



# LAND USE COMMISSION

Wednesday, October 26, 2022

7:00 P.M.

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

## AGENDA

Those wishing to make public comments at the Land Use Commission meeting may submit written comments in advance or sign up to provide public comment in-person during the meeting by calling/texting 847-448-4311 or completing the Land Use Commission meeting online comment form available by clicking [here](#), or visiting the Land Use Commission webpage, <https://www.cityofevanston.org/government/land-use-commission>, clicking on How You Can Participate, then clicking on Public Comment Form. Community members may watch the Plan Commission meeting online at [www.cityofevanston.org/channel16](http://www.cityofevanston.org/channel16) or on Cable Channel 16.

### I. CALL TO ORDER/DECLARATION OF A QUORUM

### II. APPROVAL OF MEETING MINUTES: October 12, 2022

### III. NEW BUSINESS

#### A. Public Hearing: Major Variation | 2125 Madison Place | 22ZMJV-0081

Theodore and Nicole Fancher, property owners, request a Major Variation from Section 6-8-3-7(A)(2) of the Evanston Zoning Code to allow a street side yard of 6 feet 6 inches where a street side yard of 15 feet for an addition to an existing single-family home in the R2 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 and Ordinance 92-O-21. PIN: 10-24-306-025-0000

#### B. Public Hearing: Amendment to an Existing Variation Condition | 3101 Central Street | 22ZMJV-0076

Lakeside Auto Rebuilders Inc. submits for major zoning relief to amend an existing Major Variation condition required by Ord. 105-O-19, Ord. 27-O-87, and Covenant 87-359274 that requires termination of use upon transfer of ownership of the property for the legally nonconforming use of an Automobile Repair Service Establishment and Auto Body Repair Establishment where said uses are not eligible permitted or special uses in the R4 General Residential District (Section 6-8-5-2 & 6-8-5-3) or an eligible Active Ground Floor Use in the oCSC Central Street Overlay District (Section 6-15-14-7). The Land Use Commission makes

a recommendation to the City Council, the determining body for this case, in accordance with Section 6-3-8-10 of the Evanston Zoning Code and Ordinance 92-O-21. PIN: 05-33-425-032-0000

**C. Public Hearing: Major Adjustment to a Planned Development | 1012-1016 Church Street | 22PLND-0077**

Janet Mullet, applicant, Northlight Theatre, submits for a major adjustment to the planned development approved by Ordinance 114-O-19, in the D3 Downtown District. The applicant is requesting to modify the approved building elevations. The Land Use Commission makes a recommendation to the City Council, the determining body for this case, in accordance with Section 6-3-6-12 of the Evanston Zoning Code and Ordinance 92-O-21. PIN: 11-18-302-006-0000

**D. Public Hearing: Appeal | 2012 Maple Avenue | 22ZMJV-0075**

Marcin Kawa, contractor, appeals the Zoning Administrator's decision to deny minor zoning relief (case number 22ZMNV-0059) to construct a 2-car detached garage with proposed building lot coverage of 43.8% where a maximum 40% is permitted (Section 6-8-6-6) and impervious surface coverage of 57.4% where a maximum 55% is permitted (Section 6-8-6-9) in the R4a General Residential District. The appellant was denied zoning relief to construct a 2-car detached garage. The Land Use Commission is the determining body for this case in accordance with Section 6-3-8-8 of the Evanston Zoning Code and Ordinance 92-O-21. PIN: 11-18-102-027-0000

**IV. COMMUNICATION**

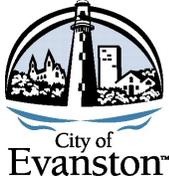
**V. PUBLIC COMMENT**

**VI. ADJOURNMENT**

The next meeting of the Evanston Land Use Commission will be held on **Wednesday, November 9, 2022, at 7:00 pm, in the James C. Lytle Council Chambers in the Lorraine H. Morton Civic Center.**

*Order & Agenda Items are subject to change. Information about the Land Use Commission is available at: <https://www.cityofevanston.org/government/land-use-commission>. Questions can be directed to Katie Ashbaugh, AICP, Planner at [kashbaugh@cityofevanston.org](mailto:kashbaugh@cityofevanston.org) or 847-448-4311. The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing mobility or communications access assistance should contact 847-448-4311 or 847-866-5095 (TYY) at least 48 hours in advance of the scheduled meeting so that accommodations can be made.*

*La ciudad de Evanston está obligada a hacer accesibles todas las reuniones públicas a las personas minusválidas o las quines no hablan inglés. Si usted necesita ayuda, favor de ponerse en contacto con la Oficina de Administración del Centro a 847/866-2916 (voz) o 847/448-8052 (TDD).*



**MEETING MINUTES**

**LAND USE COMMISSION**

Wednesday, October 12, 2022

7:00 PM

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

Members Present: George Halik, John Hewko, Brian Johnson, Jeanne Lindwall, Kiril Mirintchev, Matt Rodgers

Members Absent: Myrna Arevalo, Violetta Cullen, Max Puchtel, Kristine Westerberg

Staff Present: Katie Ashbaugh, Planner; Alex Ruggie, Assistant City Attorney; Melissa Klotz, Zoning Administrator; Elizabeth Williams, Planning Manager

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 September 14, 2022 Meeting Minutes**

Commissioner Lindwall then made a motion to approve the Land Use Commission meeting minutes from September 14, 2022. Seconded by Commissioner Halik. Staff was requested to correct any misspellings of Chair Rodgers name. A voice vote was taken, and the motion passed, 6-0.

**Old Business**

**A. (Continued from July 13, 2022) Public Hearing: Map Amendment & Planned Development | 2044 Wesley Avenue | 22PLND-0010**

John Cleary, applicant, submits for a Zoning Map Amendment to the Zoning Ordinance, Title 6 of the City Code, to remove properties known as 2024 Green Bay Road, 2026 Green Bay Road, and 2026 Wesley Avenue, PINs 10-13-205-003-0000, 10-13-205-002-0000, and 10-13-205-010-0000, from the oWE Evanston Overlay District and to rezone properties known as 2017 Jackson Avenue and 2021 Jackson Avenue, PINs 10-13-204-023-0000 and 10-13-204-022-0000, from the R5 General Residential District to the R4 Residential District. The proposed Map Amendment is in conjunction with a Planned Development application.

John Cleary also submits for a Special Use for a Planned Development to construct 19 townhomes and a 12-unit multiple-family dwelling, 55 off-street

parking spaces, and a new street connecting Jackson Avenue with Wesley Avenue on properties known as 2017 Jackson Avenue, 2021 Jackson Avenue, 2032 Jackson Avenue, 2026 Wesley Avenue, 2044 Wesley Avenue, 2024 Green Bay Road, 2026 Green Bay Road, and vacated Jackson Avenue north of Foster Street, PINs 10-13-203-024-0000, October 12, 2022 Land Use Commission Meeting Agenda Page 2 of 3 10-13-204-021-0000, 10-13-204-022-0000, 10-13-204-023-0000, 10-13-204-030-0000, 10-13-205-002-0000, 10-13-205-003-0000, 10-13-205-010-0000. The applicant seeks site development allowances for impervious surface coverage, building height, single-family attached dwellings not having frontage onto a public street, elimination of required transition landscape strips, setback from street and development boundary line to a dwelling, yard obstructions into required setbacks, and separation between residential buildings. The applicant may seek and the Land Use Commission may consider additional Site Development Allowances as may be necessary or desirable for the proposed development. The Land Use Commission makes a recommendation to the City Council, the determining body for these cases per Section 6-3-5-8 of the Evanston Zoning Ordinance and Ordinance 92-O-21.

The Chair noted that the item has been put on hold and may be noticed at a later date.

**B. (Continued from September 26, 2022) Public Hearing: Planned Development | 2222-2310 Oakton Street | 22PLND-0025**

Shane Cary, applicant on behalf of the City of Evanston, submits for a proposed Planned Development at 2222 - 2310 Oakton Street to demolish the existing one-story Animal Shelter and construct a new one-story Animal Shelter with approximately 8,810 sq. ft. of ground floor area in the I2 General Industrial District and oRD Redevelopment Overlay District. The applicant requests a Special Use for a Kennel, and seeks the following Site Development Allowances: 1) 16 parking spaces where 25 parking spaces are required for the Animal Shelter (kennel) use, and 2) one short open loading berth that is not located within the rear yard and is substandard in length. No changes are proposed to the existing Recycling Center building or area. The applicant may seek and the Land Use Commission may consider additional Site Development Allowances as may be necessary or desirable for the proposed development. The Land Use Commission makes a recommendation to the City Council, the determining body for these cases per Section 6-3-5-8 of the Evanston Zoning Ordinance and Ordinance 92-O-21.

Chair Rodgers asked staff why it is also a Planned Development versus a special use. Ms. Klotz responded that the property is in the oRD Redevelopment Overlay District which requires a planned development for new construction.

Applicant Presentation

Shane Cary, Architect and Project Manager, Evanston Public Works Department described the partnership project between the City of Evanston, the Evanston Animal Shelter Association, and the Cook County Department of Animal and Rabies Control. He overviewed the project team and the site history. The historical industrial use of the

properties requires environmental remediation, foundation structural remediation due to poor soils, and the removal of nuisance trees and storage.

Mr. Cary reviewed that the Evanston Animal Shelter Association is a not-for-profit that was created in response to an Evanston Request for Proposal to provide animal sheltering for residents' pets. Four full-time employees and approximately 175 volunteers work to shelter about 300 dogs and 275 cats each year.

The Oakton Street Corridor Study provided information that indicated the number of curb cuts on Oakton Street needs to be reduced and identified specific curb cuts for removal, including the parking area curb cut for 2310 Oakton Street and removing the easternmost curb cut at 2222 Oakton Street. The study also indicates that the traffic signal for the shopping center across the street should be used for access. The Oakton Street Corridor Improvement project, informed by the Study, involves the installation of a multi-use path on the north edge of the properties and an allowance needs to be made for connection to that path. Mr. Cary reviewed a proposed site plan for a new single-story animal shelter that meets the goals of a new animal shelter facility and the curb cut consolidation.

Mr. Cary summarized the landscape plan. All nuisance trees will be removed and nursery stock species will be replanted, primarily on the south and west sides of the property. The main entry will have a hardscape plaza with bike racks, benches, and a clear connection to the multi-use path. The dog runs are located on the south and west edge of the building. One will be treated with pea gravel. The "get acquainted" dog run directly connected to the community room will be treated with artificial turf. The publicly visible areas will be fenced using materials such as an ornamental metal fence with a gate, an ornamental metal fence with wood panels, and a trash enclosure. The dog runs are proposed to have chain-link fencing.

Mr. Cary then reviewed the proposed floor plan including the public areas, the private space for animals and staff, and the separation for dogs and cats. He then reviewed the building elevations. Both the north and south elevations are stepped and there are canopies at the main entrance and the intake area. There is a clerestory above the public lobby which provides a natural screening for some of the roof mechanical equipment. The façade is primarily brick masonry with faux wood siding at the entry. There are some sections on the west and south elevations that are concrete masonry units. The Evanston Animal Shelter signage will be in raised aluminum letters on the east elevation.

Mr. Cary then summarized the two requested site development allowances. The first is for a shortened 29-foot loading berth instead of the required 35-foot deep berth. The intake yard has been specifically designed for Evanston Police and Cook County Animal Control vehicles. The facility will be serviced with one large weekly delivery. The second requested allowance is for 16 parking spaces instead of the 25 required. Required parking was based on a retail building. Two additional parking count analyses were presented. The first was based on separating the retail and commercial building

uses resulting in 16 required parking spaces. The second removes animal holding and related storage and considers the balance as retail space resulting in 16 required parking spaces.

#### Commissioner Questions

Commissioner Halik asked what the property and use was to the south. Mr. Cary responded that it is a community garden operated by the Parks and Recreation Department.

Commissioner Johnson asked about the exact location of the multi-use path. Mr. Cary noted that it will be in the public right-of-way to the north of the property lines. It may need to slightly encroach on the property to accommodate ADA requirements for a bus depot.

Chair Rodgers asked what the hours of operation are for adoption. Mr. Cary noted that current adoption hours are two hours on Friday, Saturday, and Sunday. Chair Rodgers asked about the single gate at the intake area. Mr. Cary responded that it is based on a scheduled appointment. The animals are brought in a vehicle with the gate closed behind the vehicle upon entry. Chair Rodgers asked about the wildlife room. Mr. Cary responded that it is a place for the public and Cook County Animal Control to bring in injured animals.

Commissioner Lindwall asked about how the food pantry is used. Mr. Cary responded that it is by appointment and there is sidewalk access to the building. Appointments are not scheduled during adoption periods. She also asked if the weekly food delivery would have sufficient vertical clearance at the intake area. Mr. Cary confirmed that there would be a curb stop for the vehicle to prevent contact with the canopy.

Commissioner Mirintchev asked if the property would be developed in phases. Mr. Cary responded that a contractor with a logistics plan was not yet secured. However, he expects that the west curb cut will be used at the beginning for demolition, to begin construction of the new facility, and to work on the east side. At some point during construction, the staging will shift to the east side property. Additionally, access to the recycling center as a temporary dog animal shelter will need to be maintained during the construction. This will be accomplished by using the easternmost curb as long as possible. Commissioner Mirintchev also asked about the timing of the synchronization of the traffic signal. Mr. Cary responded that the Oakton Street Corridor Improvement Project will be constructing the curb cut and traffic signal work during 2023 which aligns with the intended construction schedule for the new animal shelter.

#### Public Comment

There was none.

The record was then closed.

### Deliberations

Commissioner Lindwall noted that the traffic signal alignment with the entrance was a good idea and that parking should not be a problem.

The Commission then reviewed the standards for approval of Special Uses (6-3-5-10):

- A. Met zoning compliance as a kennel is permitted as a special use in the I2 district.
- B. Met Zoning Ordinance and Comprehensive General Plan in terms of rehabilitating facilities.
- C. Met as retail, industrial, and community garden uses are in the immediate neighborhood. Oakton Street is also enhanced with the consolidation of the curb cuts.
- D. Meets the character of the existing neighborhood and does not affect adjacent property values.
- E. Met as Evanston Public Works is managing the project and will coordinate facilities and services.
- F. Met as traffic will be improved in the area with the traffic signal coordination and reduction of curb cuts.
- G. Met as there were no significant historical or architectural resources at the site.
- H. Met as the landscaping will be improved.
- I. Met as no ordinances are violated.

The Commission then reviewed the standards for approval of Planned Development in Industrial Districts (6-3-6-9 and 6-14-1-10):

- A. The requested allowances do not change the operation of the site.
- B. Met as the project is compatible with uses in the area.
- C. Met as traffic is improved with the removal of curb cuts and safety is increased for vehicles to turn at a signalized intersection and pedestrians to use the new multi-use path.
- D. Limited testimony was heard on the alignment with sustainability goals however the landscape treatments and the energy efficiency of a new building support meeting this standard.
- E. Public benefit is met due to providing the service for Evanston residents.

The Commission then reviewed the public benefits intended to address the impacts of the development on the community.

- A. Enhancement of the site met as the redevelopment will clean up the former industrial site and maintain open space with dog runs.
- B. Development conditions met as undesirable trees will be removed and open space maintained.
- C. There are no historical conditions or natural resources present that need to be maintained on the site.
- D. The architecture of the new building fits within the site and surrounding buildings.
- E. Animal shelters are not addressed within the city's housing goals.
- F. A building that is several decades old will be removed and modern efficient new construction aligns with the city's Climate Action and Resiliency Plan.

- G. The animal shelter is a not-for-profit. There is a secondary enhancement to the local tax base for animal-related services.
- H. The redevelopment aligns with the Oakton Street Corridor Improvement Plan.
- I. LEED certification will be applied for which meets the objectives of the city's Climate Action and Resiliency Plan.

The following conditions were added to the proposed development:

- 1. That the trash/recycle enclosure be of a more durable, non-porous material that matches the building's primary materials. It should also be rat-proof/infestation-proof and regularly inspected.
- 2. That all signage illustrated on the proposed elevation be subject to a separate sign permit review per Chapter 6-19 of the Zoning Ordinance.
- 3. That the proposed wood material on the exterior elevations be replaced with imitation wood or a similarly compatible material, subject to approval by the Community Development Department.

**Commissioner Lindwall made a motion to recommend approval of the Planned Development at 2222 - 2310 Oakton Street, 22PLND-0025, with the additional conditions, to the City Council. Second by Commissioner Johnson. A roll call vote was taken, and the motion carried, 6-0.**

### **New Business**

**A. Public Hearing: Special Use Permit | 321 Howard Street | 22ZMJV-0073**  
**Gemal Alhelali, lessee, requests a Special Use Permit for a Convenience Store to sell food, beverages, and tobacco products in the B3 Business District (Zoning Code Section 6-9-4-3). The Land Use Commission makes a recommendation to the City Council, the determining body for this case per Section 6-3-5-8 of the Evanston Zoning Code and Ordinance 92-O-21.**

Chair Rodgers confirmed that the applicant was not present.

**Commissioner Lindwall made a motion to continue the Special Use Permit, 321 Howard Street, 22ZMJV-0073 to the Wednesday, November 9, 2022 Land Use Commission meeting. Second by Commissioner Mirintchev. A voice vote was taken, and the motion carried, 6-0.**

**B. Public Hearing: Appeal | 3331 Dartmouth Place | 22ZMJV-0065**  
**Jacek Wlodek, property owner, appeals the Zoning Administrator's decision to partially deny minor zoning relief (case number 22ZMNV-0049) to construct a 6-foot solid fence with a zero foot setback from the street side yard property line where 2 feet is required (Section 6-4-6-7-F-2-b), to allow the fencing set back less than 3 feet from the front façade of the building (Section 6-4-6-7-F-2-c), and to allow the 6-foot solid fence within the 8-foot by 8-foot sight triangle that is required at the intersection of the driveway and property line where a maximum 4 foot and 70% opacity fence is permitted within the sight triangle (Section 6-4-6-7-E). The appellant was granted zoning relief to allow the fencing set back**

less than 3 feet from the front façade of the building, and was granted zoning relief to allow the 6-foot solid fence within the sight triangle subject to a 4-foot street side yard setback, and was denied zoning relief for a zero foot street side yard setback. The appellant appeals the partial denial and requests approval of the 6-foot solid fence within the sight triangle with a zero-foot setback from the street side yard property line, in the R2 Single Family Residential District. The Land Use Commission is the determining body for this case per Section 6-3-8-8 of the Evanston Zoning Code and Ordinance 92-O-21.

Chair Rodgers asked staff to clarify what was determined as the front and side yards. Ms. Melissa Klotz responded that Crawford Street was the front yard and Dartmouth Place was the side yard.

Mr. Jacek Wlodek reviewed pictures of the 6-foot fence built thus far and an erected example of a four-foot 70 percent opacity fence that meets the city Zoning Ordinance. He expressed concerns about safety and privacy with only the four-foot, opaque fence.

#### Commissioner Questions

Commissioner Halik noted there was no sidewalk to create potential pedestrian-to-vehicle conflicts.

Commissioner Lindwall asked staff to describe the sight triangle. Ms. Klotz reviewed the two-foot property line setback for the fence as proposed compared to the 8-foot by 8-foot sight triangle required. Ms. Klotz reviewed the original options provided to the applicant to either build to the Zoning Ordinance regulations and locate the fencing at the regular 2-foot setback and not within any part of the sight triangle or locate the fence at a 4-foot setback to substantially reduce the need for any sight triangle.

Mr. Wlodek had no further comment.

The record was then closed.

#### Deliberations

Chair Rodgers noted that since it is an appeal it is heard de novo and commissioners can review the information that was not considered in the original decision.

Discussion ensued regarding neighbor input and Ms. Klotz noted that staff did not receive any letters in support of or against the fence variation.

The Commission then reviewed the Standards for Variations (Section 6-3-8-12-B).

1. The public welfare standard has not been met as the sight triangle is to prevent pedestrians from coming behind a fence into a driveway. However, since there currently is no sidewalk, there may be a reasonable alternative location for the fence.
2. The variation meets the standard to increase the safety of the owners.
3. The intersection standard is not applicable.

Commissioner Johnson agreed with the standards and agreed with Commissioner Lindwall's concern for pedestrian safety.

Commissioner Hewko asked if there was a priority for this sidewalk. Ms. Williams noted that staff is working on a sidewalk improvement plan and a particular schedule for this segment has not yet been determined. Ms. Ashbaugh also noted that it would be difficult for staff to administer and enforce a scenario where a fence reduction condition was placed on the property if the sidewalk was built.

Commissioner Lindwall proposed applying the standard of an alley. Chair Rodgers noted that alley standards are less because you are driving forward versus backing up. Chair Rodgers proposed a 4-foot sight triangle. Ms. Klotz noted that this is similar to the original variation determination that required a four-foot street-side yard setback. Commissioner Lindwall confirmed that this would allow the 6-foot fence along the site triangle hypotenuse. Chair Rodgers also confirmed that it would have no opacity. Discussion ensued as to whether the setback from the driveway should be two or four feet.

Assistant City Attorney Ruggie reminded commissioners that since they are the final determining body, they need six concurrent votes to wrap up the case.

**Commissioner Johnson made a motion to grant the appellant at 3331 Dartmouth Place, 22ZMJV-0065, the right to build a six-foot solid fence with the sight triangle being a four-foot setback from the point that the property line meets the driveway. Second by Commissioner Lindwall. A roll call vote was taken, and the motion carried, 6-0.**

**C. Public Hearing: Text Amendment | Adjustments to Planned Developments | 22PLND-0071**

**City initiated Text Amendment to the Zoning Ordinance, Title 6 of the City Code, to clarify and modify the process for Adjustments to Development Plans for Planned Developments (Section 6-3-6-12). The Land Use Commission makes a recommendation to the City Council, the determining body for this case per Section 6-3-4-6 of the Evanston Zoning Code and Ordinance 92-O-21.**

Ms. Klotz reviewed that the text amendment came about due to a referral from the Land Use Commission. The code lists specific Minor Adjustments and all others not mentioned qualify as Major Adjustments. Staff proposes that any change in a Development Plan that creates a new Site Development Allowance or any change that increases the degree of an approved Site Development Allowance would all qualify as Major Adjustments and include a public hearing before the Land Use Commission and final determination by the City Council. Changes that do not affect a Site Development Allowance as well as changes proposed that are not within the purview of the Land Use Commission (such as public benefits) would qualify as Minor Adjustments and are

reviewed by Planning & Development Committee with a final determination by the City Council.

Commissioner Halik asked how to create a process to address design changes during construction. Ms. Williams responded that it could be a process administered through inspection and not codified.

Commissioner Lindwall asked if there would be any anticipated notices for Minor Adjustments. Ms. Klotz noted that there are no additional notices proposed at this time.

Chair Rodgers noted that changes should be noted in terms of increased or decreased impact.

Commissioner Mirintchev asked if there was anything in the permit that could trigger enforcement. Chair Rodgers noted that it would be appropriate to add it to the Planned Development Special Use approving ordinance.

Commissioner Lindwall asked if some adjustments are suitable for staff approval. Ms. Klotz noted that staff has approval for project adjustments that are in substantial compliance with what was originally approved.

The Commissioners reviewed the text amendment standards for approval (Section 6-3-4-5).

1. The proposed amendment complies with and is consistent with the goals, objectives, and policies of the Comprehensive General Plan so the standard is met.
2. The proposed amendment complies with and establishes improved processes for Major and Minor Adjustments to Planned Developments, so the standard is met.
3. The proposed amendment makes the process clearer and thus helps adjacent properties.
4. The public facilities standard does not apply to this proposed amendment.

**Commissioner Lindwall made a motion to recommend approval of Text Amendments, Adjustments to Planned Developments, 22PLND-0071, with the final text using language in terms of increased or decreased impact, to the City Council. Second by Commissioner Halik. A roll call vote was taken, and the motion carried, 6-0.**

### **Communications**

Ms. Williams noted that there is a quorum for a special meeting on November 30, 2022 for the Margarita Inn special use permit application. She also noted that staff will be releasing a new RFP for the Comprehensive Plan.

### **Adjournment**

Commissioner Halik motioned to adjourn, Commissioner Johnson seconded, and the motion carried, 6-0.

Adjourned 9:13 pm

Respectfully submitted,  
Amy Ahner, Planning Consultant

Reviewed by,  
Katie Ashbaugh, AICP, Planner

2125 Madison Place  
Major Variation  
22ZMJV-0081

LUC Determining Body



# Memorandum

To: Chair and Members of the Land Use Commission

From: Katie Ashbaugh, AICP, Planner

CC: Sarah Flax, Interim Director of Community Development  
Elizabeth Williams, Planning Manager

Subject: Major Variation for Street Side Yard Setback  
2125 Madison Place | 22ZMJV-0073

Date: October 21, 2021

## **Request**

---

Theodore and Nicole Fancher, property owners, requests a Major Variation from Section 6-8-3-7(A)(2) of the Evanston Zoning Code to allow a street side yard of 6 feet 6 inches where a street side yard of 15 feet for an addition to an existing single-family home in the R2 Single-Family Residential District. The Land Use Commission is the determining body for this case in accordance with Section 6-3-8 of the Evanston Zoning Code and Ordinance 92-O-21.

## **Notice**

---

The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on October 6, 2022, mailed notice to owners of properties within 500 feet of the subject property, and a sign posted on the property visible from public right-of-way.

## **General Information**

---

**Applicant/Owner(s):** Theodore and Nicole Fancher  
2125 Madison Place  
Evanston, IL 60202

**PIN:** 10-24-306-025-0000

## **Analysis**

---

### Project Summary

The applicants request a major zoning variation to allow a street side yard of approximately 6 feet 6 inches for the construction of an approximately 592 square-foot, one-story addition to an existing principal structure where a 15-foot street side yard is required.

No additional zoning relief is required and no other changes to the existing building or property are proposed. No written objections were received before the distribution of this report.

Existing & Surrounding Conditions

The site, 2125 Madison Place, is an approximately 5,500 square-foot lot located at the northeast corner of the intersection of Madison Place (E-W) and Hartrey Avenue (N-S). The property is improved with an existing 966-square-foot, two-story, single-family home. The property is located within the R2 Single-Family Residential District. Single-family homes surround the property on all sides. No accessory structures are present on the property.

The property is a corner lot and is set back approximately 68 feet from the front (south) lot line along Madison Place. The bulk of the home, being the massing that is two stories in height, is currently legal nonconforming at about 6 feet 6 inches from the street side (west) lot line along Hartrey. The attached one-car garage is within the one-story massing of the home and is compliant with a setback of about 16 feet 6 inches from the street side lot line.

<b>Surrounding Zoning and Land Uses</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North (across alley)</b>	R2 Single-Family Residential District	Single-family homes
<b>South (across Madison)</b>	R2 Single-Family Residential District	Single-family homes
<b>East</b>	R2 Single-Family Residential District	Single-family homes
<b>West (across Hartrey)</b>	R2 Single-Family Residential District	Single-family homes

Proposal

The applicants are requesting the 6 foot 6 inch street yard setback to accommodate approximately 59 square feet of the proposed 592 square foot addition. This results in about 9.9 percent (9.9%) of the total one-story addition encroaching into the required street side yard. Of the total proposed lineal feet of the west elevation facing Hartrey, about 68 feet, the length of the elevation wall requiring the relief is 6 feet 10.5 inches, or 10 percent (10%). This wall is also only about 23.4 percent (23.4%) of the total addition facing Hartrey.

The proposed one-story addition will add a fourth bedroom and ensuite bathroom (primary bed and bath) to the home, where only three bedrooms, all on the second floor, exist currently.

*Ordinances Identified for Requested Relief*

Section 6-8-3-7(A)(2), R2 Single-Family Residential District, Yard Requirements, Residential Structures

1. Front yard: 27 feet
2. Street side yard: 15 feet
3. Interior side yard: 5 feet
4. Rear yard: 30 feet

**Design and Project Review (DAPR) Discussion**

---

October 11, 2022 – Staff attending the Design and Project Review meeting found the project modest and appropriate and did not have any concerns. No conditions of approval were suggested.

**Department Recommendation**

---

The proposed project proposed the minimum relief necessary to accomplish the intended improvements while maintaining functionality in the home.

**Standards for Approval**

---

For a variation to be approved, the Land Use Commission must find that the proposed variation(s):

1. **Will not have a substantial adverse impact on the use, enjoyment, or property values of adjoining properties:** The building addition is intended to serve the existing permitted use, a single-family dwelling.
2. **Is in keeping with the intent of the zoning ordinance:** The proposed addition will allow an existing structure to be improved upon so that it remains functional for current and future occupants as a single-family dwelling.
3. **Has a hardship or practical difficulty that is peculiar to the property:** The existing placement of the home on the property is unique in its atypically long distance from the front lot line and just under 50 percent of the existing home's west elevation faces the street side (Hartrey) lot line.
4. **The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience:** The internal floor plan of the home would be constrained and non-functional without the approximately 7-foot extension of the existing wall closest along Hartrey Avenue.
5. **Is not based exclusively upon a desire to extract additional income from the property or public benefit to the whole will be derived:** The addition is intended to improve the functionality of the structure as a single-family dwelling.

6. **Does not have a hardship or practical difficulty that was created by any person having an interest in the property:** The existing footprint of the structure is legal nonconforming and the proposed addition requires a minimal extension of the legal nonconforming footprint.
7. **Is limited to the minimum change necessary to alleviate the particular hardship or practical difficulty:** The addition is the minimum proposed to achieve the functional improvements necessary for the existing structure.

### **Attachments**

---

1. Major Variation Application and Proof of Ownership
2. Aerial Photo
3. Street View
4. Zoning Map
5. Plat of Survey
6. Plans
7. Zoning Analysis



## 5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

- |                                     |  |   |
|-------------------------------------|--|---|
| <input checked="" type="checkbox"/> | <b>(This) Completed and Signed Application Form</b>                |   |
| <input checked="" type="checkbox"/> | <b>Plat of Survey</b>  | Date of Survey: _____                         |
| <input checked="" type="checkbox"/> | <b>Project Site Plan</b>   | Date of Drawings: <u>05/31/22</u>             |
| <input checked="" type="checkbox"/> | <b>Plan or Graphic Drawings of Proposal</b> (If needed, see notes) |   |
| <input checked="" type="checkbox"/> | <b>Non-Compliant Zoning Analysis</b>                               |   |
| <input checked="" type="checkbox"/> | <b>Proof of Ownership</b>  | Document Submitted: <u>Mortgage Statement</u> |
| <input type="checkbox"/>            | <b>Application Fee (see zoning fees)</b>                           | Amount \$ _____ plus Deposit Fee <u>\$150</u> |

**Note: Incomplete applications will not be accepted.** Although some of these materials may be on file with another City application, individual City applications must be complete with their own required documents.

### **Plat of Survey**

(1) One copy of plat of survey, drawn to scale, that accurately reflects current conditions.

### **Site Plan**

(1) One copy of site plan, drawn to scale, showing all dimensions.

### **Plan or Graphic Drawings of Proposal**

A Major Variance application requires graphic representations for any elevated proposal-- garages, home additions, roofed porches, etc. Applications for a/c units, driveways, concrete walks do not need graphic drawings; their proposed locations on the submitted site plan will suffice.

### **Proof of Ownership**

Accepted documents for Proof of Ownership include: a deed, mortgage, contract to purchase, closing documents (price may be blacked out on submitted documents).

- **Tax bill will not be accepted as Proof of Ownership.**

### **Non-Compliant Zoning Analysis**

This document informed you that the proposed project is non-compliant with the Zoning Code and is eligible to apply for a major variance.

### **Application Fee**

**\* IMPORTANT NOTE: Except for owner-occupied residents in districts R1, R2 & R3, a separate application fee will be assessed for each variation requested.**

The fee application fee depends on your zoning district (see zoning fees). Acceptable forms of payment are: Cash, Check, or Credit Card.

**6. PROPOSED PROJECT**

A. Briefly describe the proposed project:

We are proposing a one story addition to the front of our home to expand our living space and add an additional bedroom and 1.5 bathrooms.

B. Have you applied for a Building Permit for this project?  NO  YES

(Date Applied: \_\_\_\_\_ Building Permit Application #: \_\_\_\_\_)

**REQUESTED VARIATIONS**

**What specific variations are you requesting?** For each variation, indicate (A) the specific section of the Zoning Ordinance that identifies the requirement, (B) the requirement (minimum or maximum) from which you seek relief, and (C) the amount of the exception to this requirement you request the City to grant. (See the Zoning Analysis Summary Sheet for your project's information)

<b>(A) Section</b> <small>(ex. "6-8-3-4")</small>	<b>(B) Requirement to be Varied</b> <small>(ex. "requires a minimum front yard setback of 27 feet")</small>	<b>(C) Requested Variation</b> <small>(ex. "a front yard setback of 25.25 feet")</small>
<b>1</b>		
<u>6-8-3-7</u>	<u>requires a minimum street side setback of 15 feet</u>	<u>west street side setback of 6.47 feet on a portion of the new addition to follow existing line of home</u>

\* For multiple variations, see "IMPORTANT NOTE" under "Application Fee & Transcript Deposit" on Page 2.

<b>2</b>		
_____	_____	_____
<b>3</b>		
_____	_____	_____

**B.** A variation's purpose is to provide relief from specified provisions of the zoning ordinance that may unduly impact property due to the property's particular peculiarity and special characteristics. What characteristics of your property prevent compliance with the Zoning Ordinance requirements?

We are looking to add additional space to our current home, which we have outgrown. We are unable to build up or back on the property and are looking to expand to the front of the home.

The existing home was constructed with a 6.47 foot setback on the west side property line. We are asking to continue along this line for a minimal length to expand the living space of the home.

1. The requested variation will not have a substantial adverse impact on the use, enjoyment, or property values of adjoining (touching or joining at any point, line, or boundary) properties.

The area we are expanding that requires a variance is a 6.85 foot section that follows the existing line of the home.

This section does not border any other homes or create any impact on other homes.

2. 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.

This 6.85 foot extension follows the existing 17.85 foot section of living space that is currently on a 6.47 foot setback.

We are requesting to follow the existing line of the home to increase our living space and remain in the same home.

3. Either...

(a) the purpose of the variation is not based exclusively upon a desire to extract income from the property, or

(b) 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 Zoning Board of Appeals or the City Council, depending upon final jurisdiction under §6-3-8-2, 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 §6-3-6-3.

The purpose of the variation is not based on a desire to extract income from the property. It is based on a desire to increase our quality of life and living space in our home.

4. The alleged difficulty or hardship has not been self-created, if so, please explain.

When our home was built, the west wall of the living space was setback 6.47 feet. This is the line of the home that we are following to expand given that we cannot build up, back or east on the property. We are only requesting this 6.85 foot section be expanded to increase the living space.

5. Have other alternatives been considered, and if so, why would they not work?

We initially considered building up and back, but are not able to do either of those options. They also would not give us sufficient space, even if they were structurally possible.



# City of Evanston DISCLOSURE STATEMENT FOR ZONING HEARINGS

(This form is required for all Major Variances and Special Use Applications)

The Evanston City Code, Title 1, Chapter 18, requires any persons or entities who request the City Council to grant zoning amendments, variations, or special uses, including planned developments, to make the following disclosures of information. The applicant is responsible for keeping the disclosure information current until the City Council has taken action on the application. For all hearings, this information is used to avoid conflicts of interest on the part of decision-makers.

1. If applicant is an agent or designee, list the name, address, phone, fax, and any other contact information of the proposed user of the land for which this application for zoning relief is made:  
Does not apply.

N/A-Does not apply.

2. *If a person or organization owns or controls the proposed land user*, list the name, address, phone, fax, and any other contact information of person or entity having constructive control of the proposed land user. Same as number \_\_\_\_\_ above, or indicated below. (An example of this situation is if the land user is a division or subsidiary of another person or organization.)

N/A - Does not apply.

3. List the name, address, phone, fax, and any other contact information of person or entity holding title to the subject property. Same as number \_\_\_\_\_ above, or indicated below.

Ted and Nicole Fancher, 2125 Madison Place, Evanston, IL 60202, 773-896-8162

4. List the name, address, phone, fax, and any other contact information of person or entity having constructive control of the subject property. Same as number   3   above, or indicated below.

N/A

**If Applicant or Proposed Land User is a Corporation**

Any corporation required by law to file a statement with any other governmental agency providing substantially the information required below may submit a copy of this statement in lieu of completing a and b below.

- a. Names and addresses of all officers and directors.

N/A

- b. Names, addresses, and percentage of interest of all shareholders. If there are fewer than 33 shareholders, or shareholders holding 3% or more of the ownership interest in the corporation or if there are more than 33 shareholders.

N/A

**If Applicant or Proposed Land User is not a Corporation**

Name, address, percentage of interest, and relationship to applicant, of each partner, associate, person holding a beneficial interest, or other person having an interest in the entity applying, or in whose interest one is applying, for the zoning relief.

N/A

+ 2057670 000021836 5200 P2

NICOLE R FANCHER  
THEODORE FANCHER III  
2125 MADISON PL  
EVANSTON, IL 60202-1925  
21836

Account Number	██████████
Payment Due Date	05/01/22
Amount Due	██████████
<i>If payment is received after 05/16/22, a \$100.56 late fee will be charged.</i>	

Account Information	
Outstanding Principal	██████████
Current Escrow Balance	██████████
Interest Rate	██████████%
Prepayment Penalty	No

Explanation of Amount Due	
Principal	██████████
Interest	██████████
Escrow (for Taxes and/or Insurance)	██████████
<b>Regular Monthly Payment</b>	██████████
Total Fees and Charges	\$0.00
Overdue Payment	\$0.00
<b>Total Amount Due</b>	██████████

Transaction Activity (03/28/22 through 04/01/22)			
Date	Description	Charges	Payments
03/21/22	Posted to Escrow	0.00	██████████
03/28/22	Closing Interest Receipt	0.00	██████████
03/30/22	Posted to Unapplied	0.00	██████████

Past Payments Breakdown		
	Paid Last Month	Paid Year-to-Date
Principal	██████████	██████████
Interest	██████████	██████████
Escrow (Taxes and/or Insurance)	██████████	██████████
Fees	██████████	██████████
Partial Payment (Unapplied)*	██████████	██████████
<b>Total</b>	██████████	██████████

**Important Messages**

\***Partial Payments:** Any partial payments that you make are not applied to your mortgage, but instead are held in a separate suspense account. If you pay the balance of a partial payment, the funds will then be applied to your mortgage.

