

2117 Dewey Avenue
Major Variations
23ZMJV-0014

LUC 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: Major Variations for Front & Interior Side Yard Setbacks
2117 Dewey Avenue | 23ZMJV-0014

Date: March 13, 2023

Request

Andrew J. Spatz, property owner, requests Major Variations to construct a 2-unit, two-story live-work building with a 0' front yard setback where 10' is required (Section 6-13-4-6-A) and a 3' north interior side yard setback where 5' is required (Section 6-13-4-6-C) in the MXE Mixed Use Employment 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.

Notice

The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on March 2, 2023.

General Information

Applicant: Andrew J. Spatz
1216 Main St.
Evanston, IL 60202

Owner: same

PIN: 10-12-421-004-0000

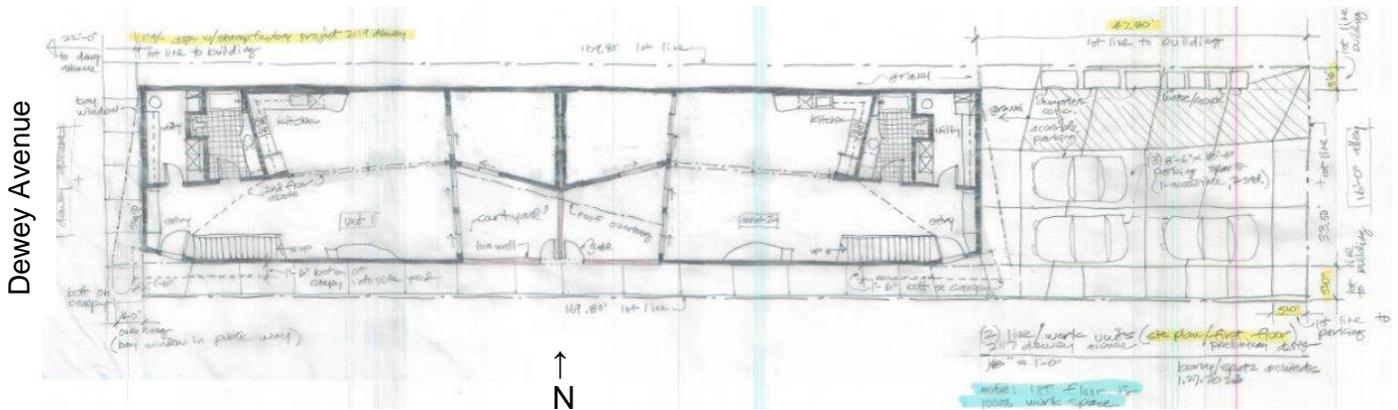
Analysis

2117 Dewey Avenue is a 5,688 sq. ft. lot on the east side of Dewey Avenue, midblock between Payne Street and Simpson Street, in the MXE Mixed Use Employment District. The property features a single family residence that is currently a residential rental unit, and is primarily surrounded by a mixture of commercial, light industrial, and live-work uses.

Surrounding Zoning and Land Uses	Zoning District	Land Use
North	MXE Mixed Use Employment	Live-work units
South	MXE Mixed Use Employment	Office/Light Industrial
East	MXE Mixed Use Employment	Light Industrial (doggy daycare)
West	R4 General Residential District	Low/medium density residential

Proposal

The applicant proposes to demolish the single family residence and construct a 2-unit live-work building similar in nature to the Stamp Factory building immediately north (also owned and designed by the applicant). The new building will feature a lofted second story with a shed roof pitching north towards the applicant’s side property line. The units are stacked front to back with one unit closer to the street and the other closer to the rear parking area. The parking area features 3 parking spaces, one of which is a required ADA stall with a 16’ wide clear drive aisle to it. Since one of the units will use two parking spaces, the tandem parking stalls are considered compliant.

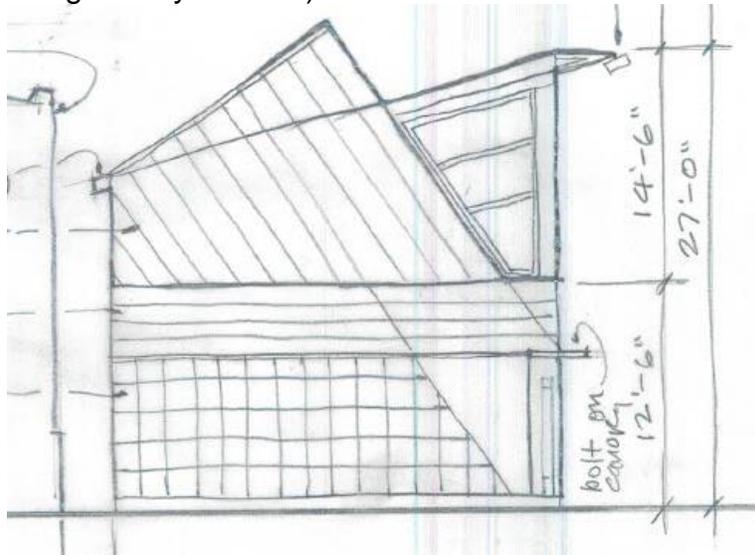


The existing lot is substandard in width at 33.5’, which makes it difficult for new construction with a restricted 23.5’ wide building envelope that is outside of both 5’ interior side yard setbacks. The existing building to be demolished features a substandard 4’ north interior side yard and 2.5’ south interior side yard. Given the substandard lot width, the applicant requests to reduce the north interior side yard setback that is adjacent to his own next door property from the required 5’ to 3’. A 3’ setback meets building code requirements (with limited windows/doors) so that additional fire-proofing is not necessary.

