Zoning Board of Appeals  
Tuesday, January 21, 2020  
7:00 P.M.  
Evanston Civic Center, 2100 Ridge Avenue, G300

**AGENDA**

1. **CALL TO ORDER / DECLARATION OF QUORUM**

2. **APPROVAL OF MEETING MINUTES** from November 19, 2019 and December 3, 2019.

3. **OLD BUSINESS**
   
   **A. 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.

4. **NEW BUSINESS**
   
   **A. 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.

   **B. 1201 Grant Street**  
   Mark Benner, applicant, applies for major zoning relief to construct an addition in the R1 Single-Family Residential District. The applicant requests a 2.8’ west interior...
side-yard setback where 5’ is required (Zoning Code Section 6-8-2-8. (A) 3.) and minor zoning relief was previously granted to permit 3.3’ (Minor Variation case number 16ZMNV-0064). The Zoning Board of Appeals is the determining body for this case.

4. OTHER BUSINESS

5. DISCUSSION

6. ADJOURNMENT

The next Zoning Board of Appeals meeting is scheduled for **Tuesday, February 18, 2020** at 7:00pm in Council Chambers of the Lorraine H. Morton Civic Center.
MEETING MINUTES
ZONING BOARD OF APPEALS
Tuesday, November 19, 2019
7:00 PM
Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Lisa Dziekan, Myrna Arevalo, Violetta Cullen, Mary McAuley, Kiril Mirintchev, Scott Gingold

Members Absent: Jill Zordan

Staff Present: Melissa Klotz

Presiding Member: Violetta Cullen

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Declaration of Quorum
With a quorum present, Chair Cullen called the meeting to order at 7:00 p.m.

Minutes
Ms. Dziekan motioned to approve the meeting minutes of October 15, 2019, which were seconded by Mr. Gingold and unanimously approved with 3 abstentions.

Ms. Klotz stated 1224 Oak Ave., 2715 Hurd St., and 1031 Sherman Ave. will not be heard tonight.

Ms. Arevalo arrived.

New Business
1804 Maple Ave. 19ZMJV-0093
PharmaCann LLC, lessee, submits for a special use for a Cannabis Dispensary, to establish sales of recreational cannabis and expand the existing medical cannabis space in the RP Research Park District (Zoning Code Section 6-12-2-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Klotz read the case into the record.

Katrina McGuire, attorney, introduced the proposal, and Don Williams of MedMen explained details:
- Current medical cannabis facility at 1804 Maple Ave.
- Will expand into neighboring Enterprise space and Enterprise is relocating.
- Maximum occupancy is 115 people.

Pierre Delgado, MedMen, explained the audit checklist is based on guidelines from the IL IDR and covers issues such as regulating and checking inventory, purchase limits, and ID checking. The audit is done on a weekly basis by the dispensary, the State does quarterly, and an outside firm does periodically.
Ms. McAuley asked if large crowds are anticipated similar to what happened in Los Angeles. The applicant stated 40 transactions per hour are anticipated, and there will be staff and GSG Security firm on site to manage any crowd control, check IDs, stopping loitering, and ensuring products are not consumed in the store or on the street. GSG Security will be on site at all times the facility is open.

Mr. Williams continued:
- Will have live security video feed to the police department at all times.
- Medical and recreational customers will be in the same space, not separated areas.
- There will be a retail area with dummy products.
- Hours of operation are 10am-8pm, 7 days a week.
- Illinois does not allow consumption outside so there will be no smoking outdoors (violators could be arrested).
- No on-site consumption at the location.
- 20-28 employees will work per day. Most use public transportation.

Ms. Dziekan noted Oakton Community College has a new cannabis program, and the applicant responded yes, this business took part in a job fair there and is involved with the community college.

The applicant continued:
- People cannot enter the store unless they are 21 years or older.
- There is a different purchase amount limit for non-Illinois residents.
- Product deliveries will occur approximately 7 times per week. There are 14 different vendors that are rotated through in shipments. Delivery times vary and are done by unmarked vehicles similar to armored vehicles. Delivery vehicles call the dispensary when they are 20 minutes away to prepare for arrival.
- Deliveries are via the rear within the parking garage.
- All product providers are within Illinois.
- The State tracks product from seed to final product at cultivation facilities through the Department of Agriculture.
- The Illinois quality controls are the same for medical as recreational. Every batch is lab tested.
- Customers are advised how to use the product and what amount to use when they purchase it.
- Ongoing training with the community is offered (ie. at the library) to teach people about the product, safe storage, safe usage, etc.

Ms. Arevalo asked what the difference will be with the current medical facility to when it expands to recreational, and the applicant responded the medical gets priority per the State so 30% of product is set aside for medical only. Over time, the medical cards will be used less since it is easier to be a recreational consumer. There is no difference in the products or amounts.

The applicant explained their business is currently in over 30 markets. Community events/education has been done through municipalities and chambers of commerce.
Mr. Gingold asked for clarification on how PharmaCann LLC owns the state license. The applicant explained the license will be transferred to MedMen by the State, but PharmaCann will remain the lessee for the space and sublease the space to MedMen (likely within the next few months).

Matt Rodgers, 133 Clyde Ave., stated he is a medical card holder. There is a concern that medical card holders will have a harder time obtaining product, so it is good to hear the space is expanding and there is a set-aside for medical customers. Staff at the dispensary is very knowledgeable and considers the medical condition to determine what products are best for the customer. Every product purchased states the ingredients, effects, etc. on the packaging. Within the dispensary, no one is ever left alone. The use and regulation is very similar to alcohol. Mr. Rodgers specified that he is not a zoning consultant to the applicant and does not know the applicant.

The applicant explained medical users will get priority in the line if there is one. Purchases can be made online if consultations are not needed, which will help alleviate lines.

Deliberation:
Mr. Gingold stated the State legalized the use and the City allows it as an eligible use, therefore the ZBA needs to determine if the location and operational details are appropriate.

Ms. Dziekan stated she does not have an issue with the use, but prefers if the special use be revisited in the future so that if there are problems, the special use can be denied. Mr. Gingold stated a condition regarding violations, law enforcement, etc. should be enacted so that the special use could be revoked if necessary, but there is no need to make the applicant re-apply for a new special use. Ms. Dziekan asked what would happen if the City decided cannabis facilities should no longer be allowed, and Ms. Klotz responded the business would become legally nonconforming and could continue to operate, but since the City is the landlord they could end the lease.

Standards:
1. Yes
2. Yes
3. Yes; No - Ms. Dziekan
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Mr. Gingold motioned to recommend approval of the special use with conditions, which was seconded by Ms. McAuley and recommended for approval 5-1.

1. Hours of operation shall not exceed 10am-8pm, 7 days a week.
2. Employees shall not park on the street.
3. MedMen complete the state license and become lessee with the City.
4. Substantial compliance with the documents and testimony on record including crowd management and security.

1012-1014 Davis St. 19ZMJV-0085
Grant Manny, broker, submits for a special use, Daycare Center-Child, for Guidepost Montessori to provide daycare services for children 6 years and younger, in the D2 Downtown Retail Core District (Zoning Code Section 6-11-3-4). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Klotz read the case into the record.

Grant Manny, applicant, explained the proposal:
- Daycare will serve 122 students and 22 employees.
- 5,000 sq. ft. playground area will be constructed in the rear.
- There are 7 parking spaces in the rear off of the alley for pickup and drop-off.
- Agree to provide additional staff parking (10 spaces) at the Maple garage, but many employees will take public transportation.
- Drop-off is 7am-9am so staggered drop-off means there is not a large backup of vehicles. Many of the students are siblings that will share a ride, and some students will be walked to the facility.
- Eastern facade of building will be painted to match the other side and windows will be replaced to match.
- Daycare will use the first and second floor of the building but not the basement.
- Daycare is for infants to 6 year olds. Typically there is one infant room, twice as many toddlers, and more preschoolers.
- There will be occasional weekend events for parents (2-3 times per year).
- City staff recommended looking into a drive aisle drop off at the rear instead of parking spaces, but since only 3 vehicles could stack there is more likelihood for a backup of vehicles than if the site keeps the 7 parking spaces.
- At the front entrance, parents will walk the children into the building (staff will not meet children at the vehicles) but at the rear entrance where most drop-off will occur, staff can get children from the vehicle area and walk them inside.
- 10 street parking spaces on Davis can be changed to short-term parking but the spaces will not be exclusive for the daycare.
- Green Monkey and Gourmet Gorilla catered meal deliveries will provide food via van daily around 10:30am.

Ms. Dziekan stated parking on Davis St. is in high demand during the evening rush hour, so taking 10 parking spaces on the street and making them 20 minute spaces might be harmful to other surrounding businesses.

Mr. Mirintchev noted it is great the windows will be transparent but that means the windows will be dark after 6pm. Something should be done to make the space look active after 6pm.

Deliberation:
Mr. Gingold and Mr. Mirintchev both agreed that the 7 parking spaces in the rear are preferable to the drop off lane off of the alley.
Mr. Gingold stated the business will not cause undue congestion because all of the parents are temporary parkers that will leave within a few minutes. Ms. McAuley stated this type of business has a high parking demand at specific times only, and if those parkers want to stay and visit other businesses then that is great for the downtown area.

Standards:
1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Mr. Gingold motioned to recommend approval of the special use with conditions, seconded by Ms. McAuley:
1. A minimum of 10 parking spaces shall be leased from the Maple Ave. parking garage for employees.
2. Events that are accessory to the daycare use outside of the regular daycare hours are permitted.
3. Applicant shall repave the alley apron at Maple Ave, patch the alley where needed, and add lighting as necessary.
4. Employees shall not park on the street.
5. Hours of operation shall not exceed 7am-6pm (but shall not limit accessory events by Guidepost outside of those hours).
6. The applicant shall instill a street-facing design scheme that is consistent and appropriate to the neighborhood.
7. Substantial compliance with the documents and testimony on record.

1224 Oak Ave. 19ZMJV-0084
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.

The case has not yet received a recommendation from the DAPR Committee. Ms. McAuley motioned to continue the case to the December 3, 2019 ZBA hearing, which was seconded by Mr. Gingold and unanimously continued without discussion.

1031 Sherman Ave. 19ZMJV-0096
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.

The applicant has not yet received a recommendation from the DAPR Committee. Ms. McAuley motioned to continue the case to the December 3, 2019 ZBA hearing, which was seconded by Mr. Gingold and unanimously continued without discussion.

**Other Business**
ZBA Members accepted the proposed 2020 ZBA Schedule with one change.

Adjourned 8:45pm
Meetings Minutes
Zoning Board of Appeals
Tuesday, December 3, 2019
7:00 PM
Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Myrna Arevalo, Max Puchtel, Mary McAuley, Kiril Mirintchev, Jill Zordan

Members Absent: Violetta Cullen, Lisa Dziekan

Staff Present: Melissa Klotz, Cade Sterling

Presiding Member: Myrna Arevalo

Declaration of Quorum
With a quorum present, Chair Pro Tem Arevalo called the meeting to order at 7:00 p.m.

New Business

1031 Sherman Ave. 19ZMJV-0096
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.

Ms. McAuley motioned to continue the case without discussion at the applicant’s request to the January 21, 2020 ZBA hearing, which was seconded by Ms. Zordan and unanimously continued.

1327 Chicago Ave./528 Greenwood St. 19ZMJV-0074
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.
Ms. McAuley motioned to continue the case without discussion to the January 21, 2020 ZBA hearing, which was seconded by Mr. Puchtel and unanimously continued.

1224 Oak Ave.  19ZMJV-0084

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.

Ms. Klotz read the case into the record, noted two additional letters of support, and clarified an error in the staff memo that stated basement excavation would not be allowed - the clarification is that basement excavation is allowed but a sump pump is not allowed below the water table.

DonnaLee Floeter, architect, explained the proposal:

- Property has always been a 2-flat and was recently purchased.
- Daughter’s family will occupy the first floor and her parents will owner-occupy the second floor.
- Garage addition and future elevator will allow aging in place for the second floor unit. The first floor unit is ideal for the Daughter’s family because they have small children who need easy access to play outside.
- Current house has nonconforming side and rear setbacks.
- Existing 24’ rear setback makes it impossible to add a detached garage so an attached garage is proposed.
- No zoning issues with the attic addition or dormers.

Noreen Edwards Metz, property owner, presented a Powerpoint presentation and addressed the Standards for Approval. The new garage will be set back 4 - 7 feet from the alley therefore increasing maneuvering within the alley.

Ms. McAuley asked how much longer the side wall of the house will be, and the applicant responded the wall would extend 24’ further.

Ms. Metz continued:

- Neighboring property has 3 story, 38’ tall building at the rear of the property.
- Multi-story buildings in rear yards are common on the block.
- Changed the screen porch roof from gable to hip and lowered the height of it as requested by the Preservation Commission.
- Garage is needed for aging in place. Street parking can be difficult to find.
- Hardship is that the existing structure is noncompliant with side and rear setbacks.
- Open parking would not help because it would eliminate outdoor space and eliminate the elevator space, and would still need a variation.
- Side yard setback variation is needed because that is the only place an elevator can work due to existing structural beams.
- Plans to donate 3 trees to Laramie Park.
- There is an invasive tree on the property that will be removed (Norway Maple).
- There are not many housing options for seniors in Evanston. This proposal is a way to age in place.

The applicant stated there have been many discussions and meetings with staff, two meetings with the Preservation Commission which included reducing the size of the dormers and reducing the livable space, DAPR, and the ZBA.

Ms. McAuley noted DAPR suggested not building the proposed deck in the side yard and asked if that is feasible. The applicant responded that then there would not be outdoor space for grilling, etc. for the first floor unit, and that area is so shaded from landscaping that it would be a muddy mess of unusable space without a deck or patio.

Mr. Mirintchev asked why the aging in place unit is on the second floor, and the applicant responded the second floor is nicer, and the first floor is not at grade so it is not accessible. Also, the outdoor space for the second floor unit is a screened rooftop deck which is perfect for aging in place. Additionally, it is not desirable to have the family with small children on the second floor where footsteps will be heard (and where they will later be teenagers).

