Zoning Board of Appeals  
Tuesday, December 3, 2019  
7:00 P.M.  
Evanston Civic Center, 2100 Ridge Avenue, James C. Lytle City Council Chambers  

AGENDA  

1. CALL TO ORDER / DECLARATION OF QUORUM  

2. APPROVAL OF MEETING MINUTES from November 19, 2019.  

3. NEW BUSINESS  

A. 1031 Sherman Avenue  
Katherine G. Bills, attorney, applies for major zoning relief to expand a legally non-conforming use to construct an accessory parking lot and outdoor storage area in the MUE Transitional Manufacturing Employment District, and R3 Two-Family Residential District where the expansion of a legally nonconforming use is not permitted (Zoning Code Section 6-6-3-5). The applicant requests to expand the legally non-conforming use for an office and trade contractor where said uses are not an eligible permitted or special use in the R3 Two-Family Residential District (Zoning Code Section 6-8-4). The applicant further requests to locate open off-street parking 166 feet from the rear yard’s east lot line where within 30’ is required (Zoning Code Section 6-4-6-3 (B) Table 4-A 18.), construction of an outdoor storage area abutting a residential use and District where abutting non-residential uses and Districts is required, and an outdoor storage area which exceeds 25% of the total area of the zoning lot where less than 25% is required (Zoning Code Section 6-13-1-8). The Zoning Board of Appeals is the determining body for this case.  
CONTINUED TO 1/21/20  

B. 1327 Chicago Avenue / 528 Greenwood Street  
Richard A. Shapiro, applicant, submits for a special use for an Office, for Richard Shapiro Attorney At Law, in the R5 General Residential District (Zoning Code Section 6-8-7-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.  
CONTINUED TO 1/21/20  

Order & Agenda Items are subject to change. Information about the ZBA is available at:  
Questions can be directed to Melissa Klotz at mklotz@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 847-448-8064 (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).
C. 1224 Oak Avenue
   Donna Lee Floeter, architect, applies for major zoning relief to construct an attached garage, deck, and attic addition, in the R3 Two-Family Residential District and Ridge Historic District. The applicant requests a 3’ rear yard setback where 30’ is required (Zoning Code Section 6-8-4-7), a 3.2’ north interior side yard setback where 5’ is required (Zoning Code Section 6-8-4-7 (A) 3.), a 1’ south interior side yard setback for an accessory structure (deck) where 5’ is required (Zoning Code Sections 6-8-4-7 (C) 3. and 6-4-6-3), and building lot coverage of 51% where 45% is required (Zoning Code Section 6-8-4-6). The Zoning Board of Appeals is the determining body for this case.

D. 2008 Harrison Street
   John Fell, property owner, applies for major zoning relief to permit use of a non-conforming dwelling unit in the R5 General Residential District and oCSC Central Street Corridor Overlay District. The owner requests providing four (4) off-street parking spaces where seven (7) are required (Zoning Code Section 6-16-2 Table 16B). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

E. 1713 Central Street
   John Mauck, attorney, submits for a special use for a Religious Institution, in the B1a Business District (Zoning Code Section 6-9-5-2) and oCSC Central Street Corridor Overlay District (Zoning Code Section 6-15-14-7). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

F. 2510 Green Bay Road
   Jaison Victor, applicant, submits for a special use for, Indoor Commercial Recreation, Born2Win, in the B1a Business District (Zoning Code Section 6-9-5-2) and oCSC Central Street Corridor Overlay District (Zoning Code Section 6-15-13-7.5). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

4. OTHER BUSINESS
5. DISCUSSION
6. ADJOURNMENT

The next Zoning Board of Appeals meeting is scheduled for Tuesday, January 21, 2020 at 7:00pm in G300 of the Lorraine H. Morton Civic Center.

Order & Agenda Items are subject to change. Information about the ZBA is available at: http://www.cityofevanston.org/government/agendas-minutes/agendas-minutes---zoning-board-of-appeals/index.php Questions can be directed to Melissa Klotz at mklotz@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 847-448-8064 (TYY) at least 48 hours in advance of the scheduled meeting so that accommodations can be made.

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1224 Oak Avenue
19ZMJV-0084

ZBA Determining Body
MEMORANDUM

To: Members of the Zoning Board of Appeals

From: Johanna Leonard, Director of Community Development
Scott Mangum, Planning & Zoning Manager
Melissa Klotz, Zoning Administrator
Cade W. Sterling, Planner I

Subject: 1224 Oak Avenue - ZBA CASE 19ZMJV-0084
ZBA Determining Body

Date: November 21, 2019

Notice - Published in the October 24, 2019 Evanston Review
Donna Lee Floeter, architect, applies for major zoning relief to construct an attached
garage, deck, and attic addition, in the R3 Two-Family Residential District and Ridge
Historic District. The applicant requests a 3’ rear yard setback where 30’ is required
(Zoning Code Section 6-8-4-7), a 3.2’ north interior side yard setback where 5’ is required
(Zoning Code Section 6-8-4-7 (A) 3.), a 1’ south interior side yard setback for an accessory
structure (deck) where 5’ is required (Zoning Code Sections 6-8-4-7 (C) 3., and 6-4-6-3),
and building lot coverage of 51% where 45% is required (Zoning Code Section 6-8-4-6).
The Zoning Board of Appeals is the determining body for this case.

Update
Since the submittal of the application, and notification published in the October 24
Evanston Review, the applicant has submitted revisions which reduce the degree of the
requested variations. Specifically, the applicant now requests the following: a 4’ rear yard
setback where 30’ is required (Zoning Code Section 6-8-4-7); a 3.2’ north interior side-yard
setback where 5’ is required (Zoning Code Section 6-8-4-7 (A) 3.); a 1’ south interior side-
yard setback for an accessory structure (deck) where 5’ is required (Zoning Code Sections
6-8-4-7 (C) 3., and 6-4-6-3); and building lot coverage of 50.33% where 45% is required
(Zoning Code Section 6-8-4-6).

Recommendation
City staff and DAPR recommend approval, with conditions, for major zoning relief to
construct an attached three-car garage and deck in the R3 Two-Family Residential District.

Conditions include:
1. A stormwater management plan be implemented in substantial compliance with the
documentation and testimony on record from the November 20 DAPR Committee
meeting. (attached).
2. Enlargement and/or lowering of the basement level of the structure shall not be
permitted.
Staff believes that the proposal is in keeping with the intent of the Zoning Ordinance, and the goals of the Comprehensive General Plan. Specifically, the proposal enhances the taxable value of the subject property, encourages the long-term preservation of a now dilapidated building in the Ridge Historic District, and promotes the public health and general welfare by affording an existing resident the ability to age in place as well as provide multi-generational housing. However, staff recommends the applicant reduce the degree of the requested variations, and isolate those pertinent to the applicant’s desire to age in place. As such, staff encouraged the applicant to remove the interior side-yard deck from the plan.

The proposal complies with all additional Zoning Code requirements. Although staff recommends approval, determination whether the standards for Major Variation have been met shall be deferred to members of the Board.

Preservation Commission Determination
On November 12, 2019 the Evanston Preservation Commission voted 4-3 to issue a Certificate of Appropriateness for the proposal. Additionally, the Preservation Commission provided advisory review for the requested zoning relief, recommending approval to the Zoning Board, despite concerns with the volume of the structure and magnitude of the requested rear-yard setback. In the applicant’s presentation to the Commission, they implied that the requested zoning relief was mandated by the minimum off-street parking requirements for the subject property, and that there was no way to comply with both requirements. However, it should be noted that the parking could be provided on-site as open off-street parking, without triggering a variation for the rear-yard setback, and minimizing the requested variation for building lot coverage (three open off-street spaces would increase building lot coverage by 600 square feet and would result in 48% building lot coverage where 45% is permitted), thus minimizing the degree of the requested zoning relief as well as reducing the perceived bulk of the structure.

Update
Since determination by the Preservation Commission on November 12, the applicant has altered the pitch of the roof on the rear volume of the proposed addition in response to a comment at the Commission meeting, reducing the perceived bulk of the structure as viewed from the public way (alley).

Site Background
1224 Oak Avenue is currently improved with a circa 1910s American Four-Square. The extant structure retains excellent integrity and is a contributing building in the Ridge Historic District. The subject property is located mid-block on the west side of Oak Avenue between Larimer Park to the south and Dempster Street to the north. The property is significantly smaller than the minimum lot size for the R3 District as platting of the parcel as well as construction of the principle structure predates the Zoning Ordinance. The property is served by a public alley along the west lot line, and is just north of Larimer Park. The surrounding residences reflect a collection of predominantly 2 and 2.5 story single-family homes.

Zoning: R3 – Two-Family Residential District
Surrounding zoning:

North: R3 Two-Family Residential District
East: R3 Two-Family Residential District
South: OS Open-Space
West: R1 Single-Family Residential

Property size: 4,972 square feet
40' wide

Proposal
The property owner proposes a significant interior renovation and attic addition, construction of an attached three-car garage with rooftop deck in the rear-yard, and open deck in the south interior side-yard, to provide multi-generational housing. The applicant and her husband propose occupying one unit of the building while their daughter and son in-law occupy the other unit. The applicant looks to downsize from their current location, and plans to age in place in the subject property. As such, the applicant describes a need for covered parking and space for a future elevator.

To construct the attached garage addition, the applicant requests a reduced rear yard setback (4’ where 30’ is required), as well as increased building lot coverage (50.34% where 45% is required). Due to significant loss of open-space as a result of the attached garage addition, the applicant proposes a large screen porch, and two decks -- one above the garage, and another in the south interior side-yard. The at-grade deck in the south interior side-yard necessitates deviation from the required interior side-yard (1’ where 5’ is required).

Other alternatives were considered, including a staff recommendation to provide open off-street parking, which would have eliminated the requested variation from the rear-yard setback and north interior side-yard setback requirements, as well as significantly reduce the requested variation for building lot coverage (48% where 45% is required rather than 50.34% where 45% is required). Removal of the deck in the interior side-yard was also suggested which would have eliminated the request for a south interior side-yard variation. However, the applicant believes such alterations would significantly impact their desire to age in place as well as limit the long-term enjoyment of the subject property. The applicant further described their intention to follow the Comprehensive Plan’s guidelines for locating parking in the rear of buildings and screening parking from residential areas, as justification for not pursuing open off-street parking. However, the section of the Comprehensive Plan in question, Chapter 18, Model Design Guidelines, is a guideline relating to urban design best practices for open off-street parking at the rear of commercial buildings, rather than in-front of commercial buildings along commercial and business corridors, and screening those parking areas from adjacent residential Zoning Districts.

City staff has not received correspondence from neighboring property owners.

Ordinances Identified for Requested Relief
6-8-4-7 (A) 4. Yard Requirements

The minimum rear-yard requirement for residential structures in the R3 district is thirty (30) feet
Yard Requirements
The minimum side-yard requirement for residential structures in the R3 district is five (5) feet.

Yard Requirements
The minimum side-yard requirement for accessory uses and structures in the R3 district is five (5) feet.

Building Lot Coverage
The maximum lot coverage, including accessory structures, in the R3 district is forty-five percent (45%).

Comprehensive Plan
Objectives from the Evanston Comprehensive General Plan that apply to this application include:

Value: Evanston’s housing stock should continue to offer buyers and renters a desirable range of choice in terms of style and price.

Objective: Maintain the appealing character of Evanston’s neighborhoods while guiding their change.

Objective: Maintain and enhance property values and positive perceptions of housing in Evanston.

Policy: Encourage both new housing construction and the conversion of underutilized non-residential buildings to housing in order to increase housing variety and to enhance the property tax base.

Policy: Encourage creative adaptive use of properties available for redevelopment using zoning standards and the DAPR Review process to protect historic character.

Policy: Support efforts aimed at improving Evanston’s housing stock.

Policy: Include the significance of open-space as an integral contributing factor to the character of Evanston’s historic districts.

Design and Project Review Committee (DAPR) Discussion and Recommendation
On November 13, DAPR members applauded the intentions of the project and noted that it aligned with national housing trends. Engineering and Public-Works staff noted significant concerns with the build-out of the lot, and questioned how stormwater would be adequately addressed, noting that the proposal was missing a stormwater management plan. Staff noted that the stormwater must be kept and treated on-site to prevent negative impacts on neighboring properties and the public park to the south. Planning and Zoning staff raised significant concerns with the proposal and the potential impact on the property to the north. Planning and Zoning staff requested that the applicant consider open off-street parking and remove the side-yard deck to minimize the requested variations, or consider a combination of open parking and enclosed parking in a detached structure, lessening the
bulk of the proposal. Staff raised concern at the degree of the request noting that 3’ where 30’ is required is a significant deviation from the Zoning Code which eliminates the rear-yard. Planning and Zoning staff requested that the applicant return and reduce the mass of the proposed addition. Staff further raised concerns that the perceived hardship was self-created, noting the requested variations are related to the applicants unique desire for the property. The item was held in Committee pending presentation of a stormwater management plan as well as reductions to the mass and bulk of the proposed addition.

On November 20, the applicant returned to DAPR presenting additional information (attached) on the intent of the proposal, and how the proposal accomplishes some of the City’s goals and objectives. The applicant also presented a stormwater management plan for the site which included multiple catchment areas and two large detention locations in the front-yard. Engineering staff raised objections to the proposed lowering of the basement and noted that the location for stormwater detention would need to be reviewed during the permitting process stating that it could conflict with existing utilities in the front-yard. Public Works staff raised objection to the possibility of lowering the basement and connecting a sump-pump to the City’s sewer system, but overall found the proposed stormwater management plan to be a feasible solution that would be reviewed in detail during permitting.

Additionally, the applicant presented revised elevations and a revised site plan which minimally reduced the building lot coverage and impervious surface ratio as well as lowered the pitch of the additions roof as to reduce the perceived bulk from the public alley and neighboring property to the north. Planning and Zoning staff reiterated concerns raised during the previous DAPR meeting, including the self-created hardship and ability to further reduce the degree of the variations with open parking or a combination of open parking and enclosed parking. A staff member raised concerns about the precedent setting nature of the case and wished to clarify how the City defines ageing in place. The staff member noted an understanding that aging in place related to existing property owners, who without zoning relief could not continue to live in their home, being forced to relocate during old age – which would certainly be a hardship. What it isn’t is relocating during middle-age and purchasing any property and building it out to their desire without respect to the Zoning Code. Additional staff disagreed, stating that the intent of the project was well meaning and was in keeping with the intent of the Zoning Code and Comprehensive Plan as it affords an Evanston resident the opportunity to stay in the community through old-age, preemptively negating the need for future variations or relocation. Staff noted that there is a lack of multi-generational housing options and applauded the investment the applicant was undertaking. Staff recommended that the applicant remove the proposed side-yard deck prior to the Zoning Board hearing.

Recommendation: **DAPR members voted 6-3 to recommend approval**, with conditions, for major zoning relief to construct an attached three-car garage and deck in the R3 Two-Family Residential District.