IF YOU HAVE RECEIVED A BANKRUPTCY DISCHARGE OF THIS DEBT OR ARE NOT OBLIGATED ON THE DEBT, THIS STATEMENT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT AN ATTEMPT TO ASSESS OR COLLECT THE DEBT FROM YOU PERSONALLY.

We may report information about your account to credit bureaus. Late payments, missed payments or other defaults on your account may be reflected in your credit report.

NOTICE TO CALIFORNIA RESIDENTS: As required by California law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

Member FDIC Equal Housing Lender. (12/16) 9702

If you are making a payment, make your check payable to Associated Bank.

NICOLE R FANCHER  
THEODORE FANCHER III

ASSOCIATED LOAN SERVICES DEPARTMENT  
P.O. Box 8879  
CAROL STREAM IL 60197-8879



██████████ 00267261 00257205 4

500 130 10 11

Account Number ██████████	
<b>Amount Due</b>	
<b>Due By 05/01/22:</b>	██████████
<i>\$100.56 late fee will be charged after 05/16/22</i>	
Additional Principal	\$ -
Additional Escrow	\$ -
<b>Total Amount Enclosed \$</b>	██████████

Check if your account or address has changed and fill out form on reverse side.

**Error Resolution And Information Requests**

Mail requests for error resolution or requests for information to:

Associated We Care Department  
1305 Main Street, MS 7722  
Stevens Point, WI 54481-0327

Borrowers have certain rights under Federal law related to resolving errors and requesting information about their account. Please visit [AssociatedBank.com/Contact](http://AssociatedBank.com/Contact) to learn more.

**Fair Credit Reporting Dispute Requests**

Mail requests for fair credit reporting dispute requests to:

Associated Bank Servicing Support  
1305 Main Street, MS 7705  
Stevens Point, WI 54481-0327

For additional information required to complete your dispute and a summary of your rights, please visit [AssociatedBank.com/Contact](http://AssociatedBank.com/Contact) to learn more.

**Important Contact Information**

Mail payments to:

Associated Loan Services Department  
P.O. Box 8879  
Carol Stream, IL 60197-8879

Send overnight payments to:

Associated Loan Services Dept. - Cashiering  
1305 Main Street  
Stevens Point, WI 54481

Request pay by phone service:

Customer Care  
800-242-2470  
(a fee may apply)

**Housing Counselor Information:** If you would like counseling or assistance, you can contact the following:

U.S. Department of Housing and Urban Development (HUD): For a list of home ownership counselors or counseling organizations in your area, go to [www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm](http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm) or call 800-569-4287

Request for information about mortgage assistance:

Associated Loss Mitigation Department  
866-504-2774  
[Loss.Mitigation@AssociatedBank.com](mailto:Loss.Mitigation@AssociatedBank.com)

**General Information**

**IF YOUR ADDRESS OR ACCOUNT INFORMATION CHANGES** – Please place an “X” in the area provided on the front of the statement and note the changes below. To help us serve you better, be sure to include your home and business phone numbers.

**TO AVOID LATE CHARGES** – Make payments on or before the due date.

**PAYMENT CUT-OFF TIMES** – Payments received Monday-Friday (non-holidays) online at [AssociatedBank.com](http://AssociatedBank.com), by telephone or in person at an Associated Bank branch before 5:00 PM will be credited to your account as of the date of receipt. Payments received after 5:00 PM Monday-Friday, on a weekend, or on a holiday, including payments received via mail, may be subject to a delay in crediting of up to 5 days after the date of receipt.

**IF YOU LOSE YOUR STATEMENT** – Please do not delay payment while waiting for an additional or corrected statement. If you misplace a monthly statement and are unable to return the payment coupon portion with your monthly payment, please write your loan number on your check and send to the payment address above. You may also make your payment at an Associated Bank location, call the pay by phone service listed above or make an online payment by visiting [AssociatedBank.com](http://AssociatedBank.com).

**Insurance Information**

For your protection and as required by your Mortgage loan documents, remember to keep your property insured.

**PROPERTY DAMAGE** – Report immediately to Customer Service at 800-242-2470 or in writing (to the request for information address listed above). By notifying us promptly, we can coordinate claim processing requirements to avoid delays.

**POLICY/COMPANY CHANGES** – Please notify us if you change insurance companies. Write your loan number on your insurance bills or documents and mail to:

Associated Loan Services Department  
Escrow Servicing - Insurance  
P.O. Box 327  
Stevens Point, WI 54481-0327

**Do we have your current information?**

If changes are required, update the information listed, detach and mail to the address below. This form should also be used to inform us of a change in your mailing address. If all the information is accurate, no further action is required.

Please provide the updated information on the lines provided and return with your payment or mail to:

Associated Loan Services Department  
1305 Main Street  
Stevens Point, WI 54481

Loan number: \_\_\_\_\_

**Reason for change:**  Mailing Address  Name – Marriage\*  
 Name – Divorce\*  Name – Death\*  
\*For name change provide legal document copy.

Name: \_\_\_\_\_

Street: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Home Phone: (     ) \_\_\_\_\_

Business Phone: (     ) \_\_\_\_\_

Date: \_\_\_\_\_

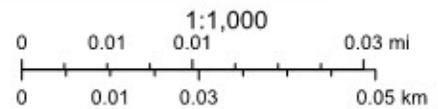
Signature: \_\_\_\_\_

# 2125 Madison Place - Zoning



10/21/2022, 12:11:59 PM

- |                            |                                |
|----------------------------|--------------------------------|
| Zoning Boundaries & Labels | C1a - Commercial Mixed-Use     |
| <b>Zoning Districts</b>    | C2 - Commercial                |
| B1 - Business              | D1 - Downtown Fringe           |
| B1a - Business             | D2 - Downtown Retail Core      |
| B2 - Business              | D3 - Downtown Core Development |
| B3 - Business              | D4 - Downtown Transition       |
| C1 - Commercial            | I1 - Industrial / Office       |

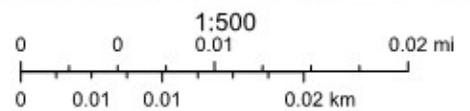


# 2125 Madison Place - Aerial



10/21/2022, 12:08:37 PM

-  City Boundary
-  Tax Parcels



2125 Madison Place – Street view



looking east from Hartrey



looking north from Madison

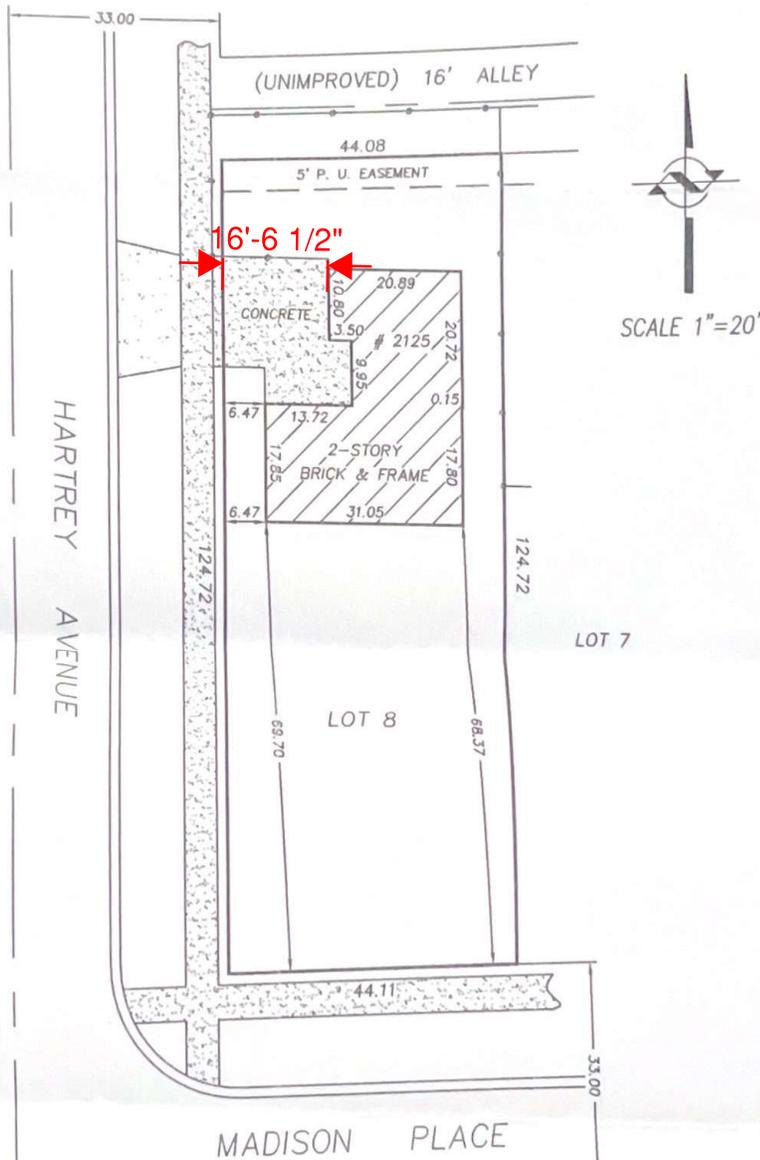
R.H. GRANATH  
SURVEYING SERVICE, P.C.  
PH: (708) 371-4478  
FAX (708) 371-3922

# PLAT OF SURVEY

of

R.H. GRANATH  
SURVEYING SERVICE, P.C.  
6006 W. 159th STREET  
BUILDING B UNIT 1-SOUTH  
OAK FOREST, ILL. 60452

LOT 8, IN CLELAND'S RESUBDIVISION OF BLOCK 1, IN RAY P. TENNE'S FIRST ADDITION TO EVANSTON, IN THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



STATE OF ILLINOIS }  
COUNTY OF COOK } SS

THIS IS TO CERTIFY THAT R.H. GRANATH SURVEYING SERVICE, P.C. HAS ISSUED THIS PLAT FROM FIELD SURVEY DATA OBTAINED AT THE PROPERTY INDICATED IN THE CAPTION LEGAL DESCRIPTION AND PUBLIC RECORDS, AND THAT THE FOREGOING IS A TRUE AND CORRECT REPRESENTATION OF THE SAME. THIS PLAT OF SURVEY CONFORMS TO THE CURRENT ILLINOIS/MINIMUM STANDARDS OF PRACTICE PER TITLE 68 CHAPTER VII, SUBCHAPTER b; SECTION 1270.56 IN THE RULES FOR THE ILLINOIS PROFESSIONAL LAND SURVEYOR ACT. NO BOUNDARY CORNERS WERE SET DURING THIS FIELD SURVEY OF THE SUBJECT PROPERTY BY CLIENT AGREEMENT (ITEM 30 OF SAID RULES). ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

DATE: MAY 9, 2014

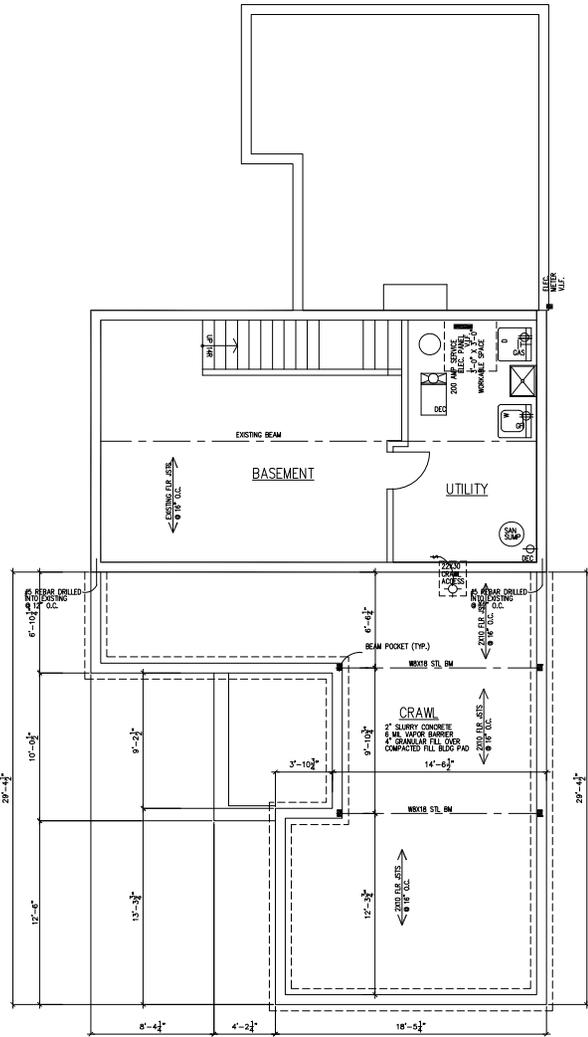
CLIENT: LAW OFFICE OF MARK L. SPIEGEL

R.H.G ORDER NO. MS 2014-04-093

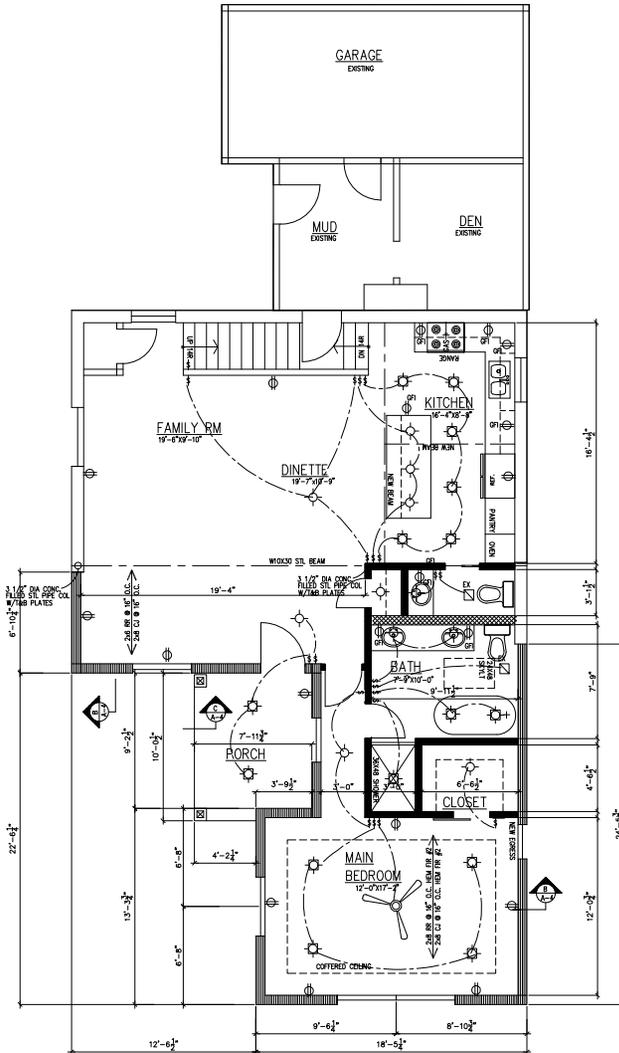
*Steven R. Granath*  
STEVEN R. GRANATH, P.L.S. No. 3169  
VALID ONLY IF EMBOSSED SEAL IS AFFIXED

COMPARE ALL DIMENSIONS BEFORE BUILDING AND REPORT ANY DISCREPANCIES AT ONCE.

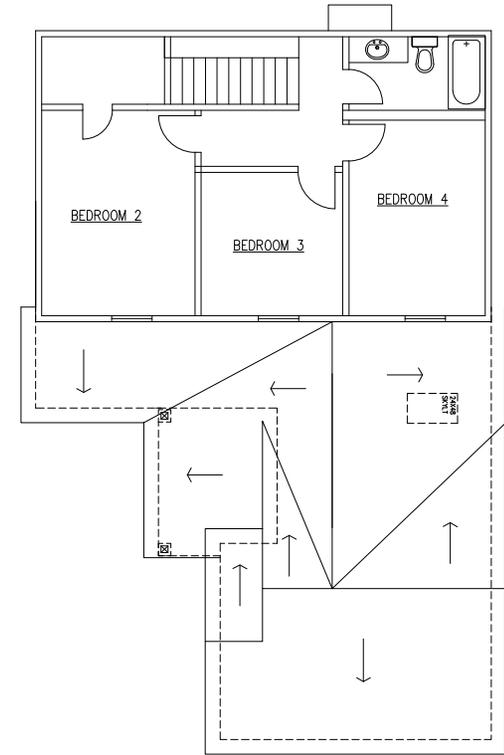




**BASEMENT PLAN**  
SCALE: 1/4"=1'-0"



**FIRST FLOOR PLAN**  
SCALE: 1/4"=1'-0"



**SECOND FLOOR PLAN**  
SCALE: 1/4"=1'-0"

- LEGEND**
- EXISTING WALL CONSTRUCTION
  - 2X6 INSULATED WALL
  - EXISTING WALL TO BE REMOVED
  - 2X4 STUD AT 16" O.C.
  - 2X4 UNINSULATED WALL
  - 2x6 PLUMBING WALL



JAKL BRANDEIS ARCHITECTS LTD.  
1800 HAWTHORNE LANE  
WEST CHICAGO, ILLINOIS 60185  
PH. (630) 562-3900 FAX (630) 562-2570

ISSUE	DATE
PRELIMINARY	07-20-21
CODE REVISION	
CODE REVISION-2	

FANCHER ADDITION  
2125 MADISON PLACE  
EVANSTON, ILLINOIS

Sheet No.  
**A-2**  
2 of 5



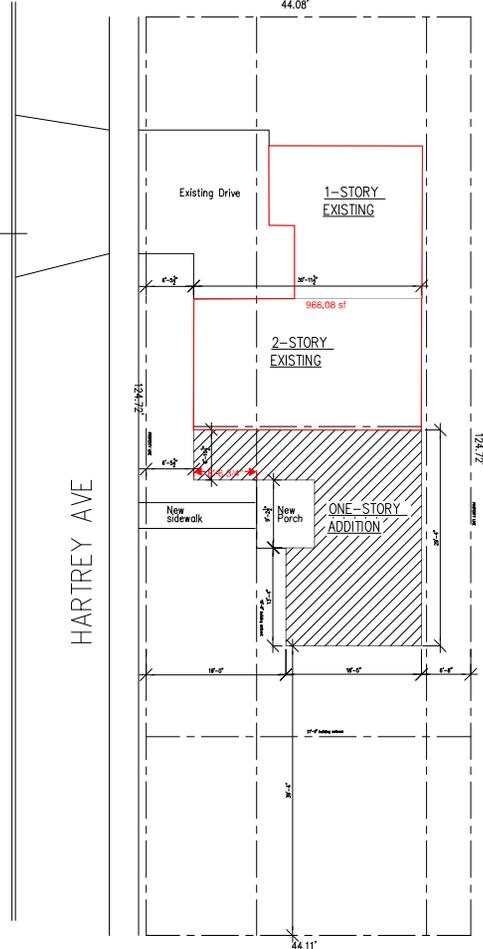
FRONT ELEVATION  
SCALE: 1/4"=1'-0"



RIGHT ELEVATION  
SCALE: 1/4"=1'-0"



LEFT ELEVATION  
SCALE: 1/4"=1'-0"



HARTREY AVE

MADISON PLACE

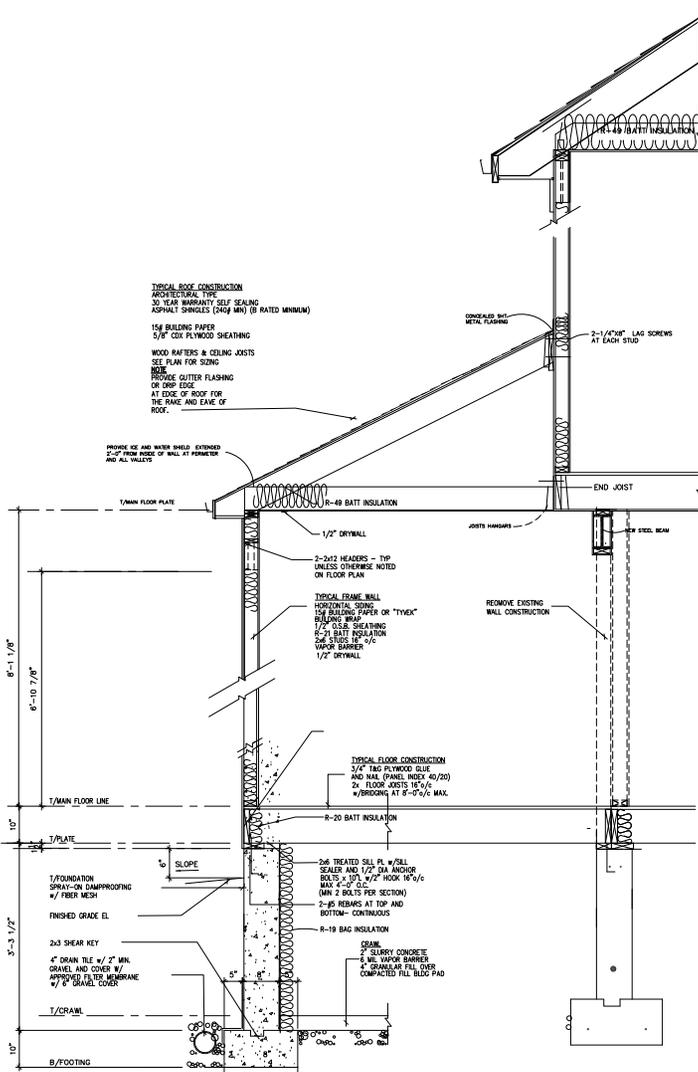
 SITE PLAN  
SCALE: 1/8"=1'-0"

JAKL BRANDEIS ARCHITECTS, LTD.  
1800 HAWTHORNE LANE  
WEST CHICAGO, ILLINOIS 60185  
PH. (630) 562-3900 FAX (630) 562-2570

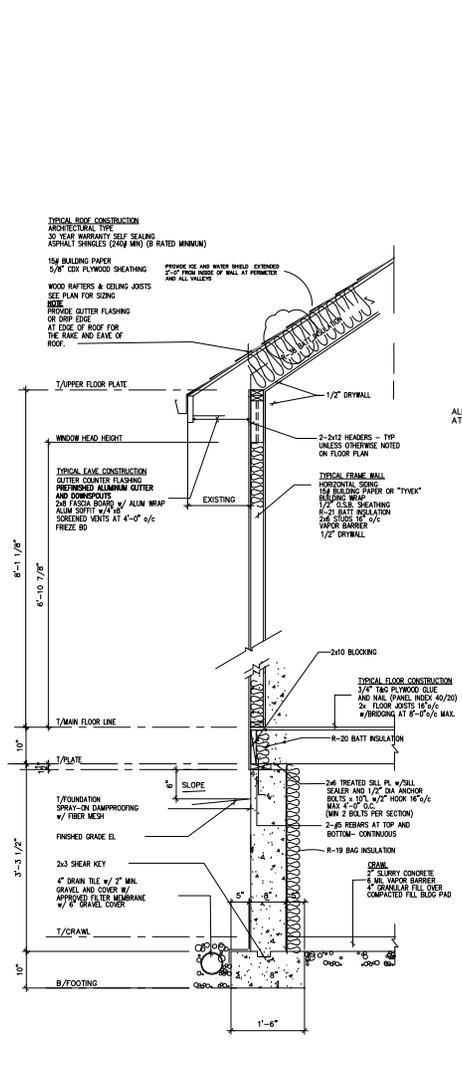
ISSUE	DATE
PRELIMINARY	07-20-21
CODE REVISION	
CODE REVISION-2	

FANCHER ADDITION  
2125 MADISON PLACE  
EVANSTON, ILLINOIS

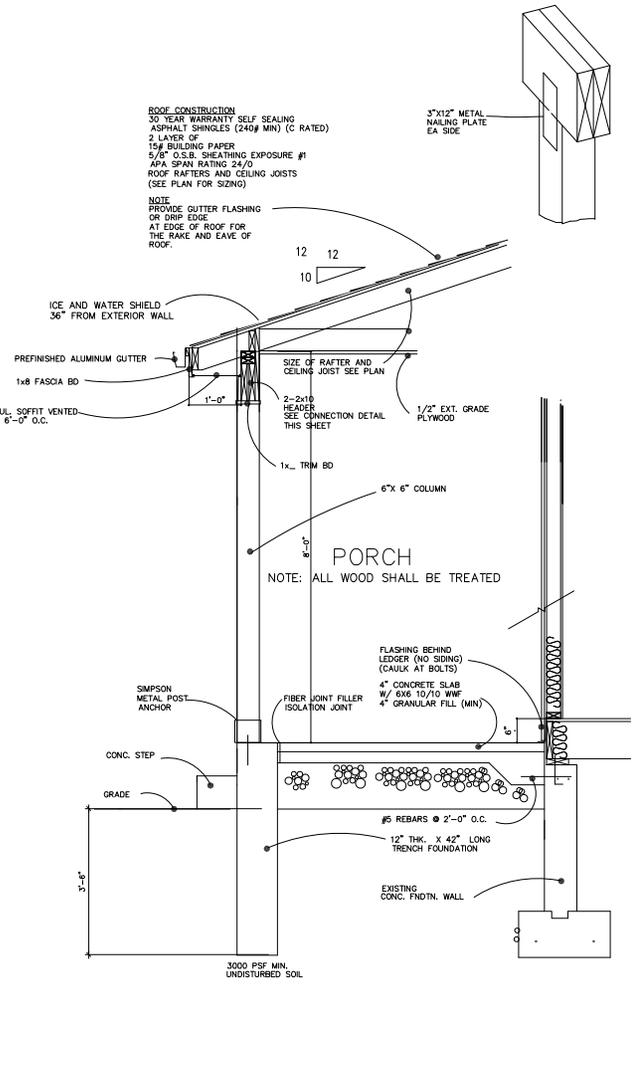
Sheet No.  
**A-3**  
of 5



**A WALL SECTION**  
SCALE: 3/4" = 1'-0"



**B WALL SECTION**  
SCALE: 3/4" = 1'-0"



**C WALL SECTION**  
SCALE: 3/4" = 1'-0"

JAKL BRANDELS ARCHITECTS, LTD.  
1800 HAWTHORNE LANE  
WEST CHICAGO, ILLINOIS 60185  
PH. (630) 562-3900  
FAX (630) 562-2570

ISSUE	DATE
PRELIMINARY	07-20-21
CODE REVISION	
CODE REVISION-2	

FANCHER ADDITION  
2125 MADISON PLACE  
EVANSTON, ILLINOIS



**WATER SUPPLY NOTES:**

- ALL WATER LINES TO BE TYPE "L" COPPER PIPE, W/ NO LEAD SOLDER ON ABOVE GROUND PIPING.
- EXISTING DOMESTIC WATER SERVICE TAP
- 3/4" MAIN BRANCH SUPPLY, 24" AIR CHAMBER
- 1/2" FIXTURE BRANCHES, 12" AIR CHAMBERS
- WATER HEATERS TO HAVE PRESSURE RELIEF
- PROVIDE SHUT-OFF VALVES AT ALL FIXTURES
- PROVIDE AUTO SAFETY MIXING VALVES AT TUBS/SHOWERS (THERMOSTATIC OR PRESSURE BALANCING)
- PROVIDE CITY REMOTE METER READER AS
- PROVIDE INTERIOR SHUT-OFF VALVES AT
- PROVIDE THERMAL EXPANSION TANK AT COLD WATER INLET TO EACH HOT WATER HEATER. (AS

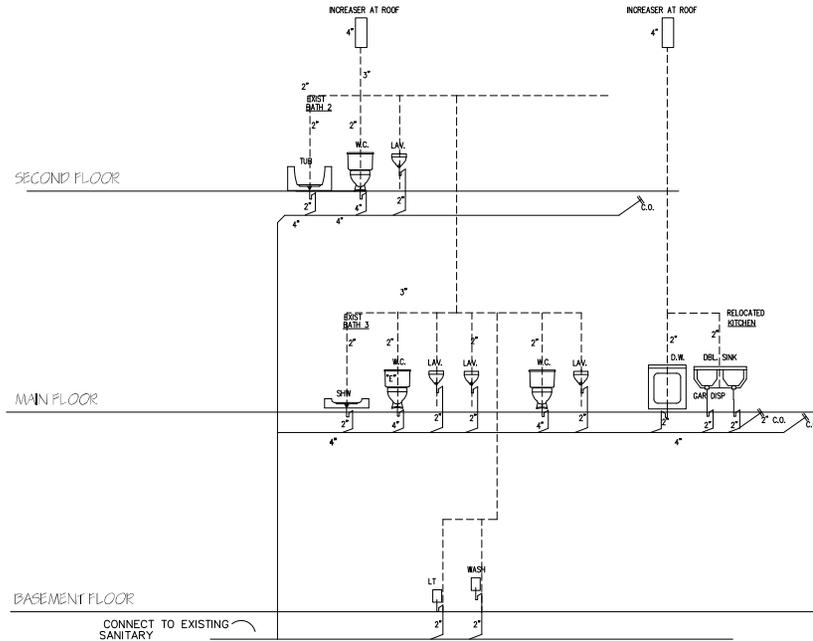
**NOTES:**

1. THE DRAINAGE AND VENT SYSTEM SHALL BE PRESSURED TESTED WITH WATER OR AIR.
2. ALL SHOWER COMPARTMENTS AND SHOWER-BATH COMBINATIONS SHALL BE PROVIDED WITH AN AUTOMATIC SAFETY WATER MIXING DEVICE AND SHALL COMPLY WITH ASSE/ASSE 1016-1998 AND BE DESIGNED WITH A MINIMUM HANDLE ROTATION LIFT/STOP, OR COMPLY WITH ASSE 1017-1998. THE SAFETY WATER-MIXING DEVICE SHALL BE ADJUSTED TO A WORKING SETTING OF 115 DEG FAHRENHEIT AT THE TIME OF INSTALLATION.
3. ALL HAND-HELD SHOWER SPRAY UNITS SHALL HAVE AN ATMOSPHERIC VACUUM BREAKER INSTALLED ON THE HOSE SUPPLY FITTING CONFORMING TO ASSE 1014.
4. ALL EXPOSED HOT WATER PIPING SHALL BE INSULATED FROM THE WATERHEATER TO THE FIXTURES WITH A MINIMUM THERMAL RESISTANCE (R-VALUE) OF R-3 INSULATION.
5. THE PLUMBING INSPECTOR SHALL FIELD VERIFY THE DRAIN, WASTE, VENT AND WATER DISTRIBUTION SYSTEM SHALL BE PROPERLY SIZED IN ACCORDANCE WITH THE APPROPRIATE TABLES FOUND IN B10, APPROX.
6. PROVIDE WATER RESISTANT DRYWALL AROUND ALL TUB ENCLOSURES

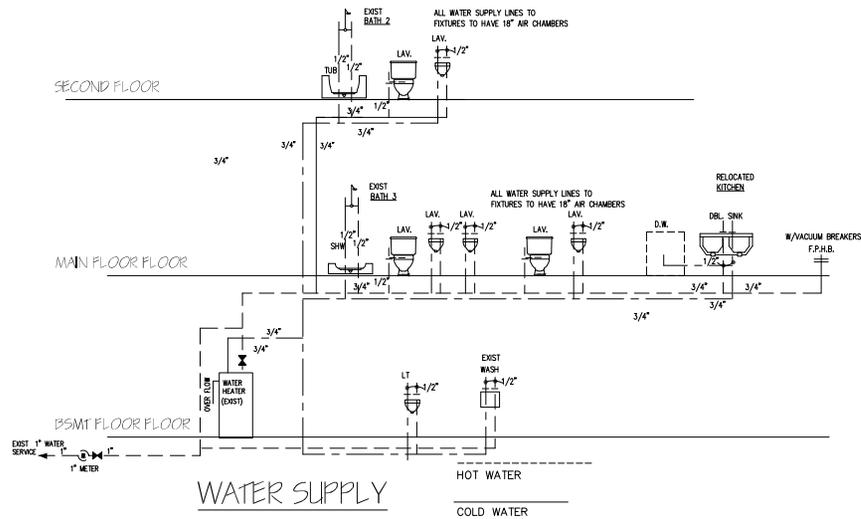
**PLUMBING WASTE LINES:**

- SIZE PIPING ACCORDING TO ILLINOIS STATE PLUMBING CODES.
- PIPING BELOW CONCRETE SLAB TO BE IN CAST
- SANITARY PUMP TO HAVE GASKETED AIR-TIGHT
- ALL MATERIALS AND INSTALLATIONS TO BE IN ACCORDANCE WITH THE ILLINOIS PLUMBING CODE
- PVC PIPE ABOVE GROUND (ASTM D2668-74,
- PURPLE PRIMER OR STACK TEST REQUIRED ON ALL PVC PIPING

SUPPLY FIXTURE UNITS					
TYPE	WC	PL	TOTAL		REMARKS
WC	WATER CLOSET	3	3	9	
LAV	LAVATORY	4	1	4	
SK	SINK	1	2	2	
SHW	SHOWER	2	2	4	
TUB	TUB	1	2	2	
LAU	LAUNDRY	1	2	2	
DISH	DISHWASHER	1	2	2	
				25	TOTAL



**PLUMBING WASTE LINES**



**WATER SUPPLY**

JAKL BRANDEIS ARCHITECTS LTD.  
1800 HAWTHORNE LANE  
WEST CHICAGO, ILLINOIS 60185  
PH. (630) 562-3900 FAX (630) 562-2570

ISSUE	DATE
PRELIMINARY	07-20-21
CODE REVISION	
CODE REVISION-2	

FANCHER ADDITION  
2125 MADISON PLACE  
EVANSTON, ILLINOIS



Sheet No.  
A-5  
5 of 5



## Zoning Analysis Summary

<b>Case Number:</b>	<b>Case Status/Determination:</b>
22ZONA-0151 – 2125 MADISON PLACE	NON-COMPLIANT
<b>Plan Dated: 07-20-22</b>	
<b>Proposal:</b>	<b>By: JAKL BRANDEIS ARCHITECT, LTD.</b>
1-STORY ADDITION	
<b>Zoning Section:</b>	<b>Comments:</b>
6-6-5-2	Any addition, whether vertical or horizontal, is required to comply with current zoning regulations.
	Front yard: Along Madison Place Street side yard: Along Hartrey Avenue Interior side yard: Along east property line Rear yard: Along north property line
6-8-3	Property zoned R2
6-8-3-4	Lot size:  Standard: 5000 sf Existing: 5499.5 sf
6-8-3-5	Lot width:  Standard: 35' Existing: 44.1'
6-8-3-6	Building lot coverage:  Standard: 40% of lot area Proposed: 1560 sf, 28.4%
6-8-3-9	Impervious surface coverage:  Standard: 55% of lot area

---

Proposed: Need additional information

If a walk is proposed from the new entrance, please show on the site plan

---

6-8-3-8

Building height:

Standard: 35' not to exceed 2.5 stories

Proposed: Less than 35' at 1-story

---

6-8-3-7;  
6-4-1-9

Building setbacks:

Front, south:

Standard: 39.4'; existing block average

Proposed: 40.4'

**Street side, west: Non-compliant**

**Standard: 15'**

**Proposed: 6.5' to addition**

Interior side, east:

Standard: 5.0'

Proposed: 6.6'

Rear, north:

Standard: 30'

Proposed: No change

---

6-4-1-9

Roof overhang, yard obstruction:

Standard: 10% obstruction into required setback; for additions, the overhang depth on the addition is permitted to match the existing roof.

On the plan, please dimension the roof overhang on the existing roof and on the addition.

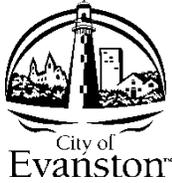
---

MICHAEL GRIFFITH, PLANNER  
07-13-22

Land Use Commission

3101 Central St.  
Amendment to a  
Major Variation Condition  
22ZMJV-0076

Recommending Body



# Memorandum

To: Chair and Members of the Land Use Commission

From: Melissa Klotz, Zoning Administrator

CC: Sarah Flax, Interim Director of Community Development  
Elizabeth Williams, Planning Manager

Subject: Amendment to a Major Variation Condition  
3101 Central St., 22ZMJV-0076

Date: October 17, 2022

## **Request**

---

Lakeside Auto Rebuilders Inc. requests to amend an existing Major Variation condition required by Ord. 105-O-19, Ord. 27-O-87, and Covenant 87-359274 that requires termination of use upon transfer of ownership of the property. The site contains a legally nonconforming use of an Automobile Repair Service Establishment and Auto Body Repair Establishment where said uses are not eligible permitted or special uses in the R4 General Residential District (Section 6-8-5-2 & 6-8-5-3) or an eligible Active Ground Floor Use in the oCSC Central Street Overlay District (Section 6-15-14-7). The Land Use Commission makes a recommendation to the City Council, the determining body for this case, in accordance with Section 6-3-8-10 of the Evanston Zoning Code and Ordinance 92-O-21.

## **Notice**

The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on October 6, 2022.

## **General Information**

---

**Applicant:** Lakeside Auto Rebuilders, Inc.  
3101 Central St., Evanston, IL

**Owner(s):** Sarkis & Ani Tokat  
3049 Central St., Evanston, IL

**PINs:** 05-33-425-032-0000

**Analysis**

3101 Central St. is located at the northwest corner of Central St. and Lawndale Ave. in the R4 General Residential District and Central Street Overlay District. The building is used for automobile repair and body work. The property was last updated in 2020 following approval of Major Variations (Ord. 105-O-19 attached) to allow the expansion of a legally nonconforming use for an insurance bay building addition with no additional surface parking.