Multiple buildings on the block, including the Stamp Factory building to the north, feature a 0’ front yard setback. The required front yard setback in the MXE District is 10’ and is not the block average as it is in residential districts. The Applicant requests a 0’

front yard setback, with a design element of the building proposed to extend beyond the front property line and act as a unique modern-style awning similar to the Stamp Factory (and other Andy Spatz's) building design. The portion of the building that extends beyond the front property line is not regulated by zoning and is instead regulated by Building Code and Right-of-Way requirements. The requested 0' front yard setback does extend the building closer to the street than the existing building to the south, which is approximately 25' from the front property line.

West Elevation (facing Dewey Avenue):



A model of the proposed structure, in conjunction with the adjacent Stamp Factory building, will be available at the public hearing to better represent the proposed bulk (in lieu of renderings).

The owner of 2115 Dewey Avenue (adjacent property to the south) upgraded that property with a 2-story office addition following variation approval for reduced side yard setbacks in 2015 (4.1 north interior side yard setback and 3.4' south interior side yard setback). That owner submitted a letter of support for the requested variations at 2117 Dewey Avenue (attached).

The applicant regularly redevelops properties in quasi-industrial/mixed-use areas to achieve live-work units that provide a unique and in-demand housing type with business space that is rented at a naturally-occurring nearly-affordable rate that includes on-site parking. Staff is not aware of any objections to the proposal as requested.

Design and Project Review (DAPR) Discussion

The proposal was reviewed at the February 28, 2023 DAPR meeting. Staff was generally supportive of the requested zoning relief. There was discussion about the projection that extends 4' over the right-of-way, which was later confirmed acceptable as an eligible projection allowed by the Building Code.

Department Recommendation

The applicant has indicated the proposed project is the minimum relief necessary to accomplish the new structure with all necessary areas. Following review and consideration of existing surrounding structures in the neighborhood, staff recommends approval of the requested variations with the condition the proposal is developed in substantial compliance with the documents and testimony on record. If the Land Use Commission determines the Standards for Major Variations are met, the Commission should approve the requested zoning relief.

Standards for Approval

In order for the Land Use Commission to approve the requested variations, the proposed development must meet the Standards for Major Variation (Section 6-3-8-12-E):

1. The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties.
2. The requested variation is in keeping with the intent of the zoning ordinance.
3. The alleged hardship or practical difficulty is peculiar to the property.
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.
5. Either the purpose of the variation is not based exclusively upon a desire to extract additional income from the property, or, while the granting of the variation will result in additional income to the applicant and while the applicant for the variation may not have demonstrated that the application is not based exclusively upon a desire to extract additional income from the property, the Land Use Commission or the City Council, depending on final jurisdiction under Section 6-3-8-2 of this Chapter, has found that public benefits to the surrounding neighborhood and the City as a whole will be derived from approval of the variation, that include, but are not limited to, any of the standards of Section 6-3-6-3 of this Chapter.
6. The alleged difficulty or hardship has not been created by any person having an interest in the property.
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.

Action by the Commission

After making findings of fact as to whether or not the requested variation for a 0' front yard setback and 3' north interior side yard setback meet the aforementioned standards, the Land Use Commission may approve, approve with conditions, or deny each variation as requested. The Land Use Commission is the determining body for these Major Variation requests pursuant to Section 6-3-8-10(C) of the Evanston City Code.

Attachments

Major Variation Application

Aerial Photo
Street View
Zoning Map
Plat of Survey
Plans
Zoning Analysis
Letter of Support from Adjacent Property
Photos from Applicant

5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

- | | | |
|-------------------------------------|---|--|
| <input checked="" type="checkbox"/> | (This) Completed and Signed Application Form | 10.10.2001 (stamp Ecdony)
2119-2127
deed |
| <input checked="" type="checkbox"/> | Plat of Survey | Date of Survey: 04.28.2001 (2117 deed) |
| <input checked="" type="checkbox"/> | Project Site Plan | Date of Drawings: 01.27.2023 |
| <input checked="" type="checkbox"/> | Plan or Graphic Drawings of Proposal (If needed, see notes) | |
| <input checked="" type="checkbox"/> | Non-Compliant Zoning Analysis | |
| <input checked="" type="checkbox"/> | Proof of Ownership | Document Submitted: +w staer's deed |
| <input checked="" type="checkbox"/> | Application Fee (see zoning fees) | Amount \$ _____ plus Deposit Fee \$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:

new construction, (2) live/work units, existing live/work building to be demolished

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)

(A) Section (ex. "6-8-3-4")	(B) Requirement to be Varied (ex. "requires a minimum front yard setback of 27 feet")	(C) Requested Variation (ex. "a front yard setback of 25.25 feet")
1		
6-13-4-b front yard	minimum front yard Ten (10') feet	a front yard set back of 12.5' to align w/ the stamp factory (214' away) to the north

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

2		
6-13-4-b (c)	minimum interior side yard five (5) feet	an interior side yard of 3.00'
3		

B. carried: the front yard .25' set back allows both 219-227 downy & 2117 downy to read as 1 building as do other buildings on downy ave, Payne and a sh land

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 buildable lot width for a 33.50' dimension is 23.50' the usable interior width is 21'-0" w/ 2x6 stud walls and 1 interior partition, the lot requires are long narrow building design, a 10'-6" room width does not permit the flexibility for a live/work space to be successful for the users, thus the 3.08' side yard request

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.

I own the property to the north effected by the requested 3.08' side yard, maintenance and construction of each property was considered in this decision.