Conditions include:

1. A stormwater management plan be implemented in substantial compliance with the documentation and testimony on record from the November 20 DAPR Committee meeting. (attached).
2. Enlargement and/or lowering of the basement level of the structure shall not be permitted.
Variance Standards
For the ZBA to recommend approval of a variance, the ZBA must find that the proposed variance:

a) **Will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties;** Staff has not received any objections from neighboring property owners and the applicants willingness to reduce the pitch of the rooftop reduces the perceived bulk of the structure. However, staff raised significant concerns that the building wall extending the length of the rear-yard would have an adverse impact on future renters or owners of the property to the north.

b) **Is in keeping with the intent of the zoning ordinance;** The proposed addition promotes the public health, morals, general welfare, and objectives of the comprehensive general plan, as well as enhance the taxable value of a currently dilapidated property in the Ridge Historic District.

c) **Has a hardship or practical difficulty that is peculiar to the property;** The minimum lot size for the subject property is significantly substandard for the R3 District (4972 Square Feet where 3500 square feet is required per dwelling unit).

d) **Property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience;** Without the requested zoning relief, the applicant could suffer a future hardship and practical difficulty as they get older and require the use of the proposed future elevator and covered parking to minimize the potential for accidents in inclement weather. However, staff raised concerns that this practical difficulty is a projection and not a current hardship.

e) **Is not based exclusively upon a desire to extract additional income from the property or public benefit to the whole will be derived;** No income will be generated from the subject property. The applicant proposes to inhabit one dwelling unit while the second unit will be occupied by their daughter and son-in-law.

f) **Does not have a hardship or practical difficulty that was created by any person having an interest in the property;** Staff raised significant concerns that the hardship and practical difficulty is inherently self-created – a result of the recent purchase and proposed use of the subject property. However, staff also noted that the proposed use is admirable and the applicants intentions are well meaning and support aspects of the City’s goals as well as national housing trends.

g) **Is limited to the minimum change necessary to alleviate the particular hardship or practical difficulty.** The applicant has submitted minor revisions which minimally reduced the degree of the variation request. Staff has suggested that the applicant further reduce the degree of the request by removing the side-yard deck from the plans. However, it must be noted that the degree of the requested variation could be significantly reduced if open off-street parking were considered.
Attachments
Variance Application
Zoning Analysis
Plat of Survey
Site Plan and Elevations
Additional Information and Stormwater Management Plan
Image of Property
Aerial View of Property
Zoning Map of Property
DAPR Meeting Minutes Excerpt – November 13; November 20
MAJOR VARIATION
APPLICATION

CITY OF EVANSTON
BUILDING DIVISION

1. PROPERTY

Address: 1224 OAK AVENUE
Permanent Identification Number(s):
PIN 1: 11-19-101-016-0000
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: DONNA LEE FLOETER
Organization:
Address: 3306 HAYES ST.
City, State, Zip: EVANSTON, IL 60201
Phone: Work: 847-322-7481 Home: Cell/Other:
Fax: Work: Home:
E-mail: DONNA LEE FLOETER@GMAIL.COM
What is the relationship of the applicant to the property owner?
√ same □ builder/contractor □ potential 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: NOREEN EDWARDS and MARK METZ
Address: 2125 SHERMAN AVE.
City, State, Zip: EVANSTON, IL 60201
Phone: Work: Home: Cell/Other: 312-882-0540 312-905-6450
Fax: Work: Home:
E-mail: NOREEN.LANDLE@GMAIL.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: Sep 10, 2019

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: 9/10/2019
5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

- Completed and Signed Application Form
- Plat of Survey Date of Survey: 4-30-2019
- Project Site Plan Date of Drawings: July 29, 2019. Revised Sep 5, 2019
- Plan or Graphic Drawings of Proposal (If needed, see notes)
- Non-Compliant Zoning Analysis
- Proof of Ownership Document Submitted: ________________
- 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: Build new attached garage on rear of building with rooftop deck and screen porch on roof. Add small (273 sf), low deck to south side yard. Raise attic height to 35’ and add dormers to sides and rear to add bedrooms and bath to attic.

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

What specific variations are you requesting?

<table>
<thead>
<tr>
<th>A. Section</th>
<th>B. Requirement to be Varied</th>
<th>C. Requested Variation</th>
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<tbody>
<tr>
<td></td>
<td>Minimum Lot Width</td>
<td>Unchanged</td>
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<td></td>
<td>Minimum Lot Area</td>
<td>Unchanged</td>
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<tr>
<td>6-8-4-6</td>
<td>R3 Building lot coverage</td>
<td>Bldg lot coverage of 51%</td>
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<td></td>
<td>maximum is 45%</td>
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<tr>
<td>6-8-4-7</td>
<td>5' side yard</td>
<td>North side of home is currently 3.2' from lot line. The garage would continue along same line.</td>
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<tr>
<td>6-8-4-7</td>
<td>Rear yard requirement is 30'</td>
<td>Current setback is approx. 24'. 3' setback requested</td>
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<tr>
<td></td>
<td>Accessory structure not to be located in a side yard abutting a street or interior side yard</td>
<td>AC in 1st drawing. Removed.</td>
</tr>
<tr>
<td>6-4-6-3</td>
<td>&quot;Accessory structure&quot; not to be located in a side yard abutting a street or interior side yard.</td>
<td>Locate small deck in south side yard.</td>
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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 lot dimensions prevent adherence to the zoning code regarding parking and rear yard setback. The existing lot does not comply with the city parking requirement which is 1.5 spaces per unit in R3. We can not provide the required parking without eliminating the rear yard. Providing the required parking also eliminates outdoor living space for the 1st floor unit so that will be provided with the side yard deck.

1. The requested variation will not have a substantial adverse impact on the use, enjoyment, or property values of adjoining properties: The current building is non-compliant in regard to parking. In addition, the gravel parking space, existing rear fence and rear yard encroach upon the public alley. The use, mass and bulk of the proposed addition is appropriate and will have a minimal or positive impact on adjacent properties. The proposed addition will provide off-street parking, which benefits the neighbors, and restore approximately 100 square feet of property to the public alley; this will enhance the use, enjoyment and property values of adjoining properties. The small deck in the side yard is only a couple steps off the ground; it is not “interior” in that it is not adjacent to another residence, nor is it adjacent to a street. It is adjacent to the city park with the 11′ chain link fence and the full-court basketball court about 15′ from the property line.

2. Property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience: Currently in their 60s, owners hope to “age-in-place” in this property. They are “downsizing” from a larger home in Evanston. Often there is no parking on this block, and therefore it would be both a hardship and difficulty for an “age-in-place” owner to park on neighboring blocks.

3. Is not based exclusively upon a desire to extract additional income from the property or public benefit to the whole will be derived: No additional income will be derived from these variations as the building will be occupied by the owners and other family members. Public benefit to the whole is derived from adding off-street parking and restoring alleyway to the public space.

4. The alleged difficulty or hardship has not been self-created: The property was platted at its current size and location prior to the current ownership. Zoning guidelines for required parking and rear yard setback were created by the city.

5. Have other alternatives been considered, and if so, why would they not work? There is no alternative that meets both the parking requirement and the rear yard setback. Providing for the parking requirement also means increasing building lot coverage. The proposed garage eliminates outdoor space for the first floor so the side deck gives back outdoor space to the first floor unit. The size of proposed garage and increase in building lot coverage is determined by the city parking requirement.

Other Zoning Variation Standards:

2. The proposed variation is in keeping with the interest of the zoning ordinance: The proposed addition promotes the objectives of the comprehensive general plan as well as enhances the taxable value of the property. The proposed garage provides required parking and the deck in the side yard provides some outdoor living space for the first floor unit. The deck in the side yard does not abut a residence or a street; it abuts a city park basketball court. The side yard requirements or accessory structure requirements are to ensure privacy and peacefulness to neighboring residences. There is no neighboring residence on the south side, only basketball players. Embracing the purpose of the R3 Zoning District, this two unit building will continue to “Provide for...two-family residences in moderate density neighborhoods and to preserve the character of such neighborhoods.”
5. Have other alternatives been considered, and if so, why would they not work?

See prior inserted sheet.

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.

   NAREEN EDWARDS  +  MARK METZ
   2125 SHERMAN AVE.
   EVANSTON IL  60201
   312-862-0580
   DesignGreenLandscapes @ gmail.com

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 1 above, or indicated below. (An example of this situation is if the land user is a division or subsidiary of another person or organization.)

   NA

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 1 above, or indicated below.

   NA
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.

NA

If Applicant or Proposed Land User is a Corporation  NA

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  NA

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.
THE GRANTOR(S), Jennifer Bloomfield and Christine Bloomfield, husband and wife, desiring to sell to said Lessee in Common of 1226 Oak Avenue, Evanston, IL 60202, for and in consideration of the sum of one dollar ($1.00) in hand paid, CONVEY(S), to Noreen D. Edwards, as Trustee of the Noreen D. Edwards Declaration of Trust dated September 25, 1966, all interest in the following described Real Estate situated in Evanston in the County of Cook in the State of Illinois, to-wit:


SUBJECT TO:
Covenants, conditions and restrictions of record and building lines and easements, if any, provided they do not interfere with the current use and enjoyment of the Real Estate, and general and special terms set out and payable at the time of closing.

Permanent Real Estate Index Number(s): 11-18-101-015-0000
Address of Real Estate: 1226 Oak Avenue, Evanston, IL 60202

Dated this ______ day of ______

/\/

[Signature]

[Signature]
STATE OF ILLINOIS, COUNTY OF Cook

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT Jeremy and Christiæn Bloomfield, personally known to me to be the same person(s) whose name(s) subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 8th day of May

[Seal]

Prepared By: Michael F. Bonaguro
Attorney at Law
708 Church St. Suite 235
Evanston, Illinois 60201

Mail To:
Katherine Hart
9349 Forrestview Road
Evanston, Illinois 60202

Name & Address of Taxpayer:
Noreen Edwards and Mark Metz
1224 Oak Avenue
Evanston, IL 60202

CITY OF EVANSTON
PASSED State Transfer Tax
AMOUNT $3,275.00
Agent (Blank
**Zoning Analysis**  
**Case Number:** 19ZONA-0133 – 1224 OAK AVENUE  
**RIDGE HISTORIC DISTRICT**  
**Case Status/Determination:** Non-Compliant

**Proposal:**  
Raise roof and add dormers to existing 2-flat; construct 3-car garage, screen porch and open deck at second floor; side porch and deck; interior remodel

<table>
<thead>
<tr>
<th>Zoning Section</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-8-4-6. - BUILDING LOT COVERAGE.</td>
<td>The proposed building lot coverage is 51.3% where 45% is the maximum permitted.</td>
</tr>
<tr>
<td>6-8-4-7. - YARD REQUIREMENTS. (A) Residential Structures 3. Side Yard</td>
<td>The proposed north interior side yard for the principle structure is 3.2' where 5' is required. Although the nonconforming condition is not increased, the addition needs to meet the required setback.</td>
</tr>
<tr>
<td>6-8-4-7. - YARD REQUIREMENTS. (A) Residential Structures 4. Rear Yard</td>
<td>The proposed rear yard is 4' where 30' is required.</td>
</tr>
<tr>
<td>6-8-4-7. - YARD REQUIREMENTS. (C) Residential Structures 3. Side Yard</td>
<td>The proposed deck is 1' from the south interior side yard where 5' is required.</td>
</tr>
</tbody>
</table>

**Additional Comments:**  
1. Major work Certificate of Appropriateness application and review by the Preservation Commission is required.
City of Evanston
ZONING ANALYSIS REVIEW SHEET

APPLICATION STATUS: August 05, 2019

Z.A. Number: 19ZONA-0133
Address: 1224 OAK AVE
Applicant: Donnalee M Floeter

RESULTS OF ANALYSIS: Non-Compliant

Purpose: Zoning Analysis without Bid Permit App
District: R3
Overlay: None
Preservation District:
Reviewer: Code Staffing

THIS APPLICATION PROPOSES (select all that apply):

- New Principal Structure
- Change of Use
- Sidewalk Cafe

- New Accessory Structure
- Retention of Use
- Other

- Addition to Structure
- Plat of Resubdivision/Consul.

- Alteration to Structure
- Business License

- Retention of Structure
- Home Occupation

ANALYSIS BASED ON:

- Planed Dated: July 19, 2019
- Prepared By: Donnalee M. Floeter
- Survey Dated: April 30, 2019
- Improvements: 2-STORY BRICK 2-FLAT.

Proposal Description:
RAISE ROOF AND ADD DORMERS TO EXISTING 2-FLAT, CONSTRUCT 3-CAR GARAGE, SCREEN PORCH AND OPEN DECK AT 2ND FLOOR. SIDE PORCH AND DECK INTERIOR REMODEL.

RESIDENTIAL DISTRICT CALCULATIONS

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

<table>
<thead>
<tr>
<th>Component</th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>USE:</td>
<td>R3 Two-Family Residential</td>
<td>Dwelling - 2F</td>
<td>Dwelling - 2F</td>
<td>Compliant</td>
</tr>
</tbody>
</table>

- Minimum Lot Width (LF)
  - Minimum: 35 ft
  - Existing: 40.00 ft
  - Proposed: 40.00 ft
  - Determination: No Change

- Minimum Lot Area (SF)
  - Minimum: 7,000 sq. ft. (3500/50)
  - Existing: 4972 sf
  - Proposed: 4972 sf
  - Determination: No Change

- Building Lot Coverage (SF) (defined, include sq. subtraction & addition)
  - Standard: 2237.4 sf
  - Existing: 1787 sf
  - Proposed: 2502.69 sf
  - Determination: Non-Compliant

- Impervious Surface Coverage (SF, %)
  - Standard: 2963.2 sf
  - Existing: 2903.25 sf
  - Proposed: 2965.58 sf
  - Determination: Compliant

Comments: 6-6-4-4, -ENLARGEMENT OF STRUCTURE.

- Dwelling Units: SFR 2F
  - Standard: 2
  - Existing: 2
  - Proposed: No Change

- Building Lot Coverage (SF) (defined, include sq. subtraction & addition)
  - Standard: 2237.4 sf
  - Existing: 1787 sf
  - Proposed: 2502.69 sf
  - Determination: Non-Compliant

- Impervious Surface Coverage (SF, %)
  - Standard: 2963.2 sf
  - Existing: 2903.25 sf
  - Proposed: 2965.58 sf
  - Determination: Compliant

Comments:

LF Linear Foot  SF Square Feet  FT Feet
Page 1
<table>
<thead>
<tr>
<th>Accessory Structure</th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear Yard Coverage:</td>
<td>40% of rear yard</td>
<td>54%</td>
<td>0%</td>
<td>Compliant</td>
</tr>
</tbody>
</table>

**Comments:**

- Height (FT): < OF 35' OR 2.5 STORIES
  - 31.83 / 2 stories
  - 35' / 3 stories
  - Non-Compliant

- DOES NOT MEET DEFINITION OF DORMER

**Front Yard(1) (FT):**
- 27' or block average
  - 33.88 / 26.5 to front porch
  - 33.88 / 26.5 to front porch
  - No Change

**Street:** Oak Avenue

**Comments:**

**Interior Side Yard(1) (FT):**
- 5' & 3.2
  - 3.2
  - Non-Compliant

**Direction:** N

**Comments:** Addition in vertical or horizontal direction req, adherence to setback

**Interior Side Yard(2) (FT):**
- 5'
  - 0

**Direction:** S

**Comments:**

**Rear Yard (FT):**
- 30'
  - 24.5

**Direction:** W

**Comments:**

---

### ACCESSORY USE AND STRUCTURE

<table>
<thead>
<tr>
<th>Use (1)</th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Districts:</td>
<td>RSD</td>
<td>Al-conditioning Unit</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Comments:**

- Permitted Required Yard: RY or ISY
  - Interior Side Yard
  - Interior Side Yard
  - Compliant

**Comments:**

**Additional Standards:** 6’ or 8’ w/ screening setback
- NA
  - Z
  - Non-Compliant

**Comments:**

---

### ACCESSORY USE AND STRUCTURE 2

<table>
<thead>
<tr>
<th>Use(2):</th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Districts:</td>
<td>RSD</td>
<td>Deck or Patio (raised)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Comments:**

- Permitted Required Yard:

**Comments:**

**Additional Standards:**

**Comments:**

**Interior Side Yard(2A) (FT):**
- 5'
  - NA
  - 7
  - Non-Compliant

**Direction:** S

**Comments:**

---

**PARKING REQUIREMENTS**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
</table>
### Use(1): Two-family

<table>
<thead>
<tr>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.5 per dwelling unit.</td>
<td>0</td>
<td>3</td>
<td>Compliant</td>
</tr>
</tbody>
</table>

**Comments:**

### TOTAL REQUIRED:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>0</td>
<td>3</td>
<td>Compliant</td>
</tr>
</tbody>
</table>

**Comments:**

### Vertical Clearance (LF)

<table>
<thead>
<tr>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>7'</td>
<td>NA</td>
<td>8.5'</td>
<td>Compliant</td>
</tr>
</tbody>
</table>

**Comments:**

### Surfacing:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 6-10-2-4 (E)</td>
<td>NA</td>
<td>Concrete Apron</td>
<td>Compliant</td>
</tr>
</tbody>
</table>

**Comments:**

### Location:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 5-4-6-2</td>
<td>NA</td>
<td>Attached Garage</td>
<td>Compliant</td>
</tr>
</tbody>
</table>

**Comments:**

### Angle(1): Garage (Attic)

**Comments:**

### Angle(2):

**Comments:**

#### MISCELLANEOUS REQUIREMENTS

<table>
<thead>
<tr>
<th>Requirement (1):</th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>YARD OBSTRUCTIONS</td>
<td>10% or match existing</td>
<td>2W</td>
<td>2W</td>
<td>Compliant</td>
</tr>
</tbody>
</table>

**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**

**REvised** 11.21.19
1904.4044
BOUNDARY SURVEY
COOK COUNTY

THAT PART OF LOT 5 IN THE RESUBDIVISION OF PART OF BLOCK 2 IN CRAIN'S
SUBDIVISION OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4
OF SECTION 19, T64S R14E, W.W. AND T65S R14E, N.W. AND T65S R14E, EAST OF THE THIRD PRINCIPAL
MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF
SAID LOT THENCE SOUTHEASTERLY ALONG THE WEST LINE OF OAK AVENUE 40 FEET
THENCE WEST PARALLEL TO THE NORTH LINE OF SAID LOT TO THE WEST LINE OF SAID
LOT THENCE NORTHEASTERLY ALONG THE WEST LINE OF SAID LOT 40 FEET TO THE
NORTHWEST CORNER OF SAID LOT THENCE EAST ALONG THE NORTHERLY LINE OF
SAID LOT TO THE PLACE OF BEGINNING IN COOK COUNTY, ILLINOIS.

