



MEETING MINUTES

LAND USE COMMISSION

Wednesday, November 29, 2023

7:00 PM

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

Members Present: Brian Johnson, John Hewko, Kristine Westerberg, Myrna Arevalo, Jeanne Lindwall and Matt Rodgers

Members Absent: Max Puchtel, George Halik and Kiril Mirintchev

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 7:03 PM. A roll call was then done and a quorum was determined to be present.

Approval of November 8, 2023 Meeting Minutes

Commissioner Lindwall made a motion to approve the Land Use Commission meeting minutes from November 8, 2023. Seconded by Commissioner Westerberg. A voice vote was taken, and the motion passed 4-0-2 with members Rodgers and Hewko abstaining.

New Business

A. Public Hearing: Major Variations | 1002 Asbury Avenue | 23ZMJV-0062

Michael McMahon, applicant and property owner, submits for Major Variations for the construction of a 1-car attached garage. The applicant requests building lot coverage of 30.7% where 30% is the maximum permitted coverage (Section 6-8-2-7) and for a rear yard setback of 3.0 feet where 30.0 feet is the minimum required rear yard setback (Section 6-8-2-8.A.4) in the R1 Single-Family Residential 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: 10-24-219-029-0000

Mike McMahon, 1002 Asbury Avenue, described the attached single car garage proposed to be located on the site of the home's former carport and the support received from adjacent neighbors.

Commissioner Questions

Commissioner Rodgers asked how the plan differs from a previous owner's plan from 2012. Mr. McMahon said that the main difference was increasing the interior side yard setback to be compliant.

Commissioner Westerberg inquired about the neighbor's garage setback. Mr. McMahon said that there is a three feet setback to the property line and a total distance of six feet between the neighbor's existing garage and his proposed garage. There are no windows on the side of the neighbor's existing garage adjacent to his proposed garage.

Public Comment

Chair Rodgers called for public comment. There was none.

Chair Rodgers closed public testimony.

Deliberations

Commissioner Lindwall expressed support for making the single-family use more functional by adding the attached garage.

The Chair reviewed the 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 that the applicant has provided testimony that the neighbors are in favor of the garage, there was a previously approved garage plan (which was not built), and there was a carport in the proposed garage location in the past which all together indicate that the garage will not create an adverse impact so the standard is met.
2. The requested variation is in keeping with the intent of the zoning ordinance: The Chair stated that the project meets zoning objectives of off-street and enclosed parking, so the standard is met.
3. The alleged hardship or practical difficulty is peculiar to the property: The Chair reviewed that it is a corner lot with no alley access and that its size makes it difficult to accommodate parking, 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 reiterated the objective to provide a garage where possible, that there was a previously approved plan to have a garage at the location, and any other location on the lot would be difficult so 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 reviewed that it is a single-family occupied home with no garage rental so 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 summarized that the applicant is the new owner and the lot's historical subdivided configuration has existed, so 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 noted that the homeowner was trying to limit the number of variations requested and they are seeking a reasonably sized one-car garage, so the standard is met.

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 1002 Asbury Avenue, zoning case number 23ZMJV-0062, with the following condition:

1. **The stormwater collected from the garage addition drains on-site and in a manner that does not adversely affect neighboring properties.**

Second by Commissioner Westerberg. A roll call vote was taken, and the motion carried, 6-0.

Ayes: Johnson, Hewko, Westerberg, Arevalo, Lindwall and Rodgers

Nays: None

Absent: Puchtel, Halik and Mirintchev

B. Public Hearing: Major Variation | 2505 McCormick Blvd. | 23ZMJV-0064

Lisa Gendel, applicant and property owner, submits for a Major Variation to store a recreational vehicle (camper trailer) within the front yard at a single-family residence in the R1 Single Family Residential District. The applicant requests to store the recreational vehicle (camper trailer) in the required front yard on the existing driveway where storage of recreational vehicles is only permitted within a building or in a rear yard and not in a front or side yard or in any court area that opens toward a public street (Section 6-4-6-3 Table 4-A-28). 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: 10-14-205-031-0000

Lisa Gendel and Peter Panayiotou, 2505 McCormick Blvd., provided an overview of the application noting that they do not have a rear alley or space at the rear of the house to

store a recreational vehicle. It was shared that they contacted the Police Department to ask if parking the vehicle was allowed and were told that it was; they were not directed to Zoning staff. They stated that the proposed parking location will not impact their neighbors who also provided a letter of support.

Commissioner Questions

Commissioner Rodgers inquired about the recreational vehicle usage. Mr. Panayiotou responded that they had stored it on-site from May through October (about 6 months) to prepare, maintain the interior and use it for long trips. It was then taken to off-site storage for the remainder of the year.

Commissioner Westerberg asked when the recreational vehicle is hitched to the truck. Mr. Panayiotou responded that it is only hitched when in use for a trip.

Commissioner Hewko asked about visibility. Mr. Panayiotou responded that some of the recreational vehicle is visible driving northbound but not southbound primarily due to a fence and landscaping.

Chair Rodgers asked for final statements.

Mr. Panayiotou asked the commissioners to consider the unique location along McCormick Avenue versus other single-family neighborhoods and Ms. Gendel added that they were open to screening the recreational vehicle.