<b>Surrounding Zoning and Land Uses</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	R1 Single Family Residential	Single family homes
<b>South</b>	R4 General Residential	Townhomes
<b>East</b>	R4 General Residential	Single family homes & townhomes
<b>West</b>	R4 General Residential	Single family homes & townhomes

Ordinance 105-O-19 granted zoning relief to expand a legally nonconforming use (Automobile Repair Service Establishment and Auto Body Repair Establishment) in the R4 General Residential District. The applicant requested the 2019 relief in order to construct a 580 sq. ft. one-story enclosed garage bay for indoor insurance adjustments. The addition did not increase the business operations or intensity of use at the property. The 2019 relief also granted a parking variation to add zero parking spaces where one additional space was required due to the garage bay enclosure. Altogether, the property/use is legally nonconforming for parking and has 11 parking spaces where 12 are required. Approved Ordinance 105-O-19 was granted by the City Council and includes the following conditions:

- (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) Continued Use after Damage: In the event the subject building on the subject property is either (a) damaged by fire or other casualty beyond 50% of the cost of restoring the building new, or (b) said building is otherwise removed from the premises, the variations granted herein shall terminate.
- (C) Use Limitations: The use of the subject building shall be limited to a public garage including body repair and painting.
- (D) Environmental Standards: Equipment to control paint fumes emanating from the premises shall be installed and maintained by the applicant and any successor in interest authorized under Condition (F) below, and such equipment shall comply

with the requirements of the Building Department, the Fire Department, and the Federal and Illinois Environmental Protection Agency standards.

- (E) Landscaping: The Applicant shall landscape and beautify the portion of the Subject Property at the corner of Lawndale Avenue and Central Street in substantial compliance with the documents and testimony on record.
- (F) Termination: The variations granted herein shall terminate upon the transfer of ownership of the property to anyone other than Vartkes Yegiyayan, Mari Yegiyayan, Anni Yegiyayan Tokat or Sarkis Tokat or the survivor of them, or upon the cessation of operations of the public garage business by Sarkis Tokat.
- (G) 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, before the City may issue any construction permits pursuant to the Major Variation authorized hereby.

These conditions are a combination of typical City of Evanston conditions (A and G), new conditions to improve the appearance of the property (E) and existing conditions stated in previous variation Ord. 27-O-87 and Covenant 87-359274 (all other listed conditions). At the time of the 2019 variation, the applicant sought relief to increase the nonconforming use by adding the insurance bay, and did not request modification or elimination of any existing conditions. The 2019 variation request resulted in an outpouring of support from the surrounding neighborhood, who attested that Lakeside Auto has been a model neighbor so the business should be allowed to expand and continue operations at the site. Six neighboring property owners testified in support at the Zoning Board of Appeals (ZBA) hearing, and none testified in opposition (and there were 6 letters of support and 2 in opposition within the ZBA packet).

The conditions regarding termination of the use are based upon the property history:

- 1921-1940 – Property occupied and used by a “brick fuel oil selling station”
- 1928 – Permit issued for installation of a grease pit
- 1944 – Permit issued for “repair work to garage”
- 1954 – Two-car garage on the property was moved from the front of the property to the west side of the principal building
- 1987 – Variation Ord. 27-O-87 granted to allow the use to continue, subject to conditions including elimination of the use if the property/business changes ownership beyond the Yegiyayan/Tokat family.

The termination of use was a requirement due to the underlying and surrounding zoning and the surrounding uses. Typically, it is not best land use practice to allow uses that are likely to conflict with each other and create negative impacts on each other, such as automobile service stations (gas stations)/auto repair shops/auto body repair shops that may be noisy, produce fumes, and create additional traffic to abut low density residential areas such as 3101 Central Street and the surrounding neighborhood. However, this property and business feature unique circumstances that instead create a situation where the legally nonconforming use may be less-impactful if it continues operation into the future, including under different ownership. These circumstances include:

- Original use of the property as a gas station, as well as the current long-time use for automobile repair and body work, means it is highly likely the soil at the property is contaminated and will require extensive environmental remediation. Extensive environmental remediation is extremely costly and often deters redevelopment until federal grants are available to assist with the environmental cleanup costs. Given the likely contamination, the property would likely sit vacant for a number of years if Lakeside Auto ceases operations.
- Consistent downzoning of the Central Street corridor over decades has led to extremely limited (now only allowed by special use in Subarea 7 of the oCSC Central Street Corridor Overlay District along Green Bay Rd.) eligible locations for such use, which is a needed service use for residents.
- Neighborhood testimony indicates strong support for the business specifically because it is such a well-run business. Operational details such as work by appointment-only reduces traffic congestion on the street and over-parking within the property. Operational details that ensure the business does not cause nuisance issues to surrounding residents may be listed as new/additional conditions if the termination of use conditions are eliminated.
- Zoning entitlements should typically be bound and determined by the property location and use, not the ownership itself. Most use approvals (typically as Permitted or Special Uses) approve certain uses at certain properties (ie. a Type 2 Restaurant at 1901 Dempster St.) that carry on to any new operator as long as operations are substantially compliant with the existing operations and there is no additional impact proposed. If not for the termination of use conditions, Lakeside Auto could sell the business to a new ownership entity and the legally-nonconforming use would remain compliant as long as operations do not cease for 12 consecutive months.
- The business was granted zoning relief to expand the nonconforming structure and nonconforming use in 2019 by Ord. 105-O-19. With the recent improvements made to the property, it is discerning to also require termination of use. Alternatively, if the termination of use conditions are not eliminated, the property owner then lacks incentive to maintain the property to the highest standard and may allow the property to deteriorate since the business (and likely building) will fall out of use in the future.

The applicant now requests removal of all conditions related to ownership so that the business may be sold to an outside party if there is no future desire for it to remain within the Yegiyayan/Tokat family. If there is concern about consistent low-impact/low- nuisance operations by any future owner, operational details may be added as new/additional conditions to the existing variation approval.

### **Design and Project Review (DAPR) Discussion**

The request was reviewed by DAPR on October 4, 2022. The applicant reviewed the past history of the property, support of the surrounding neighborhood, and current request to eliminate the termination of use conditions.

### **Department Recommendation**

The Community Development Department recommends the Land Use Commission provide a positive recommendation to the City Council for approval of an amendment to the existing zoning relief established in Ordinances 105-O-19 and 27-O-87, as well as Covenant 87-359274 to eliminate the condition that requires termination of use upon transfer of ownership of the property for the legally nonconforming use of an Automobile Repair Service Establishment and Auto Body Repair Establishment. The requested amendment to the existing zoning relief meets the Standards for Major Variations.

### **Standards for Approval**

The proposed development must follow the Standards for Major Variations (Section 6-3-8-12-E). For the Land Use Commission to recommend the City Council grant an amendment to an existing Major Variation, the Land Use Commission must find the proposed request:

1. **The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties.** Additional conditions may be added to the previous zoning relief to establish operational conditions such as “by appointment only” to further ensure there will be no substantial adverse impact on the use, enjoyment or property values of adjoining properties in the event the business is sold.
2. **The requested variation is in keeping with the intent of the zoning ordinance.** The existing variation to allow a legally nonconforming use to continue to exist, as well as a modified condition to allow a change in ownership, keeps with the intent of the zoning ordinance. The zoning ordinance does not feature a sunset clause for currently operating legally nonconforming uses and typically only requires a business to cease if operations have halted for 12 consecutive months.
3. **The alleged hardship or practical difficulty is peculiar to the property.** The hardship is related to the downzoning of Central St. over time and the termination of use conditions are imposed by the City.
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 business would not be able to sell and would eventually cease operations at 3101 Central St. if the strict letter of the regulations were to be carried out, which would likely result in a vacant, contaminated property.
5. **The purpose of the variation is not based exclusively upon a desire to extract additional income from the property, or...[the Land Use Commission] has found that public benefits to the surrounding neighborhood and the City as a whole will be derived from approval of the variation...**Allowing continuation of this specific legally nonconforming business is a public benefit since it provides a needed service use that has very few

compliant zoning locations in north Evanston, and results in an operational business instead of a vacant, likely contaminated property.

6. **The alleged difficulty or hardship has not been created by any person having an interest in the property.** The hardship of operating a use that is considered legally nonconforming by the zoning ordinance was established over time as the City downzoned Central St.
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 requested amendment to the variation conditions to remove the termination of use conditions is the least deviation necessary to allow the continuation of the legally nonconforming use.

### **Attachments**

Application – submitted September 20, 2022

Applicant Letter to LUC Chair

Ord. 105-O-19 Major Variation for the Expansion of Lakeside Auto (includes ownership sunset clause as a condition in 2019)

Ord. 27-O-87 (established ownership sunset clause in 1987)

Covenant 87-359274 (established ownership sunset clause in conjunction with Ordinance in 1987)

Plat of Survey

Image of Property

Zoning Map of Property

Aerial View of Property

[ZBA Actions – August 27, 2019](#)

[ZBA Approved Meeting Minutes – August 27, 2019](#)

[ZBA Packet – August 27, 2019](#) (begins on p.86)



# MAJOR VARIATION APPLICATION

zoning office use only

CASE #: \_\_\_\_\_

## 1. PROPERTY

**Address** 3101 Central Street

**Permanent Identification Number(s):**

PIN 1: 05-33-425-032-0000

PIN 2: ----

(Note: An accurate plat of survey for all properties that are subject to this application **must** be submitted with the application.)

## 2. APPLICANT

**Name:** Lakeside Auto Rebuilders, Inc.

**Organization:** \_\_\_\_\_

**Address:** 3101 Central Street

**City, State, Zip:** Evanston, IL 60201

**Phone:** Work: 847-475-5900 Cell/Other: 773-414-4371

**E-mail:** lakesideauto3101@gmail.com

*Email will be used as the primary form of contact unless otherwise specified.*

**What is the relationship of the applicant to the property owner?**

same

builder/contractor

contract purchaser

potential lessee

architect

attorney

lessee

real estate agent

officer of board of directors

other: \_\_\_\_\_

## 3. PROPERTY OWNER (Required if different than applicant. All property owners must be listed and must sign below.)

**Name(s) or Organization:** Sarkis and Ani Tokat

**Address:** 3049 Central Street

**City, State, Zip:** Evanston, IL 60201

**Phone:** Work: \_\_\_\_\_ Cell/Other: 847-849-9698

**E-mail:** sarkistokat@msn.com

"By signing below, I give my permission for the Applicant named above to act as my agent in all matters concerning this application. I understand that the Applicant will be the primary contact for information and decisions during the processing of this application, and I may not be contacted directly by the City of Evanston. I understand as well that I may change the Applicant for this application at any time by contacting the Zoning Office in writing."

Property Owner(s) Signature(s) -- **REQUIRED**

Date

## 4. SIGNATURE

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

Applicant Signature -- **REQUIRED**

Date

## 5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

- (This) Completed and Signed Application Form**  
Complete application with full sentences and as much detail as possible.
- Plat of Survey**  
Survey does not have to be from current year, but must accurately show everything on the property including buildings, walkways, patios, and decks.
- Proposed Site Plan**  
Preliminary plans are acceptable (architectural plans not required) but must be drawn to scale and dimensioned.
- Elevation Drawings**  
Label elevation drawings with proposed building materials and whether materials will match existing structures on the property.
- Non-Compliant Zoning Analysis**  
A Zoning Analysis must be deemed non-compliant by City staff prior to variation submittal.
- Proof of Ownership** **Application Fee (see zoning fees)** Amount \$150

**Note: Incomplete applications will not be accepted.** Although some of these materials may be on file with another City application, individual City applications must be complete with their own required documents.

### **Plat of Survey**

(1) One copy of plat of survey, drawn to scale, that accurately reflects current conditions.

### **Site Plan**

(1) One copy of site plan, drawn to scale, showing all dimensions.

### **Plan or Graphic Drawings of Proposal**

A Major Variance application requires graphic representations for any elevated proposal-- garages, home additions, roofed porches, etc. Applications for a/c units, driveways, concrete walks do not need graphic drawings; their proposed locations on the submitted site plan will suffice.

### **Proof of Ownership**

Accepted documents for Proof of Ownership include: a deed, mortgage, contract to purchase, closing documents (price may be blacked out on submitted documents).

- **Tax bill will not be accepted as Proof of Ownership.**

### **Non-Compliant Zoning Analysis**

This document informed you that the proposed project is non-compliant with the Zoning Code and is eligible to apply for a major variance.

### **Application Fee**

**\* IMPORTANT NOTE: Except for owner-occupied residents in districts R1, R2 & R3, a separate application fee will be assessed for each variation requested.**

The fee application fee depends on your zoning district (see zoning fees). Acceptable forms of payment are: Cash, Check, or Credit Card.

**6. PROPOSED PROJECT**

A. Briefly describe the proposed project:

The proposed variation seeks to permit the continuation of the business at the current location. There would be no change to the business other than the ownership.

B. Have you applied for a Building Permit for this project?  NO  YES

(Date Applied: \_\_\_\_\_ Building Permit Application #: \_\_\_\_\_)

**REQUESTED VARIATIONS**

**What specific variations are you requesting?** For each variation, indicate (A) the specific section of the Zoning Ordinance that identifies the requirement, (B) the requirement (minimum or maximum) from which you seek relief, and (C) the amount of the exception to this requirement you request the City to grant. (See the Zoning Analysis Summary Sheet for your project's information)

<b>(A) Section</b>	<b>(B) Requirement to be Varied</b>	<b>(C) Requested Variation</b>
(ex. "6-8-3-4")	(ex. "requires a minimum front yard setback of 27 feet")	(ex. "a front yard setback of 25.25 feet")
<b>1</b>		
105-O-19	<i>(F) Termination. The variations granted herein shall terminate upon the transfer of ownership of the property to anyone other than Vartkes Yegiyayan, Mari Yegiyayan, Ani Yegiyayan Tokat or Sarkis Tokat or the survivor of them, or upon the cessation of operation of the public garage business by Sarkis Tokat.</i>	A variation to allow the business to continue as a public garage business.

\* For multiple variations, see "IMPORTANT NOTE" under "Application Fee & Transcript Deposit" on Page 2.

<b>2</b>		
<b>3</b>		

- B. A variation's purpose is to provide relief from specified provisions of the zoning ordinance that may unduly impact property due to the property's particular peculiarity and special characteristics. What characteristics of your property prevent compliance with the Zoning Ordinance requirements?

*The variation being sought is to remove a condition that ties the use of the property to the lives of four Evanston residents. Two of them are now deceased and one is considering retiring. For the business to continue in its current location and in its current form, a variation from the condition terminating the Special Use for this business must be amended or revoked.*

1. The requested variation will not have a substantial adverse impact on the use, enjoyment, or property values of adjoining (touching or joining at any point, line, or boundary) properties.

*The proposed variation will have no impact on the use, enjoyment of property values of adjoining properties. Lakeside has operated at this location since 1975 and the variation will not change the nature of the business, hours of operation or the number of employees.*

2. 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 hardship faced by Lakeside is unique. Unlike the vast number of properties in the district, Lakeside operates a non-conforming use in a non-conforming structure. Lakeside cannot continue to operate without approval from the City if anything happened to Sarkis Tokat or if he wanted to no longer operate the business. This simply cannot be the way the City Council intended the condition to operate to shut down a long-tenured and much needed business in the community.*

3. Either...

- (a) the purpose of the variation is not based exclusively upon a desire to extract income from the property, or
- (b) 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 Zoning Board of Appeals or the City Council, depending upon final jurisdiction under §6-3-8-2, 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 §6-3-6-3.

*The purpose of the requested variations is not based exclusively upon a desire to earn additional income from the Subject Property. The purpose of the requested variations is to allow the business to continue to operate if anything were to happen to Sarkis Tokat. Lakeside has served the residents of Evanston since 1975 and Lakeside would continue to serve the public.*

4. The alleged difficulty or hardship has not been self-created, if so, please explain.

*The hardship is the result of prior development in the District, and the condition first imposed 35 years ago. Now, if anything were to happen to Sarkis Tokat, Lakeside would suffer a hardship since it would cease operations and place the real estate for sale.*

5. Have other alternatives been considered, and if so, why would they not work?

*No other alternatives have been considered since if anything were to happen to Sarkis Tokat, under the plain language of the Ordinance, the business would cease and the property would have to be sold to a residential development. It is Lakeside's belief that the business provides a tangible benefit to the neighborhood as opposed to any speculative, future real estate development.*



**Evanston**

## **DISCLOSURE STATEMENT FOR ZONING HEARINGS**

(This form is required for all Major Variances and Special Use Applications)

The Evanston City Code, Title 1, Chapter 18, requires any persons or entities who request the City Council to grant zoning amendments, variations, or special uses, including planned developments, to make the following disclosures of information. The applicant is responsible for keeping the disclosure information current until the City Council has taken action on the application. For all hearings, this information is used to avoid conflicts of interest on the part of decision-makers.

1. If applicant is an agent or designee, list the name, address, phone, fax, and any other contact information of the proposed user of the land for which this application for zoning relief is made:  
Does not apply.
2. *If a person or organization owns or controls the proposed land user*, list the name, address, phone, fax, and any other contact information of person or entity having constructive control of the proposed land user. Same as number 3 above
3. List the name, address, phone, fax, and any other contact information of person or entity holding title to the subject property. Same as number 3 above.

4. List the name, address, phone, fax, and any other contact information of person or entity having constructive control of the subject property. Same as number 3 above.

**If Applicant or Proposed Land User is a Corporation**

Any corporation required by law to file a statement with any other governmental agency providing substantially the information required below may submit a copy of this statement in lieu of completing a and b below.

a. Names and addresses of all officers and directors.  
President: Sarkis Tokat 3049 Central Street Evanston, IL 60201.  
Secretary: Armen Tokat, 232 Sunset Dr. Wilmette, IL 60091

b. Names, addresses, and percentage of interest of all shareholders. If there are fewer than 33 shareholders, or shareholders holding 3% or more of the ownership interest in the corporation or if there are more than 33 shareholders.  
Sarkis Tokat is the sole shareholder of applicant Lakeside Auto Rebuilders, Inc.

**If Applicant or Proposed Land User is not a Corporation**

Name, address, percentage of interest, and relationship to applicant, of each partner, associate, person holding a beneficial interest, or other person having an interest in the entity applying, or in whose interest one is applying, for the zoning relief.

Not applicable.

**CANNING & CANNING LLC  
1000 SKOKIE BOULEVARD, SUITE 355  
WILMETTE, ILLINOIS 60091  
(847) 853-7042 - FAX**

CHRISTOPHER S. CANNING  
DIRECT DIAL NUMBER  
(847) 853-7040  
canningchris@comcast.net

September 19, 2022

**VIA EMAIL**

Matt Rogers, Chair  
Land Use Commission  
c/o Melissa Klotz  
Zoning Administrator  
Community Development Department  
City of Evanston  
2100 Ridge Avenue  
Evanston, IL 60201

**Re: Application for Major Variance at 3101 Central Street.**

Dear Chairman Rogers and Members of the Land Use Commission:

I am writing on behalf of Lakeside Auto Rebuilders, Inc. (hereinafter "Lakeside") regarding its application for a variation to maintain an existing business at 3101 Central Street. For the reasons set forth below, Lakeside respectfully requests that the City of Evanston grant the requested variation.

**I. The Subject Property.**

The Subject Property is located within the R-4 Residential Zoning District. The Subject Property is located on north side of Central Street and the west side of Lawndale Avenue. A public alley runs along the north lot line of the property. Immediately to the west of the Subject Property are residential properties. According to the Plat of Survey dated April 21, 2019, the Subject Property has approximately 128' of frontage on Central Street and has a depth of 125' along Lawndale Avenue. It is improved with a one-story brick commercial building. (The Plat is attached to the Application as Exhibit A).

II. **The Existing Building.**

From 1921 to 1940, the Subject Property was zoned for commercial use. The original improvement to the Subject Property occurred with the issuance of a permit on November 30, 1928 for the construction of a “brick fuel oil selling station.” On July 31, 1928, a building permit was issued for the installation of a grease pit. On July 1, 1944, a permit was issued for “repair work to garage”. In 1954, the two-car garage, which is now attached to the west side of the principal building was moved from the front of the property to its present location. On April 27, 1987, Ordinance 27-O-87 (The “1987 Ordinance”) was granted to permit the use to continue at the Subject Property past the elimination date of December 2, 1985.

III. **The Conditions Regarding Termination of the Use.**

The 1987 Ordinance contained the following condition:

*5. the variations granted herein shall terminate upon the transfer of ownership of the property to anyone other than Vartkes Yegiyayan, Mari Yegiyayan, Ani Yegiyayan Tokat or Sarkis Tokat or the survivor of them, or upon the cessation of operation of the public garage business by Sarkis Tokat*

In or about July 2019, Lakeside applied for, and was granted three variations: (i) to enlarge a Nonconforming structure; (ii) to expand a Nonconforming use and (iii) a seven-space parking variation to meet the required number of spaces to expand the footprint of the building. The variation was granted by the adoption of Ordinance 105-O-19 on September 13, 2019, (The “2019 Ordinance”). The 2019 Ordinance restated the condition from the 1987 Ordinance by stating:

***SECTION 4: Pursuant to Subsection 6-3-8-14 of the Zoning ordinance, the City Council hereby imposed 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 Ordinance:***

\* \* \*

***(F) Termination.*** *The variations granted herein shall terminate upon the transfer of ownership of the property to anyone other than Vartkes Yegiyayan, Mari Yegiyayan, Ani Yegiyayan Tokat or Sarkis Tokat or the survivor of them, or upon the cessation of operation of the public garage business by Sarkis Tokat.*

Sarkis Tokat is considering retiring from the business and permitting his son, Armen Tokat to operate the business. Under the plain language of the condition, this succession plan is not permitted. If Sarkis Tokat were to pass away unexpectedly, under the plain language of the condition, the business would need to cease operations immediately or risk penalties or

revocation of the variations. Finally, if Sarkis Tokat were to seek to convey the ownership to another public garage operating the same or similar business that exists today, he is prohibited from doing so by the plain language of the condition. Because the 2019 Ordinance creates a hardship for Sarkis Tokat and his family, Lakeside applies for a variation to the existing condition. Specifically, Lakeside respectfully requests that the variation to the condition in Section 4 (F) be revised to permit the business to continue to operate if Sarkis Tokat is not the operator of the business, if there are no survivors of Vartkes Yegiyayan, Mari Yegiyayan, Ani Yegiyayan Tokat or Sarkis Tokat and to permit the sale of the business to a person or entity engaged in the operations of a public garage. For the reasons set forth herein and below, Lakeside asks that the variation request be granted.

#### IV. **Standards of Review.**

Pursuant to the City of Evanston Zoning Ordinance, any application for a variation must meet the requirements of Section 6 of the Zoning Ordinance. As set forth more fully below, Lakeside's Application meets each element of the Standards of Review.

##### **Section 6-3-8-1**

- a. The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties.*

Response: The proposed variation will have no impact on the use, enjoyment of property values of adjoining properties. Lakeside has operated at this location since 1975 and the variation will not change the nature of the business, hours of operation or the number of employees.

- b. The requested variation is in keeping with the intent of the zoning ordinance.*

Response: One of the goals of the Zoning Ordinance is to conserve and enhance "the taxable value of land and buildings throughout the City." In granting the application, the City will maintain the value of the property. While the building is nonconforming and the use is nonconforming, nevertheless, this variation will permit Lakeside to continue to operate the business.

- c. The alleged hardship or practical difficulty is peculiar to the property.*

Response: The hardship faced by Lakeside is unique. Unlike the vast number of properties in the district, Lakeside operates a non-conforming use in a non-conforming structure. Lakeside cannot continue to operate without approval from the City if anything happened to Sarkis Tokat or if he wanted to no longer operate the business. This simply cannot be the way the City Council intended the condition to operate to shut down a long-tenured and much needed business in the community.

- d. 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.***

Response: If the variation is not granted, Lakeside will suffer a hardship that would prevent it from making a reasonable use of the property. If the variation is not granted, if something happens to Sarkis Tokat, Lakeside would have to cease operations, layoff its employees and attempt to sell the property for a residential use.

- e. The purpose of the variation is not based exclusively upon a desire to extract additional income from the property.***

Response: The purpose of the requested variations is not based exclusively upon a desire to earn additional income from the Subject Property. The purpose of the requested variations is to allow the business to continue to operate if anything were to happen to Sarkis Tokat.

- f. The alleged difficulty of hardship has not been created by any person having an interest in the property.***

Response: The hardship is the result of prior development in the District, and the condition first imposed 35 years ago. Now, if anything were to happen to Sarkis Tokat, Lakeside would suffer a hardship since it would cease operations.

- g. The requested variation is limited to the minimum change necessary to alleviate hardship or practical difficulty which affects the property.***

Response: The variation is limited to the minimum change necessary. As a practical matter, Lakeside has operated at this location since 1975 and the variation will not change the nature of the business, hours of operation or the number of employees. Granting the variation will give Lakeside the opportunity to continue to serve the community if anything were to happen to Sarkis Tokat.

Since Lakeside's request meets the variance standards of review under the Zoning Ordinance and the granting of the variance will allow Lakeside to continue to operate while maintaining the character of the neighborhood, Lakeside asks that the Land Use Commission to recommend approval of its application. We look forward to the opportunity to appear at the Public Hearing on the application and answer any questions the Land Use Commission may have.

September 19, 2022  
Page 5

Thank you for your consideration of this request.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Christopher S. Canning". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Christopher S. Canning

8/30/2019  
9/13/2019

**105-O-19**

**AN ORDINANCE**

**Granting Major Variations at  
3101 Central Street in the R4 General Residential Zoning District and  
oCSC Central Street Overlay District**

**WHEREAS**, Lakeside Auto Rebuilders Inc., (the "Applicant"), owner of the property commonly known as 3101 Central Street (the "Subject Property"), located within the R4 General Residential Zoning District and the oCSC Central Street Overlay District and legally described in Exhibit A, attached hereto and incorporated herein by reference, submitted an application seeking approval of Major Variations to construct a five hundred and eighty (580) square foot on-story garage bay enclosure; expand the legally nonconforming use for an Automobile Repair Service Establishment and an Automobile Body Repair Establishment, and granting related zoning requirements imposed by Subsections 6-16-3-5, Table 16-B of Title 6 of the Evanston City Code of 2012, as amended ("the Zoning Code"); and

**WHEREAS**, the Applicant requests the following Major Variations related to the Subject Property:

- (1) To expand a legally nonconforming structure, Lakeside Auto Rebuilders, by constructing a five hundred and eighty (580) square foot one-story garage bay enclosure where the expansion of a legally nonconforming use is not permitted without approval of a Major Variation pursuant to Zoning Code Subsections 6-6-4-4 and 6-6-4-5;

- (2) To expand the legally nonconforming use for an Automobile Repair Service Establishment and an Automobile Body Repair Establishment where said uses are not eligible permitted or special uses in the R4 General Residential District pursuant to Zoning Code Sections 6-8-5-2 and 6-8-5-3, or an eligible Active Ground Floor Use in the oCSC Central Street Overlay District pursuant to Zoning Code Section 6-15-14-7;
- (3) To add zero (0) parking spaces to the current total of eleven (11) where one additional parking space is required pursuant to Zoning Code Section 6-16-3-5 Table 16-B.

**WHEREAS**, on August 27, 2019, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held public hearings in case no. 19ZMJV-0076 to consider the application, received testimony, and made written records and 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 denial thereof; and

**WHEREAS**, at its meeting on September 23, 2019, the Planning and Development ("P&D") Committee of the City Council considered the ZBA's recommendation, and recommended City Council approve the Major Variations, as requested; and

**WHEREAS**, at its meetings of September 23, 2019, and October 14, 2019, the City Council considered 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 hereby 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 Ordinance, the Major Variations on the Subject Property applied for in case no. 19ZMJV-0076 and described hereinabove.

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

- (A) To permit the expansion of a legally nonconforming structure by allowing the construction of a five hundred and eighty (580) square foot one-story garage bay enclosure;
- (B) To permit the expansion the legally nonconforming use for an Automobile Repair Service Establishment and an Automobile Body Repair Establishment where said uses are not eligible permitted or special uses in the R4 General Residential District (Zoning Code Sections 6-8-5-2 & 6-8-5-3) or an eligible Active Ground Floor Use in the oCSC Central Street Overlay District (Zoning Code Section 6-15-14-7)
- (C) To permit an increase of zero (0) additional parking spaces for a total of eleven (11) on-site parking spaces on the Subject Property. Table 16-B of Subsection 6-16-3-5 requires one (1) additional parking space.

**SECTION 4:** Pursuant to Subsection 6-3-8-14 of the Zoning Ordinance, 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 Ordinance:

- (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) **Continued Use after Damage:** In the event the subject building on the subject property is either (a) damaged by fire or other casualty beyond 50% of the cost of restoring the building new, or (b) said building is otherwise removed from the premises, the variations granted herein shall terminate;

- (C) **Use Limitations:** The use of the subject building shall be limited to a public garage including body repair and painting;
- (D) **Environmental Standards:** Equipment to control paint fumes emanating from the premises shall be installed and maintained by the applicant and any successor in interest authorized under Condition (F) below, and such equipment shall comply with the requirements of the Building Department, the Fire Department and the Federal and Illinois Environmental Protection Agency standards;
- (E) **Landscaping:** The Applicant shall landscape and beautify the portion of the Subject Property at the corner of Lawndale Avenue and Central Street in substantial compliance with the documents and testimony on record.
- (F) **Termination:** The variations granted herein shall terminate upon the transfer of ownership of the property to anyone other than Vartkes Yegiyayan, Mari Yegiyayan, Anni Yegiyayan Tokat or Sarkis Tokat or the survivor of them, or upon the cessation of operations of the public garage business by Sarkis Tokat; and
- (G) **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, before the City may issue any construction permits pursuant to the Major Variation authorized hereby.

**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 6:** Except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Ordinance 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: September 23, 2019

Adopted: September 23, 2019

Approved:

October 15, 2019

Stephen H. Hagerty  
Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

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

Michelle L. Masoncup  
Michelle L. Masoncup, Corporation  
Counsel

**EXHIBIT A**

**Legal Description**

The East 128 feet of Lot 2 in Henry Wittbold's Subdivision of the South 47 feet of Lots 5 and 8 and that part of Lot 7 lying East of the West 247.50 feet thereof all in that part of the East 1/2 lying South of Gross Point Road of the County Clerk's Division of Fractional Section 33, Township 42 North, Range 13 East of the Third Principal Meridian in Cook County, Illinois

**PIN:** 05-33-425-032-0000

**Commonly Known As:** 3101 Central Street, Evanston, Illinois.

27-0-87

ZBA 86-27

## AN ORDINANCE

Granting Variations at 3101-05 Central Street

WHEREAS, the Evanston Zoning Board of Appeals conducted public hearings on January 20, 1987 and February 24, 1987 upon the application of Vartkes Yegiyayan and Mari Yegiyayan for variations from the permitted use and nonconforming building structure and use regulations of the Zoning Ordinance to permit retention of the nonconforming building and nonconforming use thereof as a public garage, including body repair and painting, past the elimination date of December 2, 1985, at 3101-05 Central Street, Evanston, Illinois on property located in an R5 General Residence District; said hearings having been conducted pursuant to notice and publication thereof in the manner prescribed by law; and

WHEREAS, the Zoning Board of Appeals has recommended that the application for said variations be granted,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the application of Vartkes Yegiyayan and Mari Yegiyayan for variations from the permitted use and nonconforming building structure and use regulations of the Zoning Ordinance to permit retention of the nonconforming building and nonconforming use thereof as a public garage, including body repair and painting, past the elimination date of December 2, 1985, at 3101-05 Central Street, Evanston, Illinois and legally described as follows:

The East 128 feet of Lot 2 in Henry Wittbold's Subdivision of the South 47 feet of Lots 5 and 8 and that part of Lot 7 lying East of the West 247½ feet thereof all in that part of the E½ lying South of Gross Point Road of the County Clerk's Division of Fractional Section 33, Township 42 North, Range 13 East of the Third Principal Meridian in Cook County, Illinois

is granted, subject to compliance with all other provisions of

the Zoning Ordinance, other applicable laws and the following conditions:

1. In the event the subject building on the subject property is either (a) damaged by fire or other casualty beyond 50% of the cost of restoring the building new, or (b) said building is otherwise removed from the premises, the variations granted herein shall terminate;
2. the use of the subject building shall be limited to a public garage including body repair and painting;
3. the existing pole sign on the premises shall be removed;
4. equipment to control paint fumes emanating from the premises shall be installed and maintained by the applicant and any successor in interest authorized under Condition 5 below, and such equipment shall comply with the requirements of the Building Department, the Fire Department and the Federal and Illinois Environmental Protection Agency Standards;
5. the variations granted herein shall terminate upon the transfer of ownership of the property to anyone other than Vartkes Yegiyayan, Mari Yegiyayan, Anni Yegiyayan Tokat or Sarkis Tokat or the survivor of them, or upon the cessation of operations of the public garage business by Sarkis Tokat; and
6. a covenant of agreement to the above terms and conditions shall be prepared by the applicant for review by the City Law Department, and upon approval, shall be executed and recorded by the applicant with a copy of said recorded covenant furnished to the Law Department of the City and the Department of Building and Zoning.

SECTION 2: The Director of Building and Zoning is hereby directed to issue such permits pursuant to the terms of this ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: March 23, 1987.

Adopted: April 27, 1987.

Approved: April 29, 1987.

Jeanette Barr  
Mayor

ATTEST:  
Hester Davis  
City Clerk

Approved as to form: [Signature]  
Corporation Counsel

COVENANT

WHEREAS, on January 20, 1987, and February 24, 1987, the Evanston Zoning Board of Appeals conducted public hearings upon the application of Vartkes Yegiyayan and Mari Yegiyayan for variations from the permitted use regulations and the nonconforming structure and use regulations of the Evanston Zoning Ordinance to permit the retention of a nonconforming structure and the nonconforming use thereof as a public garage, including the conduct of automobile body repairs and painting, past the elimination date of December 2, 1985, at the premises commonly known as 3101-05 Central Street, Evanston, Illinois, on property located in an R-5 General Residence District, and legally described as follows:

The East 128 feet of Lot 2 in Henry Wittbold's Subdivision of the South 47 feet of Lots 5 and 8 and that part of Lot 7 lying East of the West 247.50 feet thereof all in that part of the East 1/2 lying South of Gross Point Road of the County Clerk's Division of Fractional Section 33, Township 42 North, Range 13 East of the Third Principal Meridian in Cook County, Illinois; and

WHEREAS, the Evanston Zoning Board of Appeals voted to recommend that the City Council of the City of Evanston grant the variations from the aforesaid provisions of the Evanston Zoning Ordinance to permit the retention of the structure and use of the premises known as 3101-05 Central Street subject to certain conditions, including the execution of the covenants and agreements set forth herein;

NOW THEREFORE, in consideration of the grant of the variations set forth in Ordinance 27-0-87 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the applicants and operators of the use aforesaid, in acceptance of the conditions and covenants herein contained, agree with the City of Evanston, a municipal corporation, as follows:

So long as the premises or a substantial portion thereof is used for a public garage including automotive body repairs and painting the building and use thereof shall be subject to the following conditions:

1. In the event the building on the subject property is either (a) damaged by fire or other casualty

beyond 50% of the cost of restoring the building new, or (b) said building is otherwise removed from the premises, the variations granted herein shall terminate;

2. The use of the subject building shall be limited to a public garage including body repairs and painting;
3. The existing pole sign on the premises shall be removed;
4. Equipment to control paint fumes emanating from the premises shall be installed and maintained by the applicant and such equipment shall comply with the requirement of the Fire Department and the Federal Agency standards *AND ANY SUCCESSOR* of Evanston and *IN INTEREST AUTHORITY* of Evanston and *UNDER CONDITION FIVE* below, *any any successor in interest including under local fire laws.*
5. The variations cease and term the property of Yegiyayan, Mari or Sarkis Tokat or the survivor of them, or upon the cessation of operation of the public garage business by Sarkis Tokat; *e 27-0-87 shall of ownership of than Vartkes egiyayan Tokat, or the survivor of them, or upon the cessation of operation of the public garage*

All of which conditions shall be completed, installed and/or abided as continuing obligations within 180 days of the date of execution of this covenant of agreement subsequent to the passage, approval and publication of Ordinance 27-0-87 by the City Council of the City of Evanston, unless otherwise extended by the City of Evanston. The conditions set forth herein shall be released, forgiven or revised only upon the authority of the City Council of the City of Evanston or upon the termination of the public garage use with automotive body repairs and painting upon the property, and shall be deemed to be covenants which run with the land.

Executed this ..... day of ....., 1987, at Evanston, Cook County, Illinois.

Covenantors: ..... VARTKES YEGIYAYAN ..... MARI YEGIYAYAN

Accepted: ..... SARKIS TOKAT ..... ANNI TOKAT

Approved as to form: City of Evanston

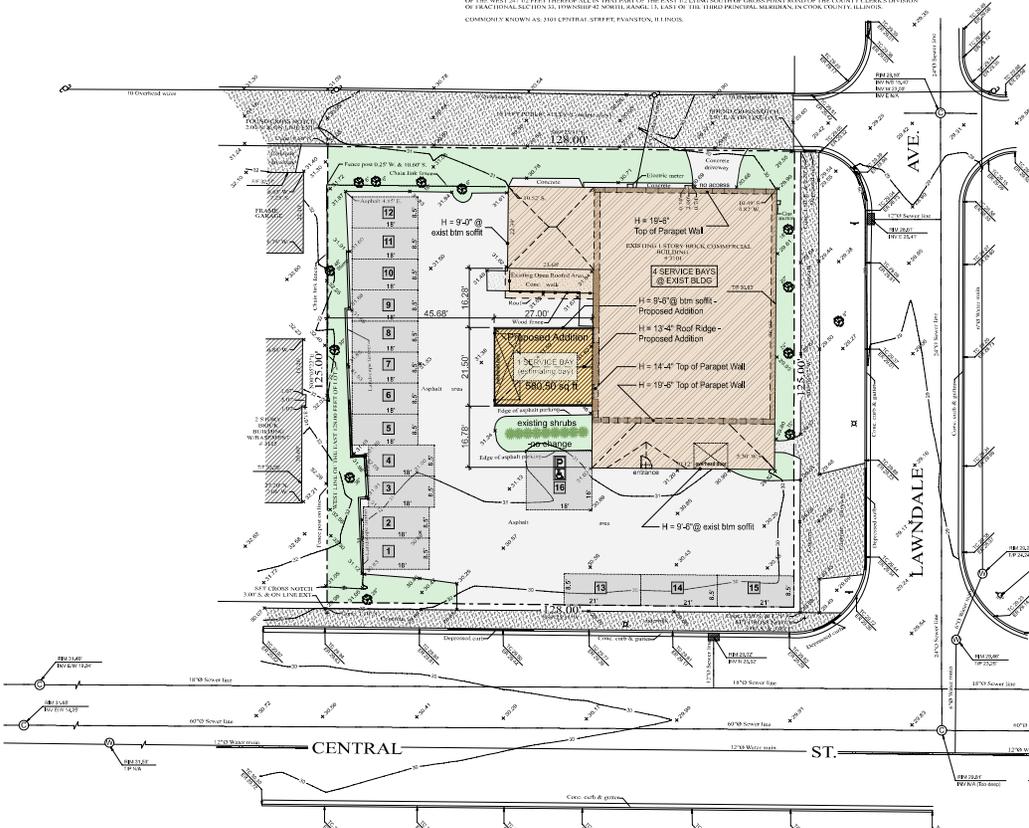
By.....