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.

please read item B and #1 above for this answer

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.

a) per the narrative in items B, #1, #2 above, the front yard set back of .25' and side yard set back (proposed) comply with the concept of (a) above

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

the buildable area of this 33.50' lot has created design constraints, the building being demolished has a north side yard of 4.02 - 4.83', the south side yard is 2.58', the existing property expanded the buildable width that varies from 26.09' - 26.9', we are requesting a buildable width of 25.42' which is

based on our 25 yr. experience, both properties with trash removal ease of access is of primary importance. the number of required containers for both properties is not conducive to shielding

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

yes, the lot is long and narrow generating a single design solution as described in the previous questions

Zoning Analysis Summary (general comments)

see submitted site plan / 1st floor plan ... addl info. N.A. see attached photo folder showing 2119-27 dewey materials to be used at 217 dewey

1
2
3
4



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.

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.

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. N.A.

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 _____ 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.

andrew j. spatz
1216 main st.
evanston, FL 60202
100% owner / beneficiary

(c) 847.971.3290

EVOLVING live/work concept:

As you know, in the late 1990's we started doing live/work spaces in Evanston. MARKET demand led us to focus on re-purposing abandoned warehouses in the 5th and 2nd ward's. Our live/work model combines spatial flexibility with greater square footage at lower rents and is crucial to our business concept. As the market changes, our projects will adapt to provide a single space that can successfully function combining residential, live/work, flex space or office uses. We have been continuous stake holders in the 5th Ward since 1998. 83% of all our units are located in the 5th and 2nd Wards.

Currently, Matt and I have been taking the lesson's learned from our live/work adaptive reuse projects and incorporating those into NEW CONSTRUCTION. Our forthcoming 2 unit project (4th new construction) at 2117 Dewey evolves these concepts into the COVID era. The super insulated space includes private exterior space and a well-designed HVAC system. Units can function for 3 users, providing housing/workspace at \$1100 +/- per month price point/user) .

Twigg's Park

Payne St

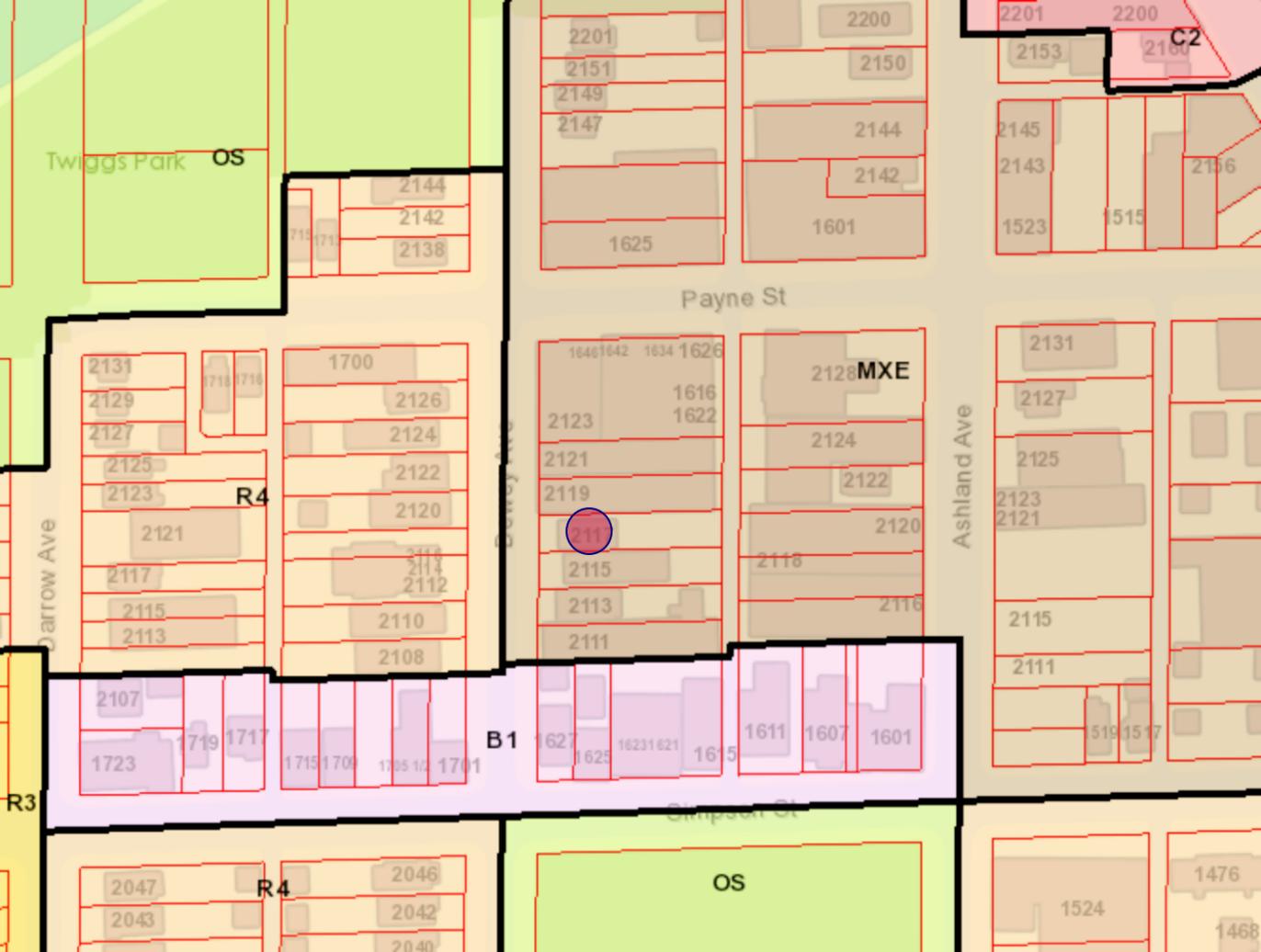
Darrow Ave

Dewey Ave

Ashland Ave

Simpson St





Twigg's Park OS

OS

C2

Payne St

R4

MXE

Ashland Ave

B1

Simpson St

R4

OS

R3



Jens K. Doe

Professional Land Surveyors, P.C.