Public Comment

Chair Rodgers called for public comment. There was none.

Chair Rodgers closed public testimony.

Deliberations

Commissioner Hewko asked if the variation were approved would it run with the property or the owner. Ms. Klotz responded that variations typically run with the property and are associated with structures. Ms. Klotz said that a condition could be added that would prevent this variation from continuing with a different property owner. Commissioner Lindwall stated her support for such a condition as well as limiting the on-site storage to six months of the year.

Commissioner Westerberg asked if approval would set precedence. Ms. Klotz said that it would depend on the unique characteristics of each lot if a case was brought in the future.

Commissioner Hewko asked if there were any areas in Evanston where recreational vehicles can legally be parked in driveways. Ms. Klotz responded that most are parked

in rear yards with alley access. Rare driveway occurrences have been seen only when the owner is preparing for or returning from a trip.

Commissioner Johnson asked about other recreational vehicles uses. Ms. Klotz noted that some doctors and nurses would use them during Covid to quarantine from their families. She stated that there have not been any official zoning violations for parking a recreational vehicle in the front yard. Commissioner Johnson stated that Covid was a particular hardship that is not present in this variation request.

Chair Rodgers commented that the location is unique compared to other single-family districts, which also factors into the future difficulty in arguing that it would set precedence. Also, the applicant claimed to seek guidance from city staff but was not directed to the department that could analyze and provide direction on the approval process at the time.

The Chair reviewed the 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 summarized that the applicant provided testimony that the neighbor most directly impacted is not opposed to the variation request, there are no homes across the street, and it is on a street where homes face on and away from the recreational vehicle so the standard is met.
2. The requested variation is in keeping with the intent of the zoning ordinance: The Chair reviewed the intent of the applicable section of the zoning ordinance to prevent large visible vehicles in the front yard as well as seen from a distance. The proposed recreational vehicle location is as hidden as possible when compared with other similar districts, so he believes the standard is met.
3. The alleged hardship or practical difficulty is peculiar to the property: The Chair reviewed that the lot layout with no alley access prevents the recreational vehicle to be located other than where it is proposed and that no parking pad enlargement is proposed, 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 reviewed that the applicant provided testimony regarding ongoing maintenance and conducting these activities from off-site storage could be a hardship, so 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 reviewed that there is no rental of the recreational vehicle so 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 summarized that it was the homeowner's choice to purchase a recreational vehicle however, they did attempt to do due diligence which led to an incorrect conclusion, so 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 there is no other option for the property owner, so he believes the standard is met.

Chair Rodgers asked for Commissioner comments on the standards. Commissioner Johnson noted that he believes standards 2, 4 and 6 are not met. Commissioner Hewko stated that believes standard 4 is not met as there may be other closer off-site storage locations and standard 6 is not met as the hardship was created with the purchase of the recreational vehicle.

Commissioner Lindwall said she agrees that all conditions are not met but could consider approval with conditions to mitigate the issues. The applicant and the Chair agreed to a term of six months from May 1 through October 31 to store the recreational vehicle on-site. Ms. Klotz advised that it is permissible to temporarily park on a driveway during the winter months, but the Zoning Ordinance does not specify the number of days and therefore requested that commissioners consider a condition specifying the number of days. Commissioners discussed the need for having the condition as an enforcement mechanism and the potential duration for loading and unloading the recreational vehicle. Commissioners Hewko and Lindwall concurred with adding winter month dates and duration to clarify any potential enforcement conditions. Commissioners Westerberg and Johnson were not in favor of adding another condition with winter dates in combination with approving the summer months condition.

Commissioner Lindwall made a motion to recommend approval of the Major Variations for the property located at 2505 McCormick Blvd., zoning case number 23ZMJV-0064, with the following conditions:

- 1. The variation runs with the current property owner only.**
- 2. The recreational vehicle is on the property no more than 6 months out of the year, May 1 through October 31.**
- 3. Temporary parking of the recreational vehicle in the front yard is limited to 2 consecutive days at a time, for purposes of loading and unloading, between November 1 through April 30.**

Second by Commissioner Arevalo. Commissioner Hewko made a motion to add an amendment to eliminate condition number 3. Seconded by Commissioner Westerberg. After discussion of what driveway parking was allowed by right and the enforcement process through administrative adjudication, Commissioner Hewko withdrew the amendment.

A roll call vote of 4-2 was recorded. Due to a concurring vote of five (5) Commissioners being necessary to decide any matter upon which the Commission is the determining body, the matter was continued to the December 13, 2023 meeting, with the votes so far recorded standing, to allow additional commissioners to view the minutes and/or audio-visual recording of the proceedings, and then vote on the motion at the hearing, until a concurrent vote of 5 commissioners is obtained.

Ayes: Hewko, Arevalo, Lindwall and Rodgers

Nays: Johnson, Westerberg

Absent: Puchtel, Halik and Mirintchev

Communications

There was none.

Adjournment

Commissioner Westerberg motioned to adjourn, Commissioner Lindwall seconded, and the motion carried, 6-0.

Adjourned 8:13 PM.

The next meeting of the Evanston Land Use Commission is to be held on **Wednesday, December 13, 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, Neighborhood and Land Use Planner