STATE OF ILLINOIS
COUNTY OF DUPAGE

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS
TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY
SURVEY, GIVEN UNDER MY HAND AND SEAL THIS 30TH DAY OF
APRIL, 2019 AT 3:12 S. MAIN STREET IN WHEATON, ILLINOIS.

WARRREN D. JOHNSON
PROFESSIONAL LAND SURVEYOR
WHEATON, ILL

30-002971
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS

TOTAL AREA OF PROPERTY SURVEYED 4972 SQ. FT.

THE ABOVE SURVEY IS A PROFESSIONAL SERVICE IN COMPLIANCE WITH THE
MINIMUM STANDARDS OF THE STATE OF ILLINOIS. NO IMPROVEMENTS
SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. PLEASE REFER
ALSO TO YOUR DEED, TITLE POLICY AND LOCAL ORDINANCES. COPYRIGHT
BY EXACTA ILLINOIS SURVEYORS. THIS DOCUMENT MAY ONLY BE USED BY
THE PARTIES TO WHICH IT IS CERTIFIED. PLEASE DIRECT QUESTIONS OR
COMMENTS TO EXACTA ILLINOIS SURVEYORS, INC. AT THE NUMBER IN THE
BOTTOM RIGHT CORNER.

CLIENT NUMBER: 190SA207007LP
DATE: 04/30/19
BUYER: MARK METZ AND NOREEN EDWARDS
SELLER: JEREMY BLOOMFIELD AND CHRISTINE BLOOMFIELD, HUSBAND AND WIFE, AS
TENANTS IN COMMON

POINTS OF INTEREST
NONE VISIBLE

EXACTA LAND SURVEYORS, LLC
www.thecaraprogram.org
EXACTA LAND SURVEYORS, LLC
Evanston Design and Project Review

1224 Oak Avenue
Homeowner’s Objectives

Downsize
- Downsize from current home in NE Evanston.

Multi-Gen
- Create multi-generational family dwelling units under one roof.

Age in Place
- Accessible

Green
- Add energy-efficient HVAC and windows

Climate
- Electric car charging stations in new garage
The building will comply with Use, Building Height, Impervious Surface, and Required Parking Regulations

4 Variances Requested:

3 are due to new garage required to meet parking requirement

- Building Lot Coverage – Requesting 49.65% where 45% is req’d
- Side yard setback on the north, 3.57’ where 5’ is req’d
- Rear Yard Setback, 4’ where 30’ is req’d
- Side yard setback, 1’ where 5’ is req’d—To add small 1st floor deck on south side, next to park
Proposed Changes include:
2 bedrooms in attic
Low deck on south
HVAC--ACs
Energy efficient windows
Garage

1224 Oak Avenue, Evanston
Subject from across the park
Modifications Since Last Week

• **Modifications since last week**

  • Screen Porch
    Hipped roof
    4:12 pitch (instead of 10:12)
    Height of the roof goes from 6’ to 2’9”, and it is sloped away from the alley

  • Garage footprint reduced.
    Reduces Building lot overage
    Increases Rear Yard

  • Reduces already compliant Impervious Surface coverage
North Elevation with hipped screen porch roof and 4:12 pitch. Reduces height from 6’ to 2’9”. The sloped end makes for more loss of mass and height.
South elevation: Please note this is open deck and a screen porch on top of garage— the openings are screens, not windows. Note the smaller dormer than proposed initially.
General Comprehensive Plan: “Screen parking areas from public ways and residential areas ... and unify and soften the boundary between public and private property.”
Garage instead of Open Parking
1. The General Comprehensive Plan is clear that open parking is not ideal.
2. To be Age Friendly, we need the garage to have accessibility.
3. To be Age Friendly, the garage and screen porch will house the elevator.
4. The garage will contain our electric car charging stations.
1224 Oak Avenue, Evanston, IL
Stormwater and Drainage Plan

1. Complies with Impervious Surface reqt.
2. Takes all stormwater to two detention and infiltration areas on-site.
3. Sandy soil aids in percolation rate and effectiveness of infiltration.
Context:
Neighboring Properties--Views in the Alley
General Comprehensive Plan: “Screen parking areas from public ways and residential areas ... and unify and soften the boundary between public and private property.”
Benefits to Community of New Garage Include:

1. Currently the fence is encroaching on the alley. The new garage will be set back 4-8' giving over 300 square feet of space back to public use in the alley.

2. Adding parking spaces removes cars from the street.
Sometimes there are conflicting city codes. In our case Zoning code requires 3 parking spaces for this 2 family home. In order to provide 3 parking spaces, three other Zoning code regulations come into play.

- General Comprehensive Plan
- Green Building Ordinance
- Climate Action Plan
- Commission on Aging
Our Plan Advances the General Comprehensive Plan:

“Preserve Evanston's historic residential architecture and ambience.”

“Maintain and enhance the desirability and range of choice for both buyers and renters.

Increasing the value of property and the perception of real estate

Housing for “the “baby boom generation...smaller homes

Increased residential density along major mixed use corridors and near mass transit

Balance the past with the present and the future.”

Prevent a shortage of on-street parking.”

“Multi-family rental housing units can be particularly susceptible to deterioration”.

Green Building

- Permeable Materials
- Treat Stormwater On-site
- Electric cars and charging
- Drought Tolerant Planting
- Bird-Friendly windows
- Purchasing renewable energy
- Reuse Materials
- Recycle and Compost
- Reduce Construction Waste
Our Plan Supports Evanston’s Climate Action Plan

- New energy efficient windows and new energy star, high efficiency boiler and furnace.
- Purchase electricity from the Community Choice Electricity Company.
- Zero Waste: Reduce, recycle, and compost.
- Reduce Demolition Debris.
- Electric Cars and Charging stations.
- Manage stormwater before it enters the sewer system.
According to UN estimates, the number of older persons (60+) will double and double again by 2050.

An Age-Friendly City supports and enables older people to “age actively” – that is, to live in security, enjoy good health and continue to participate fully in society.

Age-friendly ... public officials and community leaders:

- Respect their decisions and lifestyle choices,
- Anticipate and respond flexibly to aging-related needs and preferences
- Support accessible housing and home-safety designs
Multi-Generational Living and Aging in Place

According to the American Society on Aging: *Families living in multigenerational homes have built-in opportunities to build stronger, mutually beneficial intergenerational relationships.*

"America’s Age Wave, ‘Granny Pods’, “Homes within a home”, NextGen Housing”

Evanston’s General Comprehensive plan asks us to “serve the needs and choices of different segments of the population.”

"The key to successful multi-gen living is having the family conversation early and planning ahead rather than reacting to a crisis in the family.”
Support From Neighbors

Kirsten Coleman, 1217 Ridge Avenue, Evanston. I am happy to support their changes to the building ... Especially given that this is a multi-unit building which owners have not always cared for, we are happy to hope that they will care for the building as owner occupants ... We feel the request for a garage addition satisfies the parking requirements in the best way possible ... In addition, Noreen Edwards expressed a willingness to plant additional trees on her property and potentially in the neighboring park.

Richard C. Gleason, 1213 Oak Avenue, Evanston. Noreen Edwards and Mark Metz have shared with me and my wife, Mary Gleason, their plans for the addition and alterations to their home at 1224 Oak Avenue, which is directly across the street from us at 1213 Oak Avenue ... Both Mary and I strongly support their planned upgrades to the house. It would be a wonderful improvement not only to our block but to the neighborhood as well.

Patty Coghlin, 1139 Ridge Avenue, Evanston. I have a view of the building and park from my kitchen window and backyard deck. The addition and modifications they are proposing will not compromise that view or the park. In fact I am pleased when property owners invest in their homes to add value to the homes and the neighborhood.
Reduce mass and height on the screen porch.

Stormwater plan to detain and infiltrate all rain water on-site.

Cut size of garage, reducing building lot coverage.

Homeowner occupants to restore a building in decline.

Age Friendly and Multi-Gen
DESIGN AND PROJECT REVIEW COMMITTEE (DAPR) MINUTES
November 13, 2019


Staff Present: M. Rivera

Others Present:

Presiding Member: J. Leonard

A quorum being present, J. Leonard called the meeting to order at 2:31 p.m.

Approval of Minutes

1. November 6, 2019, DAPR Committee meeting minutes.

L. Biggs made a motion to approve the meeting minutes, seconded by J. Hyink

The Committee voted, 9-0, to approve the meeting minutes.

New Business

3. 1224 Oak Avenue Recommendation to ZBA

Donna Lee Floeter, architect, applies for major zoning relief to construct an attached garage, deck, and attic addition, in the R3 Two-Family Residential District and Ridge Historic District. The applicant requests a 3’ rear yard setback where 30’ is required (Zoning Code Section 6-8-4-7), a 3.2’ north interior side yard setback where 5’ is required (Zoning Code Section 6-8-4-7 (A) 3.), a 1’ south interior side yard setback for an accessory structure (deck) where 5’ is required (Zoning Code Sections 6-8-4-7 (C) 3. and 6-4-6-3), and building lot coverage of 51% where 45% is required (Zoning Code Section 6-8-4-6). The Zoning Board of Appeals is the determining body for this case.

APPLICATION PRESENTED BY: Donna Lee Floeter, applicant
Noreen Edwards, owner

DISCUSSION:

- Applicant briefly described the proposal including recent approval by the Evanston Preservation Commission. The applicant stated the intent of the project was to create a residence where the owners could age in place as well as have additional family members live in the second unit of the residence. The requested variations were described as primarily relating to the need to provide three on-site parking spaces.
- Applicant stated that this section of Oak Avenue has a shortage of on-street parking and the need for covered parking was related to inclement weather.
- Applicant reviewed the elevation drawings of the proposal showcasing the extent of the attached garage addition, and second story screened-porch.
- L. Biggs stated concern with the proposed build-out of the entire lot, particularly how it related to stormwater.
Applicant noted that they are meeting the lots impervious surface requirement.

L. Biggs said that may be true, but it is unclear on the plan where the stormwater was being directed to and noted that it had to remain on-site.

L. Biggs noted the significant roofed area and no proposed gutters, or downspout locations.

Applicant stated that the stormwater had not been addressed on the plans yet, but noted that it would be when they submitted for permit.

Owner stated that the stormwater from the additional roofed area could remain on site and be held in a rain garden or other catchment areas either above or below ground.

Owner stated that the subject property is adjacent to a public park and stormwater isn’t a huge concern.

L. Biggs restated that all stormwater runoff generated by the subject property must be held on-site. No stormwater would be permitted to runoff onto either the public alley, or public park.

L. Biggs noted the significant possibility that stormwater, if not addressed appropriately, would negatively impact the neighbors to the north.

C. Sterling asked the owner how long she had lived at the subject property.

Owner stated that they purchased the property in the spring and do not currently live there. They are wanting to downsize from their current location.

C. Sterling asked the owner what hardship or practical difficulty exists that is peculiar to the subject property and necessitates variation from the zoning code.

Owner stated that the variations are necessitated by the zoning code itself, particularly the demands for off-street parking.

C. Sterling noted that open off-street parking could be proposed on-site without triggering variations for building lot coverage or the rear-yard setback and that the variation for the south interior side-yard was directly related to the loss of open-space in the rear-yard.

C. Sterling asked if the owner and applicant would consider open off-street parking.

Owner stated that she would not consider open off-street parking.

C. Sterling stated his inability to support the project because the perceived hardship is self-created and is not the least deviation from the Zoning Ordinance.

Owner stated that the hardship was not self-created and that the hardship is wanting to age in place and the inability to do so without a variation.

Owner stated that the hardship is the subject property being platted to its size prior to the current ownership.

C. Sterling stated that the hardship is inherently self-created because the owner does not occupy the subject property and recently purchased it. Not only could the owner have purchased a different residence that would better fit their needs to age in place without requesting variations, but the subject property could be improved and meet the parking requirement’s without variations.

Applicant stated that the enclosed parking is needed for electric charging of vehicles.

C. Sterling noted that ownership of electric vehicles, although admirable, is a choice and not a practical difficulty.

I. Eckersberg asked the applicant and owner whether the property owner to the north was supportive of the project as they would be most directly impacted.

Owner stated that there is adequate space between properties and that the property owner to the north was a slum-lord who doesn’t take care of his property.

Applicant stated that a few other residences on the block have large rear-yard additions.

S. Mangum stated that he has significant concerns with the mass and bulk of the proposed addition extending nearly the full length of the rear-yard.

S. Mangum asked if the applicant would consider a detached garage.
• Applicant stated that this would necessitate a variation for the distance between structures
• S. Mangum agreed, but noted that a detached one-story garage would have significantly less bulk than the current proposal.
• Applicant stated that the second story above the proposed garage has less perceived bulk because it is a screen-porch and noted that it’s needed primarily as the lots only outdoor space.
• C. Sterling asked the owner what the side-yard deck was needed for in addition to the large second story screen-porch
• Owner and applicant stated that the deck was needed due to a loss of open space due to the three-car garage addition.
• C. Sterling restated, the hardship is self-created and the requested variations compound on one-another and are not in keeping with the intent of the Zoning Ordinance
• Owner again stated that the subject property is near a large public park with open permeable space and stated that the proposal is consistent with proximate properties
• Owner stated that the soil is sandy and permeable
• L. Biggs stated that the goal, regardless of the soil type, or proximity to the park, is to keep drainage on-site.
• Applicant asked what the committee would like to see in order to recommend approval
• L. Biggs stated that she would be comfortable with approval if a stormwater management plan was provided and recommended holding the case in committee pending this plan.
• C. Sterling interjected, stating that continuing the case would hinder the applicants Zoning Board Hearing
• J. Leonard stated that the case could be continued to December 3 or 17 since it was already noticed and listed on the agenda.
• C. Sterling stated his understanding but wanted to be clear that the entire committee was comfortable with the mass and bulk of the building and significance of the requested variations, because he could not support it as presented regardless of how stormwater was managed
• S. Mangum stated that he had similar concerns and would like to see the applicant reduce the mass of the proposed addition.
• C. Sterling noted that requesting 3’ where 30’ is required is a big ask
• J. Leonard stated she was comfortable holding this case until Wednesday November 20 and stated the applicant should bring revisions to the meeting which address the committees concerns both related to stormwater and the degree of variations

L. Biggs made a motion to hold the case in committee pending revisions seconded by S. Mangum

The case was continued to the November 20, 2019, meeting.
DESIGN AND PROJECT REVIEW COMMITTEE (DAPR) MINUTES
November 20, 2019


Staff Present: M. Rivera

Others Present:

Presiding Member: J. Leonard

A quorum being present, J. Leonard called the meeting to order at 2:37 p.m.