ORDER NO.

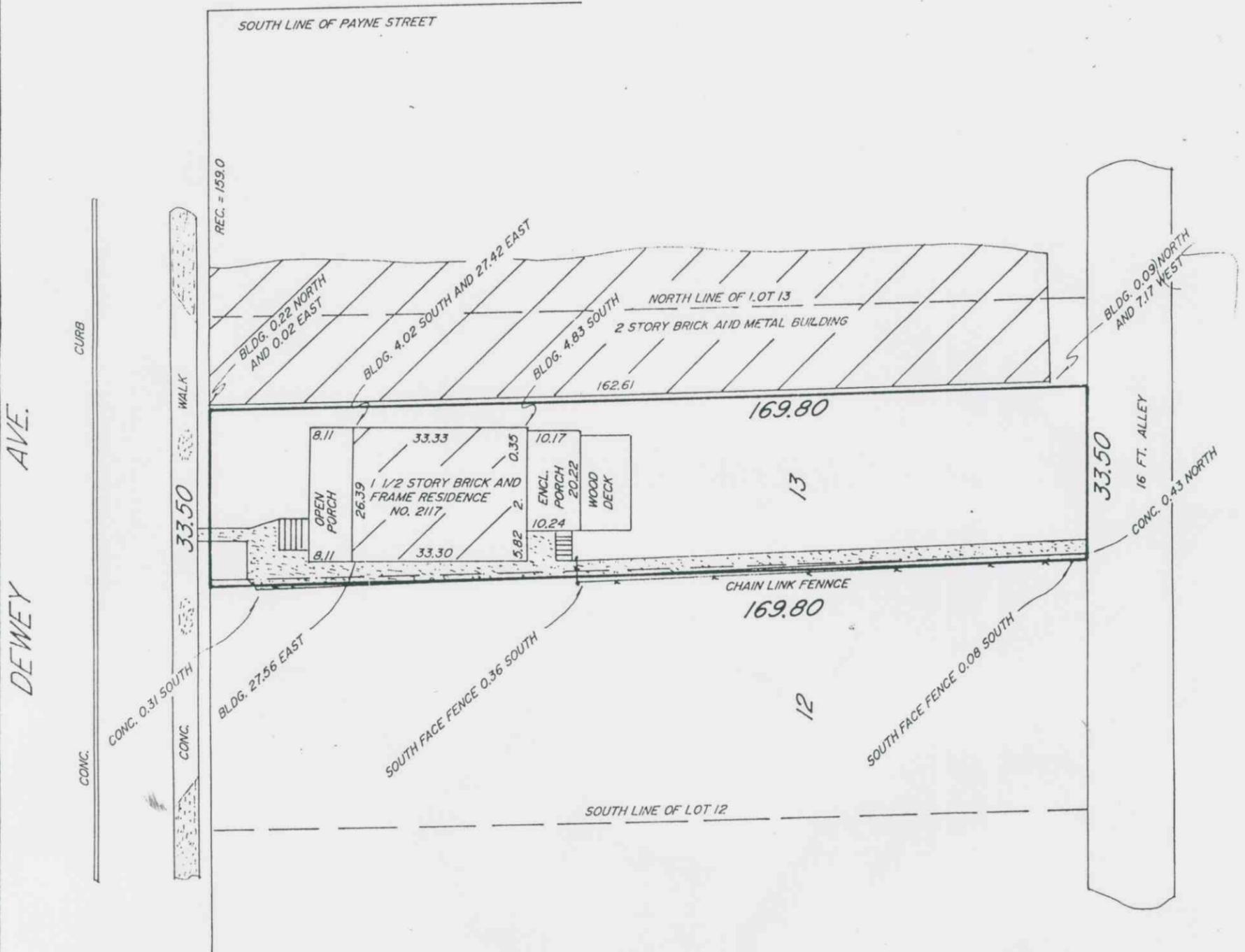
010662

Scale - 1 inch = 25 Feet

PLAT OF SURVEY

of

LOT 13 (EXCEPT THE NORTH 17 FEET THEREOF) AND THE NORTH 0.50 FEET OF LOT 12 IN BLOCK 7 IN PAYNES ADDITION TO EVANSTON, A SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



NOTE :

Dimensions are not to be assumed or scaled.
The legal description noted on this plat is a copy of the order and for accuracy MUST be compared with Deed. For building restrictions refer to your Abstract, Deed or Contract.

Compare distances between points before building and report any discrepancy to this office immediately.

