not the Simpson Street address of the property. Mr. Kipnis responded that the front is on Darrow Avenue thus the request for a side yard variance. Ms. Klotz added that it is somewhat common that an address does not align with how zoning determines yards.

Commissioner Johnson inquired about the locations of parking and electric service. Mr. Kipnis said that parking was on the north side of the building and electric was further to the east on the same side.

Public Comment

Chair Rodgers called for public comment. There was none.

Chair Rodgers closed the public testimony.

Deliberations

Commissioner Lindwall noted that she thought it was a modest variation request. The location in line with the building is a reasonable solution.

The Chair reviewed the seven Standards for Major Variations (Section 6-3-8-12.E).

1. The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties: The Chair stated since it is a small addition on the side of the building that does not further encroach on the side yard and because no public comment on property impact has been heard, he believes that the standard is met.
2. The requested variation is in keeping with the intent of the zoning ordinance: The Chair said property additions to make a property function better are common. The Zoning Ordinance allows such accommodation and so he believes that the standard is met.
3. The alleged hardship or practical difficulty is peculiar to the property: The Chair said that the property is a sideways lot with part of the building infringing on the side yard. The addition follows the same line of encroachment. In addition, the alternate locations do not work and so he believes that the standard is met.
4. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out: The Chair said that the requested small addition does not cut further into side yards and the variance request makes the property meet the applicants needs and so he believes the standard is met.
5. Either the purpose of the variation is not based exclusively upon a desire to extract additional income from the property, or, while the granting of the variation will result in additional income to the applicant and while the applicant for the variation may not have demonstrated that the application is not based exclusively

upon a desire to extract additional income from the property, the Land Use Commission or the City Council, depending on final jurisdiction under Section 6-3-8-2 of this Chapter, has found that public benefits to the surrounding neighborhood and the City as a whole will be derived from approval of the variation, that include, but are not limited to, any of the standards of Section 6-3-6-3 of this Chapter: The Chair noted that the organization is not-for-profit and does not charge for the space so he believes the standard is met.

6. The alleged difficulty or hardship has not been created by any person having an interest in the property: The Chair said that the building and lot has existed in its current state for a while and the applicant is limited on where it can expand so he believes the standard is met.
7. The requested variation requires the least deviation from the applicable regulation among the feasible options identified before the Land Use Commission issues its decision or recommendation to the City Council regarding said variation: The Chair said the proposed small addition within the existing building lines is a minimum to make it a usable space and so he believes the standard is met.

Chair Rodgers asked for Commissioner comments on the standards. There were none.

Commissioner Lindwallf made a motion to recommend approval of the Major Variation for the property located at 1723 Simpson Street, zoning case number 23ZMJV-0059, with the condition recommended by staff that the stormwater collected from the additional drains onto the existing roof and not onto the public right-of-way. Second by Commissioner Westerberg. A roll call vote was taken, and the motion carried, 7-0.

B. Public Hearing: Major Variations | 2420 & 2422 Grant Street | 23ZMJV-0054

Mark Larsen, real estate agent, Baird & Warner, submits for Major Variations to split one zoning lot into two zoning lots in the R1 Single Family Residential District. The applicant requests a lot size of 6,003 square feet where 7,200 square feet is required (Section 6-8-2-5) and an interior side yard setback of 4 feet where 5 feet is required (Section 6-8-2-8) for 2420 Grant Street. The applicant also requests a lot size of 4,953 square feet where 7,200 square feet is required (Section 6-8-2-5) and a lot width of 33 feet where 35 feet is required for 2422 Grant Street. The Land Use Commission is the determining body for this case in accordance with Section 6-3-8-10 of the Evanston Zoning Code. PINs: 10-12-310-004-0000, 10-12-310-003-0000

Mr. Larsen, 2926 Central Street, reviewed the request including platting, taxation, ownership, and character of the neighborhood.

Chair Rodgers asked staff why the lots cannot be sold separately. Ms. Klotz responded that they are two separately platted lots but are considered as one zoning lot under the Zoning Ordinance since they are substandard lots which have been under common ownership since 1960. If together they more closely create a compliant zoning lot then they cannot be separated without variations.

Commissioner Questions

Commissioner Mirintchev asked why there is an interior four-foot side yard setback variation request for 2420 Grant Street. Ms. Klotz responded that when the house was built it was compliant at four feet, but the regulations have changed to five feet and a variation is now necessary if the lots are separated.

Commissioner Halik questioned the reasonableness of this Zoning Ordinance regulation and Ms. Klotz noted that it has been flagged for reconsideration as part of the code update. He also noted that other lots on the block have smaller side yard setbacks.

Chair Rodgers asked about the concrete pad off the alley. Ms. Klotz responded that it would need to be removed including three feet into the adjacent lot to have a compliant setback.

Public Comment

Chair Rodgers called for public comment.

Maida Lamell, 2428 Grant Street, expressed concern regarding the variations potential to impact future construction height.

Jeff Vestal, 2424 Grant Street, also expressed concern regarding potential future construction impact on sunlight, building spacing and the environment.

Chair Rodgers asks for final statements.

Mr. Larsen added that any future construction would be required to follow codes and regulations.