Mr. Mirintchev asked if the Zoning Ordinance was considered when designing the project, or if a 2-car garage and parking pad was considered instead of 3-car garage. The applicant responded all three cars needs to be within a garage, and the garage space is the smallest possible to fit the vehicles and the elevator. Ms. Klotz noted open parking counts as building lot coverage, so one parking pad would reduce the physical bulk on the property but would not eliminate the building lot coverage variation.

Veronica Francisca, 1580 Dewey Ave., stated her family plans to live on the first floor. Ms. Francisca is currently a resident of Evanston, small business owner, and is active in the community. Multigenerational housing like this is needed.

Richard Gleason, 1213 Oak Ave., stated he has known the applicants for many years and is excited to have them as new neighbors. There are very few houses and garages on the block that comply with the current Zoning Ordinance. There is thick vegetation next to the basketball court in the park so the proposed deck 1’ from the property line cannot be seen from the park.

Deliberation:
Ms. McAuley stated the proposal conforms with the Comprehensive Plan by encouraging aging in place and multigenerational housing. The variations requested are appropriate given the existing structure, surrounding neighborhood, and proximity to the park. There are mitigating factors so the Standards are met.

Mr. Mirintchev stated nonconformities should not be extended, such as the addition that will extend the existing nonconforming side yard setback. The 3-car garage could be changed to a 2-car garage to reduce bulk, and the sunroom could be removed to
reduce bulk. The deck in the side yard is appropriate as long as there are no practical difficulties getting around the deck with only a 1’ setback. There is a structure next door that may be demolished at some point in the future, and if it is then a new structure will be built in that rear yard and will be heavily shadowed by this proposed addition.

Ms. Zordan agreed with Mr. Mirintchev and noted the bulk is too much, and continuing the nonconforming setback for most of the length of the property so that a long wall exists along the north property line may be problematic to the neighboring property owner in the future.

Ms. McAuley stated the proposal is reasonable, and the ZBA has previously approved variations that continue nonconforming setbacks. Mr. Mirintchev clarified those variations were granted when building up, not when extending the building footprint.

Mr. Puchtel noted the project on a whole is good, and given the proximity to the park and likelihood that nothing will be built on the park, supports the proposal.

Chair Pro Tem Arevalo stated there is not a better way to address accessibility and the elevator, so she supports the proposal.

Ms. Klotz stated that based on deliberation of the ZBA, it appears there would not be 4 concurrent votes and the case would not be resolved until the next ZBA hearing. Ms. McAuley motioned to re-open the record so the applicant could speak, which was seconded by Mr. Mirintchev.

The applicant explained the garage must be taller (around 14’) to accommodate the elevator height clearance. If there is a deck on top of the garage instead of a sunroom, the bulk will be mostly the same since the deck would need a railing. The sunroom will appear as less bulk since light will go through the many windows.

Ms. McAuley stated the proposal is an improvement to the neighborhood and will create multifamily units that are accessible.

The applicant then explained a rooftop deck instead of a screen porch would be a greater impact because the railing wall would be more bulky than the proposed screens and roof.

Ms. McAuley motioned to continue the case to January 21, which was seconded by Ms. Zordan and unanimously continued.

2008 Harrison St. 19ZMJV-0095
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.

Ms. Klotz read the case into the record.
The applicant explained the proposal:
- Property was purchased in 2010 with 4 dwelling units and owner was unaware the basement unit was illegal.
- 7 total parking spaces are required for the 4 dwelling units. There are 4 parking spaces on the property (as recognized by the City) but 5 vehicles can fit.
- It would be a major inconvenience to remove the existing basement unit.
- Basement unit is currently being used by the applicant’s adult child with special needs.
- Property is adjacent to a TOD area where the parking requirement is reduced, and if the property were within the TOD area, the parking variation would not be needed.
- Basement unit was remodeled with permits in 2010 and the City did not state at that point the unit was illegal. If known, it would not have been remodeled.
- There are typically 4 vehicles parked at the property (2 from the owner and 2 from the other tenants), but occasionally there are 5.

Mr. Mirintchev agreed the parking pad can fit 2 vehicles, and stated the proposal makes sense given the situation and that there will be no physical change.

Deliberation:
ZBA Members agreed the owner is legalizing something that he was previously unaware was an issue, and there will be no physical change to the property or how it has been used so the request makes sense.

Standards:
1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes

Ms. McAuley motioned to recommend approval, which was seconded by Mr. Mirintchev and unanimously recommended for approval.

1713 Central St. 19ZMJV-0101
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.

Ms. Klotz read the case into the record.

John Mauck, attorney, explained the proposal:
- Will use existing building which has been office and medical space in the past.
- Front of the building will feature a reading room open to the public, and rear of the building is for worship services for Second Church of Christ, Scientist.
- City’s Comprehensive Plan specifically states the growth of Worship Institutions should be encouraged when no adverse impact is imposed on surrounding residential neighborhoods, which this proposal will not.

Elizabeth Drake, Treasurer of Second Church of Christ, Scientist, explained their current worship building on Hurd is for sale. The Christian Science Reading Room at 1936 Central will relocate to the new space so that all operations are under one roof, and the reading room will have more fenestration than its current location which will provide better visibility.

Garry Schumaker, architect, explained the reading room is a retail use and will have a glass storefront. The sanctuary will be in the middle portion of the building and will be sun-filled by skylights. There is one evening service on Wednesday and one service on Sunday. The reading room currently sees 5 customers per day but more are expected at the new location. Covered entrances at the rear will be added. The reading room will operate 10am-4pm and Thursday nights. The congregation is currently around 40 but the sanctuary is designed for up to 80. There are 18 parking spaces. There is one administrative office that is sometimes occupied, and there is one bookstore employee. Employees will park on site.

ZBA Members inquired if there will be adequate parking onsite, and the applicant responded there are around 25 parking spaces at the current Hurd location and there are empty spaces during Sunday services. The new location should have adequate parking with an overflow of 3-4 vehicles at the most since there are 18 parking spaces onsite.

Ms. Klotz noted there is no new parking requirement since the proposal is to use an existing building. However, if this were looked at as a new building, the Zoning Ordinance requires 1 parking space for every 10 seats so the property easily complies with the parking regulation.

The applicant noted that by moving the reading room, a good retail space will become available.

John Weinberger, 1722 Chancellor St., stated that on NU football Saturdays there are parties in the Arts Center parking lot and this building’s parking lot and it is a big nuisance. Tailgating should not be allowed. The applicant stated that is an acceptable condition.

Deliberation:
Ms. McAuley stated she supports the proposal because there is already the reading room on Central and it will be moving to a better location. Mr. Puchtel agreed.

Mr. Mirintchev agreed and suggested the architect consider what the storefront should look like after 4pm including lighting which can add vitality to the business corridor outside of operating hours. Ms. Zordan and Acting Chair Arevalo agreed.
Standards:
1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Ms. McAuley motioned to recommend approval, seconded by Ms. Zordan and unanimously recommed for approval with the following conditions:
1. Tailgating in the parking lot is prohibited for NU games but renting out parking spaces is acceptable.
2. Substantial compliance with the documents and testimony on record.

2510 Green Bay Rd. 19ZMJV-0100
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.

Ms. Klotz read the case into the record.

Charles Happ, property owner, explained the proposal:
• Currently operate one-on-one personal training in the space.
• Typical workout is a 45 minute exercise program (boxing, etc.).
• Trainers are certified in their expertise.
• There are 13 additional parking spaces at 2016 Central St owned by same property owner available for use.
• There are 10 parking spaces on-site at 2510 Green Bay Rd. for all of the businesses at 2510 Green Bay Rd. to use.
• Most clients do not drive to the facility – they typically walk or bike there.
• There have not been parking problems with the different uses that are already operating in the building.
• There will be a maximum of 4 employees for Born2Win working at one time.
• Hours of operation are 5am - 1pm (closes before Lock Chicago opens so parking is not an issue).
• No special events are anticipated but there could be individual training outside of regular hours.
• Other businesses in the building include a variety of office users.
• Center area of the building is a shared reception area with couches.
• Workout space is soundproofed – music is played during workouts and it cannot be heard by the office tenants.
Ms. McAuley asked about the DAPR condition for re-review in one year, and the property owner stated Born2Win has a 3 year lease. Ms. Klotz clarified the DAPR Committee requested this re-review so that if there are issues with things such as loud music or parking that negatively impacts the adjacent residences, DAPR can review and require additional accommodation such as more soundproofing or more parking off-site, and the owner would either need to make those changes or end the lease and use.

Deliberation:
ZBA Members found the proposal, including a one year re-review by DAPR, makes sense at the property.

Standards:
1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Ms. Zordan motioned to recommend approval of the request, which was seconded by Ms. McAuley and unanimously recommended for approval with the following condition:
1. Re-review by DAPR is required one year after special use approval.

Adjourned 9:27pm
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.

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:

<table>
<thead>
<tr>
<th>Value</th>
<th>Evanston’s housing stock should continue to offer buyers and renters a desirable range of choice in terms of style and price</th>
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<tbody>
<tr>
<td>Objective</td>
<td>Maintain the appealing character of Evanston’s neighborhoods while guiding their change.</td>
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<tr>
<td>Objective</td>
<td>Maintain and enhance property values and positive perceptions of housing in Evanston.</td>
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<tr>
<td>Policy</td>
<td>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.</td>
</tr>
<tr>
<td>Policy</td>
<td>Encourage creative adaptive use of properties available for redevelopment using zoning standards and the DAPR Review process to protect historic character.</td>
</tr>
<tr>
<td>Policy</td>
<td>Support efforts aimed at improving Evanston’s housing stock.</td>
</tr>
<tr>
<td>Policy</td>
<td>Include the significance of open-space as an integral contributing factor to the character of Evanston’s historic districts</td>
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</table>

**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 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 roofline 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.

f) **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: 111-19-101-016-0000 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: [ ] 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: 312-382-0560 312-405-6450

Fax: [ ] Home: [ ]

E-mail: NEDW@COMPASS3117.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."

________________________________________
Noreen Edwards

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."

________________________________________
DONNA LEE FLOETER

Applicant Signature – REQUIRED

Date: 9/10/2019
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: 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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<tr>
<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 maximum is 45%</td>
<td>Bldg lot coverage of 51%</td>
</tr>
<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>
</tr>
<tr>
<td>6-8-4-7</td>
<td>Rear yard requirement is 30’</td>
<td>Current setback is approx. 24’. 3’ setback requested</td>
</tr>
<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>“Accessory structure” 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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</tbody>
</table>
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.

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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

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Page 5 of 6
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

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<tr>
<th>If Applicant or Proposed Land User is a Corporation</th>
<th>NA</th>
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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.

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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.

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<tr>
<th>If Applicant or Proposed Land User is not a Corporation</th>
<th>NA</th>
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</table>

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.

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</table>
THE GRANTOR(S), Jeffrey Bloomfield and Christine Bloomfield, husband and wife, of Baroness
Common of 1226 Oak Avenue, Evanston, IL 60202, for and in consideration of the sum of $1,000.00
in hand paid, CONVEYS to Noreen D. Edwards as Trustee of the Noreen D. Edwards Declaration of
Trust dated September 25, 1996, all interest in the following described Real Estate situated in the State in
the County of Cook in the State of Illinois to wit:

THAT PART OF LOT 6 IN THE SUBDIVISION OF PART OF BLOCK 6 IN GRAIN'S SUBDIVISION
OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP
43 NORTH, RANGE 14, 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 NORTHWESTERLY 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.

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, real estate taxes not due
and payable at the time of closing:

Permanent Real Estate Index Number(s): 11-19-101-015-46000
Address(es) of Real Estate: 1226 Oak Avenue, Evanston, IL 60202

Dated this ___________day of ___________, 20__

[Signature]
Jeffrey Bloomfield

[Signature]
Christine Bloomfield
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 Christine 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]

(Notary Public)

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

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

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

CITY OF EVANSTON

PAID State Transfer Tax

AMOUNT $3,275.00

Agent
Zoning Analysis
Summary

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

Zoning Section: 6-8-4-6. - BUILDING LOT COVERAGE.

Comments: The proposed building lot coverage is 51.3% where 45% is the maximum permitted.

6-8-4-7. - YARD REQUIREMENTS.
(A) Residential Structures 3. Side Yard

Comments: 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.

6-8-4-7. - YARD REQUIREMENTS.
(A) Residential Structures 4. Rear Yard

Comments: The proposed rear yard is 4' where 30' is required.

6-8-4-7. - YARD REQUIREMENTS.
(C) Residential Structures 3. Side Yard

Comments: The proposed deck is 1' from the south interior side yard where 5' is required.

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
RESULTS OF ANALYSIS: Non-Compliant

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

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

THIS APPLICATION PROPOSES (select all that apply):
- New Principal Structure
- New Accessory Structure
- Addition to Structure
- Alteration to Structure
- Retention of Structure

Analysis Based On:
- New Principal Structure: Change of Use: Sidewalk Cafe: Other
- New Accessory Structure: Permit of Resubdiv./Consul.
- Addition to Structure: Business License
- Alteration to Structure: Home Occupation
- Retention of Structure: Home Occupation

Analysis Based On:
- Plan 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.

ZONING ANALYSIS

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

- Front Porch Exception (Subtract 5%)
- Pavers/Permeable Paver Exception (Subtract)
- Open Parking Debt (Add 200 sq ft/open space)

Front Porch Exception (Subtract 5%)
- Total Eligible Front Porch
- Regulatry Area

Pavers/Permeable Paver Exception (Subtract)
- Total Paver Area
- Paver Regulatory Area

Open Parking Debt (Add 200 sq ft/open space)
- # Open Required Spaces
- Addn. to Bldg Lot Cor.