Approval of Minutes

1. November 13, 2019, DAPR Committee meeting minutes.

L. Biggs made a motion to approve the meeting minutes, seconded by J. Hyink

The Committee voted, 10-0, to approve the meeting minutes.

Old Business

1. 1224 Oak Avenue

Donna Lee Floeter, architect, applies for major zoning relief to construct an attached garage, deck, and attic addition, in the R3 Two-Family Residential District and Ridge Historic District. The applicant requests a 3’ rear yard setback where 30’ is required (Zoning Code Section 6-8-4-7), a 3.2’ north interior side yard setback where 5’ is required (Zoning Code Section 6-8-4-7 (A) 3.), a 1’ south interior side yard setback for an accessory structure (deck) where 5’ is required (Zoning Code Sections 6-8-4-7 (C) 3. and 6-4-6-3), and building lot coverage of 51% where 45% is required (Zoning Code Section 6-8-4-6). The Zoning Board of Appeals is the determining body for this case.

APPLICATION PRESENTED BY: Donna Lee Floeter, applicant
Noreen Edwards, owner

DISCUSSION:

- The applicant and owner discussed revisions to the plan since the November 13 DAPR meeting. These included a stormwater management plan, and minimal alterations to the bulk and mass of the rear-yard addition.
- Applicant noted that the garage addition was shrunk by 1’ and they are now requesting a rear-yard setback of 4’ where 30’ is required rather than the previous 3’.
- Owner described the intent for the project as a multi-generation residence for herself and her daughter and son-in-law.
- Owner described her belief that the zoning code conflicts with other goals the City has including its climate resilience plan, housing plan, and comprehensive plan.
- Applicant noted that the roofline of the screen porch above the garage addition was altered to reduce the perceived bulk of the building.
Applicant noted that the width of the garage was reduced by 6” from the previous plans.

Owner presented the intention to address stormwater through a system of gutters, catchment areas, and underground piping running from the side-yards to two large detention areas in the front-yard.

I. Eckersberg expressed concern that the proposed stormwater plan would not function due to conflicts with the proposed detention location and utilities located in the front-yard.

I. Eckersberg noted that engineering would require additional information on soil type and depth of the water table prior to permitting.

Applicant stated that the proposal was adequate.

J. Leonard stated that soil tests and water table information would be required when submitting for permit.

Applicant stated that they would do their due diligence and submit soil testing and water table information during the permitting process.

I. Eckersberg asked about plans to lower the basement.

Applicant stated that they have plans to lower the basement by 1 to 1.5 feet.

I. Eckersberg and L. Biggs stated concern with the proposal for lowering the basement.

L. Biggs noted that the City would not permit the sump pump for the basement to be connected to the City’s sewer system.

C. Sterling stated that he appreciated the applicant and owner returning and submitting revisions. However, the changes to the proposal are minimal and do not address concerns brought up during the November 13 DAPR meeting.

C. Sterling noted that the proposal does not meet several of the standards for Major Variation, particularly that the hardship is self-created and is not the least deviation from the ordinance.

Owner stated that other City objectives conflict with the zoning requirements, particularly parking.

Owner stated a section of the Comprehensive Plan which states that open parking should be screened from residential areas and located in the rear of buildings. Owner noted that the Comprehensive Plan is clear that open parking is not ideal.

C. Sterling noted that this section of the Comprehensive Plan directly pertains to surface parking along commercial and business corridors and is irrelevant to the proposal.

C. Sterling reiterated that open off-street parking would eliminate the rear-yard variation and variation for building lot coverage.

Owner retorted that this was not true and variations would still be required.

C. Sterling clarified that the rear-yard and side-yard variations would be eliminated, and the variation for building lot coverage would be significantly reduced.

Owner stated that enclosed parking is necessary for them to age in place and provide convenient charging for the existing and future electric vehicles.

C. Sterling noted that he would have liked to see at least some open-parking, particularly at the north property line, to reduce the requested zoning relief.

Owner stated that they were not interested.

C. Sterling noted that he could not support the project due to significant concerns with the mass of the building and elimination of the rear-yard.

C. Sterling stated that if the committee is making a recommendation to the ZBA, the proposal should be judged by the standards and it does not meet the standards.

S. Mangum stated that he had similar concerns with the mass and scale, noting that the proposed addition consumed the rear-yard and could be reduced through viable alternatives.

Applicant stated that no alternatives exist which would eliminate the need for a variation.

C. Sterling noted that it could be significantly reduced.
C. Sterling looked for clarification on the City’s definition of “aging in place” noting that he felt it was only an argument for hardship if the owner currently lived in the home and could not continue to do so without zoning relief.

C. Sterling stated concern over the precedent setting nature of approval signifying that any resident may purchase any property and build it out to their desire without adherence to the zoning code, under the guise of a desire to age in place.

C. Sterling reiterated that the applicants perceived hardship is a projection.

J. Leonard stated that the proposal, although unique, aligns with the intent of the zoning code and objectives of the comprehensive plan and the owners desire is admirable.

J. Leonard stated that she disagreed with C. Sterling’s understanding of aging in place but agreed that the City should better define what it meant, noting that a lack of options for multi-generational housing, and housing options for aging adults is prevalent in the City.

J. Leonard stated that she reviewed the standards for Major Variation and noted that whether the proposal meets the standards or not is a difficult judgement.

J. Leonard encouraged the applicant to review the standards and take additional efforts to reduce the degree of the request prior to the ZBA hearing.

Owner asked for suggestions.

J. Leonard stated that the side-yard deck could be removed from the proposal.

J. Leonard stated that she was supportive of the project with a continued effort to minimize the requested zoning relief.

C. Sterling noted the significance of the request and dismissed removing the deck as a meaningful change.

J. Leonard noted that this proposal pushes the boundaries of the request for variation but she remained supportive.

L. Biggs made a motion for approval, with conditions, for major zoning relief. Seconded by J. Leonard.

Conditions include:
1. A stormwater management plan be implemented in substantial compliance with the documentation and testimony on record from the November 20 DAPR Committee meeting. (attached).
2. Enlargement and/or lowering of the basement level of the structure shall not be permitted.

The Committee voted, 6-3, to recommend approval, with conditions, for major zoning relief. (C. Sterling, I. Eckersberg, S. Mangum, dissenting) J. Hyink abstained due to the proposals lack of relevance to transportation.
2008 Harrison Street
19ZMJV-0095

ZBA Recommending Body
MEMORANDUM

To: Members of the Zoning Board of Appeals

From: Johanna Leonard, Director of Community Development
Scott Mangum, Planning & Zoning Manager
Melissa Klotz, Zoning Administrator
Cade W. Sterling, Planner I

Subject: 2008 Harrison Street - ZBA CASE 19ZMJV-0095
ZBA Recommending Body
City Council Determining Body

Date: November 18, 2019

Notice - Published in the November 7, 2019 Evanston Review

John Fell, property owner, applies for major zoning relief to permit use of a non-conforming dwelling unit in the R5 General Residential District and oCSC Central Street Corridor Overlay District. The owner requests providing four (4) off-street parking spaces where seven (7) are required (Zoning Code Section 6-16-2 Table 16B). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Recommendation
City staff and DAPR unanimously recommend approval of major zoning relief for the number of provided off-street parking spaces in order to permit the use of a currently non-conforming basement dwelling unit in the R5 General Residential District. The proposal complies with all additional Zoning requirements and meets the standards for Major Variation.

Site Background
2008 Harrison Street is currently improved with a circa 1920s brick four-flat. The subject property is located on the south side of Harrison Street between Prairie Avenue to the east and Hartrey Avenue to the west. The property has a three-car detached garage as well as an open parking pad in the rear-yard accommodating 1 car (the applicant regularly parks 2 cars on the open parking pad, although the dimensions do not meet the parking requirements for two spaces, as outlined in Chapter 16 of the Zoning Code). The property is served by a public alley along the south lot line. The surrounding structures to the north and east are predominantly multi-family while the structures to the south and west are single-family.

Zoning: R5 – General Residential District
oCSC – Central Street Corridor Overlay District

Surrounding zoning:
North: R5 General Residential District
East: R5 General Residential District
South: R1 Single-Family Residential District
West: R3 Two-Family Residential District

Proposal
The existing three dwelling units, one 2-bedroom and two 3-bedroom dwellings require 6 off-street parking spaces where 4 spaces are existing (3 in the detached garage and 1 in an open parking pad). The additional 1-bedroom basement dwelling unit, constructed under a previous kitchen remodel permit (attached) and discovered during a property standards inspection (see attached violation letter), requires an additional off-street parking space and conformance with the parking regulations as outlined in Chapter 16, and summarized below:

- 2-bedroom units: 1.5 spaces per unit; \((1.5 \times 1) = 1.5\)
- 3-bedroom units: 2 spaces per unit; \((2 \times 2) = 4\)
- New dwelling, 1-bedroom: 1.25 spaces per unit; \((1.25 \times 1) = 1.25\)

Total required off-street parking spaces = 7 (rounded up from 6.75).

Based on the provided plat of survey, there is no compliant location for additional off-street parking. As such, the applicant seeks major zoning relief in order to continue to utilize the subject apartment as living space for a special needs family member.

Ordinances Identified for Requested Relief
6-16-2 Table 16B Schedule of Minimum off-street parking requirements.

Comprehensive Plan
Objectives from the Evanston Comprehensive General Plan that apply to this application include:

- Value and Goals: Evanston’s housing stock should continue to offer buyers and renters a desirable range of choice in terms of style and price (Ch. 3).
- Objective: Recognize the effect of housing on the quality of neighborhoods
- Policy: Support efforts aimed at improving Evanston’s housing stock

Design and Project Review Committee (DAPR) Discussion and Recommendation
DAPR members recommend approval of major zoning relief to permit use of a non-conforming dwelling unit in the R5 General Residential District and oCSC Central Street Corridor Overlay District. DAPR members noted that the dwelling unit conforms to the City’s Building Code and withstanding the parking requirement, is legally habitable. Additionally, it was noted that the subject property is 25’ west of the Transit Oriented Development (TOD) area. Under the parking reduction afforded to properties located in the TOD area, and considering the ability to park two vehicles on the extant parking pad (photo attached), the proposal would be compliant.
Variance Standards

For the ZBA to recommend approval of a variance, the ZBA must find that the proposed variance:

a) Will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties; Standard met: The subject property is existing and has rented the unit in question without complaint. The surrounding properties are a mix of single-family and multi-family residences with similar bulk and mass. Use of an existing dwelling unit near a TOD area and proximate to the Central Street Business District, will benefit the neighborhood and local business.

b) Is in keeping with the intent of the zoning ordinance; Standard met: The proposal promotes the objectives and policies of the comprehensive general plan and enhances the taxable value of the subject property.

c) Has a hardship or practical difficulty that is peculiar to the property; Standard met: The parcel was platted, and building constructed to their existing size, prior to current ownership. The subject property has no practical way of complying with the code’s minimum parking requirement.

d) Property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience; Standard met: The property owner would suffer hardship if the unit in question was not permitted for habitation as no alternative use of the unit exists and the owner has no means available to meet compliance.

e) Is not based exclusively upon a desire to extract additional income from the property or public benefit to the whole will be derived; Standard met: The applicant intends to rent the subject property to a special needs family member. Additional public benefit is derived by providing a range of housing choice in a location proximate to local business and rapid transit. The applicant has shown a willingness to make the apartment an affordable unit at such time that it is no longer needed for his family.

f) Does not have a hardship or practical difficulty that was created by any person having an interest in the property; Standard met: The size of the lot was platted, and the building and number of dwelling units constructed, prior to current ownership.

g) Is limited to the minimum change necessary to alleviate the particular hardship or practical difficulty. Standard met: The applicant has no viable location to provide additional open or enclosed parking on-site.

Attachments
Variance Application
Proof of Ownership
Plat of Survey
Plans and Previous Permit
Violation Letter
Staff Correspondence
Photo Documentation of Parking
Image of Property
Aerial View of Property
Zoning Map of Property
DAPR Meeting Minutes Excerpt – November 6, 2019
Letters of Support
MAJOR VARIATION
APPLICATION
CASE #: 19.20MJV-0095

1. PROPERTY

Address: 2008 HARRISON EVANTON, IL  60201

PIN 1: 10-12-108-015-0000 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: JOHN FELL
Organization: ________________________________
Address: ________________________________
City, State, Zip: ________________________________
Phone: Work: 347-491-9102 Home: ________________ Cell/Other: 303-888-5301
Fax: Work: ________________ Home: ________________
E-mail: jfell@emarketinglogic.com

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

☒ same ☐ builder/contractor ☐ potential 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: ________________________________
Address: ________________________________
City, State, Zip: ________________________________
Phone: Work: ________________ Home: ________________ Cell/Other: ________________
Fax: Work: ________________ Home: ________________
E-mail: ________________________________

"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 10/11/19

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 10/11/19

Page 1 of 6
5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

☑ (This) Completed and Signed Application Form
☐ Plat of Survey  Date of Survey: __________________________
☐ Project Site Plan  Date of Drawings: __________________________
☐ Plan or Graphic Drawings of Proposal (If needed, see notes)
☐ Non-Compliant Zoning Analysis
☐ Proof of Ownership  Document Submitted: __________________________
☐ 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:

I am requesting a variance to eliminate the parking space restriction Section 6-16-2. So that a 4th apartment, which was added before I owned the building and was remodeled in 2011, can be a legal dwelling.

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

(Date Applied: 5-16-2011 Building Permit Application #: 11KITB-0139)

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)

<table>
<thead>
<tr>
<th>(A) Section</th>
<th>(B) Requirement to be Varied</th>
<th>(C) Requested Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ex. &quot;6-8-3-4&quot;)</td>
<td>(ex. &quot;requires a minimum front yard setback of 27 feet&quot;)</td>
<td>(ex. &quot;a front yard setback of 25.25 feet&quot;)</td>
</tr>
<tr>
<td>6-12-2 Table16-B</td>
<td>Requires me to provide 6.75 (7) parking spaces for my building.</td>
<td>Allow us to conform to additional dwelling with our current number of parking spaces: 4 - 3 covered, 1 open</td>
</tr>
</tbody>
</table>

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

There is no apparent solution that allows us to legally create more parking spaces.

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.

   Nothing would change if we received this variance:
   1. RE. OPEN SPACE: Per the zoning code and the plat of survey we have 14' and therefore our driveway is only for 1 space (8.5 is required for a parking space. NOTE the actual size of the open space is 17'4 and we easily park 2 cars there. So realistically we have always provided 5 total spaces.
   2. While this is still 2 spaces short of the 7 spaces needed, note that I live on the premises and we only park 4 cars total between myself, my wife and our tenants, 1 less than the space we actually provide.

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.

   As the owner of the property and a resident of the 2 BR 1st floor I would be negatively affected if I don't get this variance. The consequences of not getting this variance would require us to remove our 4th dwelling which we've been using since 2011.

   Since we remodeled the ground floor apartment we have used it at various times to:
   1. House an adult child with lof ours who has limitations and is not able to afford his own apartment.
   2. Use it for visiting children and grandchildren as we don't have adequate space in our apartment to stay.

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.

   For 7 years we have rented it as a vacation rental when it's not used by our family. Note that is has been favorably reviewed online. Many of our renters are parents of adult children in the neighborhood and looking to stay near their children and grandchildren. They shop and eat in the nearby Central Street Business District.

   Another source of our renters are neighborhood families who are temporarily displaced and want to stay in the neighborhood during remodeling projects.