A. P. SURVEYING COMPANY, PC.  
 LICENSE No. 184-003309  
 PROFESSIONAL DESIGN FIRM - LAND SURVEYING CORPORATION  
**PLAT OF TOPOGRAPHY**  
 OF

THE FACTS IN RESPECT OF THE ABOVE MATTER ARE SET FORTH IN THE REPORT OF FIELD NOTES AND ARE THAT PART OF A LOT 1.000 EAST OF THE WEST 212 1/2 FOOT TOWERS, ALL IN THAT PART OF THE EAST 1/2 OF THE SW 1/4 OF CROSS POINT ROAD IN THE COUNTY OF ILLINOIS, DIVISION OF fractional sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

217 PARKSIDE COURT  
 PALMISTO, ILLINOIS 60131  
 TEL: 630.250.0000  
 FAX: 630.250.0000  
 www.apsurveying.com



**PROPOSED SQ.FT. OF AREAS:**

EXISTING LOT:	16,000.00 sq.ft. (unchanged)
EXISTING BUILDING:	4,384.90 sq.ft. (unchanged)
PROPOSED BUILDING ADDITION:	580.22 sq.ft.
EXISTING OPEN ROOFED AREA:	199.22 sq.ft. (unchanged)
PROPOSED PAVING:	7,964.20 sq.ft.
PERVIOUS SURFACE UNPAVED AREA:	2,871.18 sq.ft. (unchanged)

- LEGEND**
- ⊙ - COMBINED SURVEY MARKER P
  - ⊙ - WATER VALVE VAULT
  - ⊙ - MANHOLE
  - ⊙ - LIGHT POLE
  - ⊙ - POWER POLE
  - ⊙ - DECIDUOUS TREE
  - ⊙ - EVERGREEN TREE
  - ⊙ - SPOT ELEVATION
  - - CONTOUR LINE
  - - TOP OF FOUNDATION ELEVATION
  - - FINISHED FLOOR BY PLASTER
  - - TOP OF CURB ELEVATION
  - - TOP OF ROAD ELEVATION

VERTICAL DATUM IS REFERENCED TO CITY OF EVANSTON GIS BENCHMARK #31 EL. 34.39' LOCATED AT CENTRAL ST. AND COOPER AVE.

THIS PROFESSIONAL SURVEY CONFORMS TO THE CURRENT ILLINOIS MEASUREMENT STANDARDS FOR A BOUNDARY SURVEY. DISTANCES ARE MARKED IN FEET AND DECIMAL PART THEREOF. BEARING LINES AND ANGLE'S ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS. OTHERWISE REFER TO YOUR FIELD OR INSTRUMENT COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REMOVE ANY DIFFERENCE.

State of Illinois ss.  
 County of Cook.  
 We, A. P. SURVEYING COMPANY, P.C. do hereby certify that we have surveyed the above described property and that to the best of our knowledge, the plat herein shown is an accurate representation of said survey.

PROF. E. LAND SURVEYOR No. 11366  
 License Expires: November 30, 2020.

UNLESS OTHERWISE NOTED HEREON THE BEARING, BASIS, ELEVATION DATUM AND COORDINATE DATUM IS AS SHOWN.  
 I HAVE MADE NO INDEPENDENT SEARCH OF THE RECORDS FOR ENCUMBRANCES, ENCUMBRANCES, OR OTHER FACTS WHICH MAY AFFECT THE ACCURACY AND CURRENT TITLE SEARCH MAY DEVELOP AS PART OF THIS SURVEY. WE HAVE BELIEVED THAT THE INFORMATION SUPPLIED TO US BY THE OWNER'S REPRESENTATIVE IS ACCURATE AND THAT THE INFORMATION WAS NOT FURNISHED FOR THIS SURVEY. DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING.

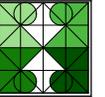
Order No. 19-7466-T  
 Scale: 1 inch = 16'  
 Date: APRIL 21, 2019  
 Ordered by: CANNING & CANNING LLC  
 ATTORNEYS AT LAW

**PROPOSED SITE PLAN**  
 SCALE 1/16"=1'-0"

**ROBERTS ARCHITECTS LTD**  
 1319 Emerson Street, Evanston, Illinois - 60201  
 Ph. (847) 491-6195 Fax (847) 491-9340 www.robertsarchitectsllc.com  
 PROFESSIONAL DESIGN FIRM - ARCHITECT CORPORATION  
 LICENSE NO. 184-000403 EXPIRES 04/30/2021

**LAKESIDE AUTO REBUILDERS, INC.**  
 PROPOSED ADDITION  
 3101 CENTRAL ST., EVANSTON, ILLINOIS, 60201

Client approval of architectural design:  
 Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_



ISSUE DATE  
 PERMIT PRELIMINARY 5.7.19  
 ZONING 7.17.19

PROJECT # 1907  
 SHEET NO.

**A-2**







Highland Ave

Hartzell St

Lawndale Ave

Central St

Hastings Ave

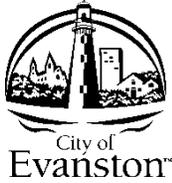
Ridgeway Ave

Marcy Ave

Land Use Commission

1012-1016 Church Street  
Major Adjustment to an approved  
Planned Development  
22PLND-0077

Recommending Body



# Memorandum

To: Chair and Members of the Land Use Commission

From: Michael Griffith, Planner

CC: Sarah Flax, Interim Director of Community Development  
Elizabeth Williams, Planning Manager

Subject: Planned Development - Major Adjustment  
1012-1016 Church Street, 22PLND-0077

Date: October, 21, 2022

## **Request**

---

The applicant applies for a Major Adjustment to the Planned Development approved by Ordinance 114-O-19 in the D3 Downtown Core Development District. The applicant is requesting to modify the approved building elevation, specifically the north street facing elevation. The Land Use Commission makes a recommendation to the City Council, the determining body for this case, in accordance with Section 6-3-6-12 of the Zoning Code and Ordinance 92-O-21.

## **Notice**

The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on October 6, 2022.

## **General Information**

---

**Applicant:** Janet Mullet, Managing Director  
Northlight Theatre  
9501 Skokie Boulevard  
Skokie, IL 60677

**Owner(s):** Northlight Theatre  
9501 Skokie Boulevard  
Skokie, IL 60677

**PIN:** 11-18-302-006-0000

**Analysis**

The City Council approved a special use for a planned development at 1012-1016 Church Street for the construction of a 3-story, 41-foot tall, 37,800 square foot cultural facility, Northlight Theatre, with a 289 seat main stage. The approval provided the following site development allowances:

1. Zero parking spaces where 32 are otherwise required.
2. A 2-foot setback from the street frontage property line at the first floor where otherwise 0-feet is required from the street frontage property line at the first floor for a minimum building height of 24 feet but not more than 42 feet for all new structures facing Church Street in the D3 district.

<b>Surrounding Zoning and Land Uses</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	D3 Downtown Core Development District	Office
<b>South</b>	D2 Downtown Retail Core District	Commercial - restaurant, retail goods, and animal hospital
<b>East</b>	D3 Downtown Core Development District	Mixed-use - ground floor retail with residential above
<b>West</b>	D3 Downtown Core Development District	Office Commercial - dry-cleaner

The approved planned development included exterior building elevations and materials. The applicant is requesting to change the originally approved “serrated” glass curtain wall to a gridded aluminum and glass wall on the north street facing elevation. Below is a rendering showing the approved and proposed north elevation:

# NORTHLIGHT THEATRE



CHURCH STREET - PROPOSED NEW FACADE DESIGN



CHURCH STREET - APPROVED PLANNED DEVELOPMENT FACADE DESIGN

## NECKENHOFF SAUNDERS

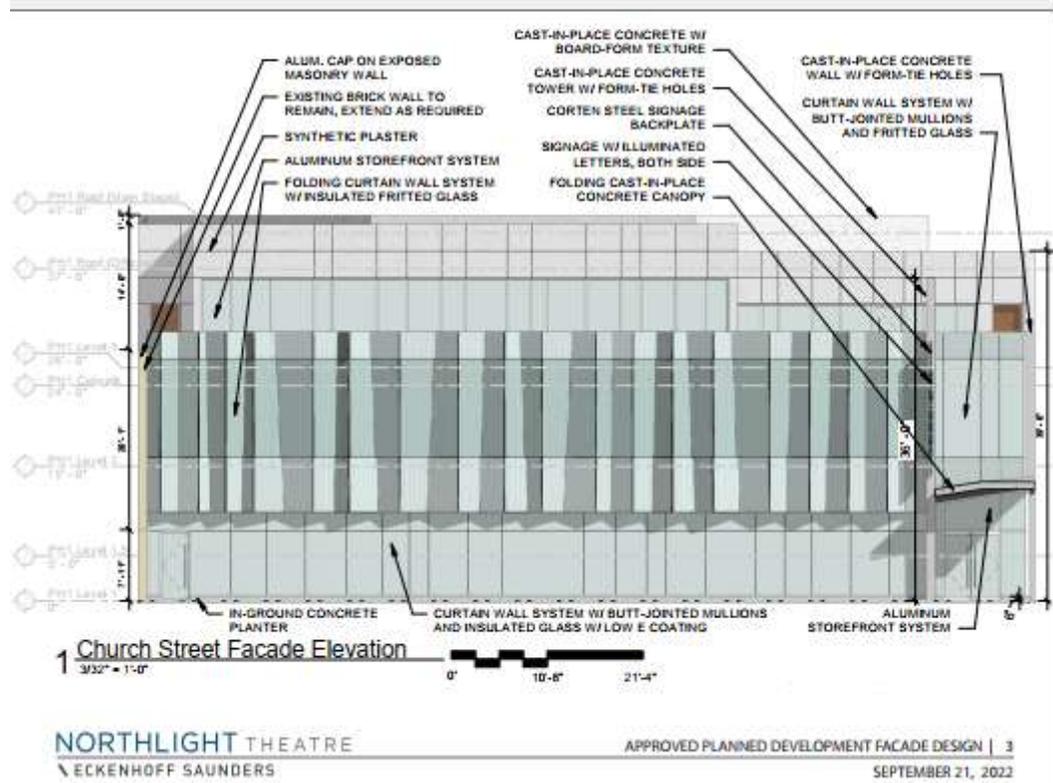
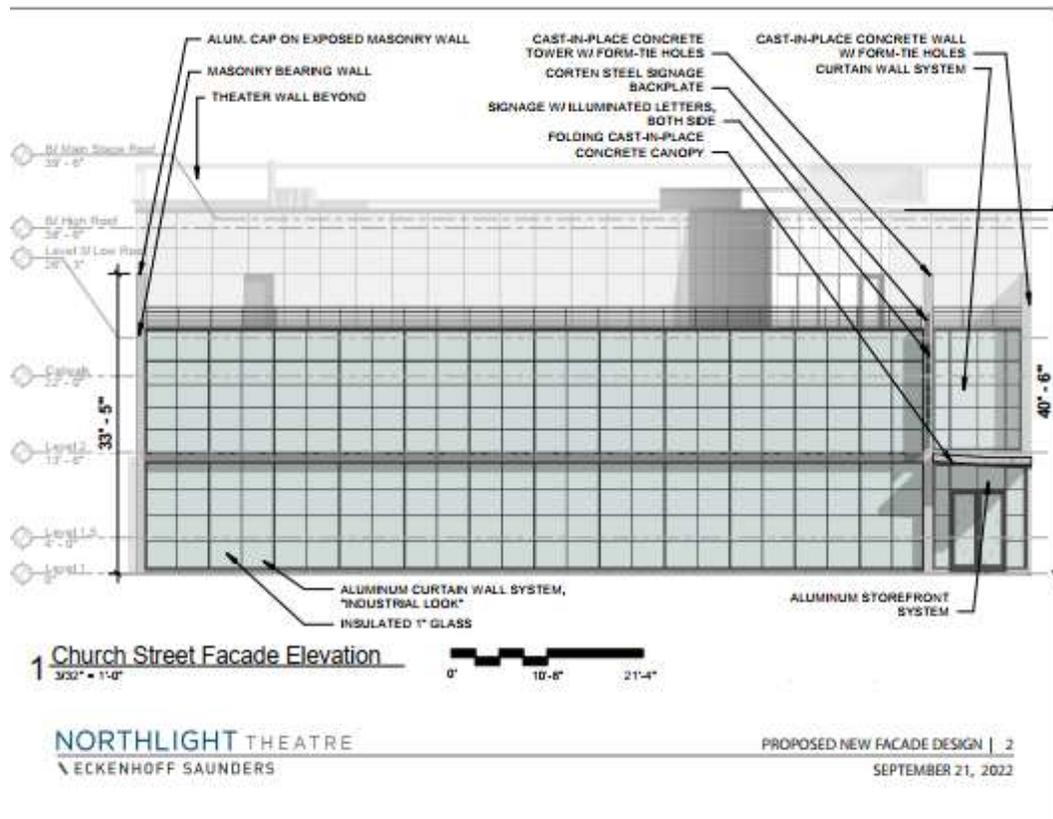
1012-1016 CHURCH STREET

PLANNED DEVELOPMENT APPLICATION

CITY OF EVANSTON

SEPTEMBER 21, 2023

Below is the approved and proposed north elevation with exterior building materials noted:



Because the requested modification is not specifically listed as an eligible minor adjustment, staff determined the requested modification needs to go through the major adjustment process, City Code Section 6-3-6-12.B and C. Staff is working on a text amendment to the zoning code to more effectively define and provide a process for handling minor and major adjustments.

### **Design and Project Review (DAPR) Discussion**

The Design and Project Review Committee (DAPR) considered this request on October 11, 2022. At DAPR the applicant explained the building elevation change is due to a few factors:

- Supply chain issues occurred related to exterior materials,
- Ukraine is a major source of glass material and the price increased due to the war, and
- Decision to go with a Midwestern industrial look.

The approved plan includes a 3rd story which remains part of the plan; bird-friendly measures will still be implemented.

### **Standards for Approval**

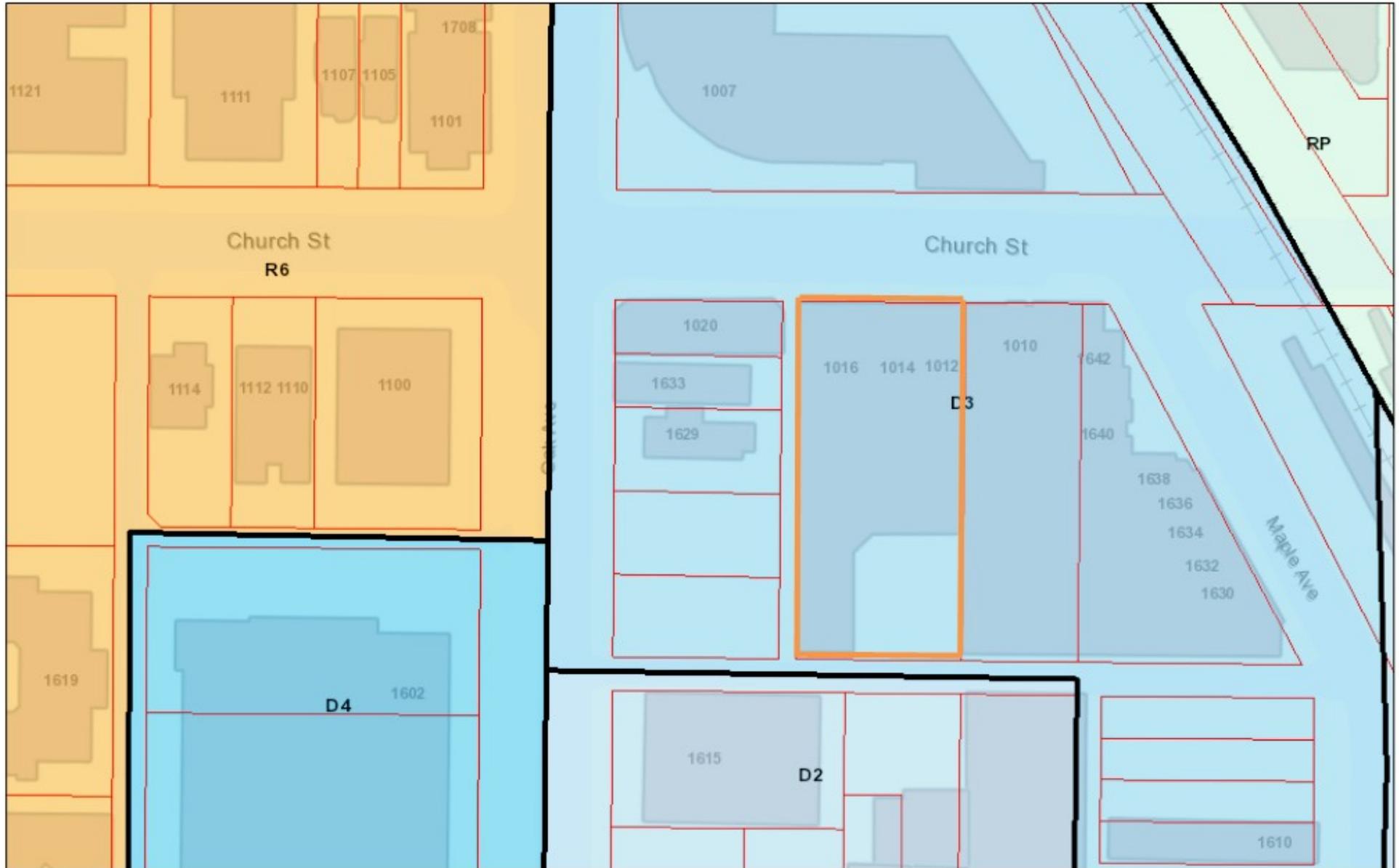
The proposed adjustment is to follow the procedures for Adjustments to Development Plan (Section 6-3-6-12), maintain the planned development's satisfaction of the Standards for a Special Use (Section 6-3-5-10), the Standard for Planned Development (Section 6-3-6-9), and standards and guidelines established for Planned Developments in the D3 District (Section 6-11-1-10). The standards for review of a Planned Development found in City Code Section 6-3-6-9 were recently amended by Ordinance 63-O-22.

The major adjustment does not request any additional Site Development Allowances beyond those approved in Ordinance 114-O-19 and is compatible with the overall character of the existing development in the immediate vicinity of the subject property. The major adjustment also does not propose changes to site circulation, City sustainability goals, or public benefits which were considered during the original approval process. In addition, the original findings related to the Standards for Special Uses remain valid for the proposed major adjustment.

### **Attachments**

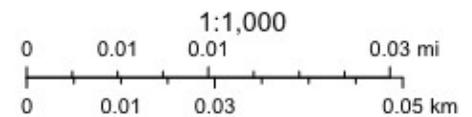
Application for major adjustment  
Ordinance 114-O-19

# 1012-1016 Church Street - Zoning Map

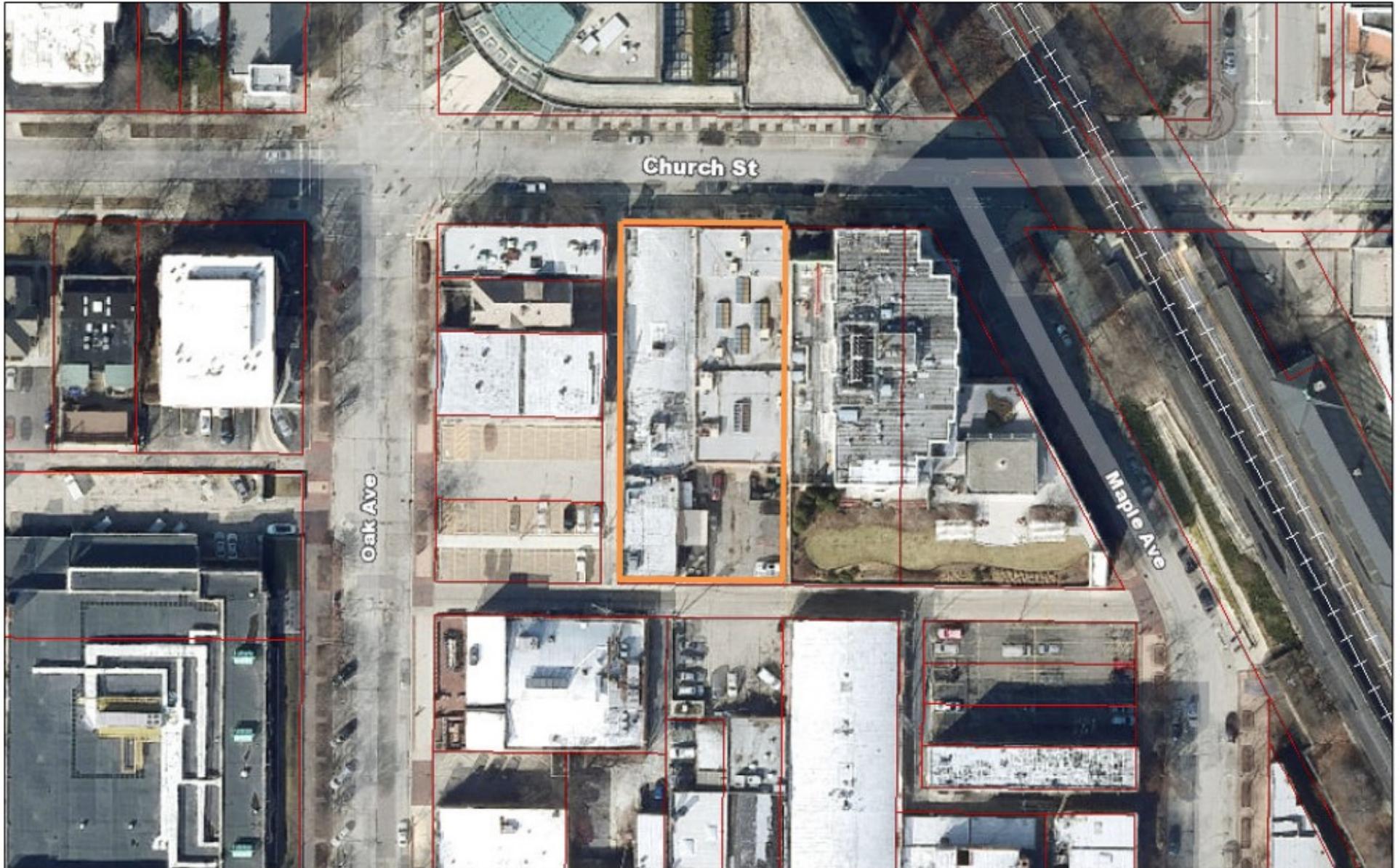


9/27/2022, 3:28:09 PM

- Zoning Districts
- B3 - Business
  - C2 - Commercial
  - D3 - Downtown Core Development
  - B1 - Business
  - C1 - Commercial
  - D1 - Downtown Fringe
  - D4 - Downtown Transition
  - B1a - Business
  - C1a - Commercial Mixed-Use
  - D2 - Downtown Retail Core
  - I1 - Industrial / Office
  - B2 - Business

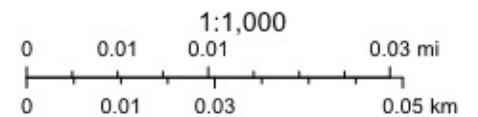


# 1012-1016 Church Street - Aerial Map



9/27/2022, 3:31:18 PM

-  City Boundary
-  Tax Parcels



City of Evanston IL, Imagery courtesy Cook County GIS



**Structure shown in this view, east side of alley, has been demolished.**



# PLANNED DEVELOPMENT APPLICATION

Date Received: \_\_\_\_\_ zoning office use only  
Ward: \_\_\_\_\_  
Zoning District: \_\_\_\_\_  
Preservation: \_\_\_\_\_

Case Number: \_\_\_\_\_

## 1. PROPERTY

Address(es)/Location(s) 1012-16 Church Street, Evanston

### Permanent Identification Number(s):

PIN 1:  PIN 2:

(If additional properties are included, please use attached form. **Note:** An accurate plat of survey for all properties that are subject to this application **must** be submitted with the application).

## 2. APPLICANT

Name: Janet Mullet, Managing Director

Organization: Northlight Theatre

Address: 9501 Skokie Blvd. City, State, Zip: Skokie, Illinois 60677

Phone: Work: 847-324-1235 Home: \_\_\_\_\_ Cell/Other: 773-562-5728

E-mail: jmullet@northlight.org

Please circle the primary means of contact.

### What is the relationship of the applicant to the property owner?

- same
- potential lessee
- lessee
- builder/contractor
- architect
- real estate agent
- potential purchaser
- attorney
- officer of board of directors
- other: \_\_\_\_\_

## 3. PROPERTY OWNER (Required if different than applicant. All property owners must be listed and must sign below)

Name(s): \_\_\_\_\_

Organization(s): \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: Work: \_\_\_\_\_ Home: \_\_\_\_\_ Cell/Other: \_\_\_\_\_

E-mail: \_\_\_\_\_

Please circle the primary means of contact.

"By signing below, I give my permission for the Applicant named above to act as my agent in all matters concerning this application. I understand that the Applicant will be the primary contact for information and decisions during the processing of this application, and I may not be contacted directly by the City of Evanston. I understand as well that I may change the Applicant for this application at any time by contacting the Zoning Office in writing."

Property Owner(s) Signature(s) -- **REQUIRED**

Date

## 3. SIGNATURE

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

Janet Mullet  
Applicant Signature - **REQUIRED**

9/21/22  
Date

---

**4. PROJECT DESCRIPTION** Briefly describe the proposed project

Northlight Theatre has an existing Planned Development approval for a new three story theatre at 1012-1016 Church Street. This application is asking for a change to the design of the Church Street Facade, from a "serrated" glass curtainwall to a gridded aluminum and glass wall. Both the original design and the new design are 95% glass.

---

**5. PRE-SUBMISSION REQUIREMENTS**

Prior to actually submitting an application for Planned Development, you must:

Complete a Zoning Analysis of the Development Plan. The Planning & Zoning staff must review the development plan and publish a written determination of the plan's level of compliance with the zoning district regulations.

---

**6. REQUIRED SUBMISSION DOCUMENTS AND MATERIALS CHECKLIST**

The following are required to be submitted with this application form:

- Application Fee (\$6,000)**
- Application Exhibits**
  - Certificate of Disclosure of Ownership Interest Form
  - Plan drawing illustrating development boundary and individual parcels and PINs
  - Plat of Survey of Entire Development Site
  - Zoning Analysis Results Sheet
  - Preliminary Plat of Subdivision
  - Pre-application Conference Materials
  - Development Plan
  - Landscape Plan
  - Inclusionary Housing Ordinance Application
  - Statement addressing how the planned development approval will further public benefits
  - Statement describing the relationship with the Comprehensive Plan and other City land use plans
  - Statement describing the development's compliance with any other pertinent city planning and development policies
  - Statement addressing the site controls and standards for planned developments
  - Statement of proposed development's compatibility with the surrounding neighborhood
  - Statement of the proposed development's compatibility with the design guidelines for planned developments
  - Statements describing provisions for care and maintenance of open space and recreational facilities and proposed articles of incorporation and bylaws
  - Restrictive Covenants
  - Schedule of Development
  - Market Feasibility Statement
  - Traffic Circulation Impact Study
  - Statement addressing development allowances for planned developments

**Notes:**

- **Plats of survey** must be drawn to scale and must accurately and completely reflect the current conditions of the property.
- **Building plans** must be drawn to scale and must include interior floor plans and exterior elevations.
- **Application Fees** may be paid by cash, check, or credit card.
- **Mailing Fees** also apply and will be provided to the applicant from the City's mailing vendor.

## 7. OTHER PROFESSIONAL REPRESENTATIVE INFORMATION

### Attorney

Name: Daniel J Elrod Organization: Katten Muchin Rosenman LP  
Address: 525 W Monroe City, State, Zip: Chicago, Illinois 60661  
Phone: 312-902-5371 Fax: \_\_\_\_\_ Email: daniel.elrod@katten.com

### Architect

Name: Craig M Smith, AIA, NCARB Organization: Eckenhoff Saunders Architects  
Address: 130 E Randolph Street Suite 1850 City, State, Zip: Chicago, IL 60601  
Phone: 312-786-1204 Fax: \_\_\_\_\_ Email: csmith@esadesign.com

### Surveyor

Name: Robert Biederman Organization: Gremley and Biederman  
Address: 4505 N Elston Ave City, State, Zip: Chicago, IL 60630  
Phone: 773-685-5102 Fax: \_\_\_\_\_ Email: info@plcs-survey.com

### Civil Engineer

Name: Michael Renner Organization: Eriksson Engineering  
Address: 145 Commerce Drive Suite A City, State, Zip: Grayslake, IL 60030  
Phone: 847-223-4804 Fax: \_\_\_\_\_ Email: mrenner@eea-LTD.com

### Traffic Engineer

Name: Steve Corcoran, PE, PTOE Organization: Eriksson Engineering  
Address: 145 Commerce Drive Suite A City, State, Zip: Grayslake, IL 60030  
Phone: 847-223-4804 Fax: \_\_\_\_\_ Email: Scorcoran@eea-LTD.com

### Other Consultant

Name: \_\_\_\_\_ Organization: \_\_\_\_\_  
Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_



## **Application Procedure**

- (A) **Pre-Application Zoning Analysis:** Prior to application submittal, the applicant shall submit to the Zoning Administrator or his or her designee, a zoning analysis including the minimum information provided below. The purpose of such is to provide initial zoning review, obtain preliminary feedback from staff that are members of the Design and Project Review (DAPR) Committee and facilitate the filing and consideration of a complete application. The pre-application zoning analysis is intended to facilitate the filing and consideration of a complete application and no representation made by the Zoning Administrator or the DAPR Committee shall be binding upon the City with respect to the application subsequently submitted.
- (B) **Information Needed for Pre-Application Zoning Analysis:** The applicant shall include the following information at the time of submittal of a zoning analysis for a planned development:
1. Conceptual site plan and development plans.
  2. Plat of survey (including the location of utilities).
  3. Proposed elevations.
  4. Narrative summary of proposal (including breakdown of uses within the proposed development, number of dwelling units if applicable and number of parking spaces) .
  5. Description of adjacent land uses and neighborhood characteristics.
  6. Description of critical historical structures, details or characteristics (if applicable).
  7. A preliminary Inclusionary Housing Ordinance proposal.
- (C) **Results of Zoning Analysis:** Upon receipt of the zoning analysis application, the Zoning Administrator or his or her designee shall circulate the application to staff members of the DAPR Committee to obtain additional comments. Within fifteen (15) working days from receipt of the zoning analysis application, a review letter consisting of the completed zoning analysis and compiled staff comments shall be provided to the applicant.

## **Review Procedure - Decision**

- (A) **Review Procedure:** Upon the review of an application for a planned development by staff, the Zoning Administrator or his or her designee shall notify the applicant of any deficiencies or modifications necessary to perfect the planned development application.
- (B) **Public Hearing:** After determining that the application is complete, the Zoning Administrator or his or her designee shall schedule a public hearing to be held by the Land Use Commission at which time a formal presentation of the planned development application will be presented. In addition, a sign shall be posted on the property for a minimum of 10 working days prior to the public hearing indicating the place, time and date of the hearing.
- (C) **Mailed Notices Required:** Notice shall also be given by first class mail to all owners of property within a 1,000-foot radius of the subject property as provided by the City. The failure of delivery of such notice, however, shall not invalidate any such hearing. The City, through its Geographic Information System, will supply the names and addresses of the owners of property within the 1,000-foot radius. A third party mailing service mails notice of the hearing to the neighboring property owners. The applicant must pay any and all fees and postage associated with mailing this notice. The City publishes a notice of the hearing in a locally circulating newspaper, generally the Evanston Review, no less than 15 days nor more than 30 days prior to hearing.
- (D) **Recommendation:** The Land Use Commission holds a public hearing and makes a recommendation, based on findings of fact, to the City Council within 60 days of the close of the public hearing. The Planning and Development Committee of the City Council considers the Land Use Commission's recommendation and forwards it to the full Council with or without a recommendation. The City Council considers the Land Use Commission's recommendation and may introduce an ordinance granting the planned development. The City Council may adopt an ordinance granting the planned development at the following or any subsequent City Council meeting. The developer shall record the ordinance granting the planned development and the development plan with the Cook County Recorder.

## **Submittal Requirements**

- 1) **Planned Development Application Form.**
- 2) **Certificate of Disclosure of Ownership Interest Form:** The Evanston City Code, Title 1, Chapter 18, requires any persons or entities who request the City Council to grant zoning amendments, variations, or special uses, including planned developments, to make the following disclosures of information. The applicant is responsible for keeping the disclosure information current until the City Council has taken action on the application. For all

hearings, this information is used to avoid conflicts of interest on the part of decision-makers. Connection to the ownership in the property must be documented in the form of a title insurance policy, deed, lease or contract to lease or purchase.

- 3) Exhibit illustrating the boundaries of each individual parcel contained within the property(ies) proposed for development with coincide parcel identification numbers.
- 4) Plat of Survey, drawn to scale, showing dimensions and areas of the parcel(s), lot(s), block(s), or portions thereof, according to the recorded plat of the subject property(ies).
- 5) Preliminary Plat of Subdivision, if necessary, showing the development consists of, and is coterminous with, a single lot legally described in a recorded plat of subdivision or proposed subdivision or consolidation.
- 6) Pre-application Zoning Analysis Materials:
  - a) Conceptual site plan, showing parking and bicycle facilities where appropriate;
  - b) Plat of survey showing location of utilities;
  - c) Elevations;
  - d) Photographs of the subject and surrounding properties;
  - e) Description of adjacent land uses and neighborhood characteristics; and
  - f) Description of critical historical structures, details or characteristics.
- 7) Zoning Analysis Results Sheet, if available.
- 8) Development Plan showing:
  - a) Location, dimensions and total area of site;
  - b) Location, dimensions, floor area, construction type and use of each structure;
  - c) Number, type and size of dwelling units, and the overall dwelling unit density;
  - d) Number and location of parking spaces and loading docks, with means of ingress and egress;
  - e) Traffic circulation pattern, location and description of public improvements, streets and access easements to be installed or created;
  - f) All existing and proposed dedications and easements;
  - g) Drainage plan;
  - h) Locations, dimensions and uses of adjacent properties, rights of way, easements and utilities serving the site;
  - i) Significant topographical or physical features, including trees;
  - j) Soil or subsurface conditions; and
  - k) Historical structures or features.
- 9) Landscape Plan, including:
  - a) Location, dimensions and total area of site;
  - b) Locations, dimensions and uses of adjacent properties, rights of way, easements and utilities serving the site;
  - c) Landscaping location and treatment, plant material types, size and quantity, open spaces, and exterior surfaces of all structures with sketches of proposed landscaping;
  - d) Topographic and physical site features including soils and existing trees and vegetation;
  - e) Location, type and size of trees to be removed, and preservation plan for existing trees to remain through construction; and
  - f) Location, type, height and material of all fences and walls.
- 10) Inclusionary Housing Ordinance Application.
- 11) Statement addressing how the planned development approval will further public benefits including:
  - a) Preservation and enhancement of desirable site characteristics, open space, topographic and geologic features, and historic and natural resources;
  - b) Use of design, landscape, and architectural features to create a pleasing environment;
  - c) Provide a variety of housing types in accordance with the City's housing goals;
  - d) Eliminate blighted structures or incompatible uses through redevelopment or rehabilitation;
  - e) Business, commercial, and manufacturing development to enhance the local economy and strengthen the tax base;
  - f) Efficiently use land resulting in more economic networks of utilities, streets, schools, public grounds, and other facilities; and
  - g) Incorporate recognized sustainable design practices and building materials to promote energy conservation and improve environmental quality.
  - h) Additional benefits related to transit alternatives, public art, public space improvements, etc.

- 12) Statement describing the relationship between the proposed development and the Comprehensive General Plan and other City land use plans.
- 13) Statement describing the developments compliance with the Zoning Ordinance and any other pertinent city planning and development policies.
- 14) Statement addressing the site controls and standards for planned developments in the subject property's zoning district regarding the following:
  - a) Minimum area
  - b) Tree preservation
  - c) Landscaped strip
  - d) Open space
  - e) Walkways
  - f) Parking and loading
  - g) Utilities
  - h) Stormwater treatment
- 15) Statement of proposed developments compatibility with the surrounding neighborhood.
- 16) Statement of proposed developments compatibility with the design guidelines for planned developments.
- 17) Statement describing provisions for care and maintenance of open space and recreational facilities and, if owned by an entity other than a government authority, proposed articles of incorporation and bylaws.
- 18) Restrictive Covenants to be recorded against proposed development.
- 19) Schedule of Development phases or stages stating beginning and completion time for each phase.
- 20) Market Feasibility Statement indicating the consumer market areas for all proposed uses in the development, the population potential of the area to be served by the proposed uses and other pertinent information concerning the demand for such uses of land.
- 21) Traffic Circulation Impact Study showing the effect of the development upon adjacent roadways, anticipated vehicular trips and traffic flow, and what road improvements and traffic control upgrading might be necessary.
- 22) Statement addressing the development allowances for planned developments in the subject property's zoning district regarding the following:
  - a) Height increases
  - b) Density increases
  - c) The location and placement of buildings varying from that otherwise permitted in the district
  - d) Floor area ratio increases



# City of Evanston DISCLOSURE STATEMENT

(This form is required for all Major Variances, Special Uses, and Planned Development Applications)

The Evanston City Code, Title 1, Chapter 18, requires any persons or entities who request the City Council to grant zoning amendments, variations, or special uses, including planned developments, to make the following disclosures of information. The applicant is responsible for keeping the disclosure information current until the City Council has taken action on the application. For all hearings, this information is used to avoid conflicts of interest on the part of decision-makers.