PARKING LOT AND STRUCTURE

<table>
<thead>
<tr>
<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>
</tr>
</tbody>
</table>

Minimum Lot Width (LF)
- USE: Two Family
- 35
- 40.00
- 40.00
- No Change

Comments:

Minimum Lot Area (SF)
- USE: Two Family
- 7,000 sq. ft. (3500 sq. ft.)
- 4972
- 4972
- No Change

Comments:

6-6-4-4 - ENLARGEMENT OF STRUCTURE

Dwelling Units:
- SFR, 2F
- 2
- 2
- No Change

Building Lot Coverage (SF) (defined, includ sq subtraction & addition)
- Comments:
- 2237.4
- 1787
- 36%
- 56.44%, 2502.64
- 50.34%

Impervious Surface Coverage (SF, %)
- 2973.2
- 2903.25
- 50.23%
- 2965.58
- 50.47%

Comments:

L F Linear Feet  S F Square Feet  F T Feet
Page 1
<table>
<thead>
<tr>
<th>Accessory Structure</th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
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<tbody>
<tr>
<td>Rear Yard Coverage:</td>
<td>40% of rear yard</td>
<td>54%</td>
<td>0%</td>
<td>Compliant</td>
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<tr>
<td>Comments:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height (FT)</td>
<td>&lt; OF 35&quot; OR 2.5 STORIES</td>
<td>31.83 / 2 stories</td>
<td>35&quot; / 3 stories</td>
<td>Non-Compliant</td>
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<tr>
<td>Comments: DOES NOT MEET DEFINITION OF DORMER</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Front Yard(1) (FT)</td>
<td>27' or block average</td>
<td>33.66 / 26.5 to front porch</td>
<td>33.66 / 26.5 to front porch</td>
<td>No Change</td>
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<tr>
<td>Direction: E</td>
<td></td>
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<tr>
<td>Street: Oak Avenue</td>
<td></td>
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<tr>
<td>Comments:</td>
<td></td>
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<tr>
<td>Interior Side Yard(1) (FT)</td>
<td>5’</td>
<td>3.2</td>
<td>3.2</td>
<td>Non-Compliant</td>
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<tr>
<td>Direction: N</td>
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<tr>
<td>Comments: Addition in vertical or horizontal direction req. adherence to setback</td>
<td></td>
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<tr>
<td>Interior Side Yard(2) (FT)</td>
<td>5’</td>
<td>0</td>
<td></td>
<td>Compliant</td>
</tr>
<tr>
<td>Direction: S</td>
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<tr>
<td>Comments:</td>
<td></td>
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<tr>
<td>Rear Yard (FT)</td>
<td>30’</td>
<td>24.5</td>
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<td>Non-Compliant</td>
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<td>Comments:</td>
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<tr>
<td>ACCESSORY USE AND STRUCTURE</td>
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<tr>
<td>Use (1):</td>
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<tr>
<td>Permitted Districts:</td>
<td>RSD</td>
<td></td>
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<tr>
<td>Permitted Required Yard:</td>
<td>RY or ISY</td>
<td>Interior Side Yard</td>
<td>Interior Side Yard</td>
<td>Compliant</td>
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<tr>
<td>Comments:</td>
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<tr>
<td>Additional Standards:</td>
<td>8’ or 8’ w/ screening setback</td>
<td>NA</td>
<td>2’</td>
<td>Non-Compliant</td>
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<tr>
<td>Comments:</td>
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<td>ACCESSORY USE AND STRUCTURE 2</td>
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<td>Use(2):</td>
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<td>Permitted Districts:</td>
<td>RSD</td>
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<td>Permitted Required Yard:</td>
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<td>Comments:</td>
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<tr>
<td>Interior Side Yard(2A) (FT)</td>
<td>5’</td>
<td>NA</td>
<td></td>
<td>Non-Compliant</td>
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<td>Direction: S</td>
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<td>Comments:</td>
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<tr>
<td>PARKING REQUIREMENTS</td>
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### Use(1): Two-family

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<th>Determination</th>
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<tr>
<td>1.5 per dwelling unit.</td>
<td>0</td>
<td></td>
<td>3</td>
<td>Compliant</td>
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**Comments:**

### TOTAL REQUIRED:

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<tr>
<td>3</td>
<td>0</td>
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**Comments:**

### Vertical Clearance (LF)

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<tr>
<td>7</td>
<td>NA</td>
<td>8.5'</td>
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<td>Compliant</td>
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**Comments:**

### Surfacing:

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<tr>
<td>Sec. 6-16-2-6 (E)</td>
<td>NA</td>
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<td>Concrete Apron</td>
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**Comments:**

### Location:

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<tr>
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<tr>
<td>Sec. 5-4-6-2</td>
<td>NA</td>
<td></td>
<td>Attached Garage</td>
<td>Compliant</td>
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**Comments:**

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

**Comments:**

### Angle(2):

**Comments:**

### MISCELLANEOUS REQUIREMENTS

<table>
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<tr>
<th>Requirement (1):</th>
<th>Standard</th>
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<tr>
<td>YARD OBSTRUCTIONS</td>
<td>10% or match existing</td>
<td>2W</td>
<td>2W</td>
<td>Compliant</td>
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</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:** 9.25.19

**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 15, T65N R19E, PARISH 41 NORTH, RANGE 14, 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 NORTHWESTERLY 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.

REMAINDER OF LOT 5
(NOT INCLUDED)
S 69°2 1/48° E
126.00' (R&M)

TABLE:

LI
N 89°40'00" W 40.00' (R&M)

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: 19GSA207009LP
BUYER: MARK METZ AND NOREEN EDWARDS
SELLER: JEREMY BLOOMFIELD AND CHRISTINE BLOOMFIELD, HUSBAND AND WIFE, AS
TEENANTS IN COMMON

THE cara PROGRAM
transforming lives...
www.thecaraprogram.org

Since 1981, The Cara Program has helped more than 1,501
women and men to move from
a life of addiction to a life of
freedom and hope for a
brighter future.

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
Subject from across the park
• **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”.

Prevent a shortage of on-street parking.”
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

1224 Oak Avenue, Evanston
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.
Conclusion

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
Aerial Map - 1224 Oak Street

September 26, 2019

- User drawn points
- TOD Area Parcels
- Tax Parcels

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.
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

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.

Staff Present: M. Rivera

Others Present: M. Rivera

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 adherance 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.
To The Preservation Commission, City of Evanston:
Re: Proposed Plans for 1224 Oak Ave

Dear Ms. Klotz,

I previously sent a letter in support of the Application of Mark Metz and Noreen Edwards Metz in September but I have been advised that it either was not received or did not make it into the packet for tomorrow’s hearing.

Noreen Edwards and Mark Metz have shared with me and my wife, Mary, 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. 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.

We ourselves appeared some years ago before the Preservation Commission when we were adding a garage in back of our property and even before that, more than 20 years ago, we requested some significant changes to our own home in the 1990’s, so I am somewhat familiar with the process and the commission’s intended purpose- to protect and maintain the spirit of our neighborhood, as well as to make sure that any changes meet the specific requirements of the City Code and the Comprehensive General Plan of Development for Evanston.

I cannot think of two people who have a greater appreciation for Evanston’s aims and ideals for our residential areas. Mark and Noreen may not bring it up, but you should ask them about their many volunteer activities over many years on behalf of our City, its schools and their church that demonstrate their commitment to our City and its residents.

I also believe I have a unique perspective and a very long relationship to our block of 1200 Oak Avenue. My great-grandfather and his brother built our current house,
and they also moved another entire house from a prior location in Evanston to 1217 Oak Avenue in the 19th Century. My grandmother and my grandfather raised their family on this block, and as a child I visited them and a very different Larimer Park more times than I can numerate in the 1950's and 1960's.

As to the "historic" nature of our neighborhood, I don't believe that the proposed changes by Mark and Noreen will have any deleterious effect on our block. Peg Harrigan, my aunt, was also born and resided on this block at 1217 Oak her entire life. She could remind you of the significant changes to the 1200 block of Oak Avenue in the 1970's when the street was permanently blocked off and closed as a through street and transformed into a dead end street with the consequent extension of Larimer Park joining both east and west sides of the park. In fact the entire east side of Larimer Park was not at park at all, but the site of Larimer School, built around 1894 and later demolished entirely, was designed by none other than renowned architect, Daniel Burnham. I offer these to point out that simply because a block is considered "historic", should not limit significant and beneficial changes proposed by homeowners or by the City itself.

I know that my grandmother, my mother and my aunt would be as delighted as Mary and I are to see the kind of plans and improvements Mark and Noreen are proposing with no significant changes of any kind to the 'historic' character of our neighborhood and our block. Mary and I urge you to approve their proposal.

Finally, we wanted to say 'thanks' to you all for serving on the Commission for all your hard work on behalf of Evanston.

Sincerely,

Dick Gleason
312-371-3914
Email: richardcgleason@gmail.com
I am writing to you to let you know that I approve of the project being proposed by Noreen Edwards and Mark Metz at 1224 Oak Avenue. I live at 1139 Ridge Ave and have a view of the building and park from my kitchen window and backyard deck. The additions 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 them and the neighborhood.

Best regards,
Patricia Coghlan

Sent from my iPhone X
1327 Chicago Ave. & 528 Greenwood St.
19ZMJV-0074

ZBA Recommending Body
To: Members of the Zoning Board of Appeals

From: Johanna Leonard, Director of Community Development
      Scott Mangum, Planning and Zoning Manager
      Melissa Klotz, Zoning Administrator

Subject: 1327 Chicago Ave./528 Greenwood St. – ZBA 19ZMJV-0074
         ZBA Recommending Body
         City Council Determining Body

Date: January 14, 2019

Notice – Published in the Evanston Review on December 26, 2019
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.

Recommendation
Planning & Zoning staff recommend denial, and DAPR recommends approval for a special use permit for an Office use, Richard Shapiro Attorney At Law, in the R5 General Residential District. Planning & Zoning staff finds the proposal does not meet all of the Standards for Special Use in the R5 District. Specifically, the request for a substantial office use of 22 employees at 1327 Chicago Ave. and 22 employees at 528 Greenwood St., in a residential zoning district surrounded on three sides by residential zoning and uses, is not keeping with the purposes and policies of the adopted comprehensive general plan, causes a negative cumulative effect, and diminishes the value of property in the residential neighborhood.

Site Background
1327 Chicago Ave. and 528 Greenwood St. are contiguous properties located at the southeast corner of Chicago Ave. and Greenwood St. The properties are within the R5 General Residential District and are surrounded by the following:

   North:  R5  General Residential District
   South:  R5  General Residential District
   East:   R5  General Residential District
   West:   B2  Business District
The properties are surrounded by a variety of residential uses, from single family residences to large multifamily buildings, to the north, east, and south, and by commercial businesses and mixed use buildings to the west across Chicago Ave.

The properties are within the Lakeshore Historic District but are not designated Landmarks. Since no exterior modifications to the structures are proposed, a Certificate of Appropriateness is not required from Historic Preservation.

Proposal
The applicant proposes to continue operations of attorney offices with approximately 22 employees each at 1327 Chicago Ave. and 528 Greenwood St. The properties feature large single family residences that are located in the R5 General Residential District. Because the properties are adjacent to the B2 Business District that is on the west side of Chicago Ave., the properties are eligible for special uses for Office use.

The Zoning Ordinance defines an Office as:

A use or structure where business or professional activities are conducted and/or business or professional services are made available to the public, including, but not limited to, tax preparation, accounting, architecture, legal services, medical clinics and laboratories, dental laboratories, psychological counseling, real estate and securities brokering, and professional consulting services, but not including drive-through service windows, the cutting or styling of hair, or recreational facilities or amusements. "Office" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

The applicant initially purchased 1327 Chicago Ave. as his personal residence in 1985. In 1991, he began a tax appeal practice at the property. Over time, the business grew and incorporated additional employees. In 2013, the applicant purchased the adjacent single family residence at 528 Greenwood St. and expanded the tax appeal practice onto that property. The applicant now lives at a nearby condominium building. City staff became aware of the situation fall 2018 and has been working with the applicant to address building code, accessibility code, and zoning code issues.

The tax appeal practice currently has 48 employees. Not all employees work on-site every day, so there is an average of 22 employees in each single family residence. Many employees commute by train, there are 3 parking spaces on-site at 1327 Chicago Ave., and the applicant rents 11 spaces from adjacent neighbors and 12 spaces from surrounding City garages/surface lots.

The applicant agrees to sprinkler the buildings to meet fire code requirements, which includes new upgraded water service. The water service/sprinkler work is estimated at $220,000. The applicant also agrees to install handrails on interior stairs (estimated at $3,000 or less) and upgrade electric, plumbing, and mechanical equipment where necessary. No other interior or exterior changes to the buildings are proposed. The applicant has provided photographs (attached) of each building’s interior and exterior.
All parties agree that the third floor of 528 Greenwood St. will not be used by employees. The applicant believes it is appropriate to maintain the residential character of each building.

Neither property is ADA accessible and requires maneuvering on exterior stairs, interior stairs, and doorways and bathrooms that are not ADA accessible. The applicant believes any employees with accessibility requirements could work off-site, and clients rarely visit the property since most work is done via the internet or occasionally by home visit. If a client with accessibility requirements does visit the site, the applicant believes paperwork or other client work could be handled through the clients' vehicle window. The applicant proposes to convert the three existing on-site parking spaces at 1327 Chicago Ave. into one typical parking space and one ADA parking space.

The City's Building Official requested a change of occupancy evaluation for both residences, including a structural assessment, fire and life safety evaluation, and accessibility evaluation. The evaluation is attached. Following multiple discussions with the applicant and the International Code Council (ICC) for building code interpretations, all parties determined that fire and life safety codes will be met if the buildings are sprinklered, and ADA upgrades are not required.

The Building Official's request originally included accessible route requirements including handrails, an accessible entrance, parking and an accessible path to one office and one meeting room. Following interpretation by the ICC, the City's Building Official reduced the request but asked that the applicant consider reasonable ADA upgrades and demonstrate program access/barrier removal as feasible. The applicant agrees to provide program access and install handrails on interior stairs but no longer agrees to change exterior door handles to levers since he believes that would change the residential character of the structures.