   Many realtors in Evanston have utilized our apartment for a temporary housing while their clients are not able to directly move into a property they purchased.

   Note the apartment will be licensed as a vacation rental and taxed if approved.(it was this process that brought about our discovery that we needed to get this variance)

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

   We purchased the building in 2010. There was a kitchen and bathroom in the space. We remodeled it in 2011 with a permit. Had we known at the time it was a non-conforming space we would have complied with all requirements to make it conforming. Had it not been allowed we would not have proceeded.
5. Have other alternatives been considered, and if so, why would they not work?

The only option to have our ground floor apartment become a legal dwelling is to get a variance with parking requirement. The consequences of not getting this variance is that the space, which we have used as an apartment, for 8 years needs to be altered so it would no longer be usable as a dwelling space.

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

   ____________________________________________
   ____________________________________________
   ____________________________________________
   ____________________________________________

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.)

   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.

   DOES NOT APPLY

   ____________________________________________
   ____________________________________________
   ____________________________________________
   ____________________________________________
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.

DOES NOT APPLY

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.

JOHN FELL AND AMY GERTLER AS TENANTS IN COMMON
WARRANTY DEED

MAIL TO
MARI-KATHLEEN ZARAZA
500 DAVIS ST,
EVANSTON, IL.

NAME & ADDRESS TAXPAYER:
JOHN FELL & AMY GERTLER
2008 HARRISON STREET,
EVANSTON, IL. 60201

The Grantor, TERRY E. MELAND and BEVERLY I. MELAND, his wife, of the County of COOK, State of ILLINOIS, for and in consideration of TEN Dollars, and other good and valuable consideration in hand paid, CONVEYS AND WARRANTS to JOHN FELL and AMY GERTLER, husband and wife, GRANTEES, of 26 CARRIGE, HIGHWOOD, IL., as tenants in common, each as to an undivided fifty (50%) percent interest, all interest in the following described real estate situated in the County of COOK, in the State of Illinois, to wit:

SEE LEGAL DESCRIPTION ATTACHED

PIN : 10-12-108-015-0000

COMMON STREET ADDRESS: 2008 HARRISON STREET, EVANSTON, IL. 60201

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Dated this 31st day of July 2010

TERRY E. MELAND

BEVERLY I. MELAND

CITY OF EVANSTON 024044

Real Estate Transfer Tax
City Clerk's Office

PAID JUL 07 2010 AMOUNT $4,050.00

STATE OF ILLINOIS
COUNTY OF COOK

I, , a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT TERRY E. MELAND & BEVERLY I. MELAND, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that GRANTOR(S) signed and delivered said instrument as GRANTOR'S own free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal, this 31st day of July 2010

Notary Public

"OFFICIAL SEAL"
RAMON J. RIVERA
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 9/11/2011

PREPARED BY: LARRY A. SULTAN, 1601 SHERMAN AVE, EVANSTON, IL. 60201

STERLING TITLE SERVICES, LLC

183
**Mortgage Interest Statement**

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<th>Description</th>
<th>Amount</th>
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**Total**

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<td>Escrow</td>
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**Legal**

The information in boxes 4 and 6 is important tax information and is being furnished to the IRS if you are required to file a return. A negligence penalty or other sanction may be imposed on you for incorrect or inaccurate statements and information. The IRS determines that an underpayment of tax results because you overstated a deduction for this mortgage interest or for three parts, reported in boxes 4 and 6; or because you didn't report the interest in items 4 or 5; or because you claimed a non-deductible interest.
MUST BE POSTED ON JOB SITE
PERMIT PLANS SHALL BE KEPT ON JOB SITE DURING CONSTRUCTION
DATE: 5/17/11
CITY OF EVANSTON
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
PERMIT

Address: 2008 HARRISON ST
Permit No. 11K1FB-0139
(This number is required on all calls for inspection!)

Inspections must be requested at least 48 hours in advance.
To schedule call 847-448-8159 (Building Dept) 847-856-5913 (Fire Dept)
CONTRACTORS MUST BE PRESENT AT TIME OF INSPECTION

24 HOUR EMERGENCY CONTACT:
JOHN FELL - 847-859-9681

This card shall be placed in a conspicuous place within 48 hours of issuance or of the building for which it is issued, and remain until work is completed. Absolutely no phase of the work may be started until the Inspector has signed that the preceding phase has been approved. Permit plans shall be kept on job site during construction.

SCOPE OF WORK: UPDATE KITCHEN CABINETS, NEW WINDOWS, NEW APPLIANCE

Permitting Items:

- Work Value under $100,000
- Plan Review Fees under 200,000
- Plumbing Fee - Inspection Fee
- Electrical Fee - Inspection Fee
- Permit Penalty - 75% of Orig. Permit

6,000.00
4,000.00
1.00
2.00
1.00
2.00
288.00

CONSTRUCTION HOURS:
7:00 a.m. - 6:00 p.m. Monday thru Friday
8:00 a.m. - 5:00 p.m. Saturday

NO WORK ALLOWED ON SUNDAY WITHOUT CITY APPROVAL IN WRITING

Jeffrey Murphy - Building Official
NOTICE OF LEGAL ACTION

April 24, 2019

John Fell
2008 Harrison Street
Evanston, IL 60201

Re: HARRISON STREET, 2008
  Friday, May 10, 2019 - 02:00 PM - Compliance Inspection Appointment

Dear Mr. Fell:

The Evanston Department of Health and Human Services has previously provided you notice regarding the need for you to correct violations which exist on your property at the above address. As of this date, the violations of the 2012 International Property Maintenance Code and/or the Evanston City Code have not been corrected. Due to the lack of compliance regarding these violations which were previously cited, the City will now prepare for legal action in an effort to gain compliance.

ADMINISTRATIVE ADJUDICATION FOR PROPERTY MAINTENANCE VIOLATIONS

The City of Evanston, on February 12, 2001, adopted an Administrative Hearing process regarding Property Maintenance Violations. This process will hear and rule on Property Maintenance cases where property owner(s)/manager(s) have failed to correct code violations. If there is a finding of liability, a property owner(s)/manager(s) can be issued a fine ranging from $150 to $750 per violation per day. At this time, we urge you to promptly correct any and all violations that you have been cited for, to avoid the Administrative Hearing Process.

If you have any questions regarding the above, please contact the Evanston Department of Health and Human Services at (847) 448-4311.

Sincerely,

Anais Rosado
Property Maintenance Inspector I
<table>
<thead>
<tr>
<th>Unit</th>
<th>Violation Code</th>
<th>Location</th>
<th>Previous Observed Date</th>
<th>Violation Date</th>
<th>Corrected Date</th>
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<tr>
<td>All</td>
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<td>1/29/2019</td>
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<tr>
<td></td>
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<td></td>
<td>Ensure that the bedroom complies with emergency escape requirements. Permits are required if an emergency escape opening is required.</td>
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<tr>
<td>All</td>
<td>3 , PM-404.4.5</td>
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<td>1/29/2019</td>
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<td>Ensure that the bedroom complies with emergency escape requirements. Permits are required if an emergency escape opening is required.</td>
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<tr>
<td>Basement</td>
<td>1 , 5-9-5(F)</td>
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<td></td>
<td>1/29/2019</td>
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<td></td>
<td>Place an evacuation plan at inside the front door to the vacation rental unit.</td>
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<tr>
<td>Basement</td>
<td>2 , PM-108.1.4</td>
<td></td>
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<td>1/29/2019</td>
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<td></td>
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<td></td>
<td>Kitchen in the basement was installed without permits. Immediately obtain permits for un-permitted alterations of the basement.</td>
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</tr>
<tr>
<td>Basement</td>
<td>3 , PM-104.11</td>
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<td>1/29/2019</td>
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<td></td>
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<td></td>
<td>1. Kitchen in the basement was installed without permits. Immediately obtain permits for un-permitted alterations of the basement.</td>
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<td>2. Ensure that the bedroom complies with emergency escape requirements. Permits are required if an emergency escape opening is required.</td>
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<tr>
<td>Basement</td>
<td>4 , PM-403.3</td>
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<td></td>
<td>1/29/2019</td>
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</tr>
<tr>
<td></td>
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<td></td>
<td>City records indicate the basement is not an approved dwelling unit. Cooking facilities and appliances are not permitted in rooming units. Immediately obtain permits for un-permitted alterations of the basement.</td>
<td></td>
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<tr>
<td>Laundry Room</td>
<td>1 , PM-305.2</td>
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<td>1/29/2019</td>
<td></td>
</tr>
<tr>
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<td></td>
<td></td>
<td>GFCI protected outlets must be installed within 6 feet of a water source. Obtain permit to install GFCI outlets.</td>
<td></td>
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</tr>
<tr>
<td>Laundry Room</td>
<td>2 , PM-104.11</td>
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<tr>
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**Correction Order Reference**

<table>
<thead>
<tr>
<th>Code Number</th>
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<tr>
<td>PM-702.4 (F)</td>
<td>Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.</td>
</tr>
<tr>
<td>PM-506.2</td>
<td>Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom or laundry room receptacle outlet shall have ground fault circuit interrupter protection. When an ungrounded-type receptacle exists in a bathroom or laundry area, a ground fault interrupter receptacle shall be provided. Any existing worn, damaged, painted and/or defective receptacles shall be replaced.</td>
</tr>
<tr>
<td>PM-404.4.5</td>
<td>Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.</td>
</tr>
<tr>
<td>PM-403.3</td>
<td>Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit. Exceptions: 1. Where specifically approved in writing by the code official. 2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.</td>
</tr>
<tr>
<td>PM-108.1.4</td>
<td>Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.</td>
</tr>
<tr>
<td>PM-104.11</td>
<td>Permits required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation or which is regulated by the International Building Code, International Residential Code, National Fire Prevention Association 101, Life Safety Code, International Fire Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, NEC Electrical Code or the State of Illinois Plumbing Code or to cause any such work to be done, shall first make application to the building official and obtain the required permit.</td>
</tr>
</tbody>
</table>

5-9-5(F) (F) Every vacation rental operator shall post, in a conspicuous place within the vacation rental:
1. The name and telephone number of the operator's authorized agent identified pursuant to Code Section 5-8-3(A); 2. An evacuation diagram inside entrance door identifying all means of egress from the vacation rental and the building in which the vacation rental is located; 3. A current copy of the listing; 4. A current copy of vacation rental license; 5. The schedule of, or restriction on, street cleaning and street snow removal. If the property is subject to restrictions imposed by a homeowners association or board of director then the owner shall post an attestation that the homeowners association or board of directors has not adopted bylaws prohibiting the use of the dwelling unit identified in the license application as a vacation rental or shared housing unit, or that restricts for a period of time less than 30 days, in any combination.
John Fell

From: Michael Griffith
Sent: Wednesday, June 05, 2019 12:17 PM
To: John Fell
Cc: Scott Williams
Subject: Re: 2008 HARRISON: basement dwelling
Attachments: Major Variation Application.pdf; IHO APPLICATION.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

John,

Per the zoning code, the minimum required parking space size is 8.5' x 18', and required to be setback at least 3' from side and rear property lines. The driveway scales at 14' wide x 31.2 long, the distance between the garage and east property line is 17'; 17 - 3 = 14'. Based on those requirements and the plat of survey, the driveway provides 1 parking space per zoning regulations; 4 parking spaces are provided on the property.

Regarding the major variation application, see attached. The following items are required:

- Completed application. Provide more than yes/no answers.
- Application fee: $660.00 + mailing fee. Application fees are not refundable. We use a The Blueprint Shop to mail public notices, they bill applicants directly. Notices are mailed to all those who own property within 500'.
- Plat of survey.
- Floor plans, existing and proposed.
- If you are proposing an affordable dwelling, submit an Inclusionary Housing Proposal. Application attached.

Briefly, the process is:

- Completed application submitted.
- Design and Project Review Committee (DAPR): This is a staff committee that provides a recommendation to the Zoning Board of Appeals (ZBA).
- ZBA: Holds public hearing provides a recommendation to the City Council's Planning & Development Committee (P&D).
- P&D: Considers the ZBA recommendation, provides a recommendation to the full City Council.
- City Council: Final action on the variation application.

The process takes about 60-90 days. Once the application is submitted, the case will be scheduled for the next available ZBA hearing date, confirming meeting dates with you. ZBA meets once a month, agendas fill up quickly.

Let me know if you have questions.

Respectfully,
Michael Griffith
Call 311 to make an appointment, 847-448-4311, or available for walk-ins at the Building Permit Desk on Thursdays

On Wed, Jun 5, 2019 at 11:47 AM John Fell <jfell@emarketinglogic.com> wrote:

Thanks for your reply.

Note that there are 2 parking spaces in the driveway next to the garage. So the total we have is 5- not 4.

Yes, we would like to proceed with a variation application.

John Fell

EMarketing Logic
847.681.8502
847.491.9102 direct
303-888-5301 cell
847.556.6414 fax
www.emarketinglogic.com
jfell@emarketinglogic.com
MAKE A PRODUCTION REQUEST
John,

Following up on the matter concerning a dwelling in the basement.

With the existing 3 dwelling units, one 2-bedroom and two 3-bedroom dwellings, 6 off-street parking spaces are required, 4 spaces existing (3 in the garage, 1 open). The number of parking spaces is non-compliant. Since this is an existing condition, this can continue as is.

An additional dwelling unit requires additional off-street parking. The additional 1-bedroom dwelling in the basement requires 1 off-street parking space. Open parking is required to be located within 30' of the rear property line, Section 6-4-6-3, Table 4-A, #18. Based on the plat of survey, there is not a compliant location for the additional parking space.

Section 6-16-2, Table 16-B:

2-bedroom units: 1.5 spaces per unit; 1.5 * 1 = 1.5
3-bedroom units: 2 spaces per unit; 2 * 2 = 4
Total required for existing dwellings: 5.5 = 6 parking spaces

New dwelling, 1-bedroom: 1.25 spaces per unit; 1.25 * 1 = 1.25 = 1 parking space

You may apply for a major variation to add a dwelling unit in the basement without the required parking space, or request to locate the open parking space more than 30' from the rear property line. The variation requires a public hearing before the Zoning Board of Appeals, with the City Council as the determining body. Variations may or may not be approved.

IF the basement unit is an affordable dwelling, meeting the City's Inclusionary Housing Ordinance (IHO), that could be considered a public benefit to argue in favor of the parking variation. I can provide the staff contact to discuss the City's IHO standards. However, again, variations may or may not be approved.

Alternatively, the basement space can be altered so it is not a dwelling unit, ie, the kitchen is removed.
Let me know if you have questions and if you want to proceed with a variation application.

Respectfully,
Michael Griffith
Development Planner
Planning & Zoning Division
Community Development Department
Morton Civic Center
City of Evanston

2100 Ridge Ave | Evanston, IL 60201 | 847-448-8230
mgriffith@cityofevanston.org | cityofevanston.org

Call 311 to make an appointment, 847-448-4311, or available for walk-ins at the Building Permit Desk on Thursdays

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From: John Fell [mailto:jfell@emarketinglogic.com]
Sent: Wednesday, May 15, 2019 7:41 AM
To: Michael Griffith
Subject: 2008 HARRISON

Michael -

Thanks for taking the time to meet with me yesterday.

I have attached the following documents:
1st floor floor plan
2nd & 3rd floor floor plan (note both floors are identical)
4th Apartment (Floor plan for the apartment you are considering)
2011-05 Remodeling Plan - Ground Floor (this is the plan we submitted in 2011- that has the details of the work we did)
Plat of Survey

Please let me know the next steps.
Open Space - Provide 2 Cars!
To whom it may concern,

As the resident of 2014 Harrison St., I have no objection to a parking restriction variance being granted to the owner of 2008 Harrison St. to accommodate the building as a 4 unit dwelling.

Regards,

Constantinos (Dean) Lolzou
2014 Harrison St.
Evanston, IL 60201
Re: Parking variance for 2010 Harrison St.