1. If applicant is an agent or designee, list the name, address, phone, fax, and any other contact information of the proposed user of the land for which this application for zoning relief is made:

---

---

---

---

2. If a person or organization owns or controls the proposed land user, list the name, address, phone, fax, and any other contact information of person or entity having constructive control of the proposed land user. Same as number \_\_\_\_\_ above, or indicated below. (An example of this situation is if the land user is a division or subsidiary of another person or organization.)

Northlight Theatre

Timothy J Evans/Janet Mullet (Representative Managers)

9501 Skokie Blvd., Skokie, IL 60077

847-324-1235/jmullet@northlight.org

3. List the name, address, phone, fax, and any other contact information of person or entity holding title to the subject property. Same as number 2 above, or indicated below.

---

---

---

---

4. List the name, address, phone, fax, and any other contact information of person or entity having constructive control of the subject property. Same as number 2 above, or indicated below.

---

---

---

---

**If Applicant or Proposed Land User is a Corporation**

Any corporation required by law to file a statement with any other governmental agency providing substantially the information required below may submit a copy of this statement in lieu of completing a and b below.

a. Names and addresses of all officers and directors.

---

---

---

---

b. Names, addresses, and percentage of interest of all shareholders. If there are fewer than 33 shareholders, or shareholders holding 3% or more of the ownership interest in the corporation or if there are more than 33 shareholders.

---

---

---

---

**If Applicant or Proposed Land User is not a Corporation**

Name, address, percentage of interest, and relationship to applicant, of each partner, associate, person holding a beneficial interest, or other person having an interest in the entity applying, or in whose interest one is applying, for the zoning relief.

Northlight Theatre is a 501(c)3 non-profit institution, and has a  
100% interest in the subject property.

---

---

---

---

9/13/2019

**114-O-19**

**AN ORDINANCE**

**Granting a Special Use Permit for a Planned Development  
Located at 1012-1018 Church Street in the D3 Downtown Core  
Development District**

**WHEREAS**, the City of Evanston is a home-rule municipality pursuant to Article VII of the Illinois Constitution of 1970; and

**WHEREAS**, as a home rule unit of government, the City has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; and

**WHEREAS**, Article VII, Section (6)a of the Illinois Constitution of 1970, states that the "powers and functions of home rule units shall be construed liberally," was written "with the intention that home rule units be given the broadest powers possible" (*Scadron v. City of Des Plaines*, 153 Ill.2d 164, 174-75 (1992)); and

**WHEREAS**, it is a well-established proposition under all applicable case law that the power to regulate land use through zoning regulations is a legitimate means of promoting the public health, safety, and welfare; and

**WHEREAS**, Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1, *et seq.*) grants each municipality the power to establish zoning regulations; and

**WHEREAS**, pursuant to its home rule authority and the Illinois Municipal Code, the City has adopted a set of zoning regulations, set forth in Title 6 of the Evanston City Code of 2012, as amended, ("the Zoning Ordinance"); and

**WHEREAS**, Northlight Theater (“Applicant”), the Applicant for the proposed development located at 1012-1018 Church Street, Evanston, Illinois (the “Subject Property”), legally described in Exhibit A, which is attached hereto and incorporated herein by reference, applied, pursuant to the provisions of the Zoning Ordinance, specifically Section 6-3-5, “Special Uses”, Section 6-3-6, “Planned Developments”, and Subsection 6-11-1-10, “Planned Developments” in Downtown Zoning Districts, to permit the construction and operation of a Planned Development with a cultural facility at the Subject Property in the D3 Downtown Core Development Zoning District (“D3 District”); and

**WHEREAS**, the Applicant sought approval to construct a new three (3) story, thirty-seven thousand eight hundred (37,800) square foot cultural facility, a live theater performance venue, with a two hundred eighty-nine (289) seat main stage and a building height of forty-one (41) feet; and

**WHEREAS**, construction of the Planned Development, as proposed in the application, requires exception from the strict application of the Zoning Ordinance with regards to the number of parking spaces provided and an increased setback from the street frontage property line at the first floor; and

**WHEREAS**, pursuant to Subsection 6-3-6-5 of the Zoning Ordinance, the City Council may grant Site Development Allowances from the normal district regulations established in the Zoning Ordinance; and

**WHEREAS**, on September 11, 2019 and September 12, 2019, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*) and the Zoning Ordinance, the Plan Commission held a public hearing on the

application for a Special Use Permit for a Planned Development, case no. 19PLND-0075, heard extensive testimony and public comment, received other evidence, and made written minutes, findings, and recommendations; and

**WHEREAS**, the Plan Commission's written findings state that the application for the proposed Planned Development does meets applicable standards set forth for Special Uses in Subsection 6-3-5-10 of the Zoning Ordinance and Planned Developments in the D3 Downtown Core Development District per Subsection 6-11-1-10 of the Zoning Ordinance; and

**WHEREAS**, on September 12, 2019, the Plan Commission recommended the City Council approve the application; and

**WHEREAS**, on September 23, 2019, the Planning and Development ("P&D") Committee of the City Council held a meeting, in compliance with the provisions of the Open Meetings Act and the Zoning Ordinance, received input from the public, carefully considered the findings and recommendation for approval of the Plan Commission, and recommended approval thereof by the City Council; and

**WHEREAS**, at its meetings on September 23, 2019, and October 14, 2019, held in compliance with the Open Meetings Act and the Zoning Ordinance, the City Council considered the recommendation of the P&D Committee, received additional public comment, made certain findings, and adopted said recommendation; and

**WHEREAS**, it is well-settled law that the legislative judgment of the City Council must be considered presumptively valid (see *Glenview State Bank v. Village of*

*Deerfield*, 213 Ill.App.3d 747) and is not subject to courtroom fact-finding (see *National Paint & Coating Ass'n v. City of Chicago*, 45 F.3d 1124),

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

**SECTION 1:** The foregoing recitals are hereby found as facts and incorporated herein by reference.

**SECTION 2:** Pursuant to the terms and conditions of this ordinance, the City Council hereby grants the Special Use Permit applied for in case no. 19PLND-0075, to allow construction and operation of the Planned Development for a new three (3) story, thirty-seven thousand eight hundred (37,800) square foot Cultural Facility, a live theater performance venue, with a two hundred eighty-nine (289) seat main stage and a building height of forty-one (41) feet.

**SECTION 3:** The City Council hereby grants the following Site Development Allowances:

- (A) Number of Parking Spaces:** A Site Development Allowance is hereby granted for a total of zero (0) off-street parking spaces, whereas Subsection 6-16-2, Table 16-B of the Zoning Ordinance requires a minimum of thirty-two (32) off-street parking spaces for the proposed Planned Development in the D3 District.
- (B) Street front setback:** A Site Development Allowance is hereby granted for a two (2) foot setback from the street frontage property line at the first floor where as Subsection 6-11-1-4 requires a zero (0) foot setback from the street frontage property line at the first floor for a minimum building height of twenty-four (24) feet but not more than forty-two (42) feet for all new structures facing Church Street in the D3 District.

**SECTION 4:** Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the Special Use Permit granted hereby, which may be amended by future ordinance(s), and violation of any of which

shall constitute grounds for penalties or revocation of said Special Use Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

- (A) **Compliance with Applicable Requirements:** The Applicant shall develop and operate the Planned Development authorized by the terms of this Ordinance in substantial compliance with: the terms of this Ordinance; the Development Plan; all applicable legislation; the Applicant's testimony and representations to the Design and Project Review Committee, the Plan Commission, the P&D Committee, and the City Council; and the approved documents on file in this case.
- (B) **Construction Management Plan:** The Applicant shall sign and agree to a Construction Management Plan (CMP) with the City of Evanston prior to issuance of the Building Permit. The CMP shall include but is not limited to the following: construction phasing/staging plans; construction hours; site access including traffic and pedestrian safety plans; contractor parking; damage control and vibration monitoring; construction exhibits; project communication and signage.
- (C) **Arts for Everyone:** The Applicant shall annually provide not less than one thousand (1,000) complimentary tickets to Evanston not-for-profit partners and the Evanston Public Library. The Applicant shall offer senior pricing discounts. The Applicant shall make space available for use by other local arts organizations and groups.
- (D) **Bird-Friendly Measures:** The Applicant shall provide appropriate bird friendly measures on the north building facade, including fritted glass.
- (E) **City of Evanston Employment:** The Applicant agrees to employ at least three (3) Evanston residents, with a goal of ten (10) Evanston residents, during construction.
- (F) **Public Art Installation:** Prior to issuance of the Final Certificate of Occupancy (FCO), the Applicant shall install public art on the portion of the west facade visible from Oak Avenue. The public art installation shall require approval of the Arts Council and the Design and Project Review Committee.
- (G) **Further Review Required:** Prior to issuance of a building permit, approval of the Design and Project Review Committee shall be required for the following items relating to peak patron arrival and departure times:
  - 1. Parking plan
  - 2. Bike lane management and on-street parking configuration
  - 3. Multi-modal transportation plan

- (H) **Construction Schedule:** Pursuant to Subsection 6-11-1-10(A)(4) of the Zoning Ordinance, the Applicant shall obtain a building permit within twenty-four (24) months of the passing of this Ordinance. Additionally, the Applicant must complete the construction of the Planned Development within twenty-four (24) months from the date the Applicant receives its building permit.
- (I) **Recordation:** Pursuant to Subsection 6-3-6-10 of the Zoning Ordinance, 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, before the City may issue any permits pursuant to the Planned Development authorized by the terms of this ordinance.

**SECTION 5:** When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant's tenants, agents, assigns, and successors in interest."

**SECTION 6:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**SECTION 7:** Except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Ordinance 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. To the extent that the terms and provisions of any of said documents conflict with the terms herein, this ordinance shall govern and control.

**SECTION 8:** All ordinances or parts of ordinances that are in conflict with the terms of this ordinance 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 hereby 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: September 23, 2019

Adopted: October 14, 2019

Approved:

November 4, 2019

Stephen H. Hagerty  
Stephen H. Hagerty, Mayor

Attest:

Eduardo Gomez  
Devon Reid, City Clerk

Eduardo Gomez, Deputy City Clerk

Approved as to form:

Michelle L. Masoncup  
Michelle L. Masoncup, Corporation Counsel

**EXHIBIT A**

**Legal Description**

LOT 4 AND THE EAST 30.0 FEET OF LOT 5 IN BLOCK 67 IN THE ORIGINAL VILLAGE (NOW CITY) OF EVANSTON IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PINs:** 11-18-302-006-0000

**COMMONLY KNOWN As:** 1012-108 Church Street, Evanston, IL 60201

**EXHIBIT B**

**Development Plans**

# NORTHLIGHT THEATRE



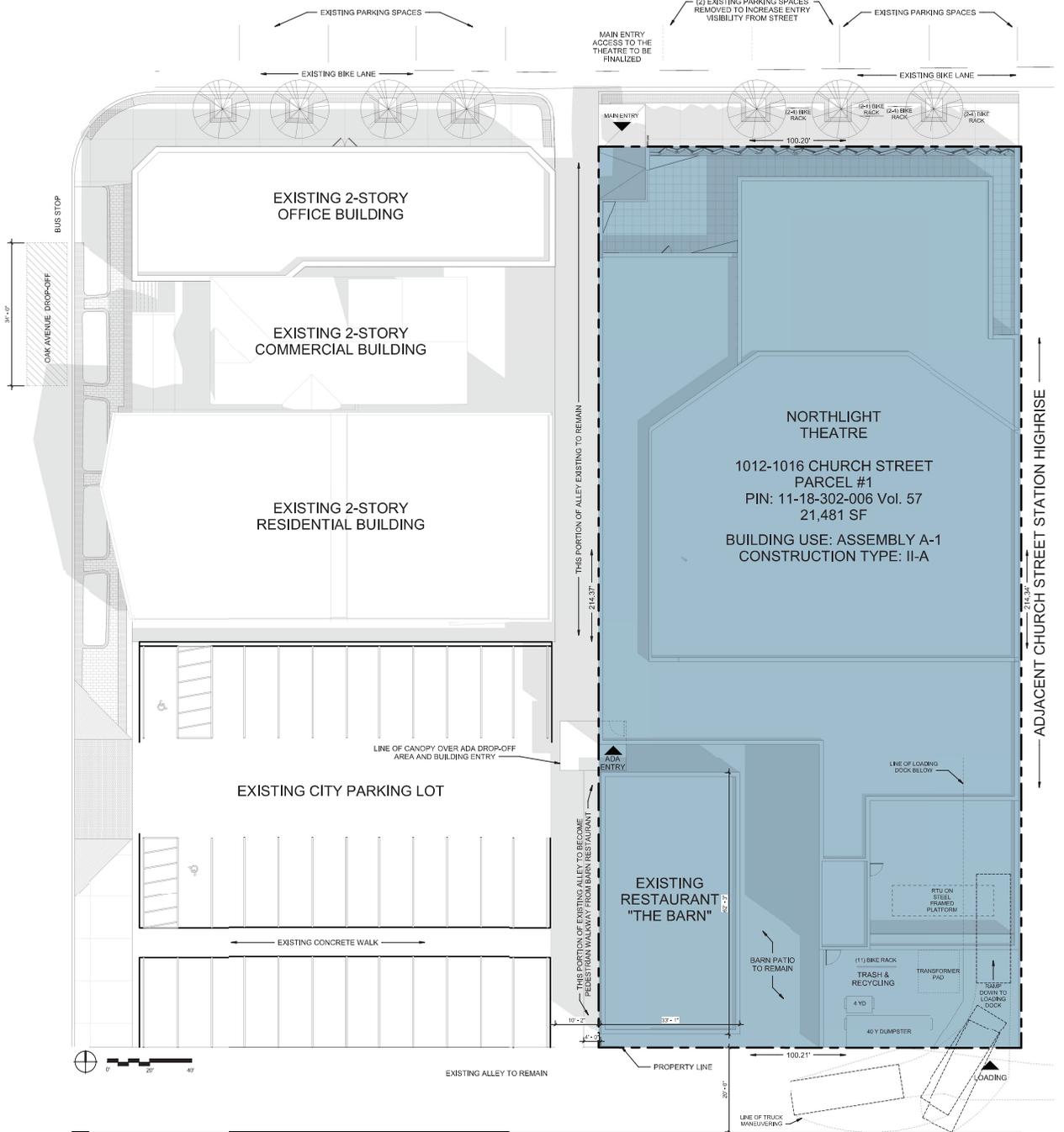
\ ECKENHOFF SAUNDERS

1012-1016 CHURCH STREET  
PLANNED DEVELOPMENT APPLICATION  
CITY OF EVANSTON

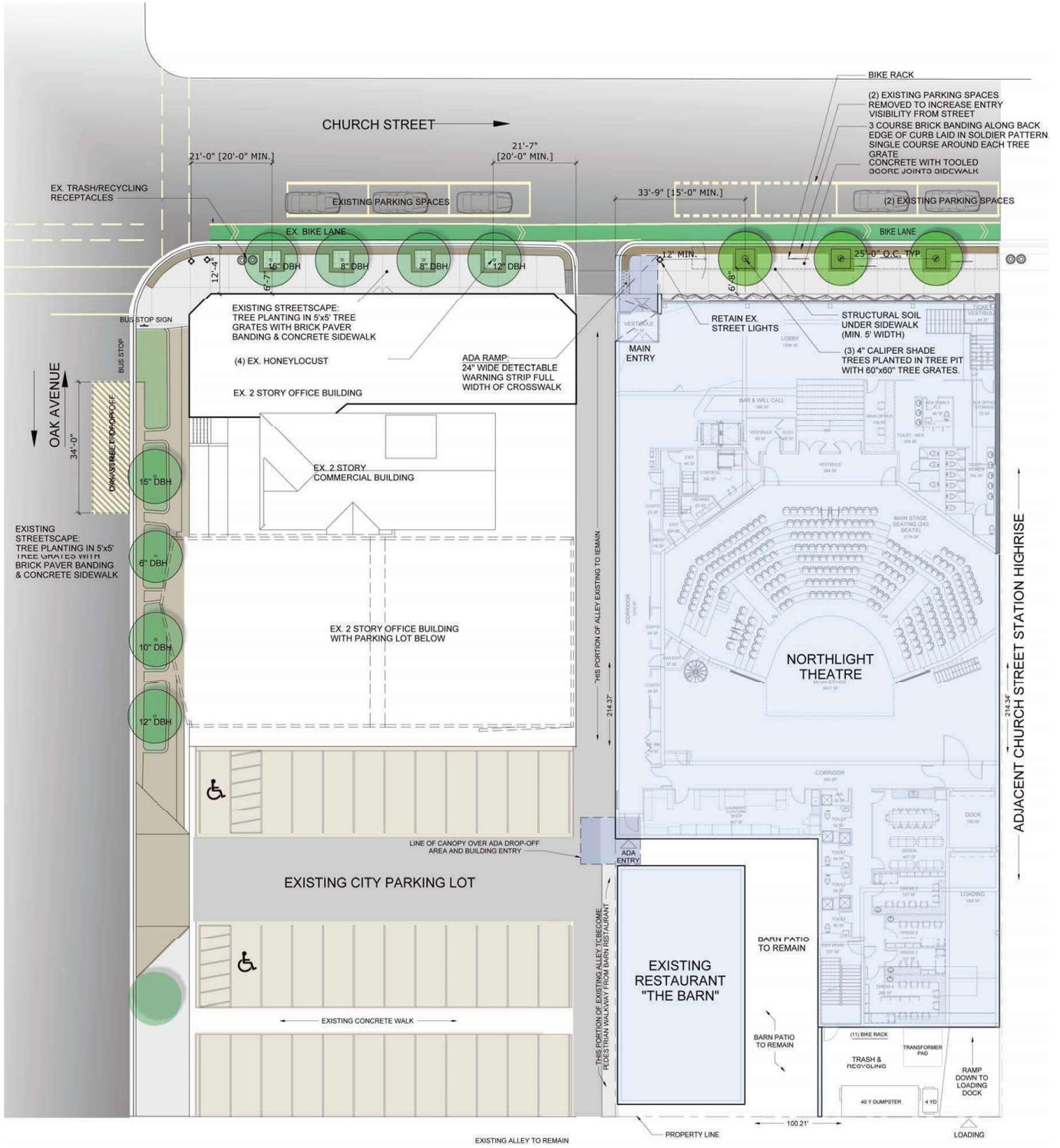
JULY 30, 2019

# CHURCH STREET

OAK AVENUE



1 Phase 1 - Site  
1" = 10'-0"



1 Phase 1 - Streetscape  
1" = 10'-0"


**KETTELKAMP & KETTELKAMP** landscape architecture

CKENHOFF SAUNDERS ARCHITECTS

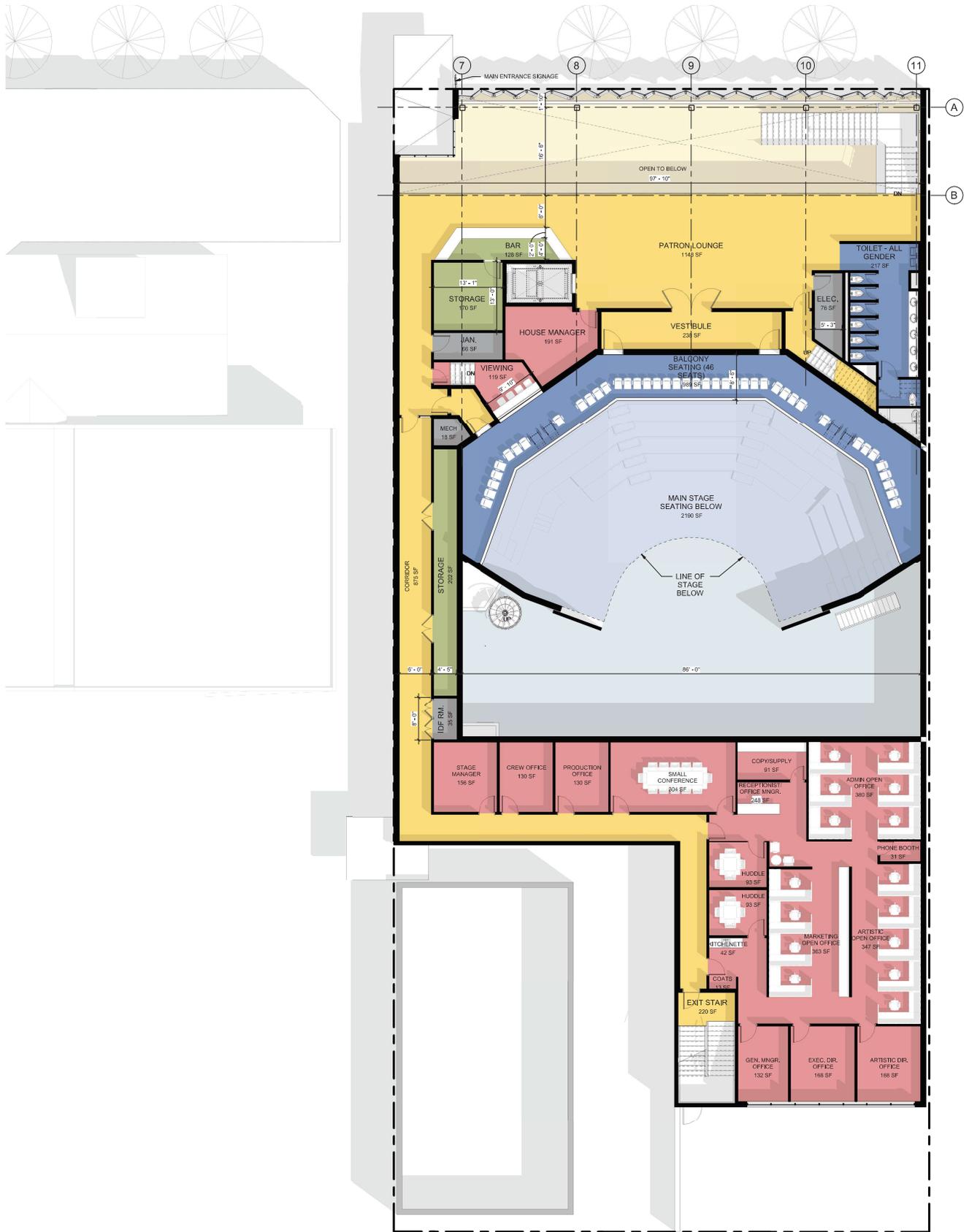
017 Eckenhoff Saunders Architects, Inc.

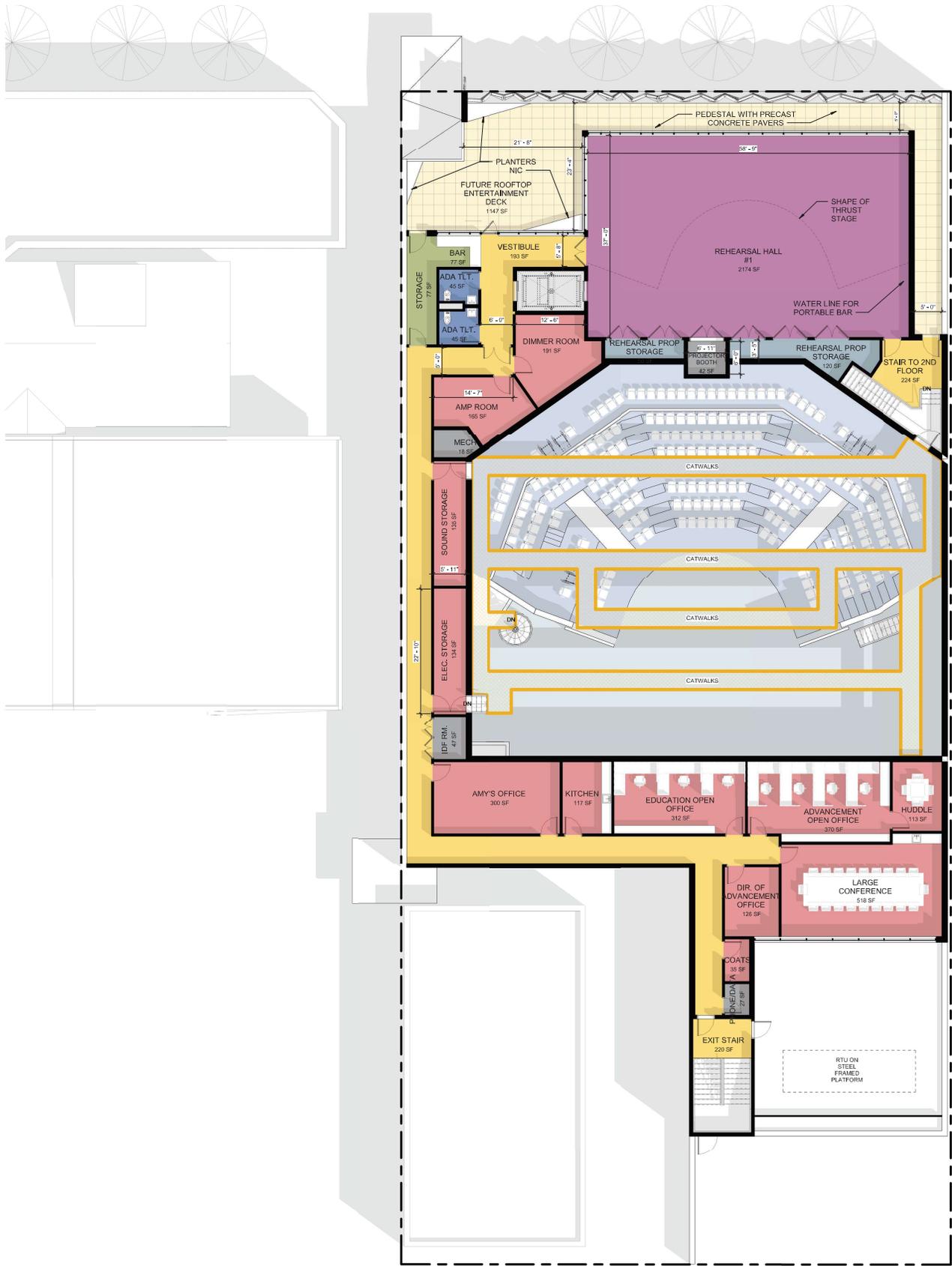
Streetscape Plan |

**Northlight The-**  
Evar

1012 Church Street, Evanston, IL 60201 Project No: 18117 Date: 01

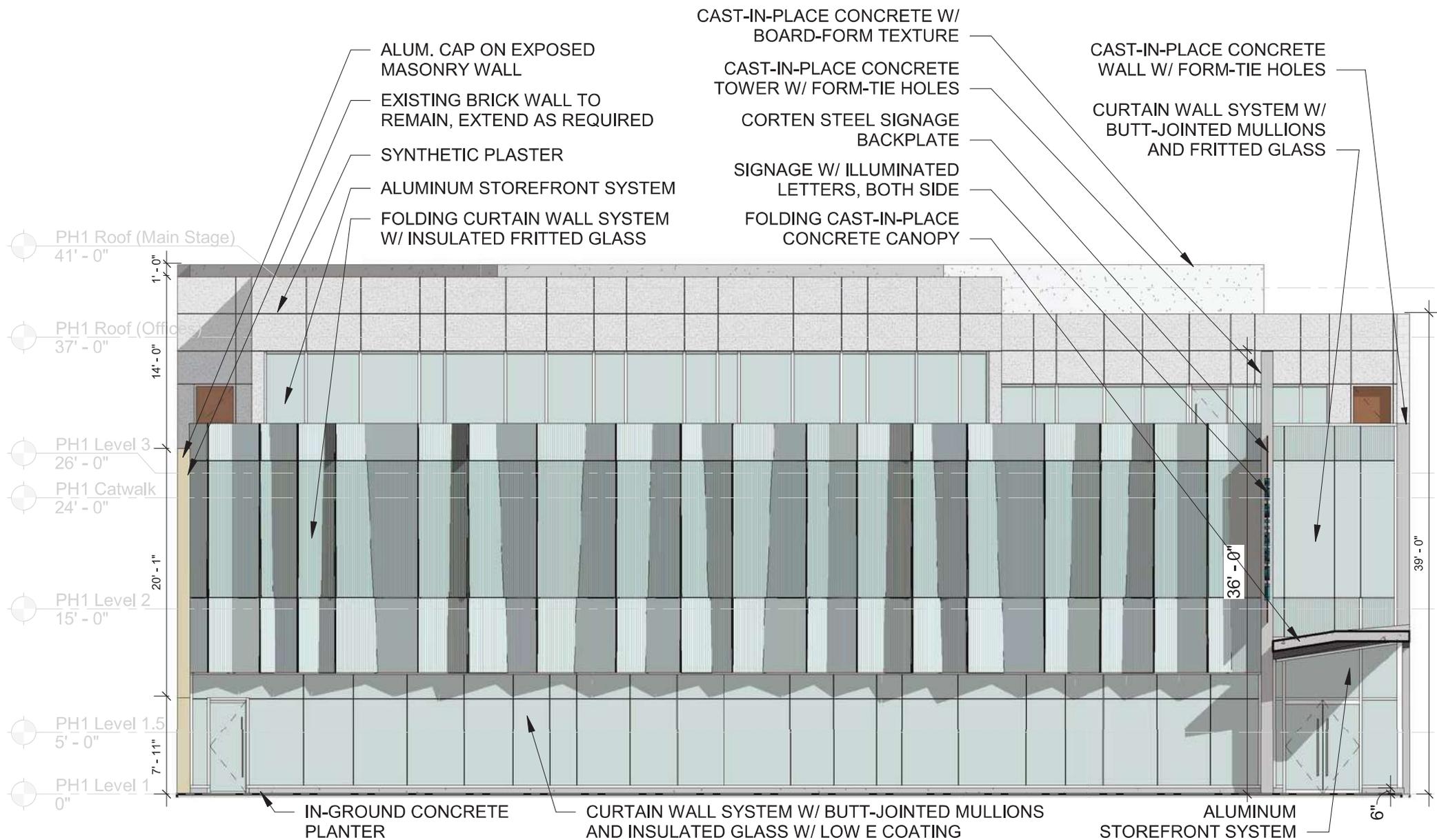




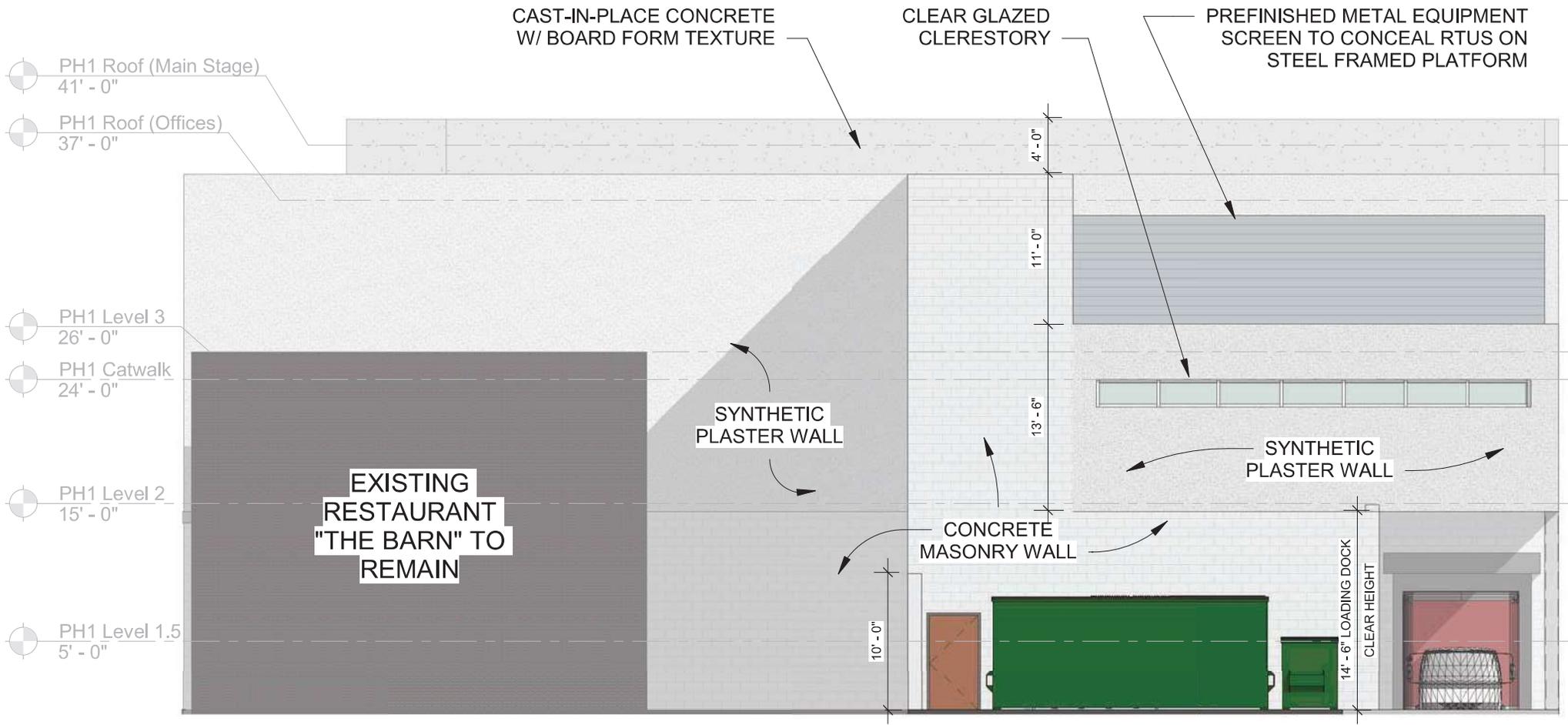


Level 3 / Roof Floorplan  
1/8" = 1'-0"



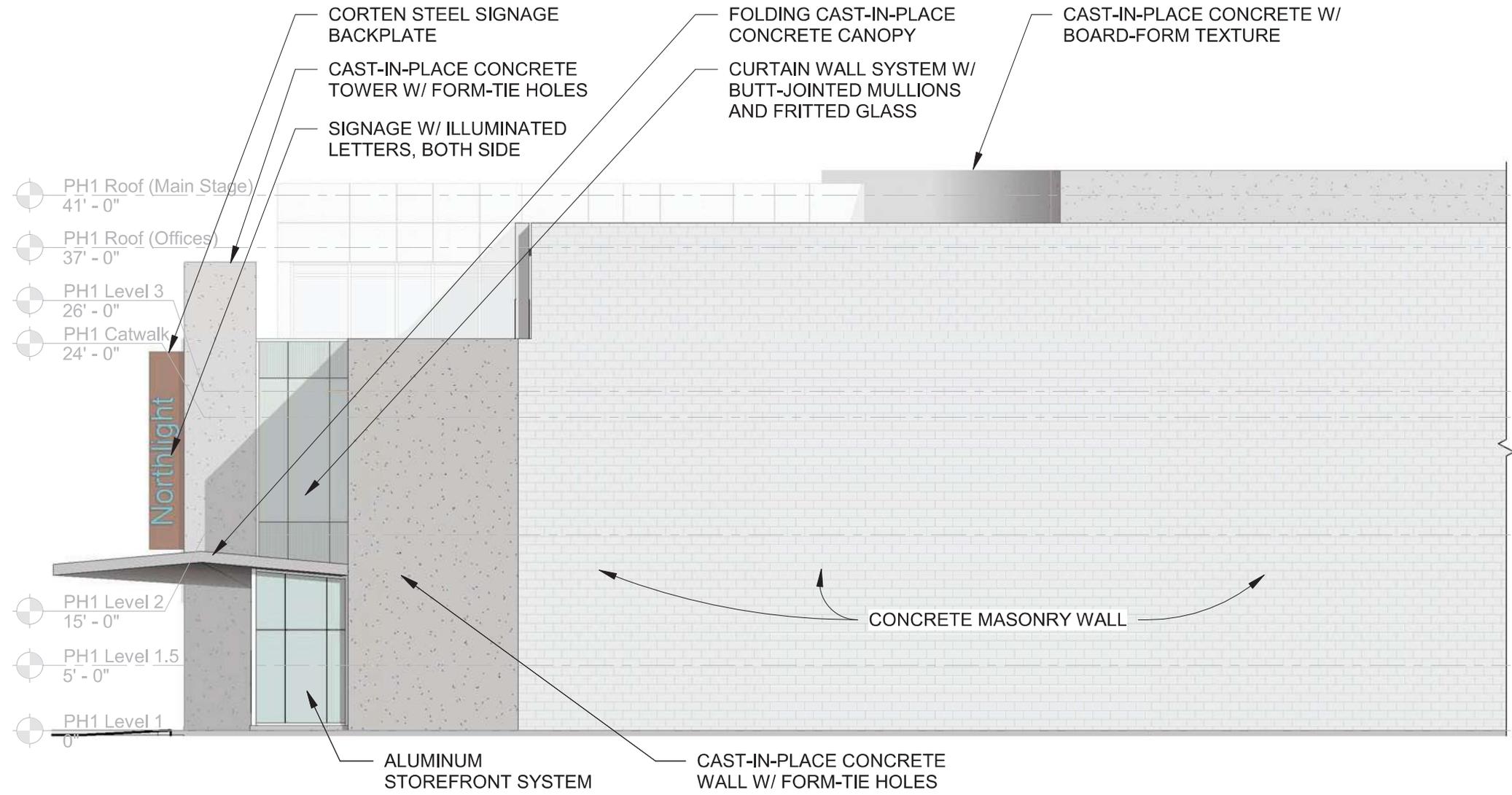


# 1 Church Street Facade Elevation



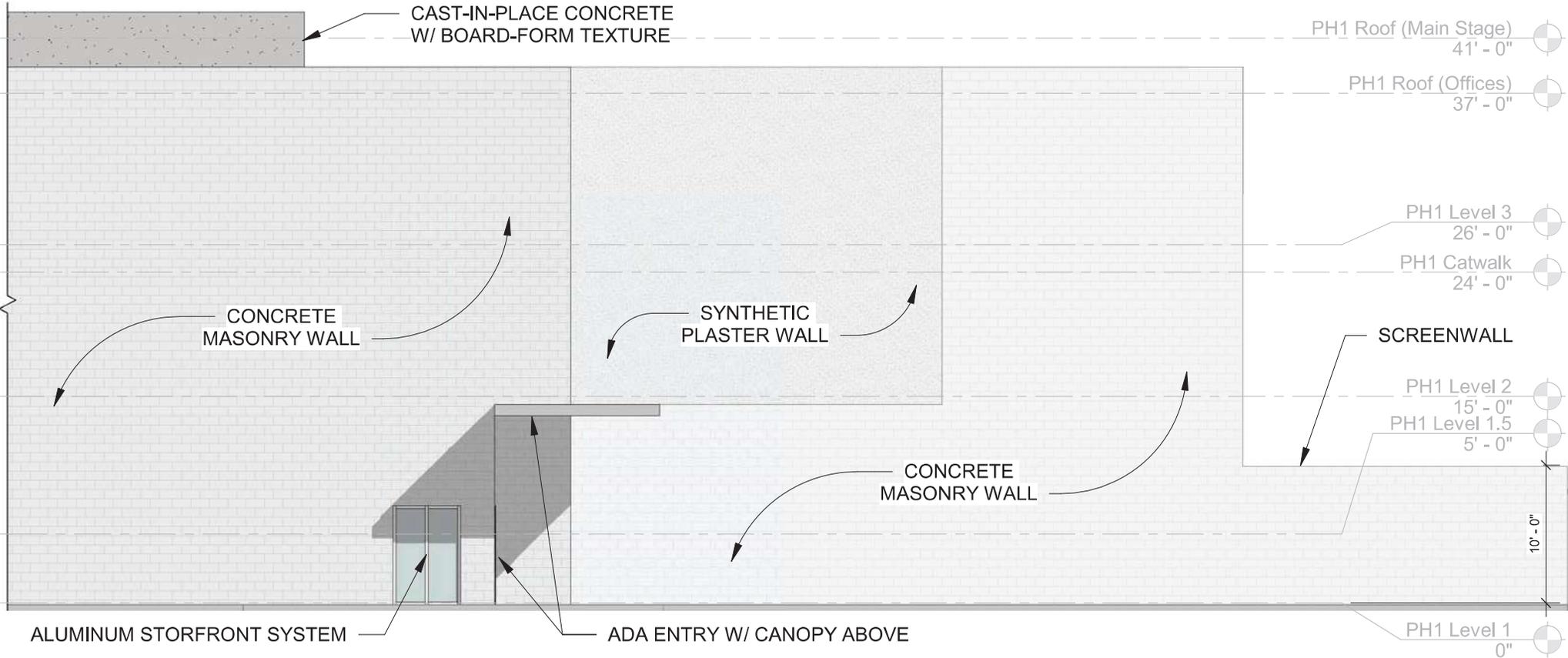
**1 Alley Elevation**  
 3/32" = 1'-0"