City staff is aware that the proposed office use has existed for nearly 20 years in violation of the Zoning Ordinance, and that the office use has operated at its current capacity for nearly 10 years. Although some nearby property owners were unaware of the business, the additional vehicles and employees has a noticeable impact on the surrounding residential area. For instance, since the applicant rents 11 parking spaces from adjacent property owners as well as 12 parking spaces from nearby City garages/surface lots, those 23 parking spaces are not available for residents of the area, some of whom have been on parking wait-lists for many months. The impact of an office use of this size would be appropriate one block to the south, perhaps on a second floor of a commercial building, within the Main-Dempster Mile. However, as proposed, 1327 Chicago Ave. and 528 Greenwood St. are surrounded on three sides by residential uses including single family residences. Although there is a financial institution (Bank of America) directly west across Chicago Ave, the majority of surrounding properties and uses would be negatively impacted by the cumulative effect of 44 employees and their vehicles. Use of the properties and structures for larger-scale office use is not the intent of the Comprehensive General Plan or the Zoning Ordinance. The special use regulation is intended for small-scale office uses that can blend well with the residential character of a neighborhood without causing any nuisance issues or negative effects. It is bad land use policy and a slippery precedent to allow a business...
of this size and operation to function in a residentially zoned and occupied neighborhood and with minimal to no ADA accessibility for employees or clients.

**Ordinances Identified for Requested Relief:**

**6-8-7 R5 General Residential District**

6-8-7-3 Special Uses: The following uses may be allowed in the R5 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title: Office (subject to the general requirements of Section 6-8-1-11 "Special Conditions for Office Uses," of this Chapter).

(among other listed uses)

Additional regulations for Office use in the R5 District per Section 6-8-1-11:

In residential districts wherein it is listed as a special use, office use may occur only in the following instances and subject to the following conditions:

A. The subject property shall be adjacent to any B, C, D, RP, O1, MU, MUE, MXE, or I zoning district.
B. The subject property shall be improved with, and the office(s) shall be located within, a dwelling originally constructed as a single-family detached or two-family dwelling.
C. The Zoning Board of Appeals shall consider, make findings of fact regarding, and, if necessary, attach specific conditions to address, the following characteristics of the proposed use:
   1. The number of employees;
   2. The amount of parking;
   3. The amount of traffic;
   4. The number of clients on the subject property at any one (1) time and per day;
   5. The hours of operation;
   6. The hours during which pick up and delivery are permitted;
   7. The manner in which utilities and other services are provided to the area;
   8. Sources of noise, vibrations, smoke, dust, odor, heat, glare, or electrical interference with radio or television transmission to the area;
   9. Exterior alterations to the residential appearance of the subject property, including, but not limited to, creating a separate or exclusive office entrance, signage or other advertising or display to identify the office, fencing, and outdoor storage; and
   10. The taxable value of buildings and land on, and within the vicinity of, the subject property.
D. If the City Council grants the special use, the property owner, or his or her agent, shall provide the Cook County assessor’s office with appropriate documentation of the nonresidential use of the subject property, including, but not limited to, the amount of floor area devoted to nonresidential use. The property owner, or his or her agent, shall cause to be placed on file in the office of the zoning division a copy of the above described document. Said document and copy shall be received by the Cook County assessor's office and zoning
division before the City may issue a final certificate of occupancy for the nonresidential use.

Comprehensive Plan:
The Evanston Comprehensive General Plan encourages the protection of residential neighborhoods from negative impacts. The Comprehensive Plan specifically promotes “preserv[ing] neighborhood character while supporting redevelopment efforts that add to neighborhood desirability.” The Comprehensive Plan also includes:

Objective: Develop strategies where feasible for addressing parking and circulation concerns of merchants and surrounding residents in areas of neighborhood business activity.

Objective: Evanston should work to preserve its historic residential architecture and ambience.

The conversion of two historic single family residences that are immediately adjacent to other residences, for Office use for 22 employees in each building, and with little on-site parking and lack of ADA accessibility for employees and clients, amounts to a negative impact on the surrounding residential neighborhood.

Design and Project Review (DAPR) Discussion and Recommendation:
The DAPR Committee found the use has operated without complaint for over a decade, unbeknownst to the City, and therefore may be a compatible use to the neighborhood. However, some DAPR Members found the lack of on-site parking and ADA accessibility for employees and clients at both buildings to be problematic (see attached DAPR Minutes Excerpt).

Recommendation: Approval with conditions, 8-2
1. Hours of operation shall be limited to Monday – Friday, 7am to 6pm.
2. Deliveries shall be limited to Monday – Friday, 7am to 6pm.
3. The number of employees present on-site shall be limited to 45.

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

1. Is one of the listed special uses for the zoning district in which the property lies; Per Zoning Code Section 6-8-7-3, an Office use in the R5 District is an eligible special use when adjacent to a Business District. The subject property is adjacent to the B2 Business District to the west across Chicago Ave.
2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning ordinance; The Comprehensive General Plan encourages the protection of residential neighborhoods from negative impacts. The lack of significant on-site parking and ADA accessibility, enhanced by 22 employees in each building, is not appropriate when surrounded by residential zoning and uses on three sides. The potential for negative impacts in such a situation is high.
3. Does not cause a negative cumulative effect in combination with existing special
uses or as a category of land use; Since the proposal includes two single family residential properties, each with 22 Office employees and little on-site parking, the cumulative effect of both properties together within a residential district may be a negative cumulative effect.

4. Does not interfere with or diminish the value of property in the neighborhood; Moderate intensity commercial (Office) use immediately adjacent to residential uses may diminish the value of property of adjacent properties. Additionally, the cumulative 22 parking spaces in the neighborhood that are leased for this use may cause parking issues for residents of the area and may therefore diminish the value of property in the neighborhood.

5. It can be adequately served by public facilities and services; Yes, both properties have adequate service. If approved, both structures will upgrade water service for a fire sprinkler system.

6. Does not cause undue traffic congestion; The addition of 22 employee vehicles in the area likely increases traffic congestion incrementally, but since parking spaces are leased and the vehicles are traveling to an exact destination, overall traffic congestion is not significantly impacted by the use.

7. It preserves significant historical and architectural resources; No exterior modifications are proposed to either single family home structure, which are within the Lakeshore Historic District. However, with no exterior modifications, the structures are not ADA accessible.

8. Preserves significant natural and environmental resources; There are no significant natural or environmental resources at this site.

9. Complies with all other applicable regulations. The use will comply with other applicable regulations including building codes and fire codes for change of use occupancy. However, the Building Official and some DAPR Members request additional ADA accessibility is done at one structure so that there is an accessible office and conference room for an employee or client with mobility needs.

Attachments
Special Use Application
Correspondence to Planning & Zoning Administrator – December 31, 2018 & January 2, 2019
Building Inspection Report
Appeal from portion of Building Inspection Report (ADA accessibility)
Fire Inspection Report
Site Plans
Noncompliant Zoning Correspondence – November 20, 2018 & January 17, 2019
Reconsideration of Appeal from Building Official – October 30, 2019
Supplemental Info from Applicant following Approved Appeal of ADA Requirements – November 7, 2019
Plats of Survey
Zoning Map of Property
Aerial View of Property
Image of Property
DAPR Meeting Minutes Excerpt – November 20, 2019
Table of Contents

1. Special Use Application
   
   A. Appendix A: Correspondence to Planning and Zoning Administrator from Mr. Shapiro’s attorney dated December 31, 2018 (including attachments) and January 2, 2019
   
   B. Appendix B: Building Inspection Report for 1327 Chicago Avenue and 528 Greenwood Street
   
   C. Appendix C: Appeal from portion of Building Inspection Report pertaining to accessibility requirements, together with architect’s May 8, 2019 Change of Occupancy Evaluation Report
   
   D. Appendix D: Fire Inspection Reports for 1327 Chicago Avenue and 528 Greenwood Street
   
2. Project Site Plans

3. Non-Compliant Zoning Analysis (Correspondence from Planning and Zoning Administrator dated November 20, 2018 and January 17, 2019)

4. Proof of Ownership
   
   A. 1327 Chicago Avenue – Mortgage
   
   B. 528 Greenwood – Deed
1. PROPERTY

Address: 1327 Chicago Avenue and 528 Greenwood Street, Evanston, Illinois 60201

Permanent Identification Number(s):

PIN 1: 11-18-418-005-000-0000  PIN 2: 11-18-418-001-000-0000

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

2. APPLICANT

Name: Richard A. Shapiro

Organization: N/A

Address: 1319 Chicago Avenue, Apartment 105

City, State, Zip: Evanston, Illinois 60201

Phone: Work: 847-869-8696  Home:  

Fax: Work: 847-869-9222  Home: 

E-mail: rs@richardsapiro.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: N/A

Address: 

City, State, Zip: 

Phone: Work:  Home:  

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

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

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
- [ ] Project Site Plan
- [ ] Plan or Graphic Drawings of Proposal (If needed, see notes)
- [ ] Non-Compliant Zoning Analysis
- [ ] Proof of Ownership
- [ ] Application Fee

New surveys are being prepared and are expected to be submitted to the City during the week of August 5, 2019.

Date of Survey: ____________________________

Date of Drawings: July 25, 2019, as updated on July 29, 2019

(See answer to Question (e))

Deed for 528 Greenwood and Mortgage for 1327 Chicago Avenue

Document Submitted: ____________________________

Amount: $660.00

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, 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 change of use is non-compliant with the Zoning Code and requires a variance.

**Application Fee**

The application fee depends on your zoning district (see zoning fees). Acceptable forms of payment are: Cash, Check, or Credit Card.
A. Briefly describe the proposed Special Use:

It is proposed that both the 1327 Chicago Avenue building and the 528 Greenwood building be used as office space for the purpose of conducting my legal practice (subject to the reservation of the suite on the eastern side of the second floor of the building at 1327 Chicago Avenue for my personal use). Except for the area reserved for my personal use, both buildings are currently used for office purposes, as detailed in the attached letters to Scott Manqum dated December 31, 2018 and January 2, 2019, which letters and accompanying attachments are included in Appendix 1 to this application.

APPLICANT QUESTIONS

a) 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? (See Zoning Analysis Review Sheet)

Both buildings are located in the R5 Residential Zoning District, which allows Office Uses as special uses. (See Evanston Zoning Ordinance, Sections 6-8-7-3 and 6-8-1-11.)

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

The requested special use will not interfere with or diminish the value of property in the neighborhood, or cause a negative cumulative effect on the neighborhood. To the contrary, the use provides valuable legal services to the community, as detailed in Appendix A. The use is also compatible with the surrounding business and commercial uses, as is also discussed in Appendix A.

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

Yes, the use will be adequately served by public facilities and services. I am working with my architect to ensure that the use complies with applicable building and fire codes, as set forth in the attached inspection reports issued by the Building Division and Fire Department of the City, respectively (subject to the potential modification or elimination of the accessibility requirements as a result of the appeal referenced in item e) below). (See Appendices B, C, and D.) The use is also accessible to public transportation; the offices are located little more than one block from the Dempster Street station of the Purple Line.
d) Will the requested special use cause undue traffic congestion?

No, the requested special use will not cause undue traffic congestion. The properties are both located on Chicago Avenue, the primary commercial thoroughfare cutting through Evanston, with one property fronting onto Greenwood, a smaller residential street. The proposed occupancy use itself creates little traffic. Notably, almost half of my employees do not drive to work; they either take the CTA, use Uber, bike or walk to the office. Further, only a small number of clients visit the 1327 Chicago Avenue property, and none visit the 528 Greenwood property. (See Appendix A.)

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

The buildings are located in the Lakeshore Historic District, although neither is a designated landmark, but only contributing structures within the district. The inspection report issued by the Building Division indicates specific changes that may require exterior alterations to comply with certain accessibility requirements it has identified. (See Appendix 2.) An appeal has been filed disputing those requirements. (See Appendix 3.) If this appeal is successful, there will be no need for any changes to the exterior portions of these buildings that are visible from the public way and this will preserve significant historical and architectural resources. If the appeal is not successful, I will ask my architect to draw up an appropriate design for both buildings. To the extent such alterations are visible from the public way for either structure, I will apply to the Preservation Commission for a Certificate of Appropriateness (COA) and any necessary building permits or zoning variances.

Appropriateness.

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

The requested special use will not have any adverse impact on significant natural and environmental features.

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, the requested special use will comply with all other applicable regulation of the R6 Residential District and other applicable ordinances, except to the extent that such regulations are modified through the grant of a variation.
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.

   Richard A. Shapiro  
   1327 Chicago Avenue  
   Evanston, Illinois  60201

   This is Mr. Shapiro’s business address. His residential address is set forth on page 1.

4. List the name, address, phone, fax, and any other contact information of person or entity having constructive control of the subject property. Same as number 3 above, or indicated below.
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.
   Does not apply.

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.
   Does not apply.

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.

Mr. Shapiro is the sole legal titleholder of the subject properties.
A. GENERAL INFORMATION

1. What projects are eligible for a Special Use Permit?
Projects are eligible per zoning District. Please check the Zoning District to see if your proposed project is listed as a permitted Special Use per zoning District. The Allowed Uses by Zoning District handout is also another way to access information to see if your project is eligible to apply.

2. Who can submit an application?
The applicant must either own, lease, or have legal or equitable interest in the subject property, or must be the representative of such a person. All persons or parties which have an ownership interest in the affected properties must be identified and must sign the application. The Property Owner(s) may, at their discretion, designate another person as Applicant to act on their behalf in processing this application. In that case, the designated Applicant will be considered the primary contact, until the application is closed or the Property Owner changes the designated Applicant by contacting the Zoning Office in writing. Standing (§6-3-8-4):

3. How do I submit an application?
Applications must be submitted in person to the Zoning Office, City of Evanston, Civic Center Room 3700, 2100 Ridge Avenue. Our office hours are Monday through Friday (excluding Holidays) from 8:30 am until 5:00 pm. Evanston.
Applications must be complete, including all required documentation and fee.
Applications are not accepted by mail or e-mail.
Application materials cannot be returned.