Chair Rodgers closed the public testimony.

Deliberations

Commissioner Halik does not have a concern with a 33-foot lot width because it is buildable and in character with the neighborhood.

Commissioner Westerberg commented on architecture and Ms. Klotz confirmed that staff does not dictate architectural standards, but all zoning requirements would have to be met or variations would have to be sought.

Commissioner Lindwall supports the variations and finds it consistent with other R1 lots in the city. Ms. Klotz said that R1 lots have a five-foot side yard setback for the principal structure and a three-foot setback for an accessory structure.

Commissioner Mirintchev concurred with other commissioners and clarified that the four-foot variation for the 2420 Grant Street property is for the existing building and any new construction would have to comply with current regulations or seek appropriate remedies.

The Chair reviewed the seven Standards for Major Variations (Section 6-3-8-12.E).

1. The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties: The Chair said that the lots existed separately at a point and could have both been developed. Development on an empty lot will have an impact. If the lots were kept together, the property could also be redeveloped in the future and have some impact. Overall, there will be some impact on the neighbors, but he believes it is not substantial and so the standard is met.
2. The requested variation is in keeping with the intent of the zoning ordinance: The Chair said that lots are smaller than their approved district across the city with their neighborhood character being more important. The Zoning Ordinance intends owners to be able to use their property and these lots have existed, so he believes the standard is met.
3. The alleged hardship or practical difficulty is peculiar to the property: The Chair said that the 1960 Zoning Ordinance adjoining property common ownership rules to treat as one lot does not follow with how the homeowner has treated them as two separate lots. The owner also tried unsuccessfully to sell the properties as one lot. He believes that it would be unfair to have the lots treated as one in perpetuity and so the standard is met.
4. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out: The Chair repeated that the lots have been treated as two separate lots, the owner has tried to sell it as one lot, as one lot it is out of character with the neighborhood, and believes that these demonstrate that the standard is met.
5. Either the purpose of the variation is not based exclusively upon a desire to extract additional income from the property, or, while the granting of the variation will result in additional income to the applicant and while the applicant for the variation may not have demonstrated that the application is not based exclusively upon a desire to extract additional income from the property, the Land Use Commission or the City Council, depending on final jurisdiction under Section 6-3-8-2 of this Chapter, has found that public benefits to the surrounding neighborhood and the City as a whole will be derived from approval of the variation, that include, but are not limited to, any of the standards of Section 6-3-6-3 of this Chapter: The Chair acknowledged that selling two lots will likely result in additional income. However, because they are reduced in size, a smaller home could be built on the empty lot which is a city goal. He believes that it is a public benefit to have a smaller lot allowing for construction of a smaller house meeting the standard.

6. The alleged difficulty or hardship has not been created by any person having an interest in the property: The Chair reviewed the lot purchase history as it related to the zoning change. The lots were held in common ownership for 47 years with no obvious intent to immediately resell. He said the 1960 Zoning Ordinance now creates a hardship and believes the standard is met.
7. The requested variation requires the least deviation from the applicable regulation among the feasible options identified before the Land Use Commission issues its decision or recommendation to the City Council regarding said variation: The Chair said that if the lots were proposed to be divided differently than the way they have always been, his opinion may vary but since there has always been a forty-foot lot and a thirty-three foot lot he believes that it is the minimum required. Further, the lot subdivision with the setback for the current house following the regulations of when it was built, even though if it was to be reconstructed would have to meet current regulations, meets the standard.

Chair Rodgers asked for Commissioner comments on the standards. There were none.

Commissioner Lindwall made a motion to recommend approval of the Major Variations for the property located at 2420 & 2422 Grant Street, zoning case number 23ZMJV-0054, with the following conditions:

1. That the existing parking pad be reduced in size to be zoning compliant and not overlap onto the new zoning lot.

Second by Commissioner Westerberg. A roll call vote was taken, and the motion carried, 7-0.

Communications

Commissioner Westerberg questioned if when a project is approved with LUC conditions, which may later in the approval process get removed especially if other options have become available after LUC consideration and prior to the next review body, could a notification or update process be in place to let commissioners know it is being removed. Director Flax concurred.

Commissioner Halik stated the urgency for the Comprehensive Plan. Director Flax noted that staff resources were redirected to a unique HUD grant to apply for funds that remove barriers to build affordable housing and for affordable housing preservation. Staff efforts will refocus on the Comprehensive Plan in early November. Commissioner Lindwall suggested getting LUC input on the Comprehensive Plan community engagement and work plan as soon as possible. Chair Rodgers recommended that commissioners communicate with their council members regarding the importance of the Comprehensive Plan to the functioning of the LUC.

Adjournment

Commissioner Lindwall motioned to adjourn, Commissioner Halik seconded, and the motion carried, 7-0.

Adjourned 8:12 PM.

The next meeting of the Evanston Land Use Commission is a Special Meeting to be held on **Wednesday, November 8, 2023, at 7:00 PM, in the James C. Lytle Council Chambers in the Lorraine H. Morton Civic Center.**

Respectfully submitted,
Amy Ahner, AICP, Planning Consultant

Reviewed by,
Meagan Jones, AICP, Neighborhood and Land Use Planner