



MEETING MINUTES

LAND USE COMMISSION

Wednesday, August 28th, 2024

7:00 PM

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

Members Present: Matt Rodgers, Max Puchtel, Brian Johnson, George Halik, Jeanne Lindwall, Jameika Mangum

Members Absent: Myrna Arevalo, Darush Mabadi, Kiril Mirintchev,

Staff Present: Neighborhood Land Use Planner Meagan Jones, Zoning Administrator Melissa Klotz, Senior Planner Sam Hubbard

Presiding Member: Matt Rodgers

I. CALL TO ORDER/DECLARATION OF A QUORUM

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

II. OLD BUSINESS

A. Major Variations | 1630 Ashland Avenue | 24ZMJV-0025

Peter Kaeding, architect and applicant on behalf of the homeowner, requests Major Variations for a north interior side-yard setback of 1' where 5' is required and 6" is the existing legally non-conforming condition (Section 6-8-2-8 (A)(3), and a rear-yard setback of 3' where 30' is required and 28' is the existing legally non-conforming condition (Section 6-8-2-8 (A)(4). The Land Use Commission is the determining body for this case in accordance with Section 6-3-8 of the Evanston Zoning Ordinance. PIN: 10-13-403-027-000. ***Due to an initial vote of 3-3 on a motion to approve the requested zoning relief, the application for zoning relief was continued to this meeting in order to obtain the required 5 votes to render a majority of the 8 seated members..***

Commissioner Johnson provided a vote against the motion to approve the requested zoning relief, bringing the standing vote count to 3-4. This item was, therefore, continued to the September 11, 2024 meeting in order to obtain the 5 concurrent votes needed on cases in which the Land Use Commission is the determining body.

III. NEW BUSINESS

A. Appeal | 1525 Judson Avenue | 24ZMJV-0029

Donna & Mitchel Harrison, property owners of 1519 Judson Avenue, appeal the yard determinations of Zoning Analysis 24ZONA-0062 for a request to demolish a detached garage and construct a 2-story detached garage/ADU at 1525 Judson Avenue in the R1 Single Family Residential District. The Appellant appeals the Zoning Administrator's interpretation that Davis Street is the front yard and Judson Avenue is the street side yard of 1525 Judson Avenue, which thereby allows for zoning compliance for a detached garage/ADU. Yard determinations are made in conformance with Zoning Code Section 6-4-1-9-A-4. The Land Use Commission is the determining body for this case in accordance with Section 6-3-11 of the Evanston Zoning Code. PIN: 11-18-410-001-000

Jeff Smith, attorney for the appellant, provided an overview of the appeal being sought, emphasizing that the case is about the correct location for the front yard and not the use structure that triggered the need for the yard determination. He brought forward the following residents to present the case:

- Mrs. Donna Harrison, the adjacent neighbor to the south of the subject property, who provided information on the neighborhood and interactions with the previous property owner, noting where she typically entered the home. She then explained how she would face a negative impact if the proposed construction of the garage/ADU were to take place, showing photos of the existing conditions and a letter from an arborist.
- Mr. Mitchell Harrison, also an adjacent neighbor to the south, provided background on his history in Evanston and what he has seen in the neighborhood. He pointed out he was familiar with coach houses/ ADUs being built off of alleys but not street facing. He also mentioned the previous property owner and that people typically entered off of Judson. He added that the proposed structure does not fit in with the existing homes in the area and could harm the value of their homes.
- Tom Green, 1515 Judson, expressed agreement with Mr. and Mrs. Harrison and stated the only coach houses he has seen to his knowledge have been off of the alley. He believes the front door of the house is on Judson and the garage is on the side yard of the lot.

Commissioner Questions/Discussion

Ms. Klotz explained how the determination that the front yard of the subject property was along Davis Street came about. Emphasizing location of the existing structures and layout of the lot. The Zoning Ordinance provides guidance on determining the front yard, including the front yard typically being shorter in width. In this case, that would make Davis Street the front yard and make the setbacks for the structures zoning compliant.