4. What forms of payment are accepted?
Cash, Credit Card, Check.

5. Can I withdraw my application?
Yes, an application may be withdrawn any time prior to a vote.

6. Who has access to my application materials?
The application is a public document, and as such, may be reviewed by the general public upon request.

B. INFORMATION ABOUT SPECIAL USES

What is a Special Use Permit?
For each zoning district, the Zoning Ordinance identifies permitted uses (also called “by right” uses) and special uses which may be allowed depending upon the circumstances. In order to legally operate a special use, a property owner must apply for a Special Use Permit from the Zoning Office. The application is reviewed at a public hearing by the Zoning Board of Appeals (ZBA), which makes a recommendation to the City Council. The ZBA can also recommend conditions on a granted special use. The City Council is the deciding body for all Special Uses in the City of Evanston.
The Special Use Application Process

- The City reviews the project through a Zoning Analysis (applied for separately) and determines it is eligible to apply for a special use.
- The Applicant files a Special Use Application.
- The City publishes a notice of the hearing in the Evanston Review, between 15 and 30 days prior to hearing.
- The City posts a sign describing the public hearing on the property no less than 10 working days before the hearing.
- The City must mail notification of the public hearing to all properties that are within 500 feet of any point on the subject property. (The applicant is responsible for the accuracy of the list used by the City for mailing this notice. The applicant can either rely on a list the City produces through its Geographic Information System or produce his or her own list of the names and addresses of property owners within 500 feet of the subject property. The Zoning Office will send to the applicant its generated mailing list. The applicant should inform the Zoning Office if any names and addresses are missing.
- The City encourages all applicants to discuss their proposal with their neighbors prior to the public hearing.
- The Zoning Division will schedule the applicant to meet with the Site Plan & Appearance Review Committee; (SPAARC) which provides a recommendation to the Zoning Board of Appeals.
- The ZBA recommends denial, approval, or approval with conditions of the application to City Council;
- The Planning and Development Committee of the City Council considers the ZBA recommendation and forwards it to the full City Council with or without a recommendation;
- City Council considers the ZBA recommendation and may introduce an ordinance granting the requested zoning relief;
- City Council may adopt an ordinance granting the requested zoning relief at the following or any subsequent City Council meeting.

The approximate time from when the Zoning Office receives a complete application to a decision is three to four months.

To recommend approval for a special use, the ZBA must find that the proposed special use meets all of the following criteria:

a) is one of the listed special uses for the zoning district in which the property lies;
b) complies with the purposes and policies of the Comprehensive General Plan and the Zoning Ordinance;
c) does not cause a negative cumulative effect in combination with existing special uses or as a category of land use;
d) does not interfere with or diminish the value of property in the neighborhood;
e) is adequately served by public facilities and services;
f) does not cause undue traffic congestion;
g) preserves significant historical and architectural resources;
h) preserves significant natural and environmental resources; and
i) complies with all other applicable regulations.

Expiration

Within one year of obtaining a special use permit, the recipient must either obtain a building permit and commence construction, or obtain a certificate of occupancy and commence the use. City Council may extend this one-year limitation upon request.

CONTACT INFORMATION

Community Development Department – Planning and Zoning Division
2100 Ridge Avenue, Room 3202 Evanston, Illinois 60201
P. 847-448-4311    F. 847-448-8126    E. zoning@cityofevanston.org
www.cityofevanston.org/zoning
VIA EMAIL AND U.S. MAIL

Scott Mangum
Planning and Zoning Administrator
Community and Development Department
Planning and Zoning Division
2100 Ridge Avenue
Evanston, Illinois 60201
smangum@cityofevanston.com

Re: Law practice at 1327 Chicago Ave. and 528 Greenwood St. in Evanston, Illinois

Dear Mr. Mangum:

I am writing on behalf of our client, Richard A. Shapiro, in response to your letter of November 20, 2018, requesting certain information with respect to the operation of Mr. Shapiro’s law practice at 1327 Chicago Avenue. In addition, as I mentioned during our telephone conversation, Mr. Shapiro owns the adjacent property at 528 Greenwood Street (immediately north of the 1327 Chicago Avenue house) and also uses that property to conduct his legal practice.

By way of background, Mr. Shapiro is a long-time resident of Evanston who primarily resides at 1319 Chicago Avenue, Apt. 105, where he owns a condo unit, though Mr. Shapiro has also always maintained a bedroom/bathroom suite at 1327 Chicago just for his personal use. Mr. Shapiro has been an attorney since 1980. For approaching twenty-eight years, he has represented owners of real estate in tax appeal proceedings, mainly in Cook County but also in DuPage and Lake Counties. He is well known and respected in his profession and has received enthusiastic testimonials from many satisfied clients. Mr. Shapiro has 1,430 active clients in Evanston alone.

For more than 20 years now, there have been just three houses left on Chicago Avenue in the Lakeshore Historic District. There is a corner house on Chicago that faces Hamilton, a block south of Dempster, built to within two and four feet of its bordering sidewalks. The other two are Mr. Shapiro’s—the last two houses with front yards on Chicago Avenue in the Lakeshore Historic District (the two houses south of 1327 Chicago were razed in 1996, and then replaced in 1998 by the 1319 condo). The 1327 Chicago property is the only remaining house that fronts on Chicago Avenue in the Lakeshore Historic District. The light pole in front of 1327 Chicago has the only street sign directing traffic (to turn at the corner, going right past 528 Greenwood) to the Charles
Scott Mangum  
December 31, 2018  
Page 2

Gates Dawes lakefront house/museum at 225 Greenwood. 528 Greenwood Street (built in 1879, assigned the Permanent Index Number ending -001 and probably the first house on the block) is shaded by three stately American elms along Chicago Avenue and the nearby, century-old catalpa tree in its front yard. And next door to the east of 528 Greenwood is 526 Greenwood, a registered historic landmark. For all of these reasons, Mr. Shapiro thinks of his Chicago Avenue houses as the last 19th century facades that work as an appropriate backdrop for a western entrance (crossing Chicago Avenue) into the Lakeshore Historic District. Mr. Shapiro views the Lakeshore Historic District as his own neighborhood, and takes pride in providing his professional services to that neighborhood and all of the nearby neighborhoods while retaining the residential character of the Lakeshore Historic District. Calculating just exactly how many appeals Mr. Shapiro has filed in the Lakeshore Historic District is complicated, but the number is approximately 1,324 since 2001.

The 1327 Chicago Avenue house was built in 1899, probably originally as a single family dwelling. Mr. Shapiro began renting the 1327 Chicago house in 1985, and purchased it in 1998. Mr. Shapiro established his fledgling legal practice at 1327 Chicago Avenue in 1991. At that time, Mr. Shapiro was assisted by one independent contractor and had no employees. Over the years, Mr. Shapiro’s law practice grew and he gradually began hiring employees. Today, Mr. Shapiro employs twenty-two individuals who are usually located at the 1327 Chicago main office.

The 528 Greenwood Street house was built in 1879 and was unquestionably constructed as a single family dwelling. It is directly north of the western half of the 1327 Chicago property. Mr. Shapiro purchased the property at a foreclosure sale in 2014. In 2015, he expanded his law practice and began using the 528 Greenwood house for the operation of his business. Today, Mr. Shapiro employs twenty-two individuals who are usually located at the 528 Greenwood property.

Mr. Shapiro employs a total of forty-nine people, but five of them always work off-site. Forty-six employees are full-time and three are part-time (working from 8 to 30 hours per week).

The regular hours of operation for Mr. Shapiro’s business are from 8:00 a.m. to 6:00 p.m., Monday through Friday at both properties, but the office does often close at 2:00 p.m. on the day before some holidays. The employees begin and end their work days at different times. Thus, for example, some employees arrive at 8:00 a.m. and leave at 4:00 p.m. Others arrive at 10:00 a.m. and leave at 6:00 p.m. There are three receptionists who never all work at the same time. There are two employees who regularly work certain days of the week from their homes but come into the office on certain other days, and there are ten employees who from time to time do not come in the office and instead work remotely from home. Accordingly, there are significant periods of time for both of the houses when fewer than the stated number of employees are on the premises.

As a general matter, the overwhelming majority of client consultations occur over the telephone and not in person. On the occasions when Mr. Shapiro or any of his employees ever do meet with clients, they do so at the 1327 Chicago Avenue property only. There are typically no more than one or two clients who visit Mr. Shapiro at any one time. To the best of Mr. Shapiro’s recollection, over the past almost twenty-eight years no more than three clients visited his office.
at the same time, and such occurrences are exceedingly rare. The number of clients who visit Mr. Shapiro’s office in a day ranges from two to ten (such as on days when there is a filing deadline).

With respect to parking, a pad with three spaces faces Chicago Avenue (located north of the 1327 property, it’s actually the southwestmost rear corner of the 528 Greenwood lot). Two of these spaces are reserved for clients; one space is used by employees. Mr. Shapiro also rents ten parking spaces at the rear of the 1327 Chicago Avenue property for the use of his employees. In addition, Mr. Shapiro rents nine more spaces at two City of Evanston parking lots. Mr. Shapiro is also first in line on the waiting list at both of those Evanston parking lots for an additional two parking spaces, and it is likely that those requests for two additional spaces will be fulfilled early in January, 2019. The 1327 Chicago Avenue house has for parking just a single space in the rear (and no back yard, which facts only serve to exacerbate its limited value as a residential house on a commercial street) that Mr. Shapiro uses at times for his vehicle, but which also can be made available for employee use as Mr. Shapiro has another space to park in right next door, under his condo building at 1319 Chicago Avenue. It is significant that there are twenty people who work at Mr. Shapiro’s firm who either take the CTA or Uber, or bike or walk to work. Mr. Shapiro’s offices are located little more than one block from the Dempster Street station of the Purple Line.

Notably, Mr. Shapiro’s properties are both located on Chicago Avenue, which is the same predominantly commercial street as Clark Street in Chicago. Chicago Avenue is the primary commercial thoroughfare cutting through Evanston, including downtown Evanston. From South Boulevard to Greenwood Street it is zoned almost uninterrupted with various business and commercial classifications. As it is so heavily developed along its entire length with a variety of business and commercial uses, such uses are only to be expected near the key intersection of the Chicago-Dempster neighborhood and shopping district. In the immediate vicinity of the subject properties, the west side of Chicago Avenue is zoned B2 from Greenwood (one block north of Dempster) and south almost to Hamilton (one block south of Dempster). A Bank of America branch and a restaurant are zoned B2 just across the street from Mr. Shapiro’s two properties. Many of these commercial and business developments, such as the bank, almost certainly have substantial numbers of employees. On the same (east) side of Chicago Avenue as the subject properties, the first half block south of Dempster is zoned B1, and the B1 zoning continues north on Chicago Avenue across Dempster, onto the southwest corner of Mr. Shapiro’s block. His two properties are at the northwest corner of the block, on Chicago Avenue, at or close to Greenwood.

We are submitting with this letter floor plans for both properties and a page outlining by floor the purposes the spaces are used for. The essence of it is that the house at 528 Greenwood Street is now used exclusively for business purposes, while the house at 1327 Chicago Avenue is used almost exclusively for business purposes, except for the bedroom and bathroom suite which together comprise the whole east side and roughly half of the 2nd floor of the 1327 Chicago house.

Mr. Shapiro has lived in the City for more than 33 years, and he hopes to be a continuing and productive member of the Evanston community for many years to come. We appreciate your consideration and look forward to working with you and the City of Evanston to apply for any
variations and permits, including special use permits, that may be required in connection with the operation of his legal practice at the 1327 Chicago Avenue and 528 Greenwood Street properties.

We look forward to hearing from you concerning what steps come next.

Sincerely,

Ruth E. Krugly

Enclosures (floor plans and a separate, brief account of the different uses
1327 Chicago Basement:

The basement is used for our Network Hardware Infrastructure and it is also used for Storage.

1327 Chicago 1st Floor:

Immediately to the south of the front door is the Client Reception Area. Immediately to the east when you walk inside the front door is the General Reception Area. Immediately east of the Reception Area is the Main Kitchen, which is used as a second Client Reception Area when there are two clients present at the same time. An addition that extends the furthest west to Chicago Avenue is the General Manager’s Office. The remaining space east of that office is used by the Paralegal Department (paralegals interact with clients). The addition built on the south side of the house is also used by the Paralegal Department. This addition has its own front and rear doors and it once functioned as a stand-alone studio apartment. There is a tiny 2nd kitchen located near the SE corner of the addition built on the south side of the house. Next to the 2nd kitchen is a 2nd bathroom; its bathtub is used to store empty boxes and cleaning supplies.

1327 Chicago 2nd Floor:

The room in the NW corner is used by a couple of managers: by the Office Manager, by the Accounts Payable Manager, who initiates and runs the payroll, and also at times by Mr. Shapiro’s assistant, when Mr. Shapiro requires privacy. His assistant usually sits inside Mr. Shapiro’s office, which is located in the SW corner of the 2nd Floor. Mr. Shapiro has also continuously maintained a private bedroom-bathroom suite which he reserves just for his personal use. This space takes up the entire east side of the 2nd floor.

1327 Chicago 3rd Floor:

The room the furthest west on the 3rd floor is used by the IT Department, but also by a Bookkeeper who performs a variety of functions. All of the rest of the 3rd floor is used entirely by the IT Department. The room on the east side of the 3rd Floor was originally a kitchen and it still has a refrigerator, which is used.

528 Greenwood Basement:

This is used for Data Destruction (we drill hard drives with a drill press), but is mostly used for Storage.

528 Greenwood 1st Floor:

The Contracts Department uses the NW room; the Mail Department uses all else, including the Kitchen.

528 Greenwood 2nd Floor:

The two rooms furthest north are used by the Documents Department. The room immediately south of the Documents Department on the east side of the 2nd floor is used as a Conference Room. The room immediately south of the Documents Department on the west side is used for Document Scanning and for Accounts Receivable. The room in the SW corner is used by the Collections Department.