State of Illinois)
County of Cook)

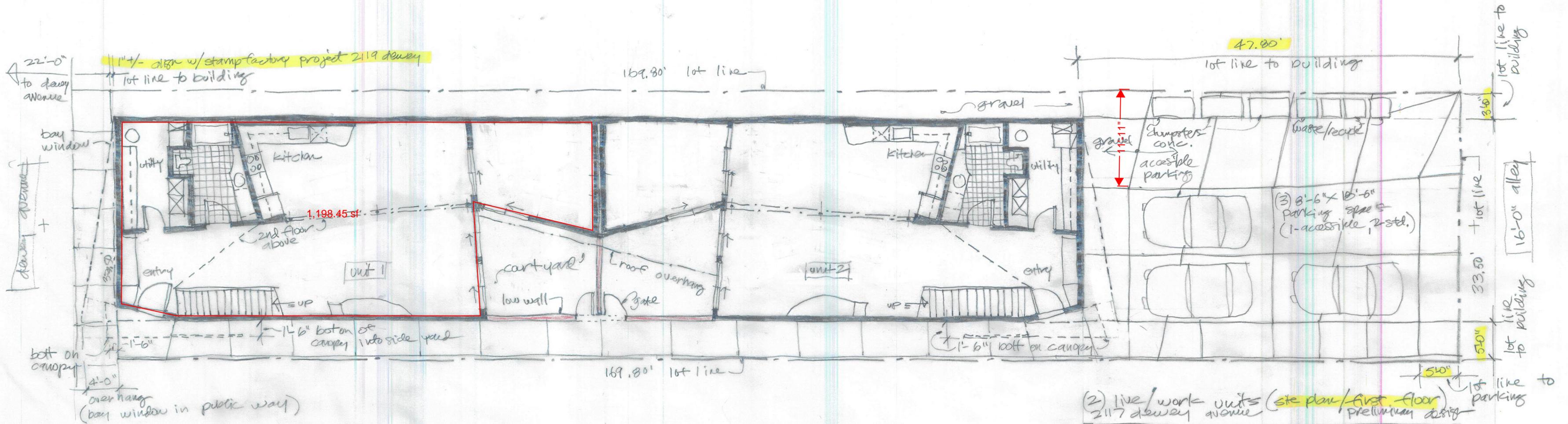
JENS K. DOE PROFESSIONAL LAND SURVEYORS, P.C. does hereby certify that a survey has been made under its direction, by an Illinois Professional Land Surveyor of the property described hereon and that the plat hereon drawn is a correct representation of said survey.

Chicago, Illinois Dated this 28th day of APRIL 20 01

JENS K. DOE PROFESSIONAL LAND SURVEYORS, P.C.

DOMINICK M. BLIZNICK (PRESIDENT)
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3390



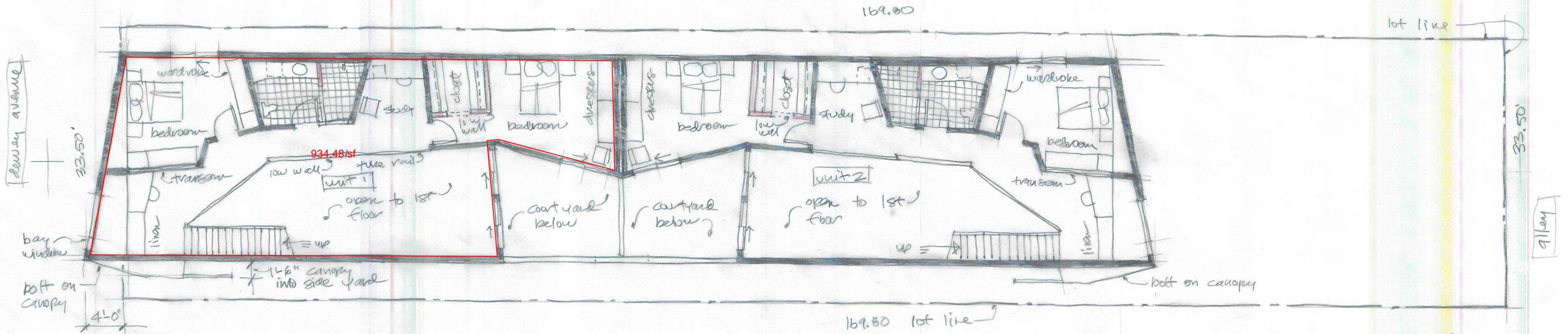


(2) live/work units (see plan / first floor) preliminary design
 2117 dewey avenue

1/8" = 1'-0"

note: 1st floor is 100% work space

berry/spatz architects
 1.27.2023



(2) live/work units (second floor plan)
 217 dewey preliminary design

1/8" = 1'-0"