**1 West Elevation**  
 3/32" = 1'-0"





**1 West Elevation**  
 3/32" = 1'-0"





LOOKING EAST ON CHURCH STREET AT EXISTING ROCKIN' RAVIOLI FACADE



LOOKING EAST FROM BIKE LANE IN FRONT OF 1020 CHURCH STREET BUILDING



LOOKING EAST FROM INTERSECTION OF CHURCH STREET AND OAK AVENUE



AERIAL LOOKING SOUTHWEST FROM CHURCH STREET STATION HIGHRISE

LOOKING SOUTHWEST FROM BARN ENTRY OFF ALLEY



LOOKING WEST IN ALLEY AT BARN SIGNAGE



LOOKING NORTH FROM ALLEY SOUTH OF SITE



LOOKING NORTH FROM ALLEY SOUTH OF SITE



Program Areas		
Room Number	Room Name	Area

PH1 Basement

A105	DRY STOR.	98 SF
A106	COOL STORAGE	151 SF
A108k	STORAGE	615 SF
A202c	WATER SERVICE RM.	309 SF
A202e	ELEC.	191 SF
A202q	TLT.	30 SF
A301	OPERATION OFFICE	126 SF
A303	JAN.	29 SF
A305/A306/A516	STORAGE	1065 SF
A409	REPAIR SHOP	489 SF
A507	TRAPS	687 SF
A616e	DRY STOR.	41 SF
A616f	PUMP ROOM	133 SF
A1000	MDF RM.	84 SF
A1000b	FIRE PUMP ROOM	321 SF
		4369 SF

PH1 Level 1

A101	VESTIBULE	77 SF
A101a	TICKET VESTIBULE	44 SF
A101b	LOBBY	1596 SF
A103	COATS	23 SF
A104	BAR & WILL CALL	188 SF
A108	TOILET - MEN	265 SF
A108a	ADA FAMILY TLT.	46 SF
A108d	MECH	18 SF
A110	TOILET - WOMEN	362 SF
A111	JAN.	29 SF
A202	BOX OFFICE	120 SF
A202a	MAIN OFFICE	139 SF
A202b	ELEC	28 SF
A202g	BOX OFFICE STORAGE	70 SF
A401	GREEN	407 SF
A402	LAUNDRY/ COSTUME SHOP	547 SF
A505/A506	MAIN STAGE	2417 SF
A508	DRESS 1	101 SF
A509	DRESS 2	136 SF
A510	DRESS 3	197 SF
A511	DRESS 4	262 SF
A512	TOILET	52 SF
A513	TOILET	54 SF
A514	TOILET	54 SF
A515	TOILET	56 SF
A517	DOCK	180 SF
A615a	ADA TLT.	61 SF
A616h	IDF RM.	19 SF
A621	COATS	24 SF
A622	COATS	24 SF
A2001	TRASH/RECYCLE / BIKES / TRANSFORMER	746 SF
		8342 SF

PH1 Level 1.5

A501	MAIN STAGE SEATING (243 SEATS)	3179 SF
A501C	VIEWING	63 SF
A502	CONTROL	182 SF
		3424 SF

Program Areas		
Room Number	Room Name	Area

PH1 Level 2

A102	HOUSE MANAGER	191 SF
A104b	BAR	128 SF
A104c	STORAGE	170 SF
A107	PATRON LOUNGE	1148 SF
A108b	OPEN TO BELOW	1719 SF
A109	TOILET - ALL GENDER	217 SF
A202p	VESTIBULE	44 SF
A302	JAN.	66 SF
A403	STAGE MANAGER	156 SF
A404	PRODUCTION OFFICE	130 SF
A405	CREW OFFICE	130 SF
A501a	BALCONY SEATING (46 SEATS)	989 SF
A501CC	VIEWING	119 SF
A601	RECEPTIONIST/ OFFICE MNGR.	248 SF
A602	ARTISTIC DIR. OFFICE	168 SF
A603	EXEC. DIR. OFFICE	168 SF
A604	GEN. MNGR. OFFICE	132 SF
A606a	HUDDLE	93 SF
A606b	HUDDLE	93 SF
A606e	PHONE BOOTH	31 SF
A607c	MARKETING OPEN OFFICE	363 SF
A607d	ADMIN OPEN OFFICE	380 SF
A607e	ARTISTIC OPEN OFFICE	347 SF
A610	SMALL CONFERENCE	304 SF
A613	COPY/SUPPLY	91 SF
A614b	TLT.	100 SF
A615b	KITCHENETTE	42 SF
A616a	COATS	13 SF
A616j	IDF RM.	35 SF
A616m	ELEC.	30 SF
A618	STORAGE	202 SF
		8046 SF

PH1 Level 3

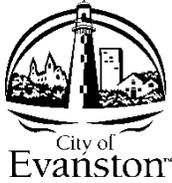
A108c	REHEARSAL PROP STORAGE	50 SF
A108e	ADA TLT.	45 SF
A108f	ADA TLT.	45 SF
A202l	PROJECTOR BOOTH	42 SF
A406	ELEC. STORAGE	134 SF
A407	SOUND STORAGE	135 SF
A408a	REHEARSAL PROP STORAGE	120 SF
A410	DIMMER ROOM	191 SF
A411	AMP ROOM	165 SF
A606d	HUDDLE	113 SF
A607	DIR. OF ADVANCEMENT OFFICE	126 SF
A607a	ADVANCEMENT OPEN OFFICE	370 SF
A607b	EDUCATION OPEN OFFICE	312 SF
A609	LARGE CONFERENCE	518 SF
A612	PHONE/DATA	27 SF
A615a	KITCHEN	117 SF
A616b	COATS	35 SF
A616i	IDF RM.	47 SF
A616n	MECH	38 SF
A699	AMY'S OFFICE	300 SF
A701	REHEARSAL HALL #1	2174 SF
		5104 SF

Gross Building Areas	
Level	Area
PH1	
PH1 Level 0	6357 SF
PH1 Level 1	14988 SF
PH1 Level 2	9387 SF
PH1 Level 3	7114 SF
	37846 SF

Land Use Commission

2012 Maple Avenue  
Appeal of  
Minor Variation Determination  
22ZMJV-0075

Determining Body



# Memorandum

To: Chair and Members of the Land Use Commission

From: Melissa Klotz, Zoning Administrator

CC: Sarah Flax, Interim Director of Community Development  
Elizabeth Williams, Planning Manager

Subject: Appeal of Minor Variation Determination  
2012 Maple Ave., 22ZMJV-0075

Date: October 19, 2022

## **Request**

---

Marcin Kawa, contractor, appeals the Zoning Administrator's decision to deny minor zoning relief (case number 22ZMNV-0059) to construct a 2-car detached garage with proposed building lot coverage of 43.8% where a maximum 40% is permitted (Section 6-8-6-6) and impervious surface coverage of 57.4% where a maximum 55% is permitted (Section 6-8-6-9) in the R4a General Residential District. The appellant was denied zoning relief to construct a 2-car detached garage. The Land Use Commission is the determining body for this case in accordance with Section 6-3-8-8 of the Evanston Zoning Code and Ordinance 92-O-21.

## **Notice**

The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on October 6, 2022.

## **General Information**

---

**Applicant:** Marcin Kawa  
MK Construction & Builders, Inc.  
2000 N. Milwaukee Ave.  
Chicago, IL 60647

**Owner(s):** same

**PINs:** 11-18-102-027-0000

## **Analysis**

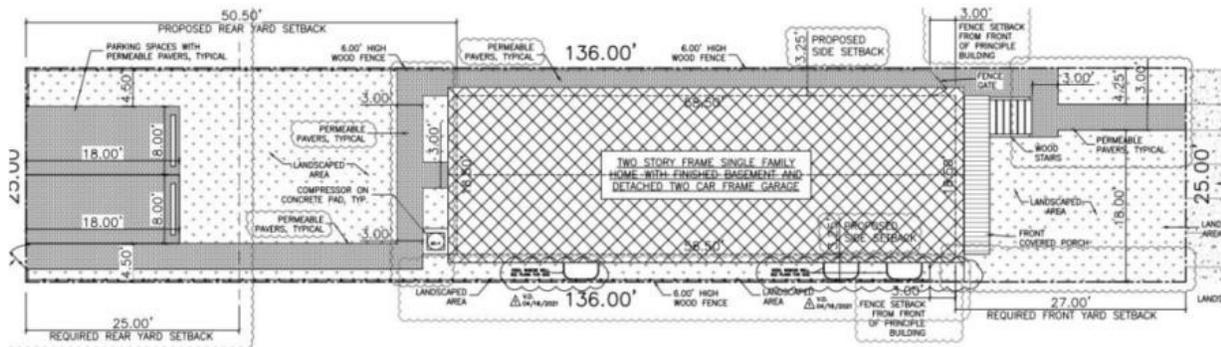
2012 Maple Avenue is located on the west side of Maple Avenue, midblock between Foster St. and Simpson St. The lot size is 3,400 sq. ft. where a minimum 5,000 sq. ft. is

required, and 25 feet wide where the minimum lot width is 35 feet in the R4a General Residential District. The property previously featured a dilapidated 2-flat with a storefront abutting the front property line. The structure was condemned by the City and then demolished by the current owner (who was not the owner of record when the structure was condemned). At the time, the new owner (now appellant) who purchased the property in March 2021, requested a Rebuild Letter from the Planning & Zoning Division that would allow the exact same structure to be rebuilt following demolition. The Rebuild Letter was denied, noting the commercial storefront with zero front yard and interior side yard setbacks, was not appropriate in the R4a District. City staff did acknowledge variations would be needed to facilitate new construction on the property without the Rebuild Letter, and agreed to waive the Minor Variation fee for variations applied for that were similar to the previous structure specifically regarding side yard setbacks (for the house not commercial storefront), number of parking spaces, and lot size for a 2-flat if desired (see attached correspondence between staff and representatives of the current ownership).

<b>Surrounding Zoning and Land Uses</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	R4a General Residential	Single family and two-family homes
<b>South</b>	B1 Business & R4a General Residential	Commercial businesses and Single Family and two-family homes
<b>East</b>	B1 Business & R4a General Residential	Commercial businesses and Single family and two-family homes
<b>West</b>	R4a General Residential	Single family and two-family homes

Following demolition of the old noncompliant structure, the appellant applied for a building permit to construct a new single family residence with a 2-car detached garage in April 2021. The proposed site plan originally triggered 12 variations, and was revised down to 8 variations (see attached Zoning Analysis Summary revised 06.23.21). The appellant applied for major variations, and then revised further to reduce the variation requests and trigger minor variations only. This revision included removal of the 2-car detached garage, which was replaced with a parking pad to reduce both building lot coverage and impervious surface coverage (due to the paver discount). The appellant then applied for minor variations (21ZMNV-0064) in August 2021 with the following variation requests and determinations as noted below:

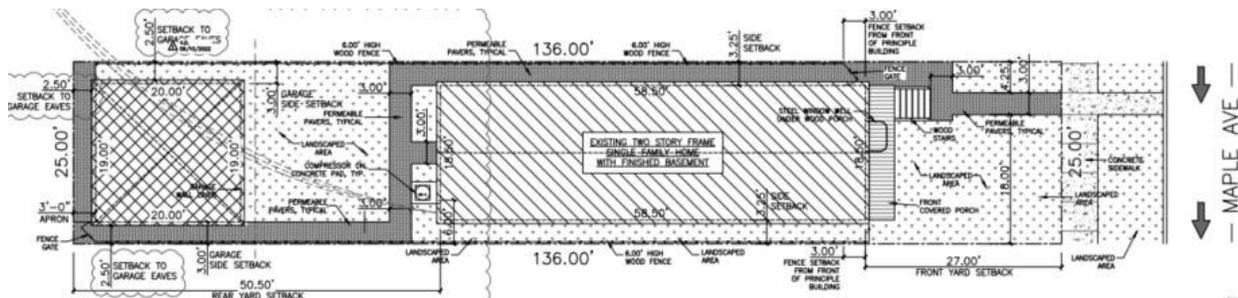
1. 3.3' north interior side yard setback where 5' is required - GRANTED
2. 3.3' south interior side yard setback where 5' is required - GRANTED
3. 2.3' north interior side yard setback for a 1' eave where an eave may extend into a required setback by 10% or 6" - DENIED
4. 2.3' south interior side yard setback for a 1' eave where an eave may extend into a required setback by 10% or 6" - DENIED



2021 Minor Variation 21ZMNV-0064 site plan with parking pad shown

The eave variations were denied since 1' eaves are not necessary and 6" eaves are permitted, achieve the same purpose, and do not trigger additional fireproofing. At the time of ZMNV-0064 in August 2021, the appellant intended to proceed with the compliant 2-car parking pad.

In June 2022, with construction of the house well underway, the appellant applied for a building permit for the 2-car detached garage, which was then denied by zoning due to building lot coverage and impervious surface coverage. Zoning analysis 22ZONA-0130 (attached), issued in August 2022, again clarified the parking pad option as compliant, a potential one-car garage (11' x 20') + one-car parking pad with reduced impervious areas could be compliant option, and the noncompliant 2-car garage option. The appellant chose to proceed with the currently appealed minor variation request (22ZMNV-0059) for 43.8% building lot coverage where a maximum 40% is allowed, and 57.4% impervious surface coverage where a maximum 55% is allowed.



2022 (currently appealed) Minor Variation 22ZMNV-0059 site plan with garage shown

Given the extensive zoning analysis reviews (at least six reviews in total) and consistent correspondence from staff regarding appropriate minor variations and the option of a parking pad vs. reducing the size of the house and walkways to comply with building lot coverage and impervious surface coverage if a garage is desired, the requested minor variations were denied.

Staff acknowledges most minor variations for building lot coverage that are requested in order to add on-site parking are granted. While most impervious surface coverage variations are not granted, there are often (and are in this case) ways to reduce impervious on other parts of the property by using pavers, pervious materials, or spaced stepping stones. Since this request originated as an undeveloped lot (following 2012 Maple Ave. - Page 3 of 6

demolition of the dilapidated structure) and the house footprint was deliberately designed at the size it currently is, which creates the hardship or practical difficulty to construct a 2-car detached garage compliantly, the Standards for Approval are not met. Additionally, staff correspondence notes a compromise for a 1-car detached garage + 1-car parking pad could be compliant with the zoning ordinance. Approval of such a request could set a precedent for future redevelopment sites and encourage staged construction to split up zoning relief into different phases that make the zoning relief appear more palatable. Staff acknowledges the appellant signed a Hold Harmless Agreement to continue with construction of the house while the garage appeal proceeds. Continuing with construction is at the appellant's risk since the appeal determination could suggest removal of a small portion of the house footprint to achieve compliance for the garage.

### **Department Recommendation**

Staff recommends the Land Use Commission uphold the Zoning Administrator's determination to deny minor variation request 22ZMNV-0059 for proposed building lot coverage of 43.8% where a maximum 40% is permitted and impervious surface coverage of 57.4% where a maximum 55% is permitted to construct a 2-car detached garage in the R4a General Residential District.

While minor variations for 2-car garages are often granted to remove parked vehicles from the street, the applicant knowingly created the hardship by maximizing the building lot coverage and impervious surface coverage for the main structure so that a garage could not be compliantly located at the property (but a paver parking pad could achieve parking compliance). Planning & Zoning staff clarified this with the applicant through multiple reviews, and explained a minor variation to later add a garage would not be appropriate given the self-created hardship. Staff also noted impervious variations are generally not granted due to flooding concerns. Most notably, staff communicated that a one-car detached garage could be compliantly located on half of the parking pad without triggering any variations if other impervious areas on the property were also replaced with stone steppers rather than paver walks. With this compliant compromise as an alternative, the variations as requested should not be granted.

### **Standards for Approval**

The minor variation and appeal request must follow the Standards for Variations (Section 6-3-8-12-A).

Minor Variations: Minor variations may be authorized by the Zoning Administrator upon making written findings that the proposed variation satisfies the following standards:

- 1. The practical difficulty is not self-created.** The practical difficulty of an existing lot that is substandard in lot size and lot width was not self-created. However, the design and construction of the new single family residence that maximizes the available building lot coverage and impervious surface coverage and leaves no square footage for a 2-car detached garage was noted by staff prior to building permit issuance and the applicant chose to proceed with the larger house with the parking pad instead of a garage.

2. **The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties.** Most of the other properties on the block feature one or two-car detached garages with alley access, including lots that are 25 feet wide similar to 2012 Maple Ave.
3. **The requested variation is in keeping with the comprehensive general plan and the zoning ordinance.** The comprehensive general plan and the zoning ordinance encourage/require on-site parking. However, the comprehensive general plan and the zoning ordinance also encourage/require maximum building lot coverage and impervious surface coverage on residential properties for a variety of reasons including to limit the footprint of structure and to minimize flooding.
4. **The requested variation is consistent with the preservation policies set forth in the comprehensive general plan.** NA
5. **The requested variation requires the least deviation from the applicable regulation among the feasible options identified before the Zoning Administrator issues his/her decision regarding said variation.** The appellant obtained a building permit to construct the principal structure with a parking pad to achieve parking compliance. Staff noted in each zoning review prior to construction that a one-car detached garage could be located on the property if other impervious areas were reduced, or a two-car detached garage could be constructed if the footprint of the house was also reduced by a small amount. The appellant chose neither alternative, and instead submitted for a building permit for a two-car detached garage without reducing the house footprint or impervious area, and then requested minor variations (which were denied).

### **Attachments**

Appeal Application

Plat of Survey

Proposed Site Plan

Image of Property (prior to demolition of old structure)

Elevation Image of New House (currently under construction)

Zoning Map of Property

Aerial View of Property

---

Zoning Analysis Summary (for building permit for house) – 06.23.21

Minor Variation Application (21ZMNV-0064) – August 2021

Minor Variation Public Notice for House with Parking Pad (21ZMNV-0064)

Minor Variation Determination Notice for House with Parking Pad (21ZMNV-0064)

---

Zoning Analysis Summary (for building permit for garage only) – 08.09.22

Minor Variation Application (22ZMNV-0059) – August 2022

Minor Variation Public Notice for Garage (22ZMNV-0059)

Minor Variation Determination Notice for Garage (22ZMNV-0059)

---

Staff & Applicant Correspondence  
Hold Harmless Agreement



# APPEAL APPLICATION

CASE #: \_\_\_\_\_

zoning office use only

## 1. PROPERTY

Address 2012 MAPLE AVE, Evanston, IL 60201

Permanent Identification Number(s):

PIN 1:  PIN 2:

## 2. APPELLANT

Name: Marcin Kawa

Organization: MK Construction & Builders, Inc.

Address: 2000 N. Milwaukee Ave.

City, State, Zip: Chicago, IL 60647

Phone: Work: (773) 817-1861 Home: \_\_\_\_\_ Cell/Other: \_\_\_\_\_

Fax: Work: \_\_\_\_\_ Home: \_\_\_\_\_

E-mail: info@mkconstructioninc.net

Please circle the primary means of contact.

## 3. SIGNATURE

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

Applicant Signature – **REQUIRED**

9/20/2022  
Date

## 4. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

- (This) Completed and Signed Application Form
- Application Fee Amount \$ \_\_\_\_\_ Check # \_\_\_\_\_ (if applicable)

### Notes:

- **Incomplete applications will not be accepted.** Applications lacking any required documents or materials will not be accepted. Incomplete applications cannot be "held" at the zoning office.
- **Application Fees:** Once the complete application is received a follow-up email will be sent with a link to pay the application fee online.
- **Email this form to** [zoning@cityofevanston.org](mailto:zoning@cityofevanston.org)

**5. Address (or location) of property to which pertains the decision you are appealing:**

2012 Maple Ave. Evanston, Illinois 60201

**6. Describe the Zoning Administrator's decision that you are appealing:**

Denial of an application for minor variation from sections 6-8-6-8 and 6-8-6-9 of the Evanston Zoning Code in order to construct a new 2 car garage at the rear of the property.

A copy of the Notice of Variation Denial is attached as Ex. 1.

**7. Describe what you believe to be the correct zoning ordinance interpretation or what you believe to be the correct facts related to this particular zoning decision:**

The Zoning Administrator should have granted the application for a minor variation from section 6-8-6-8 (lot coverage) and 6-8-6-9 (impervious surface coverage) of the Zoning Code. Granting the minor variations is consistent with the standards set forth in Section 6-3-8-12(A) of the Zoning Code. The difficulty, slightly exceeding the lot coverage and impervious surface coverage to prevent the construction of a 2 car garage, was not created by the Applicant. Granting the minor variation to allow construction of the garage will not adversely impact the use, enjoyment, or reduce the property value of adjoining properties. Photographs of the rear of the subject property and adjoining properties showing that 2 car and larger garages are common in the area are attached as Group Ex. 2. Granting the variation to allow construction of the garage is consistent with both the general plan of the Zoning Code and preserving the zoning code's plan for the R4a area's mix of residential types at medium density. The requested variation will result in only a small deviation from the lot coverage - 43.8% as opposed to 40% specified in the Zoning Code and the impervious surface coverage - 57.4% as opposed to 55 % specified in the Zoning Code. The Applicant has designed all exterior walkways and garage apron to be constructed with permeable paver stones to minimize the impervious coverage.

**8. Describe in what manner you believe yourself aggrieved or harmed by this zoning interpretation and/or determination:**

The Zoning Administrator's decision to deny the application for minor variation will decrease the value of the property because it will prevent the applicant from constructing a 2 car garage at the rear of the property.

An applicant for an appeal shall pay fees in connection with the submittal of the application in accordance with fee schedules adopted, from time to time, by the City Council upon recommendation of the Zoning Administrator.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**

Applications lacking any required fields or payments will not be accepted. Incomplete applications cannot be "held" at the Zoning Office.

I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge.\*

Use your mouse or finger to draw your signature above



**Marcin Kawa**

[clear]

Community Development Department - Planning and Zoning Division

2100 Ridge Avenue, Room 3700 Evanston, IL 60201

P: (847) 448 - 4311 F: (847) 448 - 8120

[Zoning@cityofevanston.org](mailto:Zoning@cityofevanston.org)

[www.cityofevanston.org/zoning](http://www.cityofevanston.org/zoning)

Enter your save and resume password

Cancel  
Confirm

## **PUBLIC NOTICE OF AN ADMINISTRATIVE VARIATION DENIAL**

You are receiving this notice because, according to our records, you own property within 250 feet of the subject property:

**2012 Maple Ave., Case 22ZMNV-0059  
Minor Variation**

**Notice Date: September 9, 2022**

**Applicant: Marcin Kawa  
Zoning District: R4a  
Preservation/Landmark: NA**

**The minor variation from the zoning ordinance requirement has been DENIED.** The variation application requested relief from Section 6-8-6-6, that states the maximum permitted amount of building lot coverage is 40% and from Section 6-8-6-9, that states the maximum permitted amount of impervious surface coverage is 55%.

**The applicant has been DENIED zoning relief** to construct a 19'x20' 2-car detached garage with proposed building lot coverage of 43.8% and impervious surface coverage of 57.4%, finding that the standards for minor variation from the zoning ordinance have not been met.

The applicant or an adjacent property owner may appeal a decision of the Zoning Administrator to the Zoning Board of Appeals by submitting an Appeal Application within 10 working days of the date of this notification.

To view the full application, submit questions or comments, please send comments/questions to Michael Griffith, Planner, Zoning Office, via e-mail at [mgriffith@cityofevanston.org](mailto:mgriffith@cityofevanston.org) or at (847) 448-4311.

GROUP  
EXHIBIT 2









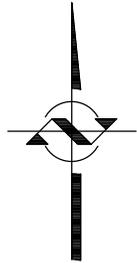
R.H. GRANATH  
 SURVEYING SERVICE, P.C.  
 PH: (708) 371-4478  
 FAX (708) 371-3922

# PLAT OF SURVEY

of

THE SOUTH 25 FEET OF LOT 15 IN BLOCK 2 IN PAUL PRATT'S SECOND ADDITION TO EVANSTON, BEING A SUBDIVISION OF THE SOUTH 486.1 FEET OF THE NORTH 660 FEET OF ROAD OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

R.H. GRANATH  
 SURVEYING SERVICE, P.C.  
 6006 W. 159th STREET BLDG. B  
 OAK FOREST, ILL. 60452



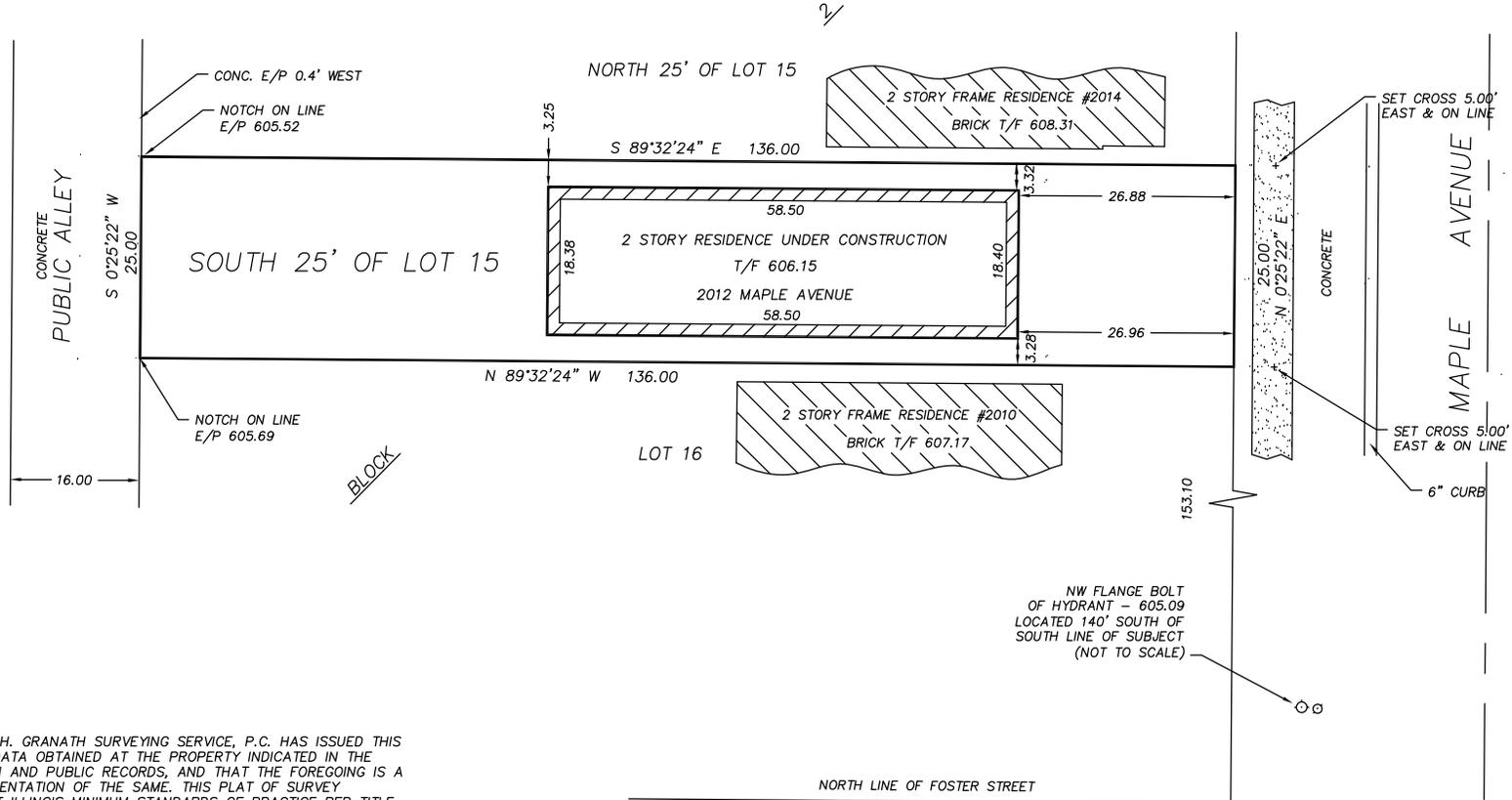
SCALE 1" = 15'



STATE OF ILLINOIS )  
 ) SS  
 COUNTY OF COOK )

THIS IS TO CERTIFY THAT R.H. GRANATH SURVEYING SERVICE, P.C. HAS ISSUED THIS PLAT FROM FIELD SURVEY DATA OBTAINED AT THE PROPERTY INDICATED IN THE CAPTION LEGAL DESCRIPTION AND PUBLIC RECORDS, AND THAT THE FOREGOING IS A TRUE AND CORRECT REPRESENTATION OF THE SAME. THIS PLAT OF SURVEY CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF PRACTICE PER TITLE 68 CHAPTER VII, SUBCHAPTER b: SECTION 1270.56 IN THE RULES FOR THE ILLINOIS PROFESSIONAL LAND SURVEYOR ACT FOR A BOUNDARY SURVEY. ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

STEVEN R. GRANATH I.P.L.S. No. 3169  
 VALID ONLY IF EMBOSSED SEAL IS AFFIXED



NOTE: ELEVATIONS SHOWN ARE IN NAVD 1988 DATUM.  
 BASIS OF BEARINGS IS ILLINOIS EAST NAD83-12 BY GPS  
 OBSERVATION.

DATE: JUNE 3, 2022

CLIENT: MK CONSTRUCTION

R.H.G. ORDER NO. CAD 0022-06-003

# NEW TWO CAR FRAME GARAGE - ACCESSORY USE TO AN EXISTING TWO STORY FRAME SINGLE FAMILY HOME

**CODE NOTES:**

1. ALL WINDOWS WITHIN 24 INCHES OF THE FLOOR AND WITHIN 12 INCHES OF ANY DOOR ARE TO BE GLAZED WITH TEMPERED GLASS.
2. ALL TUB AND SHOWER ENCLOSURES ARE TO BE GLAZED WITH TEMPERED GLASS.
3. ALL GLAZMENTS ARE TO BE GLAZED WITH A MINIMUM OF GLASS 1/8" TO 26 (3.6K)-SESSION AND AT THE TOP OF EVERY SHIRT OR EAVE LEVEL.
4. ALL INTERIOR FRAMES ARE TO BE GLAZED WITH SAFETY TEMPERED GLASS WITH A WIRE REINFORCER SCREEN INSIDE.
5. PROVIDE A HARDWIRED SMOKE DETECTOR WITHIN 15 FEET OF EVERY BEDROOM AND AT THE TOP OF EVERY SHIRT OR EAVE LEVEL.
6. PROVIDE A HARDWIRED CARBON MONOXIDE DETECTOR WITHIN 40 FEET OF EVERY BEDROOM AT LEAST ONE ON EACH LEVEL, AND ONE IN THE ROOM CONTAINING THE CENTRAL HEATING UNIT.
7. NO OPEN CUT OF WELDER STRESSES ALLOWED & NO NEW SANITARY SERVICE SHALL BE ALLOWED.
8. NO CONCENTRATED DISCHARGE OF STORM WATER TO ADJACENT PROPERTIES SHALL BE ALLOWED.
9. PROVIDE PRESTRESSING AT FOLLOWING LOCATIONS:
  - (A) IN CONCEALED SPACES OF STUD WALLS AND PARTITIONS, INCLUDING FURRED SPACES, AT THE CEILING AND FLOOR LEVEL.
  - (B) AT ALL INTERCONNECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES SUCH AS AT CORNERS, JOIST CEILINGS, COVE CEILINGS, ETC.
  - (C) IN CONCEALED SPACES BETWEEN STAIR STRINGERS AT THE TOP AND BOTTOM OF THE RUN.
  - (D) AT JOINTS AMONG VENTS, PIPES, DUCTS, CHIMNEYS AND PRECASTS AT CEILING AND FLOOR LEVEL.
  - (E) BETWEEN STUDS AT 4'-0" HEIGHT MAX.

BEARING PLACE MINIMUM TWO COURSES FILLED SOLID WITH CRUIT OR SOLID MASONRY UNITS UNDER EACH LEVEL BEARING POINT, UNLESS NOTED OTHERWISE.

**NOTICE TO CONTRACTORS:**

1. THE CONTRACT DOCUMENTS FOR THIS PROJECT INCLUDE AN OWNER-CONTRACTOR AGREEMENT (ON EXECUTED WRITTEN PROPOSAL PREPARED BY THE CONTRACTOR) AND THESE DRAWINGS PREPARED BY THE ARCHITECT.

2. THE ARCHITECT IS PROVIDING A "PLANS ONLY" SERVICE. NO OTHER TYPE OF ARCHITECTURAL SERVICE IS INTENDED OR IMPLIED. THESE PLANS ARE ONLY TO BE USED BY COMPETENT CONTRACTORS LICENSED WITHIN THE JURISDICTION OF THE ARCHITECT.

3. THE CONTRACTOR MUST FAMILIARIZE HIMSELF WITH THE PROJECT LOCATION AND EXISTING CONDITIONS. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND BE RESPONSIBLE FOR THEIR DISCREPANCY WITH PLANS & EXISTING CONDITIONS MUST BE REPORTED TO ARCHITECT BEFORE STARTING ANY WORK. NON-COMPLIANCE WITH THE ABOVE CONDITION DISQUALIFIES ANY CLAIM FOR A REWARD.

4. ADMINISTRATION OF THE CONTRACT IS BY THE OWNER OR HIS REPRESENTATIVE. THE CONTRACTOR AND THE OWNER ARE SOLELY RESPONSIBLE FOR THE BUILDING CONSTRUCTION PROCESS AND JOBSITE SAFETY.

5. THE DRAWINGS INDICATE THE GENERAL SCOPE OF THE PROJECT AND THE ARCHITECTURAL DESIGN CONCEPT, INCLUDING THE DIMENSIONS OF THE BUILDING, THE MAJOR ARCHITECTURAL ELEMENTS, AND TYPES OF STRUCTURE, MECHANICAL, PLUMBING AND ELECTRICAL SYSTEMS.

6. THE DRAWINGS DO NOT NECESSARILY INDICATE OR RESERVE ALL THE WORK REQUIRED FOR REALIZATION OF THE SCOPE OR INTENT OF THE PROJECT; NOR ALL THE REQUIREMENTS OF THE CONTRACT DOCUMENTS. BASED ON THE GENERAL SCOPE DESCRIBED IN THESE DRAWINGS, THE CONTRACTOR WILL FURNISH AND INSTALL ALL THE ITEMS REQUIRED FOR THE PROPER EXECUTION OF THE INTENDED SCOPE OF THIS PROJECT.

7. BY SUBMITTING A BID OR PRICE PROPOSAL, THE CONTRACTOR CONSENTS THAT HE HAS EXAMINED AND UNDERSTANDS ALL THE CONTRACT DOCUMENTS INCLUDING THESE SPECIFICATIONS AND AGREES TO PERFORM THE WORK REQUIRED TO ACHIEVE THE FINISHED PROJECT IN A FIRST CLASS MANNER, COMPLYING WITH ALL APPLICABLE CODES AND ORDINANCES, LOCAL, STATE AND NATIONAL CODES, AND OBSERVING OSHA RULES.

8. THE START OF WORK WILL BE CONSIDERED AFFIRMATION THAT THE CONTRACTOR IS FULLY INFORMED OF THE SCOPE OF WORK AND THE TIME, WORK, MATERIALS, EQUIPMENT, APPLIANCES AND SERVICES NECESSARY TO ACHIEVE THE SCOPE OF WORK.