528 Greenwood 3rd Floor:

The 3rd floor is used by the Assessor Department.
January 2, 2019

VIA EMAIL AND U.S. MAIL

Scott Mangum
Planning and Zoning Administrator
Community and Development Department
Planning and Zoning Division
2100 Ridge Avenue
Evanston, Illinois 60201
smangum@cityofevanston.com

Re: Law Practice at 1327 Chicago Ave. and 528 Greenwood St. in Evanston, Illinois

Dear Mr. Mangum:

Mr. Shapiro has asked us to correct several erroneous statements in our letter dated December 31st regarding the above-referenced matter.

In the first paragraph we indicated that the 528 Greenwood Street property "[is] immediately north of the 1327 Chicago Avenue house." But because of the different orientations and dimensions of their lots and how the houses are recessed from the property lines by different amounts, it really would have been more accurate to say that the 528 Greenwood Street property "is immediately north of the 1327 Chicago Avenue property," and not refer to either house in the description of the relative orientation.

In the second paragraph we stated that Mr. Shapiro has "1,430 active clients" in Evanston alone. However, that definition of "clients" assumes that every married couple is one client. If (probably more accurately) a married couple who mutually hire Mr. Shapiro are actually both clients, then in that case it would be closer to correct to say that Mr. Shapiro has "approximately 2,000 active clients" in Evanston.

With regard to parking, Mr. Shapiro undercounted the number of parking spaces he rents from neighbors. The correct number is eleven, not ten. He rents seven spaces behind 1322 Hinman and two spaces behind 1328 Hinman, one space from one of his neighbors behind 1319 Chicago and has one other space in the rear of 522 Greenwood, the apartment building immediately east of 526 Greenwood.
Finally, concerning parking, Mr. Shapiro did have every reason to believe that on December 31st he would indeed have an eighth parking space in Lot 14, making for a total of nine, as a Collector's Office employee (Mr. Asin Ahmad) had told him the week before that he (Mr. Ahmad) had received an email that a person was cancelling, and since Mr. Shapiro was first on the waiting list he could have that space.

But when Mr. Shapiro called Mr. Ahmad in the afternoon of December 31st, hours after our reply had already been sent, he was told that there were hour-long lines because it was the deadline day for paying the wheel tax. Mr. Ahmad recommended that Mr. Shapiro would be better advised just to wait a week (since he couldn’t lose the space to someone else because he was first in line on the waiting list), and by then everything would have sorted itself out and Mr. Ahmad would know exactly how many total spaces were actually available, and it would therefore be easier and more efficient to handle all of Mr. Shapiro’s requests for parking spaces then. Mr. Ahmad suggested that Mr. Shapiro call him on January 9th.

Mr. Shapiro still thinks it is likely that he will get all three of the spaces he has requested at that time.

Thank you again for your consideration.

Sincerely,

Ruth E. Krugly

Ruth E. Krugly
Via Email
July 8, 2019

Ruth Krugly
70 W. Madison Street, Suite 2900
Chicago, IL 60602
Via Email

RE: 1327 Chicago and 528 Greenwood Street, Evanston,

Dear Ms. Krugly,

The Fire Department and Building Division performed change of occupancy inspections at 1327 Chicago and 528 Greenwood Street, Evanston on June 27, 2019. The following are inspection comments that will require correction due to non-compliant existing conditions or due to the change of occupancy. Fire Department inspection comments are on a separate form and are included.

Structural:
- Modification of the existing stairways to meet IBC criteria would require substantial modifications to both buildings. Considering the occupants know the exit path configurations and dimensions stairs shall be improved with complaint handrails on at least one side of all stairs. Handrails shall be graspable with returns.
- The second "exit" from the third floor of 528 Greenwood is dangerous and no occupancy shall be permitted on this level.

Accessibility:
To the maximum extent technically feasible the buildings shall have the following accessibility features
- At least one accessible building entrance
- At least one accessible route from an accessible building entrance to primary function areas
- Signage
- Accessible parking, where parking is being provided
- At least one accessible route connecting accessible parking to an accessible entrance
- See Mechanical/Plumbing for restroom requirements

Electrical:
Main concern is the potential for overloaded branch circuits, receptacle devices and extension cords creating a fire hazard.
- Existing receptacle outlets are feeding multiple work stations, each with UPS units to power the work station computer. All work station branch circuits shall be identified and analyzed for overload conditions. Overload conditions shall be remedied by reducing load or adding branch circuits.
High wattage kitchen appliances are installed in kitchen area at each location. All kitchen area branch circuits shall be identified and analyzed for overload conditions. Overload conditions shall be remedied by reducing load or adding branch circuits. The use of extension cords shall be eliminated in both locations. Additional receptacles shall be installed to eliminate the use of extension cords. Two-prong non grounded receptacles shall be replaced with self-grounding devices. Services shall have a data logger collect load services for 30 days to ensure proper sizing. Readings should be taken in summer months while air conditioning is operating to ensure accurate readings.

Mechanical/Plumbing
- Drinking fountain or bottled water shall be provided for employee use
- Service sink shall be provided and located on floor on which restroom is provided. City will allow service sink in basement in lieu of one on each floor on which restroom is located,
- Accessible features (i.e. grab bars, wall hung sink, water closet height) in restrooms to extent feasible
- All single user restrooms shall be identified as gender neutral.
- Temperature for lavatories shall not exceed 110°
- Food waste disposal shall be trapped separate from other compartments
- Dishwasher shall not discharge into food waste disposal units
- Dead end piping longer than 24" shall be eliminated.
- Hose threads (sillcocks, boiler drains from domestic piping) require proper backflow protection
- Proper backflow protection required at boiler feed

A Special Use Permit is required to operate an office use. A completed Special Use application and application fee shall be submitted by July 26, 2019. The properties are located within the Lakeshore Historic District. If any improvements are proposed that would be visible from a public way, including an alley, a completed application for a Certificate of Appropriateness shall be submitted by July 26, 2019.

Building permits will be required for the work performed. Separate permits will be needed for fire sprinkler/alarm, backflow prevention and water service (if required). Application for building permits shall be submitted within 15 days of Special Use approval with all work being completed, inspected and approved within 90 days of Special Use approval.

You have a right to appeal this inspection notice and order by filing a written application for appeal with the Community Development Director within ten (10) days after the day this notice is served upon you and shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of the code are adequately satisfied by other means. Appeal of any aspect of the inspection report does not impact the Special Use application deadline. Contact the Fire Department for appeal process for any part of their inspection report.

Sincerely,

Gary Gerdes,
Building & Inspection Services Division Manager
City of Evanston
July 23, 2019

Ms. Johanna Leonard
Community Development Director
Community Development Department
2100 Ridge Avenue
Evanston, Illinois 60201

Re: Appeal of Change of Occupancy and Existing Conditions Inspection Notice and Order for 1327 Chicago Avenue and 528 Greenwood Street, Evanston, Illinois ("Inspection Notice")

Dear Ms. Leonard:

I am writing on behalf of Richard A. Shapiro in response to the above-referenced Inspection Notice, a portion of which was served by Mr. Gary Gerdes the Building & Inspection Services Division Manager, on Mr. Shapiro, Ruth Krugly (Mr. Shapiro's attorney) and myself by email on July 9, 2019 with the remaining portion either expanded upon, with some applicable building code citations, by Mr. Gerdes on July 10, 2019 and the remainder of the original "Notice" served by Mr. Scott Magnum on July 15, 2019.

Please be advised that Mr. Shapiro is hereby timely appealing the findings of the Inspection Notice regarding "accessibility" requirements, although it is unclear as to whether the period of such an appeal is based upon the July 9, 2019 date or the subsequent dates (July 10, 2019 or July 15, 2019) when the entire report was issued and served.

Furthermore, it should be noted that, in accordance with a letter dated January 17, 2019 from Mr. Scott Magnum, the Building Division of the City of Evanston required that a licensed architect or other design professional perform a "change of occupancy" evaluation. This evaluation was to be "reviewed by the Division/Department plan reviewers and permits/inspections will be required for subsequent work" (sic).

My "Change of Occupancy Evaluation for the Existing Office Uses at 1327 Chicago Avenue and 528 Greenwood Street" Report (19 pp), dated May 8, 2019 was submitted by Mr. Shapiro to the City of Evanston, but, as yet, there has been no formal or informal response to either the evaluation or to any of the conclusions and recommendations contained in that report. The "Inspection Notice" served on Mr. Shapiro does not make mention of the required report, does not address or identify any of the conclusions, arguments, or citations that affect any proposed Change of Use, nor have any of my conclusions been refuted or rebutted, as might have been anticipated or required. Instead, the "Inspection Notice" consists only of findings of inspections conducted on June 27, 2019 by City staff as if no independent evaluation by a licensed architect was ever conducted or received by the City.

Of primary concern at this time, are the requirements identified in Paragraph 3 on page 1 of the "Inspection Notice" under the heading of Accessibility. Specifically, with regard to this topic, the letter indicates:

To the maximum extent technically feasible, the buildings shall have the following accessibility features:

- At least one accessible building entrance
- At least once accessible route from an accessible building entrance to primary function areas
- Signage
- Accessible parking, where parking is being provided
- At least one accessible route connecting accessible parking to an accessible entrance
• See Mechanical/Plumbing for restroom requirements

Upon receipt of this letter, I wrote to Mr. Gerdes, the Building & Inspection Services Division Manager, asking if he might provide me with the basis for these requirements, particularly, as I noted in my request, because of the specific findings and code provisions contained in several of the governing building and life safety codes including the International Building Code (IBC) and the Illinois Accessibility Code (IAC) that I had cited in my May 8, 2019 “change of occupancy” evaluation report.

Mr. Gerdes responded the next day via email, and stated as follows:

*International Building Code Section 3411.4.2 Complete Change of Occupancy* details accessibility features required when a building undergoes a change of occupancy. The section states that if full compliance is technically infeasible, the elements must be made accessible to the fullest extent that is feasible. In the commentary section of the 2012 IBC, it states when a building undergoes a complete change of occupancy, full compliance with the accessible features listed is expected regardless of cost.

*Illinois Plumbing Code Section 890.110 Applicability* states if an existing building is changed from one use to another, it shall be treated as a new building and shall comply with the requirements of the plumbing code for its new use or occupancy. The Plumbing Code then refers to the Illinois Accessibility Code for accessibility requirements. The section also states regardless of the age of the building, where a health or safety hazard exists because of an existing plumbing installation, the owner shall make corrections necessary to abate the hazard or violation.

As the Building Official, I do not agree with the assertion that an equal or less hazardous occupancy was created given the number of occupants in each building, the lack of accessibility and egress, the lack of fire sprinkler and alarm systems and the electrical hazards created by the use of the building.

As will be discussed in detail below, it is Mr. Shapiro’s position that the true intent of the applicable codes or the rules legally adopted thereunder have been incorrectly interpreted or that the provisions of the applicable codes do not fully apply as stated by Mr. Gerdes. His position is based upon conclusions and information provided by me that are based, not only upon my own readings of the applicable and governing codes, but also after lengthy consultation I have held over the past few months with senior staff members of the International Code Council, the agency responsible for development, publishing, and interpreting the International Building Code, the Capital Development Board, the State agency responsible for developing, publishing, and interpreting the Illinois Accessibility Code, and the Department of Justice staff charged with providing technical support and interpretations regarding the ADA Architectural Guidelines and Standards. These staff persons have included, but are not limited to Ms. Kimberley Paarberg, Senior Staff Architect in Technical Services with the International Code Council; Mr. John Gonzalez, Staff Architect in Technical Services with the International Code Council; and Ms. Felicia Burton, Accessibility Specialist at Illinois Capital Development Board. In particular, let me note that Ms. Paarberg serves as code development secretary for the IBC Means of Egress/Accessibility and ICC Administration committees and is ICC representative for development of the referenced technical standard, ICC/ANSI A117.1 “Accessible and Usable Buildings and Facilities”.

First, the citation of Section 3411.4.2 in his reply to me on July 10, 2019 by Mr. Gerdes failed to include the entire first paragraph of that Section, which is critical to this appeal and discussion and reads as follows:

3411.4.2 Complete Change of Occupancy. Where an entire building undergoes a change of occupancy, it shall comply with Section 3411.4.1 and shall have all of the following accessible features .... (Note: For brevity’s sake, the remainder of this section has not been included herein)
Therefore, the reference to Section 3411.4.1 that indicates the following has been omitted:

3411.4.1 Partial Change of Occupancy. When a portion of a building is changed to a new occupancy classification, any alterations shall comply with Sections 3411.6, 3411.7, and 3411.8

The three subsequent Sections referenced in Section 3411.4.1 indicate the following (Section 3411.8 is not applicable):

3411.6 Alterations. A facility that is altered shall comply with the applicable provisions of Chapter 11 of this Code unless technically infeasible. Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible

Exceptions:

1. The altered element is not required to be on an accessible route unless required by Section 3411.7
2. (Note: For brevity’s sake the remainder of this section has not been included herein)

3411.7 Alteration affecting an area containing a primary function. Where an alteration affects the accessibility to, or contains an area of primary function, the route to the primary function area shall be accessible.... (Note: Once more, for brevity’s sake the remainder of this section has not been included herein)

Exceptions:

1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of primary function.
2. (Note: Once more, for brevity’s sake, the remainder of this section has not been included herein)

What has been explained to me during several conversations with Ms. Paarlberg and Mr. Gonzalez (most recently on July 15 and 19, 2019) is that the underlying assumption of Sections 3411.2.2 and 3411.4.1 is that a “change of occupancy” would encompass substantial renovations and alterations throughout a structure including removing, adding or moving walls, adding or moving doors, additions to the overall structure, or other work. As such, the inclusion of the accessibility features cited in 3411.4.2 and by Mr. Gerdes in his initial letter would be a “natural outgrowth” of such work or changes in the structure when the change in occupancy occurred. Even then, the IBC limits such changes to 20 percent of the overall project work, as does both the ADA in the 2010 ADAAAG and the 2018 Illinois Accessibility Code. All three codes, and most importantly the IBC and the IAC do not include mechanical, plumbing, electrical, or sprinkler and other fire safety alterations or work when considering “costs” for determination of this “20 percent limitation” on costs associated with achieving accessibility.