bany/satz architects
 1.27.2022

note: the 2nd floor
 is 100% live space

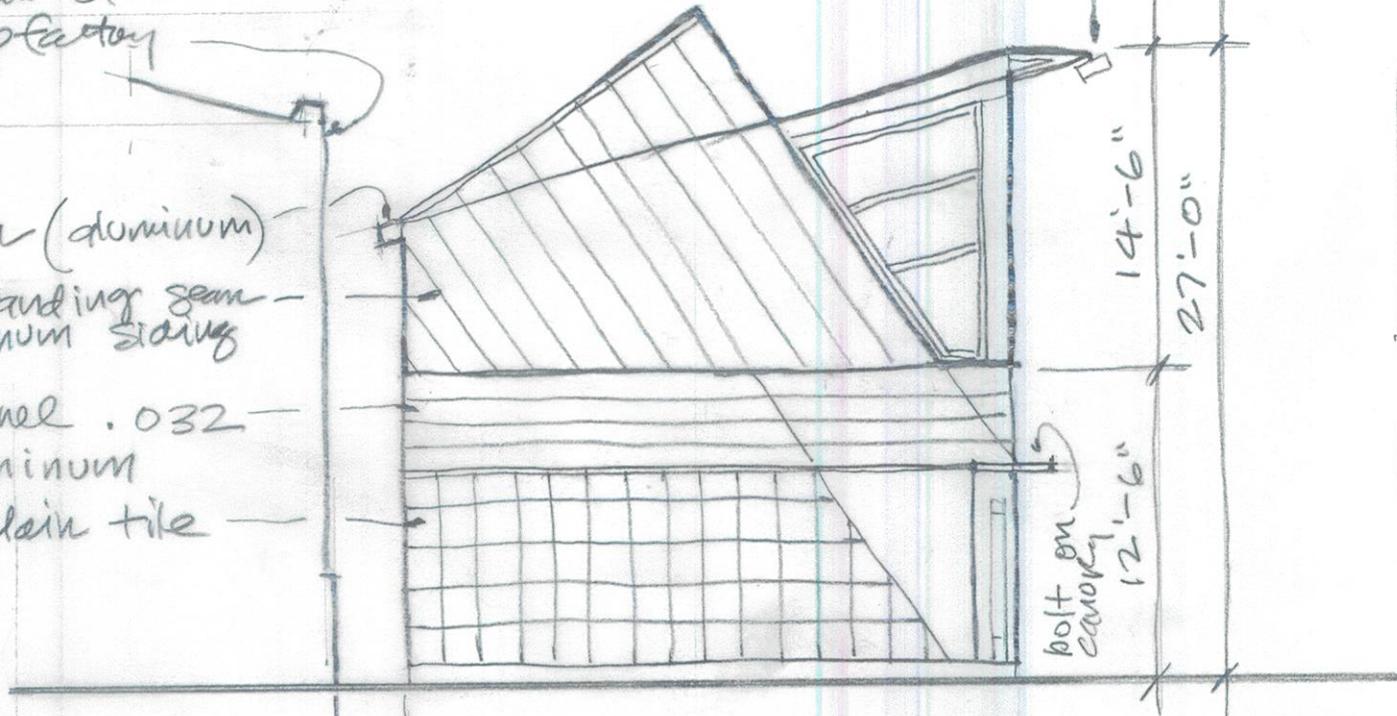
south wall of
stair p/ctory

gutter (aluminum)

18" standing seam
aluminum siding

r. panel .032
aluminum
porcelain tile

led flood light on
bolt on armature

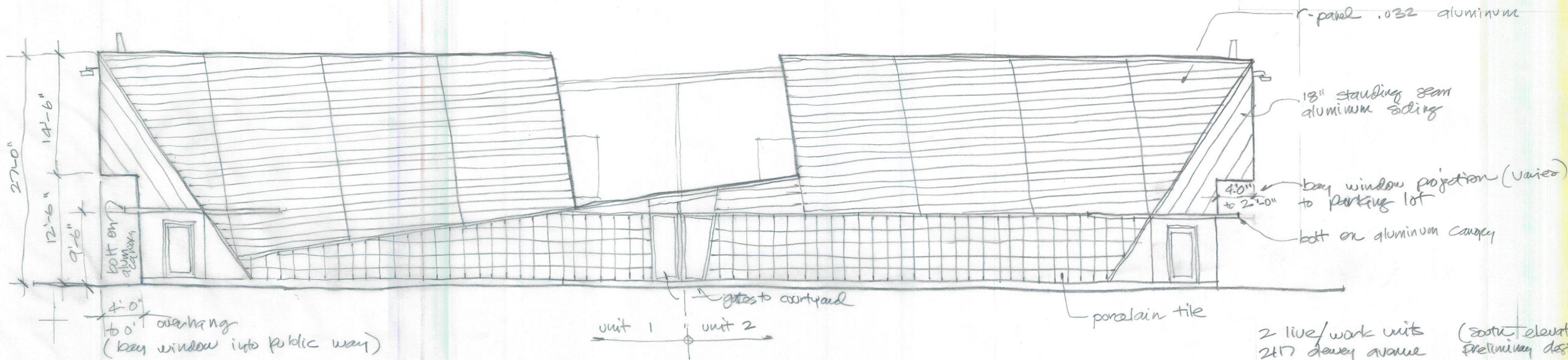


3'-0" proposed
north side yard

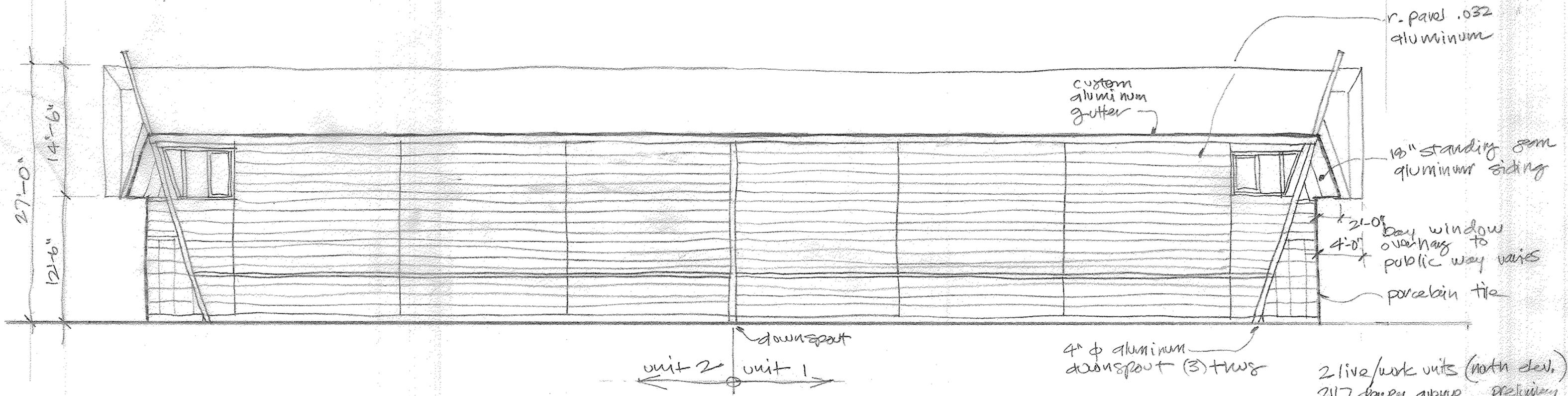
2 live/work units (west elevation)
217 dewey avenue Preliminary