James Farr <james-farr@northwestern.edu>  
To: John Fell <jfell@marketinglogic.com>  

Mon, Oct 7, 2019 at 3:31 PM

To whom it may concern,

As the resident of 2012 Harrison Street, I have no objection to a parking restriction variance being granted to John Fell, the owner of 2008 Harrison Street and my next-door neighbor, to accommodate his building as a 4 unit dwelling.

Respectfully submitted,

James Farr

James Farr  
Professor of Political Science  
Director, Chicago Field Studies  
Northwestern University
DESIGN AND PROJECT REVIEW COMMITTEE (DAPR) MINUTES
November 6, 2019


Staff Present:  M. Rivera

Others Present:

Presiding Member:  J. Leonard

A quorum being present, J. Leonard called the meeting to order at 2:34 p.m.

Approval of Minutes

1. October 16, 2019, and October 30, 2019, DAPR Committee meeting minutes.

L. Biggs made a motion to approve both sets of meeting minutes, seconded by S. Mangum.

The Committee voted, 10-0, to approve both sets of meeting minutes.

New Business

1. 2008 Harrison Street

John Fell, property owner, applies for major zoning relief to permit use of a non-conforming dwelling unit in the R5 General Residential District and oCSC Central Street Corridor Overlay District. The owner requests providing four (4) off-street parking spaces where seven (7) are required (Zoning Code Section 6-16-2 Table 16B). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

APPLICATION PRESENTED BY:  John Fell, property owner

DISCUSSION:

- J. Fell stated the basement was remodeled to create an apartment for an adult son with special needs. When a vacation rental application was submitted, he was told there was not enough parking for the additional dwelling. He stated there are 5 spaces, only 4 are used. He lives in the building.
- S. Mangum asked if the basement unit is connected to another dwelling unit.
- J. Fell stated the unit is in the basement, has its own kitchen. He’s not interested in making this an affordable dwelling unit, wants to keep it for their special needs son, not interested in long-term rental.
- S. Mangum asked if there is a common staircase.
- J. Fell stated yes, located at the front and rear. He stated the units are not connected.

L. Biggs made a motion to recommend approval to ZBA, seconded by S. Mangum.
S. Mangum noted the property two doors down is in the TOD area where 5 parking spaces would be compliant.

The Committee voted, 10-0, to recommend approval to ZBA.
1713 Central Street
19ZMJV-0101

ZBA Recommending Body
Memorandum

To: Members of the Zoning Board of Appeals

From: Johanna Leonard, Community Development Director
Scott Mangum, Planning and Zoning Manager
Melissa Klotz, Zoning Administrator
Cade W. Sterling, Planner I

Subject: 1713 Central Street – ZBA 19ZMJV-0101
ZBA Recommending Body
City Council Determining Body

Date: November 25, 2019

Notice – Published in the November 7, 2019 Evanston Review:
John Mauck, attorney, submits for a special use for a Religious Institution, in the B1a Business District (Zoning Code Section 6-9-5-2) and oCSC Central Street Corridor Overlay District (Zoning Code Section 6-15-14-7). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Recommendation
City Staff and DAPR unanimously recommend approval for a special use permit for a Religious Institution in the B1a Business District and oCSC Central Street Overlay District. The applicant has complied with all zoning requirements, and meets all of the standards of a special use for this district.

Site Background
1713 Central Street is located on the north side of Central Street between Eastwood Avenue to the east and Broadway Avenue to the west in the B1a Business District and the oCSC Central Street Corridor Overlay District. It is immediately surrounded by the following zoning districts:

North: R1 Single-Family Residential District
South: B1a & oCSC Business District & Central Street Overlay District
East: B1a & oCSC Business District & Central Street Overlay District
West: B1a & oCSC Business District & Central Street Overlay District

The property is a vacant circa 1950s one-part commercial building surrounded by mixed-use to the east and south, the Evanston Art Center to the west, and single-family residences to the north. The subject property is served by a large parking lot and alley to the north and is within the Transit Oriented Development (TOD) area. The Central Street Metra station is located approximately 500 feet west.
Proposal
The applicant proposes alterations to the front-facing facade of 1713 Central Street to increase the transparency of the extant storefront level and create an inviting and active pedestrian feel. The primary frontage along Central Street will be occupied by a large reading room and library. The reading room will be staffed by one employee and open weekdays and weekends 10am to 4pm (same as existing space at 1936 Central). Attendance in the reading room will generally not surpass five individuals. In addition to the reading room, the applicant proposes worship service on Sunday and Wednesday evenings in the rear volume of the structure. Attendance during worship service will generally not surpass forty (40) individuals. Prayer groups, scripture study, small group meetings, counseling and other religious activities will be conducted on most days with varying hours. Attendance for these programs is not anticipated to surpass fifteen (15) individuals.

The building is served by a fifteen (15) space surface parking lot. As most attendees arrive in pairs or family groups, the current number of parking spaces is more than adequate for each program and combination of programs. As such, the applicant proposes transitioning some spaces to provide additional accessible spaces. Individuals attending the reading room and library will utilize the entrance off Central Street while attendees of other programming and worship service, will primarily access the building through the back entrance. Drop-offs and deliveries will occur at the rear of the building.

Ordinances Identified for Requested Relief:
6-15-14-7 Active Ground Floor Uses: Active uses shall occupy the ground floor level along the primary street frontage. "Active uses" in the B1a Subareas listed as a special use include:
   ● Religious Institution (among other listed uses)

Comprehensive Plan:
The Evanston Comprehensive General Plan encourages the utilization of vacant storefronts along existing commercial corridors to provide needed services to the community and encourage economic vitality. The Comprehensive Plan specifically includes:

   Objective: Promote the growth and redevelopment of business, commercial, and industrial areas.

The proposed use is permitted in the B1a Business District, but is a Special Use in the oCSC Central Street Corridor Overlay District. The intent of which is to activate the street facing facade along the primary frontage of the Central Street business district. It is staff's opinion that a special use for a Religious Institution, as presented with the proposed storefront alterations, would add significant transparency to the extant facade and be complimentary to proximate businesses on Central Street. Additionally, relocating the existing Christian Science reading room occupied by the applicant at 1936 Central Street would permit the property at 1936 Central Street to transition as a
prime retail location with significant visibility at the 100% corner of Central Street and Prairie Avenue.

Design and Project Review (DAPR) Discussion and Recommendation:
On November 13, 2019, the Design and Project Review Committee found the proposal to be an appropriate use and voted unanimously to recommend approval to the Zoning Board of Appeals.

Special Use Standards:
For the ZBA to recommend that City Council grant a special use, the ZBA must find that the proposed special use:

a) Is one of the listed special uses for the zoning district in which the property lies; Standard met: Religious Institution is a listed special active ground floor use for the B1a Subareas of the Central Street Corridor Overlay District.

b) Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning ordinance; Standard met: The use is compliant with the Zoning ordinance and the Comprehensive General Plan as the project promotes growth and adaptive-use of existing commercial structures.

c) Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use; Standard met: The proposal is complementary to nearby commercial and residential uses and the proposal will allow the applicant to vacate the duplicative space at 1936 Central Street, eliminating the potential for a negative cumulative effect.

d) Does not interfere with or diminish the value of property in the neighborhood; Standard met: The proposed use will occupy an otherwise vacant building and provide significant facade alterations intended to activate the pedestrian frontage along Central Street.

e) Is adequately served by public facilities and services; Standard met: The building is served by adequate sidewalks, streets, and close proximity to public transportation.

f) Does not cause undue traffic congestion: Standard met: The subject property is served by a large alley accessible parking lot and nearby public transportation options, which are more than suitable for the limited program offerings and attendance estimates proposed for the use.

g) Preserves significant historical and architectural resources; N/A

h) Preserves significant natural and environmental resources; N/A
i) **Complies with all other applicable regulations;** Standard met: *The project complies with all other applicable regulations to move forward with the next steps in the special use process.*

Attachments
- Special Use Application
- Operations Summary
- Plat of Survey
- Plans and Elevations
- Letter from applicant
- Image of Property
- Aerial View of Property
- Zoning Map of Property
- DAPR Meeting Minutes Excerpt – November 13, 2019
Fwd: Zoning Special Use

Melissa Klotz <mklotz@cityofevanston.org>
To: Cade Sterling <csterling@cityofevanston.org>

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 | cityofevanston.org

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: <noreply@formstack.com>
Date: Mon, Oct 21, 2019 at 1:39 PM
Subject: Zoning Special Use
To: <zoning@cityofevanston.org>

Formstack Submission For: Zoning Special Use
Submitted at 10/21/19 1:39 PM

| Address: | 1713 Central Street
          | Evanston, IL 60201 |
|----------|------------------|
| PIN 1:   | 05-34-427-026-0000 |
| PIN 2:   |                   |
Name: John Mauck (Attorney for Church)

Organization: Second Church of Christ, Scientist

Address: 1 North LaSalle Street
        Suite 600
        Chicago, IL 60661

Home or Office Phone Number: (312) 853-8709

Cell Phone Number:

Email: jmauck@mauckbaker.com

Please choose primary means of contact: Email

Is applicant also the property owner?: No

Name: Kim Meyers, M.D.

Organization: Todd Newberger, MD; Harry Jaffe, MD; Kim Meyers, MD

Address: 1713 Central Street
        Evanston, IL 60201

Home or Office Phone Number: (847) 533-3459

Cell Phone Number:

Email: isn1713@comcast.net

What is the relationship of the applicant to the property owner?: Other: Purchaser of Property

Briefly describe the proposed Special Use:
A religious assembly will meet twice per week toward the back of the building. For the purpose of religious literacy, a reading room designated for reading and selling Christian books will be located toward the front of the building.

Is the requested special use one of the special uses specifically listed in the Zoning Ordinance? What section of the Zoning Ordinance lists your proposed use as an allowed special use in the zoning district in which the subject property lies?: The proposed use as a religious assembly falls under “Religious Institution” under Zoning Code Section 6-15-14-7. The reading room also falls under “Religious Institution” as an accessory under the definition of Religious Institution under in Section 6-10-3.

Will the requested special use interfere with or diminish the value of property in the neighborhood? Will it cause a No, the use will cause no diminishment in value of property or negative cumulative effect on the neighborhood.
negative cumulative effect on the neighborhood?:

Will the requested special use be adequately served by public facilities and services?:

Yes, the requested special use will be adequately served by public facilities and services.

Will the requested special use cause undue traffic congestion?:

No, the requested special use will not cause undue traffic congestion. The traffic generated will probably be less than the current use as an office--five days per week. The reading room will generate only four or five cars at one time and the worship times -- Sunday and Wednesday -- are less frequent than the office.

Will the requested special use preserve significant historical and architectural resources?:

No significant historical or architectural resources will whatsoever be affected.

Will the requested special use preserve significant natural and environmental features?:

Yes, requested special use will preserve significant natural and environmental features, because other than facade and signage, the only change to the property will be internal construction.

Will the requested special use comply with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation?:

Yes.

Is applicant acting as an agent or designee for the proposed user of the land for which this application for zoning relief is made?:

Yes

List the name, address, phone, fax, and any other contact information of the proposed user of the land.: Elizabeth Drake (church representative), 2715 Hurd Avenue, Evanston, IL 60201

Does the proposed land user own or control the land for which this application for zoning relief is made?:

No

List the name, address, phone, fax, and any other contact information of the person or entity that has constructive control of the proposed land user.: Todd Newberger, MD, 1713 Central Street, Evanston, IL 60201, 847-533-3454, isn1713@comcast.net; Harry Jaffe, MD; Kim Meyers, MD

Does the proposed land user hold the title to the subject property?:

No

Is the person or entity that holds the title the same as the one listed in the previous question?: Yes
List the name, address, phone, fax, and other contact information of the person or entity holding the title to the subject property:

Is the Applicant or Proposed Land User a Corporation?: Yes

Janet Clements, 225 Lake Street, Evanston, IL 60201
Elizabeth Drake, 621 Park Avenue, Wilmette, IL 60091
Ann Ratajczyk, 2305 Grant Street, Evanston, IL 60201
Robert Shiverts, 2811 Girard Avenue, Evanston, IL 60201

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:

Applicant is a church which has no shareholders.

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 zoning relief:

Plat of Survey - One copy of plat of survey, drawn to scale, that accurately reflects current conditions:

View File

Date of Survey:
Apr 23, 1984

Site Plan/Graphic Drawings - One copy of site plan or floor plans, drawn to scale, showing all dimensions or graphic representations for any elevated proposal– garages, home additions, roofed porches, etc.:

View File

Date of Drawings:
Dec 18, 2018

Proof of Ownership - Accepted documents for Proof of Ownership include: a deed, mortgage, contract to purchase, closing documents, etc.:

View File

Document Submitted:
Contract to Purchase

Quantity:
1

Price:
660
Credit Card:

Card number: **********9326 Expiration: 10/23

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:

[Signature]

Direct Link to Image
Operations Summary for 1713 Central Street, Evanston

Second Church of Christ, Scientist

October 28, 2019

Schedule of Programs and Attendance:

Worship service on Sunday morning and Wednesday evening. Attendance will generally not surpass 40 people.

Prayer groups, scripture study, small group meetings, counseling and other religious activities on most days. Attendance will generally not surpass 15 people.

The reading room will be open during normal business hours and weekends. Attendance will generally not surpass 5 people.

Parking:

The building’s current number of parking spaces is adequate for each program and combination of programs.

Building Access:

Attendees will access building through the back entrance facing the parking lot and the front entrance facing Central Street.

Full Time Employees:

The church has no full-time employees. Church leaders will be present at the Sunday and Wednesday meetings.
LOT 14 (EXCEPT THE EAST 20.0 FEET THEREOF) AND LOT 15 IN BLOCK 37 IN C. L. JENKS RESUBDIVISION OF BLOCKS 27, 28, 32, 33 AND 37 IN NORTH EVANSTON IN WILMETTE RESERVATION IN TOWNSHIP 47 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

1713 CENTRAL ST.
PROPOSED MASTER PLAN OF NEW CHURCH INTERIOR

SCHOOL ROOM #1
SCHOOL ROOM #2
NURSERY
BATHROOM #1
BATHROOM #2
BATHROOM #3
GREEN ROOM #1
GREEN ROOM #2
GREEN ROOM #3
CONFERENCE ROOM #1
CONFERENCE ROOM #2
OFFICE
STORAGE
VESTIBULE
ENTRY
SANCTUARY
HALL
READING ROOM
HALL
ENTRY

SECOND CHURCH OF CHRIST, SCIENTIST
EXISTING PLAN OF BUILDING

SECOND CHURCH OF CHRIST, SCIENTIST
BUILDING SITE PLAN

SECOND CHURCH OF CHRIST, SCIENTIST
This map is not a plat of survey. This map is provided "as is" without warranties of any kind. See www.cityofevanston.org/mapdisclaimers.html for more information.

City of Evanston IL, Imagery courtesy Cook County GIS

Copyright 2018 City of Evanston
Community & Economic Development Dept. – Zoning Office
City of Evanston
2100 Ridge Ave, Rm. 3202
Evanston, Illinois 60201

Re: SPECIAL USE APPLICATION FOR 1713 CENTRAL STREET, EVANSTON, IL 60201

To Whom It May Concern:

Our firm represents the Second Church of Christ, Scientist ("Church") regarding its application for a special use permit for 1713 Central Street, Evanston. Mauck & Baker, LLC has a concentration in representing churches and religious institutions and has extensive experience in zoning issues under the First Amendment and Religious Land Use and Institutionalized Person Act ("RLUIPA"). This letter is intended to raise awareness of the heightened protections for religious institutions under Federal and Illinois law as the Evanston zoning authorities consider the Church's special use application.

The Presumption of Compatibility for Special Uses

The 1713 Central Street property is located in a "B1a District." Under Section 6-15-14-7 of the Evanston Municipal Code ("Code"), "Religious Institutions" are explicitly allowed as special uses in the B1a District. Under state law, a special use is presumed
compatible absent circumstances that show that the particular use proposed would have adverse effects above and beyond those inherently associated with the use.