Chair Rodgers asked if there was anything that would require a variance. Ms. Klotz confirmed based on the zoning analysis, nothing would require variance but pointed out that an existing fence in the yard along Davis Street has no variation documents in the

property history so was likely considered a street side yard but does not meet setback requirements for either yard. Given that everything complies if Davis is considered the front yard.

Chair Rodgers asked if staff was aware of other properties in Evanston that may not have a door facing what is considered the front yard. Ms. Klotz mentioned a property she previously lived in was configured this way. Additional discussion occurred regarding similar properties and how yard determinations are made. It was clarified that the proposed project on the property did go through Preservation Commission review and received its certificate of appropriateness.

Public Comment

Jeanne SmilingCoyote spoke in favor of the appeal and in opposition to the project providing an ADU, stating it is not a neighborly use of space and that there are other options to provide an ADU on the property.

Alice Eagly who lives next to the subject property on Davis St expressed concerns about the tree on the property that would be damaged by construction of the ADU and the tree possibly posing a safety risk to her home if damaged. She provided information on the type of tree on the property

Mike Meyers spoke on his previous efforts to preserve his property and respecting the historical nature of the neighborhood and spoke in opposition to the proposed ADU and the determination that the Davis is the front yard. He expressed concern about having a short term rental in the property.

Robert Eagly detailed going in the front door of property off of Judson and expressed support for the appeal.

Omar Salem, one of the owners of 1525 Judson, expressed going through the proper processes to get the proposed project approved and supported by the Preservation Commission and that he was available if anyone had questions.

Mr. Smith then provided closing statements.

Mr. Harrison stated that the address on the house has said 1525 Judson all 40 years he has lived in the neighborhood.

Chair Rodgers then closed public testimony.

Deliberations

Chair Rodgers explained that, due to this case being based on a compliant zoning analysis, there are no standards to review. Commissioners should, therefore, consider

what is the correct interpretation of the law and whether or not the Zoning Administrator erred in making their interpretation.

Commissioners Halik and Mangum disagreed with staff's determination, considering all of the staff comments, public testimony and photographs provided during the hearing. Commissioners Lindwall, Johnson and Puchtel expressed support of staff's determination, citing the nonconformity of the lot if Judson Avenue was determined to be the front yard and giving consideration to the least deviation from the zoning code. Additionally, it was mentioned that the presence of a fence is not out of character with existing conditions, that the home orientation and placement of a front door may appear to face Judson but that is not part of the guidance that helps determine what the front yard is. The appellant's objection was seen as erroneous and geared more towards construction of the ADU.

Commissioner Lindwall pointed out the need to consider compatibility with the tree ordinance as the project moves forward.

Chair Rodgers stated that if a house is on a lot with conforming yards, that determines the yards. He reiterated that there is no zoning relief being sought in this case, the appeal is on what was determined to be the front yard and he believes the Zoning Administrator made the correct determination.

Motion: Commissioner Lindwall made a motion to affirm the Zoning Administrator's decision that Davis Street is the front yard of the property and deny the appeal.

Second: Commissioner Johnson

Ayes: Johnson, Lindwall, Puchtel, Rodgers

Nays: Halik, Mangum

Abstain:

With a vote of 4-2, the matter was continued to the September 11, 2024 meeting in order to allow additional Commissioners to view the minutes and/or audio-visual recording of the proceedings, and then vote on the motion to obtain five concurrent votes.

IV. COMMUNICATION

Ms. Jones introduced the new Senior Planner, Sam Hubbard. Chair Rodgers stated that he has been talking with staff regarding scheduling for review of the Comprehensive Plan and Zoning Code in November and December. Commissioner Lindwall mentioned attending the focus group sessions that recently occurred.

V. PUBLIC COMMENT

None.

VI. ADJOURNMENT

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

Adjourned 8:45 PM.

The next meeting of the Evanston Land Use Commission will be held **on Wednesday, September 11, 2024, at 7:00 pm**, in the James C. Lytle Council Chambers in the Lorraine H. Morton Civic Center.

Respectfully submitted,
Meagan Jones, AICP, Neighborhood and Land Use Planner