1/8" = 1'-0" benny / spatz architects
01.27.2023

note: east elevation is
a mirror image



2 live/work units (south elevation)
 2417 dewey avenue preliminary design
 1/8" = 1'-0"
 kamy/spatz architects
 01.27.2023



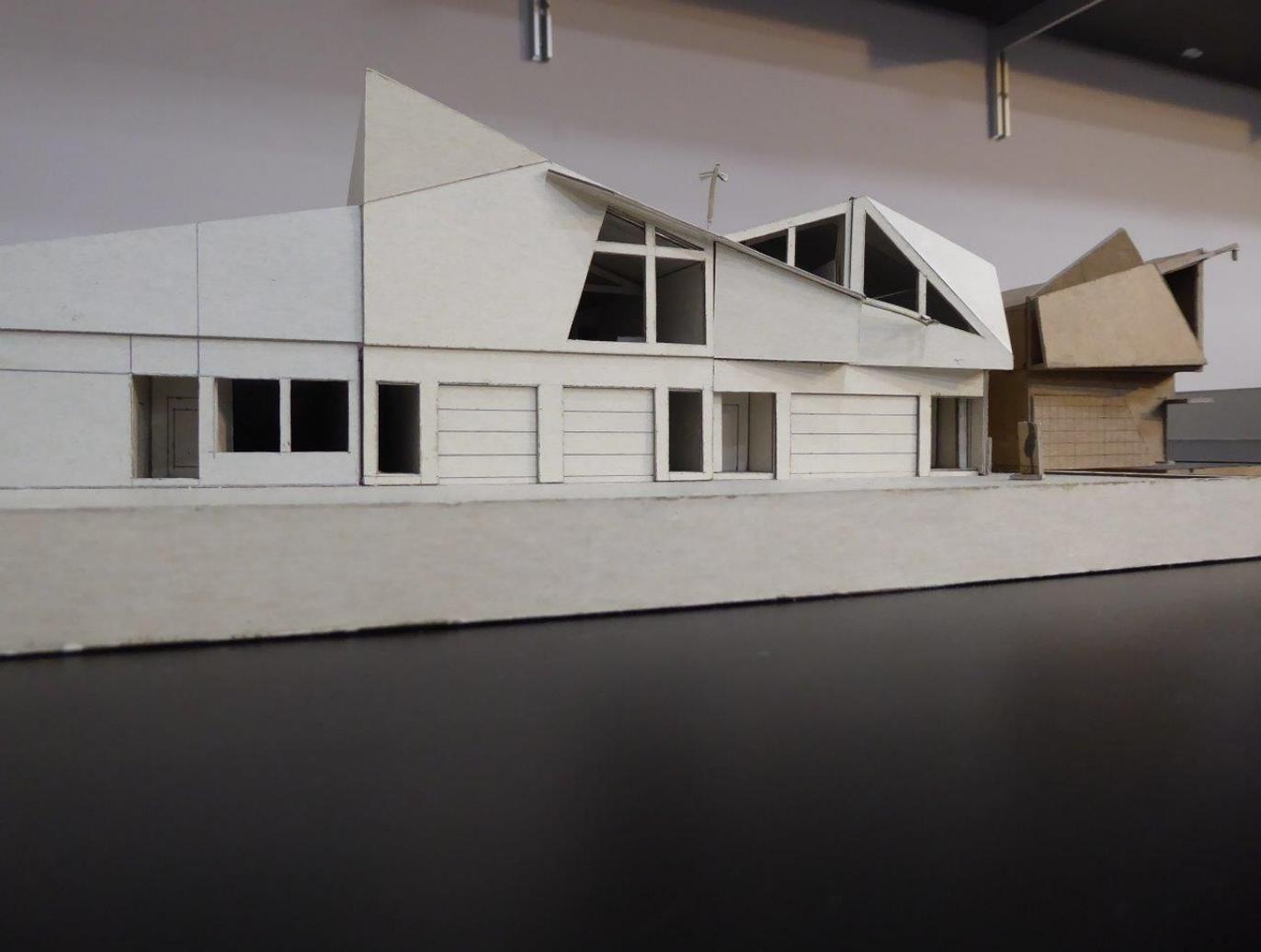
2 live/work units (north elev.)
 2117 downey avenue preliminary
 1/8" = 1'-0" ramp/spaces arch
 01.27.2023