According to the Evanston Municipal Code § 6-3-5-13, titled "No Presumption of Approval":

The listing of a special use within each zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each proposed special use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this Section 6-3-5 and with the standards for the district in which it is located, in order to determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed.

Evanston is a home rule community. As such this code provision may override the Illinois Supreme Court. However, according to Illinois Supreme Court precedent, where there is a designated special use, there is a presumption of compatibility with the surrounding district. "[T]he inclusion of a special use within a zoning ordinance is tantamount to a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect the neighborhood." City of Chicago Heights v. Living Word Outreach Full Gospel Church & Ministries, Inc., 196 Ill. 2d 1, 17 (2001).

The special use designation may create heightened protections from denial by a zoning board and cannot be rejected based issues that normally arise with the type of use. According to the Illinois Supreme Court, the appropriate standard for a municipality in considering a special use application "is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." Id. at 22 (emphasis in original).

In City of Chicago Heights v. Living Word Outreach Full Gospel Church & Ministries, Inc., the city council denied a small church’s special use application because it believed
that all noncommercial uses were incompatible uses along a city highway. However, under the city’s zoning code, religious institutions were specifically designated as special uses. Thus, the Court found the church’s use was presumed compatible with the zoning scheme. Finding in favor of the church, the Court found nothing of record that indicated the church’s use of the property “would have any adverse effects on surrounding properties above and beyond those that would inherently be associated with any church...” Id.

**RLUIPA’s Equal Terms Provision**

The Church’s special use application also receives protection under RLUIPA’s “Equal Terms” provision. The Evanston Code allows a “Government Institution” to be permitted as of right in the B1a District, while requiring “Religious Institutions” to obtain a special use permit. Evanston, Illinois, Municipal Code § 6-15-14-7. This places religious institutions on unequal terms as compared to government institutions.


RLUIPA’s “Equal Terms” provision, 42 U.S.C. 2000(b)(1), states:

(1) EQUAL TERMS- No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

According to the United States Court of Appeals for the Seventh Circuit, “The equal-terms section is violated whenever religious land uses are treated worse than comparable nonreligious ones, whether or not the discrimination imposes a substantial burden on religious uses.” *Digrugilliers v. Consol. City of Indianapolis*, 506 F.3d 616, 616 (7th Cir. 2007). For purposes of an “Equal Terms” analysis, RLUIPA’s legislative history
specifically identifies “gyms, places of amusement, recreation centers, lodges, libraries, museums, municipal buildings, meeting halls, and theaters” as the exact uses with which religious assemblies are to be treated on equal terms. H. REP. 106-219 at 19 (July 1, 1999) (emphasis added). By failing to treat religious assembly uses on equal terms with nonreligious assembly uses the Code facially violates RLUIPA’s requirements.

Not only does RLUIPA’s legislative history specifically identify “municipal buildings” as a quintessential equivalent for purposes of an Equal Terms analysis, subsequent case law does as well. In United States v. Bensalem Twp., Pennsylvania, a municipality required religious institutions, a mosque in this case, to apply for zoning variances to locate in all but one zoning district. 220 F. Supp. 3d 615, 617 (E.D. Pa. 2016). The religious institution was denied a variance by the municipality, prompting the United States Department of Justice to intervene and file suit. Id. at 618. In evaluating the Equal Terms claim, the court noted that other nonreligious assembly uses such as “private educational institutions, sanitariums, day care centers, municipal buildings, and colleges and universities” were permitted in the relevant zoning districts, even though those uses would have had “greater land impacts than the . . . proposed mosque.” Id. at 621. (emphasis added); see also Lighthouse Inst. for Evangelism, Inc. v. City of Long Branch, 510 F.3d 253, 272 (3d Cir. 2007).

In the situation at hand, the City of Evanston created B1a Districts with the stated purpose to “[a]ccommodate continued use of neighborhood-oriented business districts and pedestrian-oriented shopping areas. . . . The district can also accommodate specialty retail, professional, office and financial service facilities that attract a larger market area.” B1-B3 Purpose Statements, City of Evanston, https://www.cityofevanston.org/home/showdocument?id=14928. Despite its stated purpose, the Evanston Municipal Code (“Code”) permits a “Government Institution” as
of right in the B1a District which is broadly defined to include a “building or structure owned and operated by a municipal, state, federal, or other taxing body institution in which governmental services are provided or conducted.” (emphasis added). Evanston, Illinois, Municipal Code § 6-15-14-7; 6-18-3. This definition would no doubt encompass town halls, municipal centers, and the like, where residents assemble to engage in civic and political discourse. Nonreligious assembly uses like municipal facilities, therefore, are permitted in the B1a District even though they have no relation to “shopping areas” and “business districts,” and certainly not to “specialty retail, professional, office and financial service[s].”

Religious Institutions, on the other hand, are not permitted as of right in the B1a District, but require a special uses permit. Evanston, Illinois, Municipal Code § 6-15-14-7. Thus, Religious Institutions and Government Institutions are not treated on equal terms as required by RLUIPA. Both religious assemblies and government institutions (such as a town hall) exist to provide individuals with a place to assemble and discuss important matters. Furthermore, both uses are generally tax exempted. Under the Code, however, Church members cannot regularly assemble to discuss religious matters in the B1a District as of right. But the Code does permit, as of right, individuals to assemble in government buildings, like a town hall, to discuss political and civic matters.

As the Seventh Circuit stated in River of Life Kingdom Ministries v. Vill. of Hazel Crest, 611 F.3d 367, 374 (7th Cir. 2010):

But should a municipality create what purports to be a pure commercial district and then allow other uses, a church would have an easy victory if the municipality kept it out.

The same reasoning would apply here. Because the City permits government institutions in the B1a District as of right, religious assemblies in seeking their special use application are to be treated equal terms. Therefore, in considering the Church’s application, the same criteria should be used as would be used in considering whether to allow a government institution in the B1a District.
First Amendment, Free Exercise of Religion Clause

Heightened protection for religious land use extends beyond RLUIPA. Illinois case law holds that the First Amendment’s Free Exercise of Religion clause gives heightened protections to religious institutions against zoning restrictions. In *Columbus Park Congregation of Jehovah Witnesses v. City of Chicago*, a small congregation of eighty-two Jehovah Witnesses was denied a special use permit in a solid business district in Chicago. 25 Ill. 2d 65, 68 (1962). In rejecting the church’s application, the city gave two reasons: an increase in congestion of traffic, and a depreciation value of the surrounding business properties.

The Illinois Supreme Court held the zoning authorities violated the church’s rights, finding “the right of freedom of religion, and other first amendment freedoms, rise above mere property rights.” *Id.* at 71. While the location of churches may be regulated with proper cause, a religious institution’s rights “rise far above public inconvenience, annoyance, or unrest.” *Id.* Thus, a zoning ordinance that prevents citizens from practicing their religion in a particular location “limit[s] the free exercise of religion.” *Id.*

As to Chicago’s concerns over parking and the detriment to the surrounding business community, the Court rejected these justifications as being “arbitrary and capricious” and bearing “no substantial relation to the public health, safety and welfare.” *Id.* at 73. For parking, the Court noted the fears of traffic congestion were “speculative.” *Id.* at 72. For the detrimental effect on surrounding business, the Court used logic similar to RLUIPA’s “Equal Terms” provision. Because other non-business uses such as dance halls and trade schools were permitted in the business district, the Court found the church’s effect would not be any more damaging than by the other uses permitted in the district. *Id.* at 72-73.

Like the church in *Columbus Park*, the Church here is a small religious minority congregation and seeks a special use application in a business district (though as
mentioned previously is not exclusive to businesses). As such, the Church’s First Amendment rights are at issue and obstacles to their special use application would be held to the heightened standards under Columbus Park.

In summary, there are three relevant legal principles in considering the Church’s special use application: 1. based on Illinois Supreme Court precedent, there may be a presumption of compatibility for special uses within a zoning scheme; 2. under RLUIPA, religious institutions are to be held on equal terms as municipal buildings; and 3. the First Amendment gives heightened protections for religious land uses. Finally, it should be noted if civil rights (e.g. the right to use a particular building for worship) are improperly denied, U.S. Code § 1988 requires that the citizens’ attorney’s fees be compensated by the government entity.

We request that this special use application be approved as the beneficial uses of religious institutions, like the Church, are strongly favored under both property law and civil rights law. If there are any questions regarding these matters, I can be contacted at 312-853-8709 or jmauck@mauckbaker.com.

Very truly yours,

MAUCK & BAKER, LLC

John W. Mauck

JWM:asw

F:\Clients\3773\Special Use Application\20191014_RLUIPA Brief-Letter.docx
DESIGN AND PROJECT REVIEW COMMITTEE (DAPR) MINUTES
November 13, 2019

Voting Members Present:  I. Eckersberg, D. Cueva, M. Tristan, J. Hyink, S. Mangum,
J. Leonard, L. Biggs, C. Sterling, M. Jones

Staff Present:  M. Rivera

Others Present:

Presiding Member:  J. Leonard

A quorum being present, J. Leonard called the meeting to order at 2:31 p.m.

Approval of Minutes

1.  November 6, 2019, DAPR Committee meeting minutes.

L. Biggs made a motion to approve the meeting minutes, seconded by J. Hyink

The Committee voted, 9-0, to approve the meeting minutes.

New Business

4.  1713 Central Street

John Mauck, attorney, submits for a special use for a Religious Institution, in the B1a Business District (Zoning Code Section 6-9-5-2) and oCSC Central Street Corridor Overlay District (Zoning Code Section 6-15-14-7). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

APPLICATION PRESENTED BY:  Garry Shumaker, architect

DISCUSSION:

- G. Shumaker briefly described the proposed project and operations proposed by the Church of Christ Scientist who are seeking a special use for a religious institution. Additionally, he stated that the proposed physical improvements, and aesthetic of the building were still in progress to be reviewed at DAPR once submitted for permit.
- S. Mangum asked what physical improvements would take place
- G. Shumaker stated that exterior improvements would be focused on the storefront level to achieve a more pedestrian friendly design
- L. Biggs said she was concerned with parking and asked how many spaces exist on site
- G. Shumaker stated that 25 spaces are on-site, located in the rear of the building. The congregation on busiest days has about 40 participants, many of which are family and share a vehicle
- L. Biggs asked how many spaces would be used on a busy day
- G. Shumaker stated 20 spaces at most
- G. Shumaker stated that they don’t intend to reduce the parking, except additional accessible spaces need to be provided to meet code which may reduce the number of spaces marginally
• L. Biggs asked if drop-off's would occur in the parking lot or in front of the building on Central Street.
• G. Shumaker stated that they would occur in the rear of the building only
• J. Leonard asked if other programs were considered other than the reading room and worship service
• G. Shumaker stated that Sunday school would occur during church service
• L. Biggs asked if the reading room from the other Central Street location would move here
• G. Shumaker stated in the affirmative
• G. Shumaker stated that the subject property, with the proposed exterior alterations, would become more welcoming and transparent, although he noted the building had a unique style and feel, some of which will be retained
• L. Biggs asked if the building would be staffed
• G. Shumaker said that it would be but by only two employees at most
• J. Leonard asked if landscaping could be proposed, such as container plantings
• G. Shumaker stated that there was limited room for container plantings in front of the building and they weren't being considered
• J. Leonard asked if the rear door was accessible
• G. Shumaker stated that it would be accessible
• L. Biggs stated that bike parking should be included
• G. Shumaker stated agreement
• L. Biggs stated that the storefront should look and feel like an active space
• G. Shumaker stated agreement and said the proposed alterations would accomplish that goal
• M. Tristan stated that the change of use would necessitate the space to be sprinklered and alarmed
• G. Shumaker stated that the proposal already budgeted for that
• J. Leonard stated that signage would be a separate permit and process
• G. Shumaker, understood
• L. Biggs asked about a waste management plan
• G. Shumaker stated that there would be minimal waste generated but will do their due diligence on the matter
• L. Biggs stated the need to consider sustainable building technologies and interventions
• G. Shumaker stated his agreement
• J. Leonard asked if the applicant had looked into traffic and how it may be impacted by the proposal
• G. Shumaker stated that they would do their due diligence on that but did not expect disruptions

S. Mangum made a motion for a positive recommendation to the ZBA, seconded by L. Biggs

The Committee voted, 9-0, for a positive recommendation to the ZBA
2510 Green Bay Road
19ZMJV-0100

ZBA Recommending Body
Memorandum

To: Members of the Zoning Board of Appeals

From: Johanna Leonard, Community Development Director
Scott Mangum, Planning and Zoning Manager
Melissa Klotz, Zoning Administrator
Cade W. Sterling, Planner I

Subject: 2510 Green Bay Rd. – ZBA 19ZMJV-0100
ZBA Recommending Body
City Council Determining Body

Date: November 25, 2019

Notice – Published in the November 7, 2019 Evanston Review:
Jaison Victor, applicant, submits for a special use for, Indoor Commercial Recreation, Born2Win, in the B1a Business District (Zoning Code Section 6-9-5-2) and oCSC Central Street Corridor Overlay District (Zoning Code Section 6-15-13-7.5). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Recommendation
City Staff and DAPR recommend approval, with conditions, for a special use permit for a Commercial Indoor Recreation facility, Born2Win, in the B1a Business District and oCSC Central Street Overlay District. The applicant has complied with all zoning requirements, and meets all of the standards of a special use for this district.

Conditions include:
1. The Special Use Permit be re-evaluated by the Design and Project Review Committee one-year from the date of action by City Council.

Site Background
2510 Green Bay Rd. is located on the west side of Green Bay Rd. between Lincoln St. and Harrison St. in the B1a Business District and the oCSC Central Street Overlay District. It is immediately surrounded by the following zoning districts:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>B1a &amp; oCSC</td>
</tr>
<tr>
<td>South</td>
<td>B1a &amp; oCSC</td>
</tr>
<tr>
<td>East</td>
<td>R1</td>
</tr>
<tr>
<td>West</td>
<td>R5 &amp; oCSC</td>
</tr>
</tbody>
</table>

Business District & Central Street Overlay District
Business District & Central Street Overlay District
Metra Tracks; Single Family Residential District
General Residential District & Central Street Overlay District
The property is surrounded by commercial uses to the north and south, multiple family residences to the west, and the Metra tracks and single family residences to the east.

Proposal
The applicant currently operates Born2Win as a Retail Services Establishment, providing small one-on-one training sessions to clients. Due to market demand, the applicant proposes to increase the intensity of their program offerings by adding classes and group training sessions -- necessitating a change of use from Retail Services to Indoor Commercial Recreation. Commercial Indoor Recreation requires a special use at 2510 Green Bay Rd. The Zoning Ordinance defines Commercial Indoor Recreation as:

Public or private recreation facilities, tennis ball, racquet or other courts, swimming pools, bowling alleys, skating rinks, or similar uses that are enclosed in buildings and primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Commercial indoor recreation" shall include, but not be limited to, health and fitness establishments or any accessory use, such as snack bars that sell prepackaged food items, pro shops, and locker rooms that are designed and intended primarily for the use of patrons of the principal recreational use. "Commercial indoor recreation" shall not include cultural facilities, community centers and recreation centers, or any use that is otherwise listed specifically in a zoning district as a permitted or a special use. For purposes of this definition, the term "commercial purpose," as defined in this Section, shall not apply.

The business will operate Monday through Sunday between 5:00am to 5:00pm and by appointment for one-on-one sessions with a personal trainer. The business currently operates with five trainers. Born2Win serves a local clientele, most of whom walk or bike to the facility. As membership grows, Born2Win may utilize some of the properties 10 parking spaces, including one ADA space, which front Green Bay Road. Other tenants in the building have no need for this parking during early morning peak periods (5am to 7am). Weekend users who drive will be directed to use readily available commuter parking located on Poplar Avenue. Employee parking is located at an adjacent property under common ownership (2014-2016 Central Street). This location offers additional parking if needed. Loud music will be effectively abated by an existing floor to ceiling "sound-proof" barrier. Deliveries are not expected but if necessary, will be arranged during off-peak hours to avoid traffic congestion. There are no changes to the exterior façade or existing interior buildout. The building features four ADA bathrooms. City staff is not aware of any objections to the proposal.