The scale or nature of the “alterations” is fundamental to this entire issue at 1327 Chicago and 528 Greenwood. If one is to review the entire “Inspection Notice” sent by Mr. Gerdes, you will find that the scope of “alterations” or other changes, aside from those listed in the Accessibility section are limited to the following:

1. Modifications of the existing stairways and, more specifically providing graspable handrails with returns on at least one side of all stairs
2. Removal of the occupancy on the 3rd floor at 528 Greenwood (it is assumed this is intended to mean, the Office Occupancy as opposed to any occupancy given that mechanical equipment and storage are also contained in that space)

There are other items noted in the letter, but these are associated with electrical outlets, electrical service loads, use of extension cords, and potential electrical power overload conditions, as well as drinking fountains, service sinks, backflow protection, water temperature, dishwasher and food disposal connections,
and other plumbing issues. However, as noted above, such work is not considered as part of any modifications that the governing codes include in the determination of the alterations associated with the Change of Occupancy and, as noted above and in my May 8, 2019 report (pp. 6-7) are not to be considered when limiting any work to 20 percent of the cost of the alterations affecting the primary area. In fact, much, if not all of the cited electrical and plumbing work appears to be an outgrowth of what Mr. Gerdes identified as “non-compliant existing conditions” in his letter, as opposed to changes necessitated by the “change of use”; i.e., these are changes that might have been identifies and requested or required as result of an annual or periodic inspection of the two premises.

This same point also applies to the two separate inspection reports provided by the Evanston Fire Department on July 9, 2019 and July 15, 2019 for 1327 Chicago and 528 Greenwood, respectively. Exclusive of certain overlap with the requirements noted in Mr. Gerdes’ letter, e.g., elimination of the 3rd floor occupancy at 528 Greenwood, the primary focus is upon installation of a sprinkler and fire alarm system in both buildings. The requirement, ironically, had already been acknowledged and included in my May 8, 2019 report (pp. 3-4), but as noted then (p. 7) and now, the addition of a sprinkler system, alarms, detectors, and other associated alarm system changes are not to be considered to be alterations when determining the cost of alterations that determine or limit the cost or extent of accessibility work.

Let me also add, since this was addressed in Mr. Gerdes’ July 10, 2019 response to me, that I disagree and would also “appeal” any determination associated with whether or not this situation represented a change to a more hazardous occupancy. As I indicated in my May 8, 2019 report (pp. 2-3) the concept of an equal or less hazardous occupancy is not based upon those criteria Mr Gerdes cites, but upon very specific definitions contained within the IBC and other codes (NFPA 101) that I cited and that the concepts of hazard are reflected in the codes by limits upon floor area, building height, separation between occupancies, building construction and appropriate structural systems and materials. Once more, my interpretation was confirmed by ICC staff including, specifically, Mr. Jason Toves of the ICC Architectural & Engineering Services Technical Staff.

In summary, regarding this matter of achieving accessibility within these two structures, the IBC does not require all of those items listed by Mr. Gerdes in his letter, nor, as staff has also confirmed are they to be, if the budget resulting from 20 percent of “included” alterations permit, provided in the order shown in the code or in the letter. This same limitation is included within the 2018 IAC, which now also conforms to that standard contained within the ADA Architectural Guidelines (ADAAG). The “budget” that would control or guide providing improved or greater accessibility within each building will be the result of those costs arising, primarily from the changes to handrails in the stairway or any other similar alteration to the building not associated with plumbing, electrical power and telecommunications, mechanical, or sprinkler and fire alarm systems. It is expected that such changes will focus upon achieving greater accessibility in the toilet rooms to the extent “technically feasible”. Once more changes to the electrical and plumbing, while not influencing the scale or cost of achieving accessibility, will be made as will, of course, the installation of a sprinkler and fire alarm systems that was already acknowledged in my May 8, 2019 report.

I trust that this letter identifies Mr. Shapiro’s appeal and objections to those portions of the “Inspection Report” presented to him earlier this month. As noted, the objection and this appeal are, primarily, limited to the inclusion and requirement for providing accessibility without limitation and well beyond the criteria and guidelines of the various building and accessibility codes that govern these buildings and all other construction in Evanston. Should you have any questions or require further explanation or clarification, please feel free to contact me. In addition, should you require, I can provide a copy of my May 8, 2019 report and copies of the portions of the codes cited in that letter or in this appeal.

Sincerely,
Elliott E. Dudnik, PhD, FAIA
NCARB, LEED AP
AIA, ASTM, CSI, ICC, NFPA

Cc: Gary Gerdes
    Scott Mangum
    Richard Shapiro
    Ruth Krugly
May 8, 2019

Mr. Richard A. Shapiro
Attorney-At-Law
1327 Chicago Avenue
Evanston, Illinois 60201

Re: Change of Occupancy Evaluations for Existing Office Uses at
1327 Chicago Avenue and 528 Greenwood Street
Evanston, Illinois

Dear Mr. Shapiro:

The following document contains the results of our inspection, evaluation, and opinions regarding the two adjoining properties you own at 1327 Chicago Avenue ("1327") and 528 Greenwood Street ("528"), in Evanston, Illinois. It is an outgrowth of the January 17, 2019 request by Mr. Scott Mangum, the Planning and Zoning Administrator for the City of Evanston to provide his office with an “Occupancy Evaluation” of both structures. This “Occupancy Evaluation” would become part of the formal application process for a Special Use Permit that the City has determined is now required to allow you to continue conducting the operations of your firm at these two sites.

As was indicated by Mr. Mangum in his letter, the evaluation is to be based on the guidelines for a Change of Occupancy as defined by the 2012 edition of the International Building Code ("IBC"), the adopted building code of the City of Evanston. Such an evaluation would use any or all applicable provisions of the 2012 IBC, as well as the 2012 International Fire Code ("IFC"), the 2012 NFPA Life Safety Code ("NFPA 101"), the 2018 Illinois Accessibility Code ("IAC"), and any relevant amendments that have been adopted by the City. I have also, as will be explained below utilized the 2012 International Existing Building Code ("IEBC") and the 2014 Illinois Plumbing Code ("IPC"), where such references have appeared more appropriate or relevant.

History

As per both the correspondence you have received from Mr. Mangum dated November 20, 2018 and January 17, 2019, as well as the response sent by you attorney, Ms. Ruth Krugly, on December 31, 2018, the operations of your firm are based at the 528 and 1327 properties. These offices are deemed an Office Use under the provisions of the Evanston Zoning Ordinance. However, both buildings are both located in an RS, Residential Zoning District that does not allow an Office Use unless a Special Use Permit is approved for such an occupancy. Based upon the representation of Ms. Krugly, you began to use 1327 as your offices in 1991, more than 27 years ago and this Office Use has continued without interruption and without objection or citation by any department of the City of Evanston, including but not limited to Property Standards, Building, or Zoning. Your occupancy and Office Use of 528 began in 2015, once more without citation or other notices from any department of the City of Evanston.

The history of both structures, built as three-story, wood-frame, single-family residences in 1899 (1327) and 1879 (528) has been chronicled by Ms. Krugly in her December 31, 2018 letter as is the fact that your present operations incorporate 44 staff members (22 in each building). As she noted, off-street parking for these employees has been provided and secured at several nearby locations including the parking lot behind the 1327 property and two City of Evanston parking lots. There are also three parking spaces located between 528 and 1327 along Chicago Avenue for clients, although such visits are considered rare given the nature of your practice.
Change of Occupancy Evaluation

I have visited these properties on two separate occasions (February 21, 2019 and April 17, 2019) and have documented relevant portions of each of floor level as they might influence any required alterations or modifications resulting from a change of use from the Single-Family Residential Occupancy to an Office Occupancy (IBC Group B). It should be noted that a Single-Family Residence Occupancy is not a listed occupancy type nor is it an included Occupancy Group within the IBC. This occupancy is only addressed by the 2012 International Residential Code ("IRC") where it comprises IRC Occupancy Group R-3. My analyses and opinions are based upon a review of the two existing properties given both present condition and proposed use utilizing the applicable portions of the IRC and/or the other codes I have cited. I have also consulted the International Code Council Technical staff for interpretations of the IBC, IRC, IEBC, and IFC code sections that might apply herein, as well as the Illinois Capital Development Board staff for interpretations as to applicability of the IAC.

IBC Section 3408 Change of Occupancy has been cited by Mr. Mangum as the applicable code provision for this situation. He cites that the "provisions of the (IBC) code for new construction apply to an existing structure having a new occupancy". However, there is no such specific reference to "new construction" stated requirement in any of the four sub-sections of IBC Section 3408.

Most critically, IBC Section 3408.1 Conformance indicates that "no change shall be made in the use or occupancy of a building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, unless such building is made to comply with the requirements of the code for such division or group of occupancies". In this instance, the change is from Occupancy Group R-3 to a different occupancy group, i.e., Occupancy Group B.

However, IBC Section 3408.1 Conformance also indicates that "the use or occupancy of existing buildings shall be permitted to be changed and the building occupied for purposes in other groups without conforming to all of the requirements of this (the IBC) code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use". This same clause is contained in IFC Section 102.3 Change of use or Occupancy.

The International Code Council Technical Interpretation staff has indicated that a B (Office) Occupancy is considered an equal or less hazardous occupancy than an R-3 (single-family residential occupancy), i.e., there is no increase in the life or fire hazard when making this Change of Occupancy. This is evident when considering the values contained in IBC Tables 3412.6.5 or 3412.6.8 that indicate a lower "penalty" associated with B occupancies than R occupancies. This can also be seen in IBC Tables 1012.4, 1012.5, or 1012.6 wherein the B and R-3 occupancies are both ranked as being in the lowest or second lowest relative hazard categories in the categories of: means of egress, maximum heights and floor areas, and exterior wall exposure. Thus, the proposed Change of Use is not required to comply with all of the requirements for a Group B Occupancy.

IBC Chapter 3 Use and Occupancy classification of the IBC identifies the classifications with respect to occupancy for each structure. IBC Section 304.1 Business Group B identifies the use of a building or structure for "office, professional- or service-type transactions, including the storage of records or accounts. Business occupancies shall include, but not limited to (among those listed): Professional services (architects, attorneys, dentists, physicians, engineers, etc.)". Whereas special detailed requirements associated with some occupancies are incorporated in IBC Chapter 4 Special Detailed Requirements Based upon Use and Occupancy there are no such special or detailed requirements for Occupancy Group B.

This is significant since, with no special provisions for the B Occupancy and, as noted above, no increase in either the life or fire hazard risks resulting from a change from an R-3 Occupancy to a B Occupancy, there is some question as to whether any provisions of the IBC code need apply. Even more specifically, whether any of the provisions governing "new construction" need to be applied to this situation.

Finally, adopted Evanston Ordinance 111-O-13 deleted all of IFC Chapter 43 Rehabilitation with the exception of three paragraphs (43.2.2.4, 43.6.4.1, and 43.7.2.1). It is not clear as to why the remainder of
that entire Chapter was deleted particularly since it contains clarifying language regarding, not only Change of Occupancy, but also because it defines that both Residential and Business uses are in Hazard Classification HC-3), the 2nd lowest hazard risk category. Furthermore, NFPA 101, Section 43.7, indicates that “where the occupancy classification of a portion or all of an existing building is changed, the building shall meet the requirements as defined for the resultant hazard classification” and “where a Change of Occupancy classification occurs within the same or lesser hazard classification category - the building shall meet the requirements of the existing chapters for the occupancy created by the change and also requirements for automatic sprinklers, detection and alarm systems and hazardous areas applicable to new construction for the occupancy created by the change”. The City of Evanston, as will be discussed below has only retained portions of this final clause and the language that has been deleted has not been replaced nor clarified. This would then clarify that IBC Section 3408 would be read as requiring that the provisions for existing construction rather than new construction should apply for a Change of Occupancy as NFPA 101, Section 43.7 appears to indicate.

Construction, Size and Height

Both 528 and 1327 are three-story dwellings and both, based upon my inspection, are Type VA Construction, i.e., ordinary wood-frame construction with load-bearing elements (floors, roof, and walls) having a one-hour fire-rating (IBC Section 602 Construction Classification). For Group B, 3 stories and a floor area (per floor) of 18,000 square feet is permitted (IBC Table 503 Allowable Building Heights and Areas). As noted in the attachments to Ms. Krugly’s letter, none of the floors at either 528 or 1327 exceeds 1174 square feet (1st floor of 1327) and most are less than 1,000 square feet. As such, the Change of Occupancy does not impose any limitations on the use of all three floors nor the floor area or heights of either building. It is also important to note that IBC Table 503 imposes a greater limitation upon maximum floor areas for the R (residential) Occupancy of 12,000 square feet, which is consistent with my previous point that this change to the Group B Occupancy poses a reduced fire and life hazard risk than the Group R Occupancy.

Fire Protection Systems

It is critical to note that the International Building Code Section 903 Automatic Sprinkler Systems does not require an automatic sprinkler system for any Group B Occupancy. Furthermore, IBC Section 907 Fire Alarm and Detection Systems only mandates a manual fire alarm when the Group B occupancy exceeds 500 or more persons on all floors or 100 persons above or below the lowest level of occupancy discharge (Section 907.2.2). As documented and as indicated in Ms. Krugly’s letter, the maximum number of occupants in either of the two buildings is 22 persons, well below the threshold imposed by this code provision. Furthermore, using an Occupant Load Factor (IBC Table 1004.1.2 Maximum Floor Area Allowances per Occupant) of 100 square feet per occupant for Business Areas, the Occupancy Load is 24 to 25 persons per building and never exceeds 12 per floor.