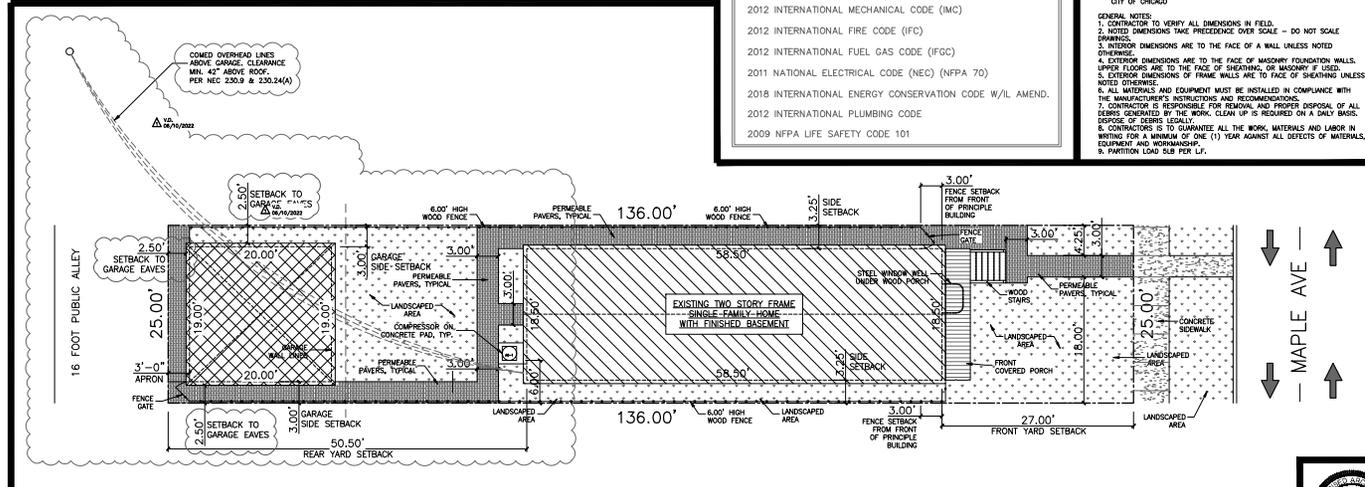
9. THE CONTRACTOR MUST SUBMIT TO THE OWNER AND COPY TO THE ARCHITECT A CERTIFICATE OF INSURANCE WHICH NAMES THE FOLLOWING AS ADDITIONALLY INSURED FOR THIS PROJECT:  
OWNER  
ARCHITECT  
CITY OF CHICAGO

**ADOPTED BUILDING CODES:**

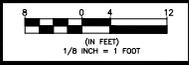
- 2012 INTERNATIONAL BUILDING CODE (IBC)
- 2012 INTERNATIONAL RESIDENTIAL CODE (IRC)
- 2012 INTERNATIONAL MECHANICAL CODE (IMC)
- 2012 INTERNATIONAL FIRE CODE (IFC)
- 2012 INTERNATIONAL FUEL GAS CODE (IFGC)
- 2011 NATIONAL ELECTRICAL CODE (NEC) (NFPA 70)
- 2018 INTERNATIONAL ENERGY CONSERVATION CODE W/L AMEND.
- 2012 INTERNATIONAL PLUMBING CODE
- 2009 NFPA LIFE SAFETY CODE 101

**GENERAL NOTES:**

1. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD.
2. NOTED DIMENSIONS TAKE PRECEDENCE OVER SCALE - DO NOT SCALE DRAWING.
3. INTERIOR DIMENSIONS ARE TO THE FACE OF A WALL UNLESS NOTED OTHERWISE.
4. EXTERIOR DIMENSIONS ARE TO THE FACE OF MASONRY FOUNDATION WALLS. UPPER FLOORS ARE TO THE FACE OF SHEATHING, OR MASONRY IF USED.
5. EXTERIOR DIMENSIONS OF FRAME WALLS ARE TO FACE OF SHEATHING UNLESS NOTED OTHERWISE.
6. ALL MATERIALS AND EQUIPMENT MUST BE INSTALLED IN COMPLIANCE WITH THE MANUFACTURER'S INSTRUCTIONS AND RECOMMENDATIONS.
7. CONTRACTOR IS RESPONSIBLE FOR REMOVAL AND PROPER DISPOSAL OF ALL DEBRIS GENERATED BY THE WORK. CLEAN UP IS REQUIRED ON A DAILY BASIS. DISPOSE OF DEBRIS IN A MANNER AS TO GUARANTEE ALL THE WORK, MATERIALS AND LABOR IN WRITING FOR A MINIMUM OF ONE YEAR AGAINST ALL DEFECTS OF MATERIALS, EQUIPMENT AND WORKMANSHIP.
8. PARTITION LOAD 50 LB PER LF.



**SITE PLAN**  
SCALE: 1/8" = 1'-0"



**APPLICABLE CODES,  
SITE PLAN AND NOTES**

**2012 MAPLE AVENUE  
EVANSTON, IL 60201**

**SCOPE OF WORK:**  
NEW TWO CAR FRAME GARAGE - ACCESSORY USE  
TO AN EXISTING TWO STORY FRAME SINGLE FAMILY HOME.  
1. ERECT A NEW TWO CAR FRAME GARAGE.

**INDEX OF DRAWINGS:**  
T1.0 | APPLICABLE CODES, SITE PLAN AND NOTES  
A1.0 | GARAGE PLANS AND ELEVATIONS

**CERTIFICATION STATEMENT**  
I CERTIFY THAT I AM A REGISTERED ENERGY PROFESSIONAL (REP) AND I FULLY COMPLY WITH THE REQUIREMENTS OF THE 2015 ENERGY CONSERVATION CODE OF THE MUNICIPAL CODE OF EVANSTON.

SIGNED: [Signature] DATE: 07.22.2022  
EXPIRATION DATE: 11-30-22

**ENERGY CONSERVATION CODE COMPLIANCE STATEMENT**

I CERTIFY THAT I AM A REGISTERED ENERGY PROFESSIONAL (REP) AND I FULLY COMPLY WITH THE REQUIREMENTS OF THE 2015 ENERGY CONSERVATION CODE OF THE MUNICIPAL CODE OF EVANSTON.

SIGNED: [Signature] DATE: 07.22.2022  
EXPIRATION DATE: 11-30-22

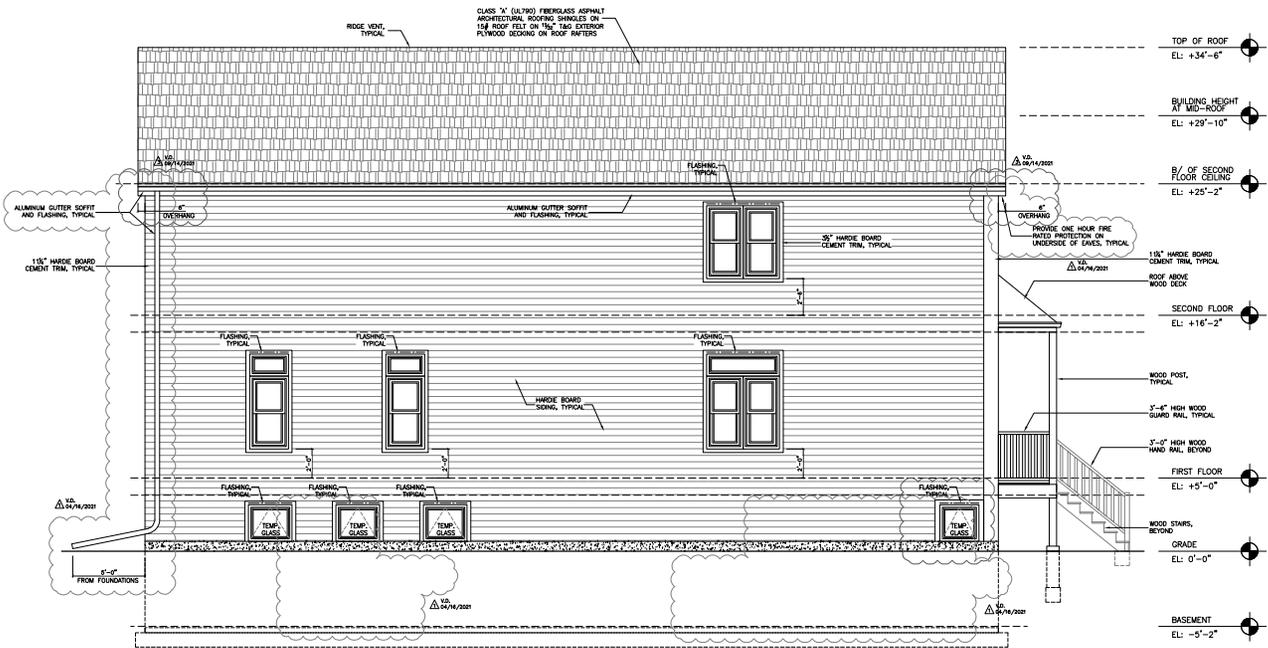
2123 N. Damen Ave.  
Chicago, IL 60647  
773.772.2756 office  
773.772.2854 fax

**ARCHITECTS**

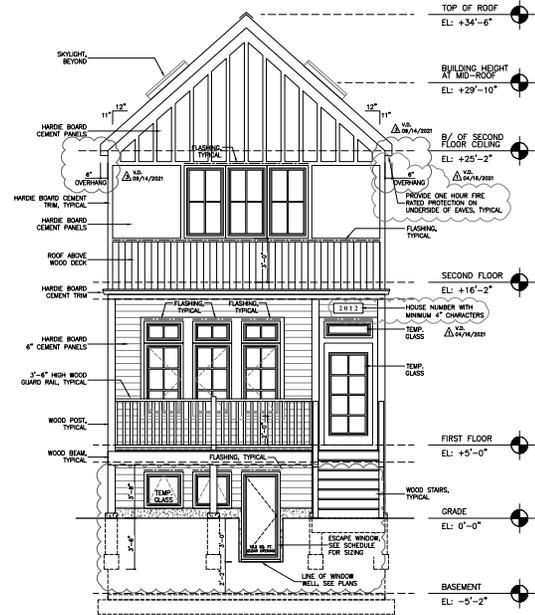
ARCHITECTURE  
PLANNING  
ARCHITECTURAL ENGINEERING

REVISONS: PLANNING	PROJECT: 2012 MAPLE AVE	SHEET: <b>T1.0</b>
CHECKED BY: W.D.	SCALE: 1/8" = 1'-0"	DATE: 07.22.2022
DRAWN BY: P.V.	DATE: 07.22.2022	PAGE: 1 OF 2

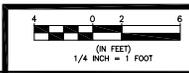




2 SOUTH ELEVATION  
SCALE 1/4"=1'-0"



1 EAST ELEVATION  
SCALE 1/4"=1'-0"



REVISIONS:  
CHECKED BY: V.D.  
DRAWN BY: R.V.

PROPOSED ELEVATIONS

2012 MAPLE AVE.  
EVANSTON, IL 60201

2122 N. Duane Ave.  
Chicago, IL 60647  
773.772.7256  
773.772.2252

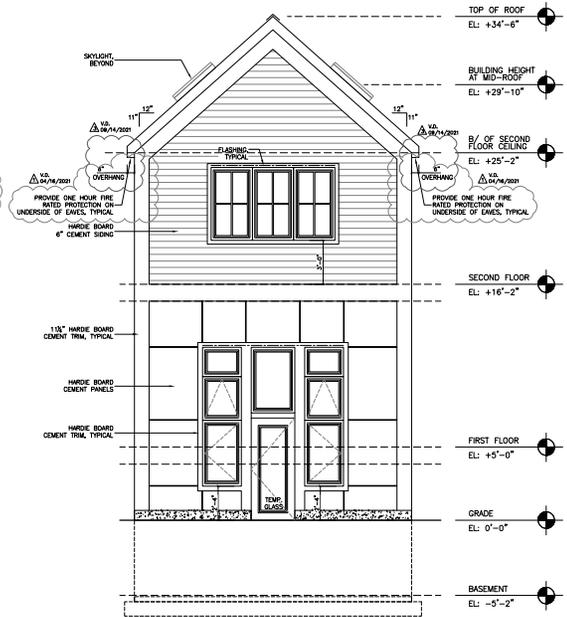
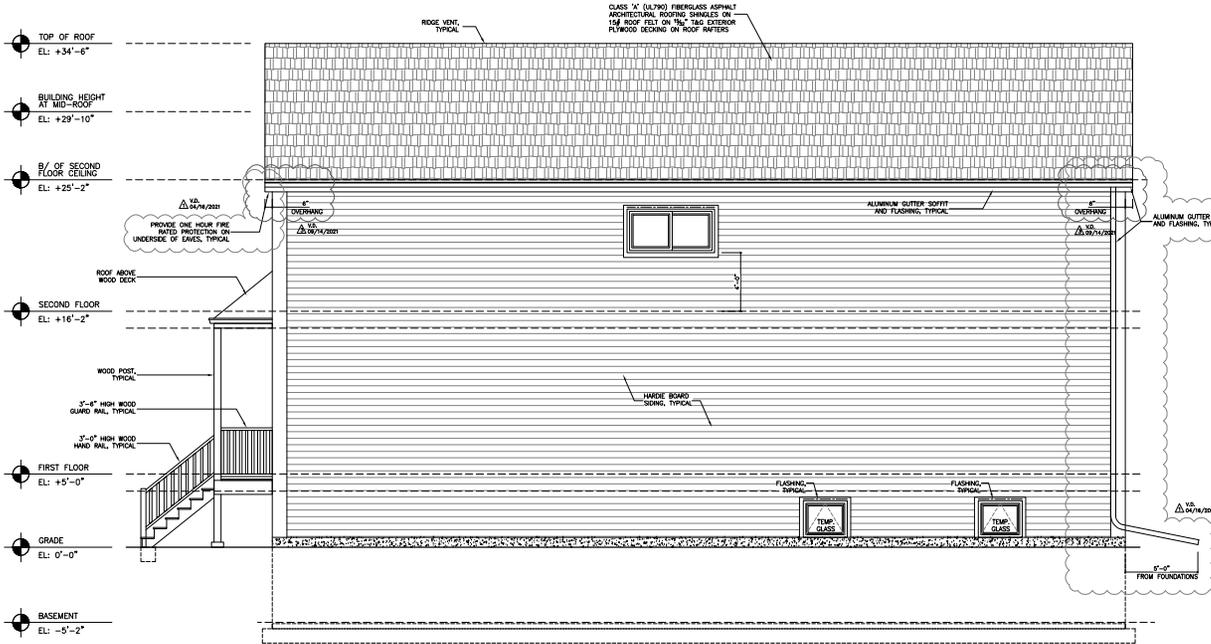
ARCHITECTURE  
PLANNING  
ARCHITECTURAL ENGINEERING

PROJECT:  
2012 MAPLE AVENUE  
SCALE:  
1/4"=1'-0"  
DATE:  
11.12.2011

SHEET:

**A2.0**

PAGE: 15 OF 30



REVISIONS:  
 CHECKED BY: V.D.  
 DRAWN BY: B.V.

PROPOSED ELEVATIONS

2012 MAPLE AVE.  
 EVANSTON, IL 60201

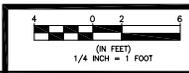
2122 N. Duane Ave.  
 Chicago, IL 60647  
 773.772.7256  
 773.772.2256

ARCHITECTURE  
 PLANNING  
 ARCHITECTURAL ENGINEERING

PROJECT: 2012 MAPLE AVENUE  
 SCALE: 1/4\"/>

SHEET: 15 OF 30

A2.1



**ELECTRICAL NOTES:**

1. ALL GARAGE RECEPTACLES SHALL BE GFCI PROTECTED PER NEC 210.8
2. GARAGE CIRCUIT SHALL BE SERVED BY A MINIMUM 20 AMP CIRCUIT PER NEC 210.11(C)(4)
3. NIP CABLE WIRE NOT ALLOWED AS A WIRING METHOD PER NEC ART. 334 EVANSTON AMENDMENT
4. PVC ELECTRICAL CONDUIT NOT ALLOWED, EXCEPTION UNDERGROUND INSTALLATION, NEC 352.10
5. GARAGE CIRCUIT SHALL BE ADDED TO CIRCUIT DIRECTORY IN MAIN ELECTRICAL PANEL, NEC 408.4
6. COMED SERVICE LINES SHALL HAVE CLEARANCE REQUIREMENTS OF THE COMED REDBOOK (3'-6")

**ENERGY CONSERVATION NOTES:**

1. NINETY PERCENT (90%) OF LAMPS IN LUMINARIES SHALL BE HIGH EFFICIENCY PER IECC R404.1

**WINDOW SCHEDULE**

#	WINDOW TYPE	ROUGH OPENING		QUANT.	MARVIN WINDOWS	
		WIDTH	HEIGHT		LIGHT (SF)	VENT (SF)
◇	FIXED	1'-8"	2'-4"	2	3.1 SQ. FT.	0.0 SQ. FT.

**DOOR AND HARDWARE SCHEDULE - GARAGE**

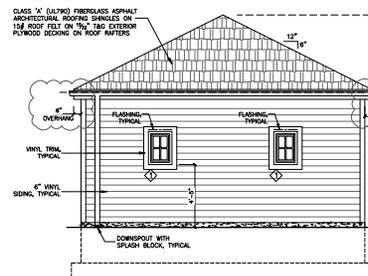
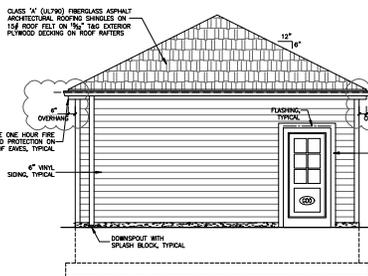
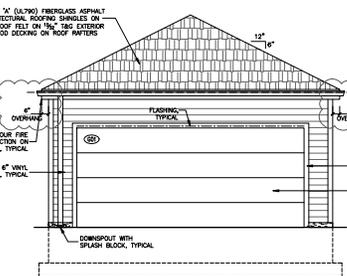
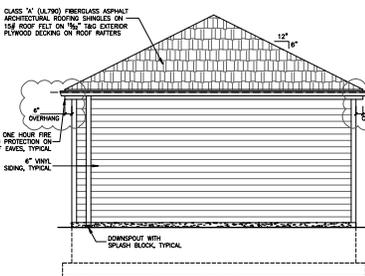
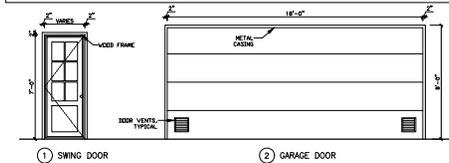
DOOR TAG	TYPE	SIZE (WxHxTHK)	MAT'L	FINISH	FRAME MAT'L	FINISH	REMARKS LABEL RATING	LOCATION	TYPE	HARDWARE
⊙	SWING	3'-0"x8'-8"x1 1/2"	MTL	PT	MTL	PT	NOT REQUIRED	GARAGE	1	A B C
⊙	GARAGE	16'-0"x8'-0"x1 1/2"	MTL	PT	MTL	PT	NOT REQUIRED	GARAGE	2	D

**DOOR HARDWARE SCHEDULE:**

- NOTES**
- A. KEYS ENTRY WITH DEADBOLT AND PEEPHOLE, KEYLESS IN THE DIRECTION OF EGRESS, SURFACE MOUNTED CLOSER.
  - B. DOOR KNOB
  - C. PASSAGE
  - D. GARAGE DOOR TRACKS AND HARDWARE

**DOOR HARDWARE NOTES:**

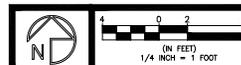
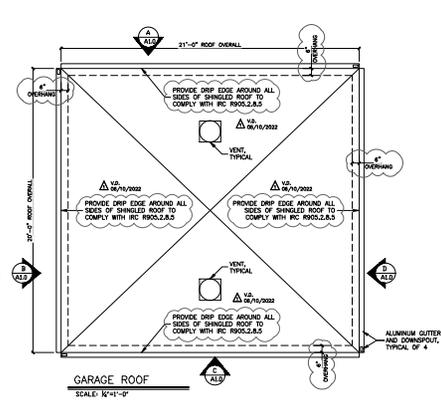
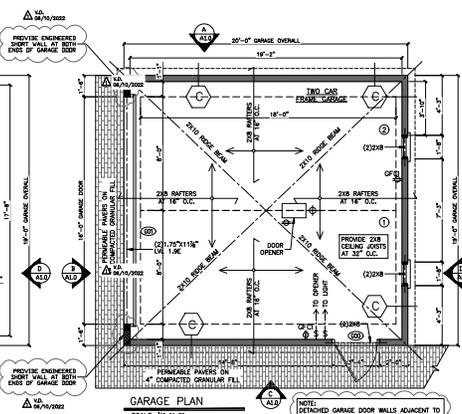
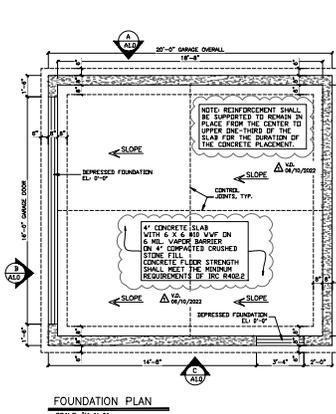
1. TYPICAL DOOR MANUFACTURER TO BE DETERMINED BY CONTRACTOR. LEVEL HANDLES IN BRUSHED CHROME WITH BRUSHED CHROME SQUARE OR ROUND EDGED HINGES (1-1/2 PAIR)
2. COORDINATE ALL KEYING WITH OWNER.
3. ALL HARDWARE TO COMPLY WITH ADA STATE AND FEDERAL CODES.
4. FIRE RATING OF FRAME AND HARDWARE TO MATCH THAT OF DOOR.



**MAIN BUILDING PANEL (FOR REFERENCE)**

BREAKER SIZE:	CIRCUITS:	VOLTAGE:
200 AMP	30	120/240

1	SMOKE	20A	2	C.L.M.	20A
3	EXTERIOR LOT	20A	4	GARAGE	20A
5	LIVING ROOM	15A	6	DINING ROOM	15A
7	STOVE	20A	8	REFRIGERATOR	20A
9	SMALL APPLANCE	20A	10	SMALL APPLANCE	20A
11	BEDROOM 1	15A	12	BEDROOM 2	15A
13	BEDROOM 3	15A	14	M. BEDROOM	15A
15	STUDY	15A	16	POWDER ROOM	20A
17	BATHROOM	20A	18	M. BATHROOM	20A
19	FAMILY ROOM	15A	20	HALLWAYS	15A
21	SPARE	22	SPARE	20A	
23	SPARE	24	SPARE	20A	
25	SPARE	26	GARAGE	20A	
27	SPARE	28	AC-1	20A	
29	FURNACE (F1)	20A	30		20A



**A1.0**

PROJECT: 2012 MAPLE AVE. EVANSTON, IL 60201

DATE: 07/25/2022

PAGE: 12 OF 33

REVISIONS:

CHECKED BY: V.D.

DRAWN BY: R.V.

**PROPOSED GARAGE PLANS**

2012 MAPLE AVE.  
EVANSTON, IL 60201

2024 N. DEWITT AVENUE  
CHICAGO, IL 60640

773.772.2106 OFFICE  
773.772.2884 MOBILE

**ARCHITECTS**

**ARCHITECT**

PLANNING

ARCHITECTURAL ENGINEERING

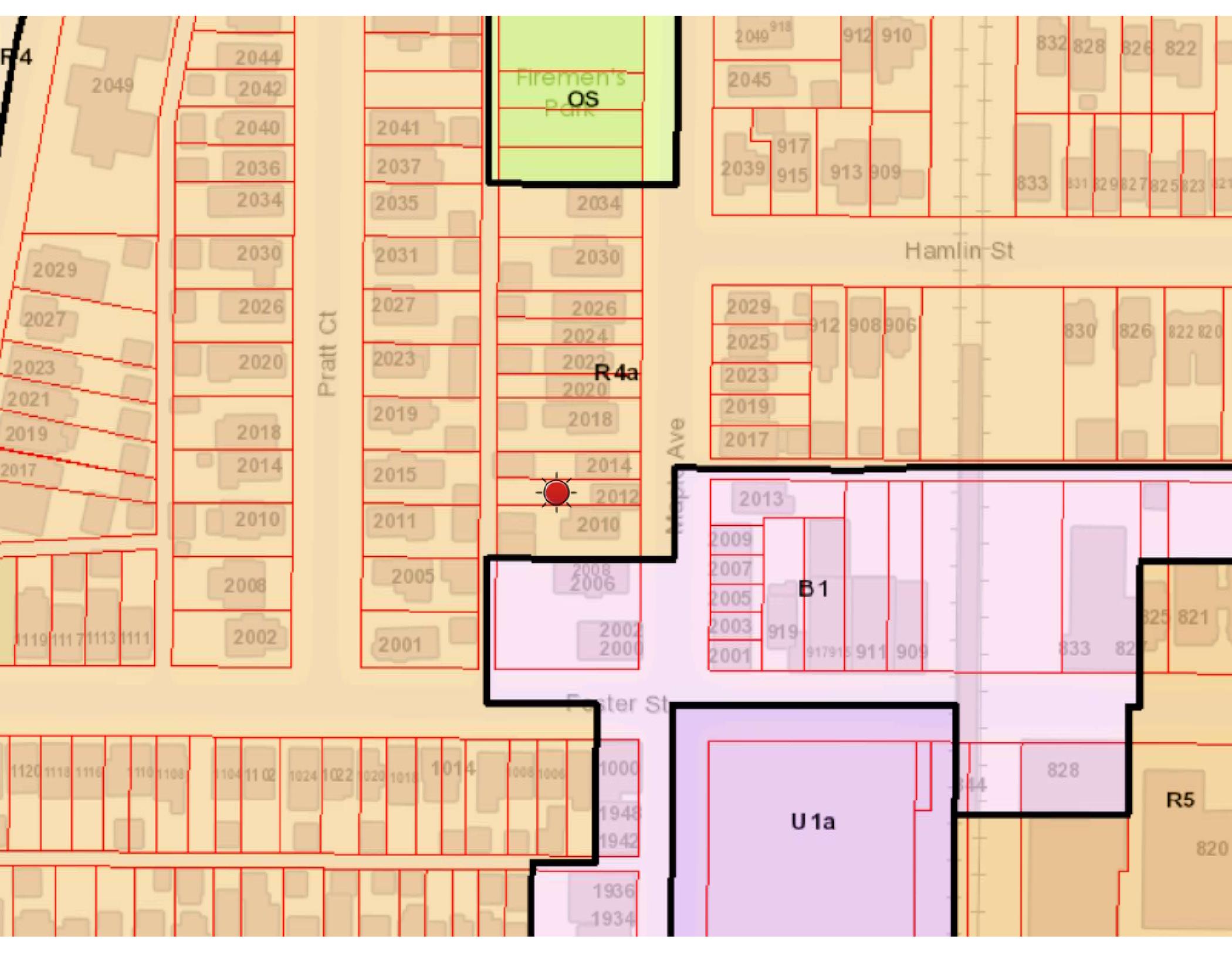
PROJECT: 2012 MAPLE AVE.

SCALE: 1/4"=1'-0"

DATE: 07/25/2022

SHEET: **A1.0**

PAGE: 12 OF 33



R 4

Firemen's  
OS  
Park

Pratt Ct

Hamlin St

R 4a

Maple Ave



B 1

U 1a

R 5

2044  
2042  
2040  
2036  
2034  
2030  
2026  
2020  
2018  
2014  
2010  
2008  
2002

2041  
2037  
2035  
2031  
2027  
2023  
2019  
2015  
2011  
2005  
2001

2034  
2030  
2026  
2024  
2022  
2020  
2018  
2014  
2012  
2010  
2008  
2006  
2002  
2000

2049<sup>918</sup>  
2045  
2039  
912 910  
917 915  
913 909  
832 828 826 822  
833 831 829 827 825 823

2029  
2025  
2023  
2019  
2017  
912 908 906  
830 826 822 820

2013  
2009  
2007  
2005  
2003  
2001  
919  
917 915 911 909  
833 827 825 821

1120 1118 1116 1114 1112 1110 1108 1106 1104 1102 1024 1022 1020 1018 1016 1014 1008 1006 1000  
1948  
1942  
1936  
1934

828  
824  
820

Pratt Ct

Foster St



Maple Ave





# Zoning Analysis

Summary – **Revised**

**Case Number:**

**Case Status/Determination:**

21-ZONA-0066 (21BLDR-0003)	Non-Compliant
----------------------------	---------------

**Proposal:**

New 2-story SFH, detached garage
----------------------------------

**Site Information:**

<b>Property Address</b>	2012 MAPLE AVENUE	<b>Zoning District</b>	R4a
<b>Overlay District:</b>	None	<b>Preservation District:</b>	None

**General Comments:**

1. **Repeat Comment** - Multiple zoning variations, both minor and major, are required for the proposed single-family home and detached garage. Please reduce the number of variations and their degrees as much as possible prior to resubmittal. Due to the smaller size of the lot, some variations may be reasonable requests but effort to meet the majority of requirements should be made prior to proceeding with the variation process. Of the 12 variations initially identified in the Zoning Analysis dated 5/28/2021, only 4 were eliminated and 8 are still required to allow the construction of the proposed house and detached garage.
2. **Repeat Comment** - Due to amount of impervious surface proposed, consider pavers or a permeable paving system throughout the property. Twenty percent of brick/stone paver area is not counted toward impervious surface coverage. The degree of the impervious surface coverage variation has not been reduced. To do this, permeable pavers should be used throughout instead of concrete. At present, the total area of impervious surfaces (excluding the house and detached garage) is approximately 571.46 s.f. If the driveway and sidewalks were permeable pavers, at least 20% of the area would be deducted from the square footages of these paved areas. See Sections 6-8-5-9(C)(3-4) for details.
3. In addition to using permeable pavers, multiple areas of pavement can be reduced in size or eliminated entirely to further minimize the impervious surface lot coverage. One of the [standards](#) of a variation (major or minor) is that is the minimum relief necessary. As proposed, the proposed site plan does not meet this standard. Please see the attached mark-up site plan for comments.
4. **Repeat Comment** - Consider a carport or 1-car garage with an open parking pad to reduce the appearance of bulk, or an open parking pad for 2 vehicles. If the garage were reduced in size to

a one-car garage with permeable pavers as an open parking pad, this would shave off at least an additional 30-40 square feet of impervious surface and also assist in meeting the building lot coverage requirement.

5. **Reference only** – If minor and major variations are triggered, then all are considered with a major variation application and require a public hearing before the Zoning Board of Appeals.
6. Please update the title block to reflect the revisions to the plan set.

Zoning Section	Comments
Sec 6-8-6-6	Maximum permitted building lot coverage is 40%; proposed is 45.15%. Reduce the total coverage of the detached garage and house by at least 175 s.f. <u>Minor Variation is required.</u>
Sec 6-8-6-9	Maximum permitted impervious surface lot coverage is 55%; proposed is 62.7%. If the building lot coverage requirement (above) is met, only an additional 86 s.f. needs to be eliminated. <u>Minor Variation is required.</u>
Sec 6-8-6-7(A)(3)	Required interior side yard is 5'; proposed north interior side yard of principal structure is 3'. <u>Major Variation is required.</u>
Sec 6-8-6-7(A)(3)	Required interior side yard is 5'; proposed south interior side yard of principal structure is 3'. <u>Major Variation is required.</u>
Sec 6-4-1-9(B)(1)	Required setback of 2.5' or 10% of required setback, whichever is greater; proposed setback of north eave of principal structure is 2'. <u>Minor Variation is required.</u>
Sec 6-4-1-9(B)(1)	Required setback of 2.5' or 10% of required setback, whichever is greater; proposed setback of south eave of principal structure is 2'. <u>Minor Variation is required.</u>
Sec 6-4-1-9(B)(1)	Required setback of 2.5' or 10% of required setback, whichever is greater; proposed setback of north eave of detached garage is 2'. <u>Minor Variation is required.</u>
Sec 6-4-1-9(B)(1)	Required setback of 2.5' or 10% of required setback, whichever is greater; proposed setback of south eave of detached garage is 2'. <u>Minor Variation is required.</u>

### Recommendation(s):

1. [Submit for 2 Major Variations](#). List each provision on page 4 of the application.
2. [Submit for 6 Minor Variations](#). List each provision on page 3 of the application.

Applicant	Marcin Kawa
Phone Number	773-817-1861

*Katie Ashbaugh*

6/23/2021

Signature

Date

# City of Evanston

## ZONING ANALYSIS REVIEW SHEET

**APPLICATION STATUS:** Closed/Non-compliant May 24, 2021

**RESULTS OF ANALYSIS:** Non-Compliant

**Z.A. Number:** 21ZONA-0066

**Purpose:** Zoning Analysis with Bld Permit App

**Address:** 2012 MAPLE AVE

**District:** R4a **Overlay:** None **Preservation:** Not Within

**Applicant:** Mk Construction & Builders, Inc.

**Reviewer:** Katie Ashbaugh

**District:**

**Phone:** 7738171861

**THIS APPLICATION PROPOSES (select all that apply):**

**ANALYSIS BASED ON:**

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> New Principal Structure | <input type="checkbox"/> Change of Use             | <input type="checkbox"/> Sidewalk Cafe |
| <input checked="" type="checkbox"/> New Accessory Structure | <input type="checkbox"/> Retention of Use          | <input type="checkbox"/> Other         |
| <input type="checkbox"/> Addition to Structure              | <input type="checkbox"/> Plat of Resubdiv./Consol. |  |
| <input type="checkbox"/> Alteration to Structure            | <input type="checkbox"/> Business License          |  |
| <input type="checkbox"/> Retention of Structure             | <input type="checkbox"/> Home Occupation           |  |

**Plans Dated:** 1/11/2021  
**Prepared By:** Red Architects  
**Survey Dated:** 12/10/2020  
**Existing Improvements:** single family house

**Proposal Description:**

New construction of a 2-story SFH with +/- 1199 s.f. footprint and 2-car detached garage.

### ZONING ANALYSIS

**RESIDENTIAL DISTRICT CALCULATIONS**

The following three sections apply to building lot coverage and impervious surface calculations in Residential Districts.

Front Porch Exception (Subtract 50%)

Total Eligible Front  
 Front Porch  
 Regulatory Area

Pavers/Pervious Paver Exception (Subtract

Total Paver Area  
 Paver Regulatory Area

Open Parking Debit (Add 200sqft/open space

# Open Required Spaces  
 Addtn. to Bldg Lot Cov.

**PRINCIPAL USE AND STRUCTURE**

	Standard	Existing	Proposed	Determination
<b>USE:</b>	R4a	Dwelling - SF Detached	Dwelling - SF Detached	Compliant

**Comments:**

<b>Minimum Lot Width (LF)</b>	35	25		Legal Non-Conforming
<b>USE:</b> Single Family Detached				

**Comments:**

<b>Minimum Lot Area (SF)</b>	5000	3400		Legal Non-Conforming
<b>USE:</b> Single Family Detached				

**Comments:**

<b>Dwelling Units:</b>	1	1	1	Compliant
<b>Comments:</b>				

**Rooming Units:**

**Comments:**

<b>Building Lot Coverage (SF)</b> (defined, including subtractions & additions):	40%	822 24.2%	1535 45.15%	Non-Compliant
<b>Comments:</b> Minor Variation required.				

	Standard	Existing	Proposed	Determination
Impervious Surface Coverage (SF, %)	55%	951.94	2130.89	Non-Compliant
		28%	62.7%	
<b>Comments:</b> Minor Variation required.				

Accessory Structure Rear Yard Coverage:	40% of rear yard	0	30%	Compliant
<b>Comments:</b>				

Gross Floor Area (SF)				
Use:				
<b>Comments:</b>				

Height (FT)	35		34.5	Compliant
<b>Comments:</b>				

Front Yard(1) (FT)	17.15	3.66	27	Compliant
Direction: E				
Street: Maple				
<b>Comments:</b>				

Interior Side Yard(1) (FT)	5	4.02	3	Non-Compliant
Direction: N				
<b>Comments:</b> Major Variation required.				

Interior Side Yard(2) (FT)	5	0	3	Non-Compliant
Direction: S				
<b>Comments:</b> Major Variation required.				

Rear Yard (FT)	25	92.7	50.5	Compliant
Direction: W				
<b>Comments:</b>				

### ACCESSORY USE AND STRUCTURE

Use (1)	Standard	Existing	Proposed	Determination
Permitted Districts:	R4a	None	Garage (Det), Coachhouse or Carnort	Compliant
<b>Comments:</b>				

Permitted Required Yard:		None	Rear Yard	Compliant
<b>Comments:</b>				

Additional Standards:				
<b>Comments:</b>				

Height (FT)	28		15	Compliant
<b>Comments:</b>				

Distance from Principal Building:	10.00'		26.57	Compliant
<b>Comments:</b>				

Interior Side Yard(1A) (FT)	3		3	Compliant
Direction: N				
<b>Comments:</b>				

Interior Side Yard(1B) (FT)	3		3	Compliant
Direction: S				

	Standard	Existing	Proposed	Determination
<b>Comments:</b>				
Rear Yard (FT) Direction: W	3		3	Compliant
<b>Comments:</b>				

### ACCESSORY USE AND STRUCTURE 2

Use(2):	Standard	Existing	Proposed	Determination
Permitted Districts:	R4a	None	Air-conditioning Unit	Compliant
<b>Comments:</b>				
Permitted Required Yard:		None	Building Envelope	Compliant
<b>Comments:</b>				

### Additional Standards:

### Comments:

Height (FT) Flat or mansard roof 14.5', ot

### Comments:

Distance from Principal Building: N/A

### Comments:

### Interior Side Yard(2A) (FT)

Direction: N

### Comments:

### Interior Side Yard(2B) (FT)

Direction: S

### Comments:

### Rear Yard (FT)

Direction: W

Compliant

### Comments:

### PARKING REQUIREMENTS

	Standard	Existing	Proposed	Determination
Use(1): Single-family Detached	2 per dwelling unit (Table 16-B).	0	2	Compliant
<b>Comments:</b>				
Use(2): None	None			
<b>Comments:</b>				
Use(3): None	None			
<b>Comments:</b>				
TOTAL REQUIRED:	2	0	2	Compliant
<b>Comments:</b>				

	Standard	Existing	Proposed	Determination
Handicap Parking Spaces	Sec. 6-16-2-6			
Comments:				
Access:	Sec. 6-16-2-2			
Comments:				
Vertical Clearance (LF)	7'		7.04	Compliant
Comments:				
Location:	Sec. 6-4-6-2			Compliant

Comments:

Angle(1): Garage (Dtchd)      **Comments:**

Width(W) (FT)

Comments:

Depth(D) (FT)

Comments:

Aisle(A) (FT)

Comments:

Module (FT)

Comments:

Garage Setback from Alley Access (FT)

Comments:

**COMMENTS AND/OR NOTES**

Analysis Comments

**RESULTS OF ANALYSIS**

Results of Analysis: This Application is **Non-Compliant**  
 Site Plan & Appearance Review Committee approval is: **Required**  
 See attached comments and/or notes.