Ordinances Identified for Requested Relief:
6-9-5-3 Special Uses: The following uses may be allowed in the B1a Business District, subject to the provisions set forth in Section 6-3-5, “Special Uses,” of this Title:
Commercial Indoor Recreation (among other listed uses)

Comprehensive Plan:
The Evanston Comprehensive General Plan encourages the utilization of vacant storefronts along existing commercial corridors to provide needed services to the community and encourage economic vitality. The Comprehensive Plan specifically includes:

**Objective:** Promote the growth and redevelopment of business, commercial, and industrial areas.

**Objective:** Retain and attract businesses in order to strengthen Evanston’s economic base.

A special use for Commercial Indoor Recreation at 2510 Green Bay Rd. will allow an existing business in Evanston to expand and fully utilize its existing 2,000 square foot commercial space. Staff believes the proposed use, as presented, will be complimentary to proximate businesses on Central Street.

**Design and Project Review (DAPR) Discussion and Recommendation:**
On November 13, 2019, the Design and Project Review Committee found the proposal to be an appropriate use and voted unanimously, with conditions, to recommend approval to the Zoning Board of Appeals.

Conditions include:
1. The Special Use Permit be re-evaluated by the Design and Project Review Committee one-year from the date of action by City Council.

**Special Use Standards:**
For the ZBA to recommend that City Council grant a special use, the ZBA must find that the proposed special use:

- **a)** Is one of the listed special uses for the zoning district in which the property lies; Standard met: Commercial Indoor Recreation facilities are allowed under the special use section for the B1a Business District

- **b)** Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning ordinance; Standard met: The use is compliant with the Zoning ordinance and the Comprehensive General Plan because the project promotes growth and adaptive-use of existing commercial structures.

- **c)** Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use; Standard met: The proposed Commercial Indoor Recreation facility is complementary to nearby commercial uses and peak hours are not anticipated to overlap with nearby Special Uses.

- **d)** Does not interfere with or diminish the value of property in the
neighborhood; Standard met: The proposed business will occupy an otherwise vacant portion of an existing commercial space. The proposed use will not generate an abundance of noise, as the space is completely enclosed.

e) Is adequately served by public facilities and services; Standard met: The building is served by adequate sidewalks, streets, and close proximity to public transportation.

f) Does not cause undue traffic congestion: Standard met: The proposed use will not generate parking and traffic issues due to non-overlapping peak hours of operation during weekdays, abundant weekend parking in proximate commuter lots, and nearby public transportation options.

g) Preserves significant historical and architectural resources; N/A

h) Preserves significant natural and environmental resources; N/A

i) Complies with all other applicable regulations; Standard met: The project complies with all other applicable regulations to move forward with the next steps in the special use process.

Attachments
Special Use Application
Operations Summary
Plat of Survey
Floor Plan
Zoning determination of existing use
Image of Property
Aerial View of Property
Zoning Map of Property
DAPR Meeting Minutes Excerpt – November 13, 2019
SPECIAL USE APPLICATION

CASE # 192M5Y-0100

1. PROPERTY

Address: 2510 Green Bay Road, Evanston

Permanent Identification Number(s):

PIN 1: [10-12] 200-01-00-00-00-00
PIN 2: [10-12] 200-01-00-00-00-00

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

2. APPLICANT

Name: Jaison Victor

Organization: Born 2 Win (Sub 5 Corp)

Address: 7011 N. Roselle, Chicago, IL 60712

City, State, Zip: Lincolnwood, IL 60712

Phone: Work: — Home: — Cell/Other: 312-401-5131

Fax: Work: — Home: — E-mail: jasonmichaelvictor@gmail.com

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

☐ same
☐ architect
☐ builder/contractor
☐ attorney
☐ lessee
☐ officer of board of directors
☐ contract purchaser
☐ lessee
☐ real estate agent
☐ potential lessee
☐ other: Tenant

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

Name(s) or Organization: [Name]

Address: 657 Ash Street

City, State, Zip: Winnetka, IL 60093


Fax: Work: — Home: — E-mail: [Email]

"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: October 25, 2019

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: October 25, 2019
5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

☑ (This) Completed and Signed Application Form
☑ Plat of Survey Date of Survey: June, 2019
☑ Project Site Plan Date of Drawings: October, 2019
☑ Plan or Graphic Drawings of Proposal (If needed, see notes)
☑ Non-Compliant Zoning Analysis
☑ Proof of Ownership Document Submitted: Statement
☑ Application Fee $150

Amount $150 Transcript Deposit Fee $150

Notes: 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 or floor plans, drawn to scale, showing all dimensions.

Plan or Graphic Drawings of Proposal
A Special Use 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, dosing 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 change of use is non-compliant with the Zoning Code and requires a variance.

Application Fee & Transcript Deposit
The application fee depends on your zoning district (see zoning fees). Acceptable forms of payment are: Cash, Check, or Credit Card. The $150 transcript deposit is applied to the cost of a court reporter. The City hires a court reporter to transcribe the Zoning Board of Appeals hearing— as specified in the Zoning Board of Appeals' Rules of Procedures. Applicants are responsible for the cost of the hearing transcript at a rate of $7.50 per page. (The $150 deposit is applied to that fee; final fees may result in a refund or additional charges). The final fee directly covers the cost of the court reporter.
6. PROPOSED PROJECT

A. Briefly describe the proposed Special Use:

- Physical Fitness
- Boxing
- Personal Training
- Martial Arts
- Self Defense

APPLICANT QUESTIONS

a) Is the requested special use one of the special uses specifically listed in the Zoning Ordinance? Yes
What section of the Zoning Ordinance lists your proposed use as an allowed special use in the zoning district in which the subject property lies? (See Zoning Analysis Review Sheet)

Commercial Recreation

B-1(a) 16,000 sq ft

Is listed specifically in the Zoning Ordinance.

b) Will the requested special use interfere with or diminish the value of property in the neighborhood? Yes
Will it cause a negative cumulative effect on the neighborhood?

Required Special Use Will Enhance the Value of Property in the Neighborhood
One Leased Vacant Building Along Mill Road Will Have a Positive Effect on the Neighborhood

b) Will the requested special use be adequately served by public facilities and services?

There Are Ample Public Facilities: Public Transportation and Municipal Bus Stop, Walkway Station, Ample Parking
d) Will the requested special use cause undue traffic congestion?

Generally, heavier crowd from 8am to 9pm
Local clientele access walking and by bike
There is no undue traffic congestion

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e) Will the requested special use preserve significant historical and architectural resources?

There are no specific historical or architectural features to my knowledge.

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f) Will the requested special use preserve significant natural and environmental features?

There are no significant natural or environmental features to my knowledge along this stretch of Green Bay Road.

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g) Will the requested special use comply with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation?

Yes, this special use will comply with all applicable regulations of the district.
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 _____ above, or indicated below. (An example of this situation is if the land user is a division or subsidiary of another person or organization.)

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.

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.

   N/A
Special Use Permit Application:

Born2Win

2510 Green Bay Road

Evanston, IL 60201

Born2Win is a locally based, all inclusive, physical fitness and training center emphasizing strength training, weight training, boxing, cardio training, martial arts, and self-defense. Instruction is currently being offered by five professionally trained and experienced instructors. Born2Win currently offers one on one training from 5am to 5pm, or by appointment with a personal trainer, seven days per week.

Born2Win has met with considerable success in the brief time that it has been in operation. They are currently looking to grow the company and expand the programming offering classes and some smaller group training sessions. They have found a high demand for this type of additional training beyond the one on one programming already existing. Internet marketing has already indicated that they can successfully expand into this group instruction. For this expansion of programming, Born2Win is applying here for the required Special Use Permit.

Born2Win currently serves a very local clientele, most of whom walk or bike to the facility. The area is also very well served by Metra, CTA and local bus service. As the membership grows, Born2Win will rely upon some of the ten parking spaces provided to the building on Green Bay Road. In addition, there is ample parking to the north on Harrison Street as well as to the south on Lincoln Avenue. Evening and weekend clients utilize wide open Metra lots on Green Bay Road. For further consideration, I personally own the building located at 2014-2016 Central Street where employees are parking, but only in case we need to relieve any congestion. We have not needed that yet, and we do not anticipate needing it, but it is available to us.

In addition to Born2Win which takes nearly 2,000sqft of the 16,000 building footprint, I have several other signed leases at 2510 Green Bay Road. These leases include Lock Chicago, to whom you issued a Special Use Permit earlier this year. Lock Chicago currently has three employee operators, and maintains hours of operation between 5pm and 10pm. They are well aware of parking constraints, but their hours of operation after 5pm allow them to use the building parking lot, and if needed, much of the freed up Metra parking that is ample and available.

Other building tenants include Opticent, a Northwestern University based startup company, with three employees, all local area students who walk or bike. They do not own cars, and their hours are irregular, mainly after school hours.

Single user tenants in the building include Jonathan Booth who is a local North Evanston resident and a pharma related consultant and Tim Lavengood, local North Evanston resident, and Executive Director of the Technology Innovation Center, our Evanston based small business incubator. Mr Booth walks from home, Mr. Lavengood bikes daily. They are both 8am to 5pm regular office hour users.

Finally, we expect Larry Suffredin Jan Schakowsky and Laura Fine to sign leases effective January 1, 2020. They are currently our local County, State and Federal legislators. Every one of these tenants listed above here is moving with me to 2510 Green Bay Road from 820 Davis Street where they have all been tenants of mine for many years. The office hours of the legislators are very irregular, but they have two
staff assistants who live very locally and are familiar with neighborhood parking, if they drive. It is yet to be determined what their transportation method will be.

2510 Green Bay Road was one of EIGHT vacant buildings within a half mile radius when I purchased it two months ago. Each of the current and prospective tenants at 2510 Green Bay Road rely heavily upon neighboring retail merchants, local restaurants for breakfast, lunch and dinner, local coffee shops, and local services. These valuable tenants promote a vibrant level of added economic activity in the Green Bay Road/Central Street business district. Their impact is already being felt.

The building is serviced by an ample parking lot on Green Bay Road, a shared conference room, kitchen, and four handicap accessible bathrooms. I also have allowed designated space and state of the art audio-visual equipment to be used for seminars, presentations, training classes, and special events.

I am currently entertaining several other Letters of intent to lease office spaces at 2510 Green Bay Road. Because of ongoing negotiations within Evanston, I am not comfortable disclosing them at this time. However, they are local residents, they will add greatly to the business climate in the building and in the neighborhood, but they will not be any additional burden to the parking situation.

Thank you for your consideration of this Special Use Permit application. We look forward to seeing you on Wednesday, November 13th, at 2:30Pm in Room 2404 to answer any further questions you may have.

Sincerely,

Charles C. Happ
City of Evanston, Illinois

CERTIFICATE
OF
ZONING COMPLIANCE

APPROVED

ZONING CERTIFICATE NUMBER: 19ZONA-0172

DATE ISSUED:

In accordance with Section 6-3-2 of the Zoning Ordinance, the building, structure, and/or use described below complies with the provisions of the Zoning Ordinance governing the proposed use.

PROPERTY ADDRESS: 2510 GREEN BAY RD

ZONING DISTRICT:

OVERLAY DISTRICT:

USE:

CONDITIONS OR COMMENTS:

Determination of Use - one on one personal training (boxing/ninja) for a maximum of 2 trainers and 2 clients at one time. Compliant as Retail Service use.

Use may be re-determined and a special use permit for Commercial Indoor Recreation may be required if verified complaints are received regarding nuisance issues including but not limited to noise, amplified music, exercise classes (not one on one training), number of employees and/or clients at one time, etc.

CERTIFICATE BASED ON:

Plans Prepared As:

Plans Dated:

Plans Prepared By:

Plat of Survey Dated:

Plans Originating As:

Related Application ID:

Miscellaneous:

ISSUED BY: __________________________
Zoning Officer 10/23/19
DESIGN AND PROJECT REVIEW COMMITTEE (DAPR) MINUTES
November 13, 2019

Voting Members Present: I. Eckersberg, D. Cueva, M. Tristan, J. Hyink, S. Mangum,
J. Leonard, L. Biggs, C. Sterling, M. Jones

Staff Present: M. Rivera

Others Present:

Presiding Member: J. Leonard

A quorum being present, J. Leonard called the meeting to order at 2:31 p.m.

Approval of Minutes

1. November 6, 2019, DAPR Committee meeting minutes.

L. Biggs made a motion to approve the meeting minutes, seconded by J. Hyink

The Committee voted, 9-0, to approve the meeting minutes.

New Business

5. 2510 Green Bay Road

Jaison Victor, applicant, submits for a special use for, Indoor Commercial Recreation,
Born2Win, in the B1a Business District (Zoning Code Section 6-9-5-2) and oCSC Central Street
Corridor Overlay District (Zoning Code Section 6-15-13-7.5). The Zoning Board of Appeals
makes a recommendation to City Council, the determining body for this case.

APPLICATION PRESENTED BY: Charles Happ, property owner
Jaison Victor, applicant

DISCUSSION:

- C. Happ briefly described the proposed project with the applicant, and operator of
Born2Win, Jaison Victor. Born2Win has been conducting one-on-one and small group
lessons and wants to expand into larger groups and combined classes.
- L. Biggs stated concern with limited parking and the number of uses in the subject
property.
- C. Happ stated that there are ten spaces in front of the building and he has had no
issues with parking shortages. Additionally, there is ample street parking and the uses in
the building do not overlap.
- C. Happ stated a willingness to utilize 13 additional parking spaces located at an
adjacent building he owns, if necessary
- J. Leonard stated agreement that the uses do not appear to overlap and that the peak
periods for Born2Win is likely in the morning.
- J. Victor stated that the peak period for the gym is at 5am
- M. Rivera stated that trainers should consider parking in the Metra Commuter lot during
peak periods.
M. Rivera further stated that many streets near the subject property have parking restrictions between 7am and 9am to discourage commuters from parking in these locations.

J. Victor stated that this would not impact their use

S. Mangum asked if music would play as part of the use

C. Happ stated that it would, but there is a full wall separating the uses and it is soundproof

S. Mangum asked how many occupants would be typical

J. Victor stated that anywhere from 1 to 5 would be typical

L. Biggs stated that a condition to review the need for additional parking be reviewed by the committee in 12-months’ time, depending on the number of complaints received during that time.

C. Happ stated that this was an unnecessary burden and asked if a precedent existed to ask for such a thing

L. Biggs stated that it is done from time to time and that most recently, it was done for the subject property when it was under different ownership

C. Happ stated his concern that many vacant buildings around the site may fill and cause congestion. How could the committee adequately judge that any congestion was related to 2510 Green Bay's uses and no other businesses.

C. Happ stated that he should not be penalized for others issues and reiterated that many proximate businesses are the problem not his.

C. Happ stated that many residents use his lot illegally for parking and as a turn-around.

L. Biggs acknowledged the applicants concerns and stated that the committee would do their due diligence and look into it only if concerns with neighbors were consistent.

C. Happ asked that economic development be part of the conversation.

L. Biggs stated agreement

J. Leonard reiterated that the intent is to look at the situation collectively and that the committee is not looking at revoking the special use.

L. Biggs noted the effort the applicant has pursued in relation to parking management but the fact is the building has very limited parking and a large square footage

PUBLIC COMMENT:

Dorothy Day stated her concern with Born2Win stealing customers and trainers who have non-compete clauses in their former contracts and would like the committee to deny the Special Use due to these impacts.

J. Leonard, in response, stated that these concerns were Civil in nature and not part of the committees or the City’s purview.

L. Biggs made a motion for a positive recommendation to the ZBA on the condition that the Special Use is re-evaluated in one-year, seconded by S. Mangum

The Committee voted, 9-0, for a positive recommendation to the ZBA, with the aforementioned condition of re-evaluation.