Hershey Group

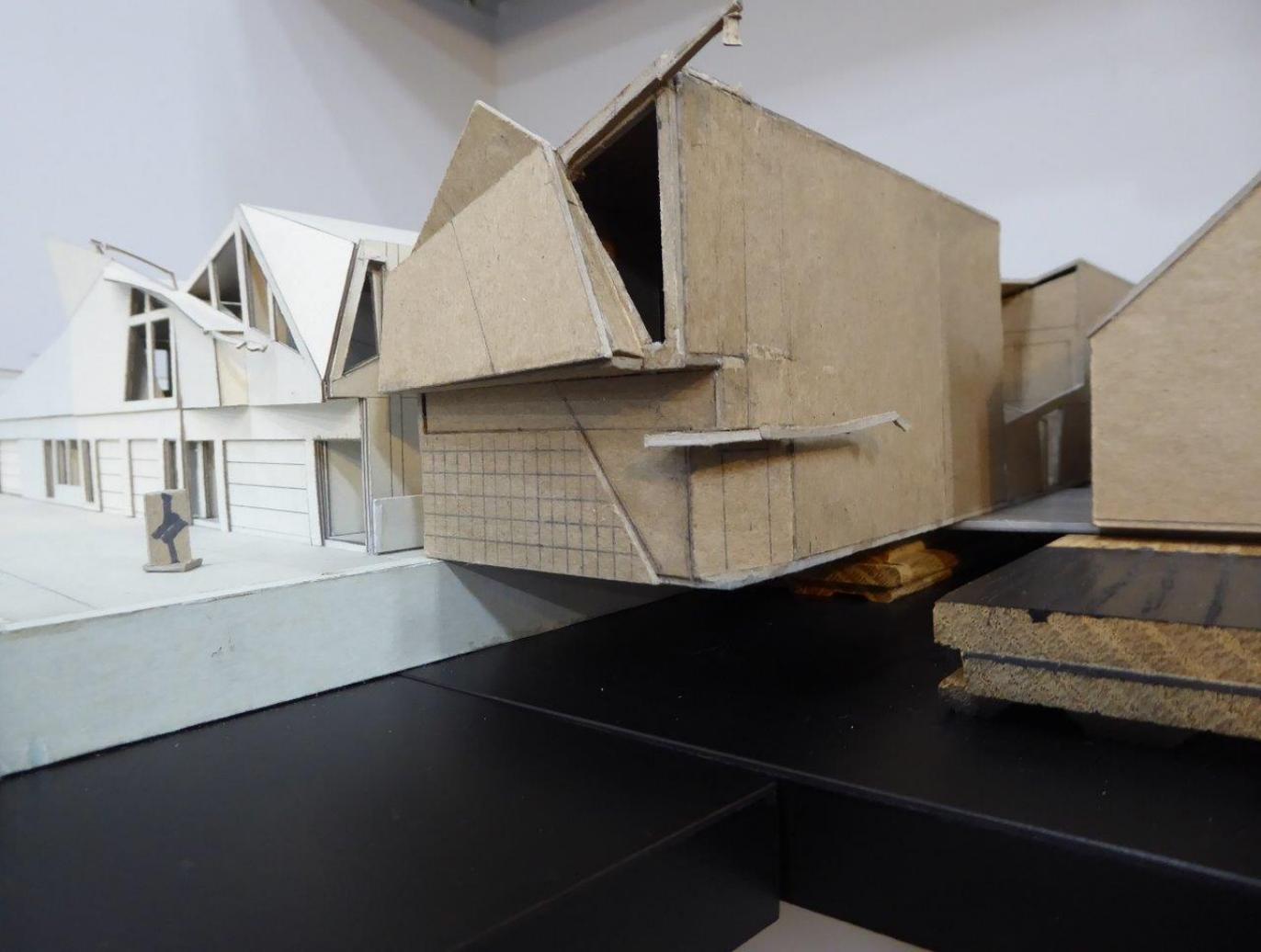






the stamp factory







Alhambra



Zoning Analysis Summary

Case Number:

Case Status/Determination:

22ZONA-0214

Non-compliant – major variations required

Proposal:

2 live-work office units

Site Information:

Property Address	2117 Dewey Ave	Zoning District	MXE
Overlay District:	None	Preservation District:	None

Applicant	Andrew Spatz
Phone Number	(847) 971-3290

Melissa Klotz

2/17/23

Signature

Date

Zoning Section	Comments
Sec 6-13-4-6(A)	The minimum required front yard in the MXE district is 10 feet. The proposed front yard is 0 inches. <i>Major Variation required.</i>
Sec 6-13-4-6(C)	The minimum required interior side yard in the MXE district is 5 feet. The proposed north interior side yard is 3 feet. <i>Major Variation required.</i>

General Comments:

1. Clarify ADA parking space and dimension it including striped area.
2. Any cantilevered/roofed area that extends over the front property line into the public ROW is not a zoning issue. That area is reviewed/covered by the Building Code and potential ROW permit.
3. For Major Variations: Color elevations are typically required. Black and white elevations with building materials clearly labeled, as well as a cardboard model, may be provided for the public hearing instead. Show if there is ANY opportunity for landscaping at the property (gravel area near dumpster and ADA space?).
4. Dumpster screening is typically encouraged – in this instance, given the adjacent building wall and in consideration that both properties are under common ownership, screening may not be

necessary. Include reasoning in Major Variation application.

October 26, 2022

Re: 2117 Dewey requested zoning variations (north side yard & west front yard)

To whom it may concern,

My name is Adriano Galvao (owner/user of 2115 Dewey Avenue) and I am in FULL support of the front yard and south side yard requested variations for the proposed project by Andrew J. Spatz (owner of 2117 Dewey avenue).

The plan looks great and we look forward to having a new building next to ours. Per the project's model photographs, the design successfully integrates the STAMPFACTORY'S front yard and my property. 2117 Dewey's scale is in harmony with the east side of the 2100 block of Dewey running from Payne to Simpson. The new project's 5' south side yard (no variation requested) enhances both building's entry circulation width, volume and sunlight. As a side note, I like the project's location of the garbage/recycling containers on the north side of the parking area opposite my property.

Should you have any questions, please don't hesitate to contact me.



Adriano Galvao (owner of 2115 Dewey Ave., Evanston)
ag@silverconsulting.com

10/26/22
date