*Katie Ashbaugh*      6/23/2021  
 \_\_\_\_\_  
 SIGNATURE      DATE



# MINOR VARIATION APPLICATION

CASE #: \_\_\_\_\_

Date Received:  
Ward:  
Zoning District:  
Preservation:

zoning office use only

## 1. PROPERTY

Address 2012 MAPLE AVE

Permanent Identification Number(s):

PIN 1:  PIN 2:

(Note: An accurate plat of survey for all properties that are subject to this application **must** be submitted with the application.)

## 2. APPLICANT

Name: VICTOR DRAPSO

Organization: RED ARCHITECTS

Address: 2123 N DAMEN AVE

City, State, Zip: CHICAGO, IL 60647

Phone: Work: 773-772-2756 Home: \_\_\_\_\_ Cell/Other: \_\_\_\_\_

Fax: Work: \_\_\_\_\_ Home: \_\_\_\_\_

E-mail: MYREDARC@GMAIL.COM

Please circle the primary means of contact.

What is the relationship of the applicant to the property owner?

- same
- architect
- officer of board of directors
- builder/contractor
- attorney
- other: \_\_\_\_\_
- potential purchaser
- lessee
- potential lessee
- real estate agent

## 3. PROPERTY OWNER (Required if different than applicant. All property owners must be listed and must sign below.)

Name(s) or Organization: MK Construction & Builders, Inc

Address: 2000 N. Milwaukee Ave

City, State, Zip: Chicago, IL 60647

Phone: Work: 773-781-1861 Home: \_\_\_\_\_ Cell/Other: \_\_\_\_\_

Fax: Work: 888-570-4730 Home: \_\_\_\_\_

E-mail: info@mkconstructioninc.net

Please circle the primary means of contact.

"By signing below, I give my permission for the Applicant named above to act as my agent in all matters concerning this application. I understand that the Applicant will be the primary contact for information and decisions during the processing of this application, and I may not be contacted directly by the City of Evanston. I understand as well that I may change the Applicant for this application at any time by contacting the Zoning Office in writing."

Property Owner(s) Signature(s) -- **REQUIRED** \_\_\_\_\_ Date 7/12/2021

## 4. SIGNATURE

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

Applicant Signature -- **REQUIRED** \_\_\_\_\_ Date 07-12-2021

## 5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

■	<b>(This) Completed and Signed Application Form</b>	
■	<b>Plat of Survey</b>	Date of Survey: _____
■	<b>Project Site Plan</b>	Date of Drawings: <u>4/20/2021</u>
■	<b>Zoning Analysis</b>	Date: <u>7/12/2021</u>
■	<b>Proof of Ownership</b>	Document Submitted: <u>Closing HUD</u>
■	<b>Application Fee</b>	Amount \$ _____ plus postage for two public notice mailings

### Notes:

- **Incomplete applications will not be accepted.** Applications lacking any required documents or materials will not be accepted. Incomplete applications cannot be “held” at the zoning office.
- **Documents, drawings, or other materials submitted as part of other applications** (for example, building permit applications, or applications for Certificates of Appropriateness [Preservation Commission]) cannot be copied by the Zoning Office for submission with this application. You must provide separate copies.
- **Plats of survey** must accurately and completely reflect the current conditions of the property, must be dated and legible, and must be stamped by a licensed surveyor. Surveys must include dimensions of the property boundaries, the exteriors of all extant improvements, dimensions between structures and from structures to property boundaries.
- **Site Plans** must be legible when reproduced on letter-size paper, must be dated, and must include dimensions of all proposed improvements, dimensions between structures and from structures to property boundaries.
- **Project Zoning Analysis** - Prior to filing for a variance, you must have first applied for zoning certification (zoning analysis or by way of a building permit application), and received a “non-compliant” zoning analysis result that identified all non-complying elements of the proposed plan. You will need information from that document in order to fill out this application.
- **Proof of Ownership** - Accepted documents for proof of ownership include: deed, mortgage, contract to purchase, closing documents (price may be blacked out on submitted documents). **A tax bill cannot be accepted as proof of ownership.**
- **Application Fees** may be paid by cash, check, or credit card.
- **Public Notice Mailings** - A third party is used to mail notices of the application and of the determination, a total of two mailings. The applicant will be billed for these mailings by the third party.
- **Return this form and all required additional materials in person to:**

City of Evanston, Zoning Office  
2100 Ridge Avenue, Room 3202  
Evanston, IL 60201

Hours of Operation:  
Monday – Friday, 8:30am – 5:00 pm  
Excluding holidays

## 6. PROPOSED PROJECT

A. Briefly describe the proposed project:

**NEW TWO STORY FRAME SINGLE FAMILY HOME, V-A CONSTRUCTION  
WITH FRONT WOOD PORCH AND TWO EXTERIOR PARKING PADS**

B. Have you applied for a Building Permit for this project?

NO  YES (Date: 4/13/2021 Building Permit Application ID: 21BLDR-0003)

## 8. REQUESTED VARIATIONS

**What specific variations are you requesting?** For each variation, indicate (A) the specific section of the Zoning Ordinance that identifies the requirement, (B) the requirement (minimum or maximum) from which you seek relief, and (C) the amount of the exception to this requirement you request the City to grant.

<b>(A) Section</b> (e.g. 6-8-3-4, see Zoning Analysis)	<b>(B) Requirement to be Varied</b> (e.g., "requires a minimum front yard setback of 27 feet")	<b>(C) Requested Variation</b> (e.g., "a front yard setback of 25.25 feet")
<b>1</b>		
Sec 6-4-1-9 (B)(1)	Required setback of 2.5' or 10% of required setback, whichever is greater (north side)	Proposed setback of North eave of principal structure is 2'-3"
<b>2</b>		
Sec 6-4-1-9 (B)(1)	Required setback of 2.5' or 10% of required setback, whichever is greater (south side)	Proposed setback of South eave of principal structure is 2'-3"
<b>3</b>		
Sec 6-8-6-7 (A)(3)	Requires a minimum side yard setback of 5 feet on each side (north side)	Side yard setback of 3'-3" proposed on North side

**6. PROPOSED PROJECT**

A. Briefly describe the proposed project:

NEW TWO STORY FRAME SINGLE FAMILY HOME, V-A CONSTRUCTION  
WITH FRONT WOOD PORCH AND TWO EXTERIOR PARKING PADS

---



---



---

B. Have you applied for a Building Permit for this project?

NO  YES (Date: 04/13/2021 Building Permit Application ID: 21BLDR-0003 )

**8. REQUESTED VARIATIONS (CONTINUED)**

**What specific variations are you requesting?** For each variation, indicate (A) the specific section of the Zoning Ordinance that identifies the requirement, (B) the requirement (minimum or maximum) from which you seek relief, and (C) the amount of the exception to this requirement you request the City to grant.

<b>(A) Section</b> (e.g. 6-8-3-4, see Zoning Analysis)	<b>(B) Requirement to be Varied</b> (e.g., "requires a minimum front yard setback of 27 feet")	<b>(C) Requested Variation</b> (e.g., "a front yard setback of 25.25 feet")
<b>1</b>		
Sec 6-8-6-7 (A)(3)	Requires a minimum side yard setback of 5 feet on each side (south side)	Side yard setback of 3'-3" proposed on South side
<b>2</b>		
<b>3</b>		

**9. PRACTICAL DIFFICULTY**

What characteristic(s) of the property prevent compliance with the requirements of the Zoning Ordinance?

**THE PROPERTY IS A LEGAL NON-CONFORMING LOT NOT MEETING THE MINIMUM LOT AREA REQUIREMENT.**

---

---

---

---

**10. ALTERNATIVES**

A. Have you considered revising the proposed project so that a variation is not necessary?

**CONSIDERATIONS WERE MADE, BUT REDUCING THE SIZE OF THE BUILDING WILL MAKE THE LIVING SPACES SMALL AND IMPRACTICAL FOR COMFORTABLE LIVING.**

---

---

---

---

B. Have you considered revising the proposed project so that a smaller variation can be requested?

**YES, CONSIDERATIONS WERE MADE, BUT THE DESIGNS WERE NOT PRACTICAL.**

---

---

---

---

C. How have you minimized the impact that the variance will have on adjoining property owners?

**WE HAVE MADE SURE TO COMPLY WITH THE REQUIRED IMPERVIOUS SPACE SO WATER BUILD UP IS NOT AN ISSUE.**

---

---

---

---

---

---

# **PUBLIC NOTICE OF AN ADMINISTRATIVE VARIATION**

You are receiving this notice because, according to our records, you own property within 250 feet of the subject property:

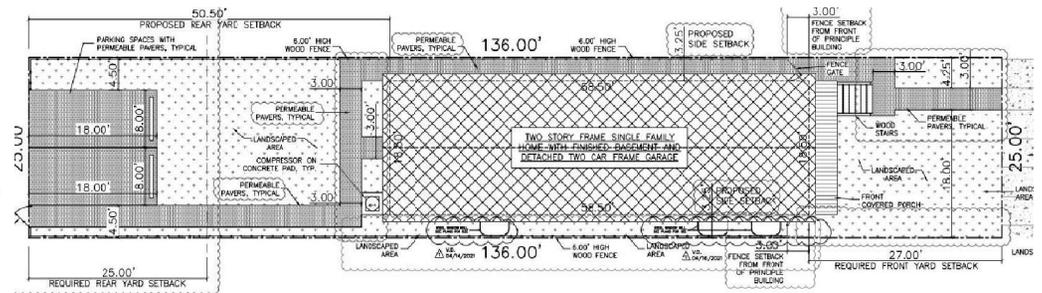
## **2012 Maple Ave., Case 21ZMNv-0064 Minor Variation**

**Applicant:** Victor Drapszo  
**Zoning District:** R4a  
**Preservation/Landmark:** N/A

**Requested variations are:** 1) From Section 6-8-6-7(A)(3) of the Evanston Zoning Code to allow a 3' 3" interior side yard setback from the north interior side lot line where 5' is required; 2) from Section 6-8-6-7(A)(3) of the Zoning Code to allow a 3' 3" interior side yard setback from the south interior side lot line where 5' is required; 3) from Section 6-4-1-9(B)(1) of the Zoning Code to allow the north eave to be 2' 3" from the north interior side lot line where a setback of 2' 6" is required; and 4) from Section 6-4-1-9(B)(1) of the Zoning Code to allow the south eave to be 2' 3" from the south interior side lot line where a setback of 2' 6" is required, all to allow for the construction of a new single-family home on the subject property.

**Notice Date:** August 18, 2021  
**Comments Accepted Through:** September 1, 2021

Due to COVID-19, the Evanston Civic Center and the Zoning Office are closed to the public. To view the full application, submit questions or comments, please send comments/questions to Katie Ashbaugh, Planner, via e-mail at [kashbaugh@cityofevanston.org](mailto:kashbaugh@cityofevanston.org) or at (708) 328-8559. For consideration, **written** comments must be received by the date indicated above.



# **PUBLIC NOTICE OF AN ADMINISTRATIVE VARIATION APPROVAL**

You are receiving this notice because, according to our records, you own property within 250 feet of the subject property:

**2012 Maple Ave., Case 21ZMNV-0064, Minor Variation**

**Applicant: Victor Drapszo**

**Zoning District: R4a**

**Notice Date: Sept. 16, 2021**

**Preservation/Landmark: NA**

**Two of the 4 requested minor variations from the zoning ordinance requirement have been APPROVED.** The variations provide relief from Section 6-8-6-7(A)(3), which states the minimum required interior side yard setback is 5 feet for principal structures.

**The applicant has been GRANTED** zoning relief to construct a new single-family home 3' 3" from the north and south interior side lot lines, with 2 conditions, finding that the standards for minor variation from the zoning ordinance have been met. The conditions are: 1) that a Construction Management Plan be submitted to the City and approved by the Building Official prior to permit issuance. The CMP shall pay particular care and concern to the proximity of adjacent structures on abutting properties to ensure adequate construction safety measures are taken; and 2) that the window wells shall not be within 1' of any property line (for Fire Dept. access in case of emergency).

**Two of the 4 requested minor variations from the zoning ordinance requirement have been DENIED.** The variations would have provided relief from Section 6-4-1-9(B)(1), which requires eaves to be no closer than 2' 6" from any lot lines.

**The applicant shall comply with this requirement** when constructing the new single-family home.

*The applicant or an adjacent property owner may appeal a decision of the Zoning Administrator to the Zoning Board of Appeals within 10 working days of the date of this notification.* Due to COVID-19, the Evanston Civic Center and the Zoning Office are closed to the public. To view the full application, submit questions or comments, please send comments/questions to Katie Ashbaugh, Planning & Zoning Division, via e-mail at [kashbaugh@cityofevanston.org](mailto:kashbaugh@cityofevanston.org) or at (847) 448-4311.



# Zoning Analysis

## Summary

### Case Number:

22ACCS-0039 (22ZONA-0130)

### Case Status/Determination:

Non-Compliant

### Proposal:

Detached 19x20' garage

### Site Information:

<b>Property Address</b>	2012 MAPLE AVENUE	<b>Zoning District</b>	R4a
<b>Overlay District:</b>	None	<b>Preservation District:</b>	None

### General Comments:

1. **Response Acknowledged/Repeat Comment** - As was the case with permit 21ADDR-0003/21ZONA-0066 (see attached zoning analyses), Minor Variations are required from the maximum permitted building and impervious surface lot coverages in the R4a district. Staff strongly suggests that the proposed detached garage be either eliminated entirely and that the applicant continue to pursue the approved site plan associated with permit #21ADDR-0003, or decrease the garage from a 2-car to a 1-car and keep one paver paving pad. If for example a detached garage the size of 11x20' is proposed, the building lot coverage Minor Variation is eliminated. If impervious surface is still non-compliant, areas of pavers can be replaced with stone steppers sufficiently spaced apart so as to not count toward impervious surface lot coverage. *Staff acknowledges the applicant wishes to submit a Minor Variation application. Please email a completed Minor Variation application form, this zoning analysis summary, plat of survey, and proposed plans included with the 7/22/2022 submittal to Planner Michael Griffith at [mgriffith@cityofevanston.org](mailto:mgriffith@cityofevanston.org) for processing.*

Zoning Section	Comments
Sec 6-8-6-6	Maximum permitted building lot coverage is 40%; proposed is 43.82%. <u>Minor Variation is required.</u>
Sec 6-8-6-9	Maximum permitted impervious surface lot coverage is 55%; proposed is 57.35%. <u>Minor Variation is required.</u>

### Recommendation(s):

1. Revise plans to comply with all of the aforementioned code sections.

Applicant	Marcin Kawa
Phone Number	773-817-1861

*Katie Ashbaugh*

8/9/2022

Signature

Date

# City of Evanston

## ZONING ANALYSIS REVIEW SHEET

**APPLICATION STATUS:** Closed/Non-compliant August 09, 2022

**RESULTS OF ANALYSIS:** Non-Compliant

**Z.A. Number:** 22ZONA-0130

**Purpose:** Zoning Analysis with Bld Permit App

**Address:** 2012 MAPLE AVE

**District:** R4a **Overlay:** None **Preservation:** Not Within

**Applicant:** Mk Construction & Builders Inc

**Reviewer:** Katie Ashbaugh

**District:**

**Phone:** 7738171861

**THIS APPLICATION PROPOSES (select all that apply):**

**ANALYSIS BASED ON:**

- |                          |                         |                          |                           |                          |               |
|--------------------------|-------------------------|--------------------------|---------------------------|--------------------------|---------------|
| <input type="checkbox"/> | New Principal Structure | <input type="checkbox"/> | Change of Use             | <input type="checkbox"/> | Sidewalk Cafe |
| X                        | New Accessory Structure | <input type="checkbox"/> | Retention of Use          | <input type="checkbox"/> | Other         |
| <input type="checkbox"/> | Addition to Structure   | <input type="checkbox"/> | Plat of Resubdiv./Consol. |                          |               |
| <input type="checkbox"/> | Alteration to Structure | <input type="checkbox"/> | Business License          |                          |               |
| <input type="checkbox"/> | Retention of Structure  | <input type="checkbox"/> | Home Occupation           |                          |               |

**Plans Dated:** 4/28/2022

**Prepared By:** Red Architects

**Survey Dated:** 7/22/2022

**Proposal Description:**

New detached 19x20' garage

**Existing:** single-family home foundation

**Improvements:**

### ZONING ANALYSIS

#### RESIDENTIAL DISTRICT CALCULATIONS

The following three sections apply to building lot coverage and impervious surface calculations in Residential Districts.

<u>Front Porch Exception (Subtract 50%)</u>	<u>Pavers/PerVIOUS Paver Exception (Subtract</u>	<u>Open Parking Debit (Add 200sqft/open space</u>
Total Elibigle Front	Total Paver Area	# Open Required Spaces
Front Porch Regulatory Area	Paver Regulatory Area	Addtn. to Bldg Lot Cov.

#### PRINCIPAL USE AND STRUCTURE

	Standard	Existing	Proposed	Determination
<b>USE:</b>	R4a	Dwelling - SF Detached		Compliant
<b>Comments:</b>				
<b>Minimum Lot Width (LF)</b>	35	25		Legal Non-Conforming
<b>USE:</b> Single Family Detached				
<b>Comments:</b>				
<b>Minimum Lot Area (SF)</b>	5,000 sqft	3400		Legal Non-Conforming
<b>USE:</b> Single Family Detached				
<b>Comments:</b>				
<b>Dwelling Units:</b>	1	1		Compliant
<b>Comments:</b>				
<b>Building Lot Coverage (SF) (defined, including subtractions&amp; additions):</b>	40% or 1360 SF	1110 32.64705882352941%	1490 43.82%	Non-Compliant
<b>Comments:</b>				
<b>Impervious Surface Coverage (SF, %)</b>	55%	1790 52.65%	1950 57.35%	Non-Compliant
<b>Comments:</b>				

	Standard	Existing	Proposed	Determination
Accessory Structure Rear Yard Coverage:	40% of rear yard	0%	30.1%	Compliant

Comments:

**ACCESSORY USE AND STRUCTURE**

Use (1)	Standard	Existing	Proposed	Determination
---------	----------	----------	----------	---------------

Permitted Districts:	R4a	Open Off-street Parking	Garage (Det), Coachhouse or Carport	Compliant
----------------------	-----	-------------------------	-------------------------------------	-----------

Comments:

Permitted Required Yard:	Rear	Rear Yard	Rear Yard	Compliant
--------------------------	------	-----------	-----------	-----------

Comments:

Additional Standards:	Eave setbacks; 2.5' from N, S, W lot lines		2.5'	Compliant
-----------------------	--	--	------	-----------

Comments:

Height (FT)	Flat or mansard roof 14.5', or		15	Compliant
-------------	--------------------------------	--	----	-----------

Comments:

Distance from Principal Building:	10.00'		27.83	Compliant
-----------------------------------	--------	--	-------	-----------

Comments:

Interior Side Yard(1A) (FT) Direction: N	3		3	Compliant
---	---	--	---	-----------

Comments:

Interior Side Yard(1B) (FT) Direction: S	3		3	Compliant
---	---	--	---	-----------

Comments:

Rear Yard (FT) Direction: W	3		3	Compliant
--------------------------------	---	--	---	-----------

Comments:

**RESULTS OF ANALYSIS**

Results of Analysis: This Application is **Non-Compliant**

Site Plan & Appearance Review Committee approval is: **Not Required**

See attached comments and/or notes.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_



## 5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

- |                                     |   |  |
|-------------------------------------|---|--|
| <input checked="" type="checkbox"/> | <b>(This) Completed and Signed Application Form</b> |  |
| <input checked="" type="checkbox"/> | <b>Plat of Survey</b>                               | Date of Survey: <u>6/3/2022</u>                            |
| <input type="checkbox"/>            | <b>Project Site Plan</b>                            | Date of Drawings: _____                                    |
| <input checked="" type="checkbox"/> | <b>Zoning Analysis</b>                              | Date: <u>8/9/2022</u>                                      |
| <input type="checkbox"/>            | <b>Proof of Ownership</b>                           | Document Submitted: _____                                  |
| <input type="checkbox"/>            | <b>Application Fee</b>                              | Amount \$_____ plus postage for two public notice mailings |

### Notes:

- **Incomplete applications will not be accepted.** Applications lacking any required documents or materials will not be accepted. Incomplete applications cannot be “held” at the zoning office.
- **Documents, drawings, or other materials submitted as part of other applications** (for example, building permit applications, or applications for Certificates of Appropriateness [Preservation Commission]) cannot be copied by the Zoning Office for submission with this application. You must provide separate copies.
- **Plats of survey** must accurately and completely reflect the current conditions of the property, must be dated and legible, and must be stamped by a licensed surveyor. Surveys must include dimensions of the property boundaries, the exteriors of all extant improvements, dimensions between structures and from structures to property boundaries.
- **Site Plans** must be legible when reproduced on letter-size paper, must be dated, and must include dimensions of all proposed improvements, dimensions between structures and from structures to property boundaries.
- **Project Zoning Analysis** - Prior to filing for a variance, you must have first applied for zoning certification (zoning analysis or by way of a building permit application), and received a “non-compliant” zoning analysis result that identified all non-complying elements of the proposed plan. You will need information from that document in order to fill out this application.
- **Proof of Ownership** - Accepted documents for proof of ownership include: deed, mortgage statement, contract to purchase, closing documents (price may be blacked out on submitted documents). **A tax bill cannot be accepted as proof of ownership.**
- **Application Fees:** Once the complete application materials are received a follow-up email will be sent with a link to pay the application fee online.
- **Public Notice Mailings** - A third party is used to mail notices of the application and of the determination, a total of two mailings. The applicant will be billed for these mailings by the third party.
- **Email this form and all required additional materials to:**  
zoning@cityofevanston.org

Once the complete application materials are received a follow-up email will be sent with a link to pay the application fee online.

## 6. PROPOSED PROJECT

A. Briefly describe the proposed project:

New 2 car garage build

---



---



---



---

B. Have you applied for a Building Permit for this project?

NO  YES (Date: 01/21/22 Building Permit Application ID: 21BLDR-0003)

## 8. REQUESTED VARIATIONS

**What specific variations are you requesting?** For each variation, indicate (A) the specific section of the Zoning Ordinance that identifies the requirement, (B) the requirement (minimum or maximum) from which you seek relief, and (C) the amount of the exception to this requirement you request the City to grant.

<b>(A) Section</b> (e.g. 6-8-3-4, see Zoning Analysis)	<b>(B) Requirement to be Varied</b> (e.g., "requires a minimum front yard setback of 27 feet")	<b>(C) Requested Variation</b> (e.g., "a front yard setback of 25.25 feet")
<b>1</b>		
<u>Sec 6-8-6-6</u>	<u>Maximum permitted lot coverage is 40%</u>	<u>Proposed lot coverage of 43.82%</u>
<b>2</b>		
<u>Sec 6-8-6-9</u>	<u>Maximum permitted impervious surface lot coverage is 55%</u>	<u>Proposed impervious surface lot coverage of 57.35%</u>
<b>3</b>		

---

## 9. PRACTICAL DIFFICULTY

What characteristic(s) of the property prevent compliance with the requirements of the Zoning Ordinance?

**The lot on which this garage is proposed is less than standard size, therefore designing something that will comply with the zoning sections in question is difficult. Providing a two car garage as proposed will not only make sense from a financial standpoint, but it will attract more potential home buyers who expect a two car garage on this type of construction project.**

---

---

---

## 10. ALTERNATIVES

A. Have you considered revising the proposed project so that a variation is not necessary?

**In the original permit, 21ADDR-003/21ZONA-0066, we revised the plans to show two open parking pads. We would still like to move forward with the two car garage.**

---

---

---

B. Have you considered revising the proposed project so that a smaller variation can be requested?

**Minor variation is a smaller variation. We reduced the number of variations requested by addressing the required setbacks for the garage eaves/overhangs.**

---

---

---

C. How have you minimized the impact that the variance will have on adjoining property owners?

**All of the surfaces that have not been covered by a building or deck have been proposed to be permeable pavers or some sort of landscaping in order to reduce water build-up. Other than the water issue, I do not believe this two car garage will have a major impact on the neighbors.**

---

---

---

---

# **PUBLIC NOTICE OF AN ADMINISTRATIVE VARIATION**

You are receiving this notice because, according to our records, you own property within 250 feet of the subject property:

## **2012 Maple Ave., Case 22ZMN-0059 Minor Variation**

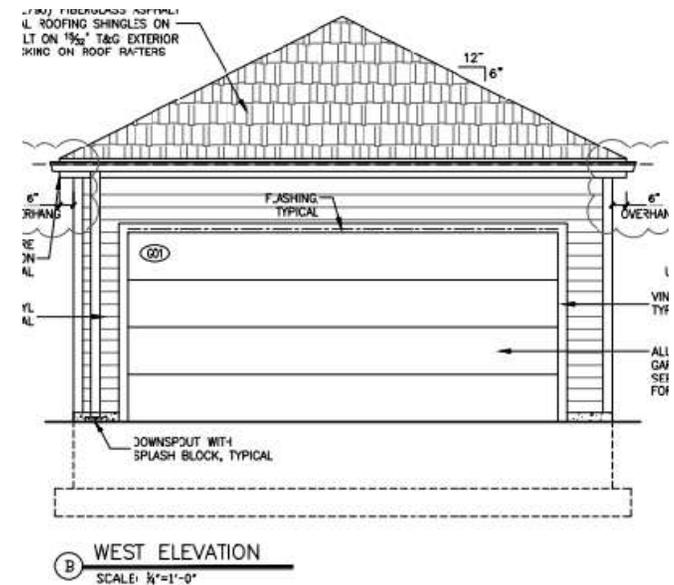
**Applicant:** Marcin Kawa  
**Zoning District:** R4a  
**Preservation/Landmark:** NA

**Requested variation is:** From Section 6-8-6-6, that states the maximum permitted amount of building lot coverage is 40% and from Section 6-8-6-9, that states the maximum permitted amount of impervious surface coverage is 55%.

**For the purpose of:** Constructing a 19'x20' 2-car detached garage with proposed building lot coverage of 43.8% and impervious surface coverage of 57.4%.

**Notice Date:** August 17, 2022  
**Comments Accepted Through:** August 31, 2022

Due to COVID-19, the Zoning Office is closed to the public. To view the full application, submit questions or comments, please send comments/questions to Michael Griffith, Planner, Zoning Office, via e-mail at [mgriffith@cityofevanston.org](mailto:mgriffith@cityofevanston.org) or at (847) 448-4311. For consideration, **written** comments must be received by the date indicated above.



# **PUBLIC NOTICE OF AN ADMINISTRATIVE VARIATION DENIAL**

You are receiving this notice because, according to our records, you own property within 250 feet of the subject property:

**2012 Maple Ave., Case 22ZMNV-0059  
Minor Variation**

**Notice Date: September 9, 2022**

**Applicant: Marcin Kawa  
Zoning District: R4a  
Preservation/Landmark: NA**

**The minor variation from the zoning ordinance requirement has been DENIED.** The variation application requested relief from Section 6-8-6-6, that states the maximum permitted amount of building lot coverage is 40% and from Section 6-8-6-9, that states the maximum permitted amount of impervious surface coverage is 55%.

**The applicant has been DENIED zoning relief** to construct a 19'x20' 2-car detached garage with proposed building lot coverage of 43.8% and impervious surface coverage of 57.4%, finding that the standards for minor variation from the zoning ordinance have not been met.

The applicant or an adjacent property owner may appeal a decision of the Zoning Administrator to the Zoning Board of Appeals by submitting an Appeal Application within 10 working days of the date of this notification.

To view the full application, submit questions or comments, please send comments/questions to Michael Griffith, Planner, Zoning Office, via e-mail at [mgriffith@cityofevanston.org](mailto:mgriffith@cityofevanston.org) or at (847) 448-4311.



Melissa Klotz &lt;mklotz@cityofevanston.org&gt;

## Fwd: Zoning analysis for 2012 Maple Ave

1 message

**Melissa Klotz** <mklotz@cityofevanston.org>  
To: Johanna Leonard <jleonard@cityofevanston.org>

Thu, Mar 26, 2020 at 4:50 PM

Johanna,

2012 Maple is being demolished by the City. The owner requested a rebuild letter and I denied it (it should not be rebuilt - commercial structure in a residential district, no front yard or side yard setback) but explained setback variations would be appropriate given the 25' lot width. The owner is asking for variation fees to be waived...I see their point considering they need variations only because I did not grant it legal nonconforming status. They would still have to pay the mailing fee. Thoughts?

### Melissa Klotz

#### Zoning Administrator

Planning & Zoning Division  
Community Development Department  
Morton Civic Center  
City of Evanston

2100 Ridge Ave. | Evanston, IL 60201 | 847-448-4311  
[mklotz@cityofevanston.org](mailto:mklotz@cityofevanston.org) | [cityofevanston.org](http://cityofevanston.org)



**Look for your 2020 U.S. Census invitation in the mail March 12–20.**  
Make sure Evanston counts! [cityofevanston.org/census](http://cityofevanston.org/census)

Note: The contents of this electronic mail to/from any recipient hereto, any attachments hereto, and any associated metadata pertaining to this electronic mail, is subject to disclosure under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et. seq.*

----- Forwarded message -----

From: **Cleo Gowrylow** <[cleogowrylow@gmail.com](mailto:cleogowrylow@gmail.com)>  
Date: Thu, Mar 26, 2020 at 3:14 PM  
Subject: Zoning analysis for 2012 Maple Ave  
To: <[mklotz@cityofevanston.org](mailto:mklotz@cityofevanston.org)>  
Cc: [bgeorge@cityofevanston.org](mailto:bgeorge@cityofevanston.org) [dnavarre@cityofevanston.org](mailto:dnavarre@cityofevanston.org) <[bgeorge@cityofevanston.org](mailto:bgeorge@cityofevanston.org)>, Gary Gerdes <[ggerdes@cityofevanston.org](mailto:ggerdes@cityofevanston.org)>, Schnur Angelique <[aschnur@cityofevanston.org](mailto:aschnur@cityofevanston.org)>, Williams Scott <[sdwilliams@cityofevanston.org](mailto:sdwilliams@cityofevanston.org)>

Hi Ms Klotz,

Good afternoon. I have been in contact with almost everyone in the City of Evanston officers regarding 2012 Maple structure which is scheduled for demolition by the City Inspectors Gerdes, Schnur, Williams, and Atty. B George. Atty George advices me to talk to you regarding Zoning analysis. I am sending you this message regarding my concerns of the new construction requirements for which I am humbly requesting a grant on fees for variances if possible. Considering that I will be left with a minute 15 ft wide home without variances.

I hope you'll find find it in your heart with your wisdom and expert judgement to weigh and grant my requests and to

10/19/22, 4:50 PM

CITY OF EVANSTON Mail - Fwd: Zoning analysis for 2012 Maple Ave

consider it to be valuable and important. Respectfully awaits your prompt response.

Sincerely,

Cleo Gowrylow

2012 Maple Ave

Evanston IL 60201

Sent from my iPhone



Melissa Klotz &lt;mklotz@cityofevanston.org&gt;

## Re: Zoning analysis for 2012 Maple Ave

1 message

**Melissa Klotz** <mklotz@cityofevanston.org>

Fri, Mar 27, 2020 at 5:18 PM

To: Cleo Gowrylow <cleogowrylow@gmail.com>

Cc: "bgeorge@cityofevanston.org dnavarre@cityofevanston.org" <bgeorge@cityofevanston.org>, Gary Gerdes <ggerdes@cityofevanston.org>, Schnur Angelique <aschnur@cityofevanston.org>, Williams Scott <sdwilliams@cityofevanston.org>

Cleo,

If the variations you apply for are the same issues that the last structure had (setbacks, number of parking spaces for a 2-flat, lot size for a 2-flat) then yes, we will waive the variation fee since it was the City's discretion (per the Zoning Ordinance) to deny the rebuild of the existing structure. You are still responsible for the mailing fee that is charged by BluePrint Shoppe to notify surrounding properties.

Regarding your anticipated submittal on Monday - if it is a submittal for zoning analysis only, apply at <https://www.cityofevanston.org/government/departments/community-development/planning-zoning/zoning/zoning-applications> and zoning staff will conduct the review and email the results (expecting denial) and next steps for the variation process. If it is a full building permit submittal, email all documents to [permitdesk@cityofevanston.org](mailto:permitdesk@cityofevanston.org).

Let me know if you have any other questions as you proceed,

**Melissa Klotz**

**Zoning Administrator**

Planning & Zoning Division

Community Development Department

Morton Civic Center

City of Evanston

2100 Ridge Ave. | Evanston, IL 60201 | 847-448-4311

[mklotz@cityofevanston.org](mailto:mklotz@cityofevanston.org) | [cityofevanston.org](http://cityofevanston.org)



**Look for your 2020 U.S. Census invitation in the mail March 12–20.**

Make sure Evanston counts! [cityofevanston.org/census](http://cityofevanston.org/census)

Note: The contents of this electronic mail to/from any recipient hereto, any attachments hereto, and any associated metadata pertaining to this electronic mail, is subject to disclosure under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et. seq.*

On Thu, Mar 26, 2020 at 3:14 PM Cleo Gowrylow <cleogowrylow@gmail.com> wrote:

Hi Ms Klotz,

Good afternoon. I have been in contact with almost everyone in the City of Evanston officers regarding 2012 Maple structure which is scheduled for demolition by the City Inspectors Gerdes, Schnur, Williams, and Atty. B George.

Atty George advices me to talk to you regarding Zoning analysis. I am sending you this message regarding my concerns of the new construction requirements for which I am humbly requesting a grant on fees for variances if possible. Considering that I will be left with a minute 15 ft wide home without variances.

I hope you'll find it in your heart with your wisdom and expert judgement to weigh and grant my requests and to

10/19/22, 4:52 PM

CITY OF EVANSTON Mail - Re: Zoning analysis for 2012 Maple Ave

consider it to be valuable and important. Respectfully awaits your prompt response.

Sincerely,  
Cleo Gowrylow  
2012 Maple Ave  
Evanston IL 60201

Sent from my iPhone

**HOLD HARMLESS AGREEMENT & INDEMNITY AGREEMENT**

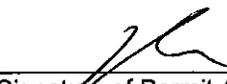
I, THE UNDERSIGNED (the "Permit Applicant"), hereby acknowledge and agree that a building permit application is hereby submitted to the City of Evanston Buildings & Inspection Services Division (the "Permit Application") for the property with a street address of: 2012 Maple Ave, Evanston, IL 60201, Evanston, Illinois (the "Subject Property"). I have requested that the City of Evanston start the review for a building permit for planned improvements for the proposed use of the Subject Property as a \_\_\_\_\_, or have requested commencement of the use on the Subject Property prior to all appropriate development approval, which is not typical or recommended path by the City of Evanston staff or elected officials and should only be pursued in unique situations at the discretion of the Permit Applicant ("Zoning Application") ("Development Approval" include, but not limited to, the enactment of ordinances, promulgation of resolutions, amendments to the City's Comprehensive Plan, amendments to land development regulations, variances, variations, and certificates of appropriateness.)

I understand and agree that the planned use of the Subject Property and proposed improvements are subject to prerequisite Development Approval by the City of Evanston in accordance with established procedures and criteria. As the Permit Applicant, I acknowledge that the City allows the Permit Application to be submitted prior to all appropriate Development Approval being given, but it shall not constitute an estoppel to the City later deciding not to grant the prerequisite Development Approval. If the Zoning Application or the Permit Application is denied, the Permit Applicant cannot receive a refund for the permit fee. PERMIT APPLICANT CANNOT CLAIM ANY VESTED RIGHTS TO DEVELOPMENT APPROVAL OR FUTURE PERMIT RIGHTS AND CANNOT REASONABLY RELY ON ANY STATEMENTS OR WRITINGS FROM THE CITY, ITS OFFICIALS, OFFICERS, OR EMPLOYEES AS TO WHETHER THE DEVELOPMENT APPROVAL MAY OR MAY NOT BE GRANTED.

The Permit Applicant hereby holds harmless the City of Evanston, its elected officials, officers, agents, and employees, from and against any and all claims, actions, damages, liabilities, expenditures arising from the Permit Application and Zoning Application. The individuals signing this Agreement personally warrant and represent that he/she has the legal authority to make the representations made in this Hold Harmless Agreement and to the waiver agreement. The Permit Applicant agrees that this document also binds Permit Applicant and successors in interest and assigns.

**I have read this document and understand that it is a promise not to sue and that I release the City of Evanston, elected officials, employees, agents and attorneys for any and all claims. I considered this Hold Harmless and Indemnity Agreement carefully before signing it.**

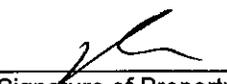
Date: 9/22/22

  
\_\_\_\_\_  
Signature of Permit Applicant

MARCIN KAZUN  
\_\_\_\_\_  
Print Name of Permit Applicant

*If the Permit Applicant is not the Subject Property Owner:*

Date: 9/22/22

  
\_\_\_\_\_  
Signature of Property Owner

MARCIN KAZUN / MK CUMFRAW  
\_\_\_\_\_  
Print Name of Property Owner