Notwithstanding the provisions of the IBC that do not require any automatic sprinkler and detection or alarm systems, Ordinance 111-O-13 of the City of Evanston, as part of it adoption of the 2012 IFC and the 2012 Life Safety Code modified Chapter 43 of NFPA 101 and only retained the provision that “where a change of occupancy classification occurs, automatic sprinkler and detection, alarm and communications systems shall be provided throughout the building with the other requirements of other sections of this Code applicable to new construction for the occupancy created by this change” (Evanston adopted NFPA Life Safety Code NFPA 101, Section 43.7.2.1). As noted previously, this clause has been retained but the associated provisions regarding any other construction associated with a Change of Occupancy have been omitted from the adopted NFPA 101 code.

Therefore, the Change of Occupancy will require installation of an NFPA 13 automatic sprinkler system in compliance with IBC Section 903.1.1.1 and, aside from detection and alarm systems, the possible increase in water supply from the street to enable proper operation. However, it should be noted, that the addition of a sprinkler system eliminates the potential requirement for any one-hour rating of the interior walls, floors
or roof construction of the Type VA construction, should any such elements not be present (IBC Table 601 Fire-Resistance Rating Requirements for Building Elements). What must be assumed, however, per the IFC Chapter 11 – Construction Requirements for Existing Buildings are those elements identified in IFC Section 1103 – Fire Safety Requirements for Existing Buildings by IFC Table 1103.1 Occupancy and Use Requirements for a Group B Occupancy, as applicable to these two buildings with the inclusion of an automatic sprinkler system.

Based upon size, number of occupants, building height, and the absence of an elevator or escalator, the only additional system would be emergency responder radio coverage, if required by the fire official (IFC Section 1103.2). However, it is not evident that an emergency responder system nor most other detection, alarm, or communication systems are required for Group B occupancy, given provisions for new construction contained in IFC Chapter 9 – Fire Protection Systems. Furthermore, both buildings already contain alarms and detectors throughout all floor levels and, as a result, it is not anticipated that any changes will be needed for those existing fire protection systems.

Egress

The International Building Code Chapter 10 Means of Egress provides both the means for determining the Occupancy Load of a building depending upon the Occupancy Group, e.g., 100 gross square feet per occupant for Business Use and 300 gross square feet per person for Accessory Storage Areas and Mechanical Equipment Rooms, but also specific dimensions for doors, stairs, and other characteristics of the means of egress systems. IBC Section 1004 Occupant Load has already been cited above and, as noted, neither building has a total occupancy of more than 28 nor more than 12 persons per floor. Specifically at 528 Greenwood, the occupant loads have been calculated as follows: Basement - 3 persons, 1st Floor - 9 persons, 2nd Floor - 7 persons, and 3rd floor 3 persons, for a total of 22 persons. At 1327 Chicago, the occupant loads have been calculated as follows: Basement - 3 persons, 1st Floor - 12 persons, 2nd Floor - 7 persons, and 3rd Floor - 6 persons, for a total of 28 persons. Note that the calculated Occupant Load is greater than the actual number of occupants using the buildings.

IBC Section 1008 Doors, Gates, and Turnstiles establishes minimum sizes for those doors that area part of a means of egress, i.e., not doors serving closets, toilet rooms, or other doorways that would not form a part of an egress path for the occupants. IBC Section 1008.1.1 Size of doors mandates a minimum door width of 32 inches for such openings. We did not find any doorways forming part of the means of egress to be less than 32 inches in width at either site. Furthermore, IFC 1104.7 Size of doors permits a minimum clear width of 28 inches for each opening such that even the closet and toilet doors we observed are compliant.

IBC Section 1009 Stairways identifies the requirements for stairways including the minimum tread dimension, maximum riser height, width of stairs, headroom, and handrails. The minimum width of a stair serving an occupant load of fewer than 50 persons is mandated by IBC Section 1609.4 Width, Exception 1, to be 36 inches. We found the existing stairs at the two structures to vary in width from 32 to 34 inches. However, this is the clear width and, therefore, the overall stair width is much greater given the code permits handrails to project into the required stair width at least 4½ inches (IBC 1012.8 Projections). Thus, the 32-inch clear width is code compliant.

Furthermore, these existing stairs are built within existing walls that often represent load-bearing construction and/or exterior walls that cannot be readily widened to achieve a width of 36 inches. Also, as previously noted, IBC Section 3408.1 indicates “the use or occupancy of existing buildings shall be permitted to be changed and the building occupied for purposes in other groups without conforming to all of the requirements of this (the IBC) code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use”.

The rise (riser height) of stairs is to be 4 inches minimum and 7 inches maximum with the tread depths to be 11 inches. Stairs dimensions vary throughout the two structures from 7” and 10” (rise and run from 1st to 2nd floor) to 7 ½” and 9 ½” (rise and run from 2nd to 3rd floor) at 1327 Chicago and, at 528 Greenwood from 7” and 11” (rise and run from 1st to 2nd floor) to 7” and 8 ½” as well as 8” and 9” (rise and run from
2nd to 3rd floor). These conditions are not readily be altered given both the ornamental nature of the stairs leading from 1st to 2nd floors (oak stairs with ornate handrails and guards) and the necessity to demolish and reconstruct the surrounding walls and framing. More critically, IBC Section 3408.3 Stairways specifically indicates that "an existing stairway shall not be required to comply with the requirements of Section 1009 where the existing space and construction do not allow for reduction in pitch or slope." As such, no changes are needed whether in compliance with IBC Section 3408.1 or IBC Section 3408.3. This same provision also exists in IFC 110410.1 Dimensions for replacement stairs. Furthermore, IFC 1104.10 Stair dimensions allows any rise that does not exceed 8 3/4 inches and a minimum tread depth of 9 inches. Thus, all the stairs comply with this provision.

We found that the existing stairs have only one handrail throughout both buildings with the exception of those stairs leading up to the 1st Floor level from grade, i.e., the exterior stairs at front and rear. The handrail heights vary as to distance measured above the stair nosing from a low of 27 inches (the front interior stair at 1327 with ornamental rail and newel posts) to 37 and 38 inches (the rear stairs leading up from the 2nd floor to the 3rd Floor at 1327 and 528 respectively). Handrail height (IBC 1012.2 Height) can vary from 34 to 38 inches in height and only the ornamental wood rail and guards present conflict with the code. These can be addressed by the addition of a second handrail mounted to the wall although such an addition would restrict the overall width of the stairway, albeit would not reduce the clear width (allowing for handrail projections) below 36 inches. The added handrail would, if required to be added, comply with the requirement regarding profile and graspability (IBC 1012.3 Handrail graspsability) and, preferably, if circular profiles are used comply with IBC 1012.3.1. Since the provisions of IFC 1104.13 Stairway handrails allows for "handrails on at least one side" and the added rail may not be necessary.

Finally, IBC Section 1021 Number of Exits and Exit Configuration requires two exits from any story with few exceptions (IBC 1021.2 Exits from stories). While only one exit is required for a Group B Occupancy from the Basement or from the 2nd Floor (both buildings have 2 exits from the 2nd floor), IBC Table 1021.2(2) Stories with One Exit or Access to One Exit does not permit a single exit from a third story or above. There are two exits from both the 2nd and 3rd floors at 1327 including a three-story exterior stairway at the rear of the building that provides the second means of egress from the 3rd Floor.

There are also two stairways from the 2nd floor down to 1st floor at 528. However, there is only a single exit from the 3rd Floor level at 528 Greenwood. The calculated Occupancy Load for this floor is three persons, but there is no exemption for a single exit based upon the number of occupants. A second exit has been provided by the Owner utilizing a floor hatch and ladder that creates a second exit, but this "ship's ladder" configuration, while permitted by the code (IBC 1009.14 Ship ladder), it is not permitted for a Group B Occupancy. There is also a third exit from this level consisting of an emergency escape and rescue opening (an "egress window") that is provided with a ladder to allow for access down to grade level. This exit is compliant under the provisions of the IBC Section R310 Emergency Escape and Rescue Openings and, should this building have remained a single-family residence, it would have provided a code-compliant second means of egress from a "habitable attic". Unfortunately, the IBC code does not offer any reduction in exits nor does it permit such an exit system even with the addition of an automatic sprinkler system.

Construction of a second internal exit from this one level does not appear cost effective or readily achievable from a technical aspect. In addition, there is no space to construct an exterior stair given the limited sideyard space and building configuration and it is not clear that any such stair design would gain approval and obtain a Certificate of Appropriateness from the Evanston Preservation Commission for such a proposal within the Historic District. Therefore, your options are to request and receive a waiver for continued use of this 296.5 square feet space by the three employees, with or without the present second and third exit arrangements or to abandon this small space as a business use, relocate the employees elsewhere, and restrict access to servicing the mechanical equipment housed at the north end of this floor.
Structure
The change from a Group R occupancy to a Group B occupancy also revises the design Live Load from not more than 40 pounds per square foot (psf) to 50 pounds per square foot for the office spaces per IBC Table 1607.1 Minimum Uniform Distributed Live Loads and Minimum concentrated Loads. Corridors are to be designed for a uniform live load of 80 psf. We have analyzed the longest span conditions at both locations utilizing the increased live load for both the offices and corridor spaces and found that under no circumstances do any of the resulting bending stress, shear stress, or live load deflection exceed the allowable stresses for the lumber or the L/360 live load deflection (IBC Table 1604.3 Deflection Limits). I have attached the results of analyses for both buildings, specifically for the most critical conditions of longest span with or without the added live load in any corridor. (See the four attached Structural Analyses)

Finally, at the 3rd Floor level of 528 Greenwood, structural analysis was conducted several years ago by Shefek Lulkin & Associates, a Skokie-based structural engineering firm, and they have indicated that this floor framing is capable of supporting the office occupancy live loading, as well.

Toilets
Toilets and, more specifically, their location and minimum numbers of required fixtures are defined by IBC Section 2902 Minimum Plumbing Facilities with the precise minimum number of lavatories, water closets, and drinking fountains outlined in IBC Table 2902.1 Minimum Number of Required Plumbing Fixtures. These minima are based upon the building occupancy, i.e., Group B, and the occupancy load. IBC Section 2902.1.1 indicates that the occupancy load must be “divided in half” to determine the occupancy load for each sex. For a Business use, one lavatory is required for each 40 occupants, one water closet per 25 occupants, and one drinking fountain per 100 occupants. Since each building has 28 or fewer occupants (using occupancy calculations as opposed to actual occupancy), the three toilet rooms in each than structure can readily comply with the code (IBC Section 2902.3 Employee and public use).

The 2014 Illinois Plumbing Code ("IPC"), which is the applicable plumbing code in Evanston, determines occupancy using the same square foot allowances as does the IBC. However, IPC Section 890 Table B Minimum Number of Plumbing Fixtures requires one lavatory for each 15 and one water closet for each 15 persons, regardless of whether male or female, and one drinking fountain for every 75 persons. This table (footnote #2) also assumes an equal division of the occupants between male and female. Since each building has 28 or fewer occupants (using occupancy calculations as opposed to actual occupancy), the three toilet rooms in each than structure can readily comply with this code, as well.

There are toilet rooms on each of the three floors in each of the two structures, i.e., there is one toilet room containing a water closet and a lavatory (exclusive of any bathtub or shower) at each level. As such, whether designated as “unisex” toilets or specifically identified as serving men or women. The requirements of IBC Section 2902.3.2 Employee and public toilet facilities that customers or visitors be provided with toilet facilities also permits combined employee and public toilet facilities and, thus, this provision is satisfied. Both structures contain kitchen facilities with sinks, refrigerators and bottled water dispensers. Thus, the provision for a single drinking fountain (one per 75 occupants or one per 100 occupants) is satisfied.

Accessibility
Accessibility for these two buildings is governed by the Illinois Accessibility Code ("IAC"). As of October 21, 2018, the adopted IAC is the 2018 IAC that differs as to how compliance is governed and as to the degree that such compliance is to be achieved. Any changes made to achieve or improve upon accessibility are associated with any alterations that are being made or must be made to the primary function of the building or part of a building.

Alterations are defined in the IAC (2018 IAC, 106.5) as follows:

Any modification or renovation that affects or could affect the usability of the building or facility or part of the building or facility. Alteration includes, but is not limited to,
remodeling, renovation, rehabilitation, reconstruction, historic preservation, historic reconstruction, historic rehabilitation, historic restoration, changes to or rearrangement of the structural parts or elements, changes to or replacement of plumbing fixtures or controls, changes to or rearrangement in the plan configuration of walls and full-height partitions, resurfacing of circulation paths or vehicular ways, and changes or improvements to parking lots (as required in 202.3.3). The following work is not considered to be an alteration unless it affects the usability of the building or facility: normal maintenance, re roofing, painting or wallpapering, or changes to mechanical and electrical systems.

2018 IAC, Section 202.3 Alterations, states that “Where existing elements or spaces are altered, each altered element or space shall comply with the applicable requirements of Chapter 2 (Scoping Requirements). With the following exceptions:

1. Unless required by 202.4, where elements or spaces are altered and the circulation path to the altered element or space is not altered, an accessible route shall not be required.

2. In alterations, where compliance with applicable requirements is technically infeasible, the alteration shall comply with the requirements to the maximum extent feasible. In alterations where compliance with the applicable requirements is structurally impracticable, the alteration shall comply with the requirements to the extent that it is not structurally impracticable as set forth in 203.15 “.

2018 IAC 202.4 Alterations Affecting Primary Function Areas, as cited above states that:

“In addition to the requirements of 202.3, an alteration that affects or could affect the usability of or access to an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area, including the entrance route to the altered area and the rest rooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, unless the cost of the alterations to provide an accessible path of travel to the primary function area exceeds 20% of the cost of the overall alteration, or such alterations are otherwise disproportionate to the overall alterations in terms of cost and scope as determined under criteria established by the U. S. Attorney General or the U.S. Department of Transportation, as applicable.”

As has been indicated above, there are no alterations needed to achieve compliance resulting from the Change of Occupancy with the exception of the addition of automatic sprinkler systems in each structure. Exit signs, communications systems, and emergency lighting may not be needed given the size and heights of each structure per IFC Chapter 9 provisions for new construction of Group B occupancies.

The Illinois Capital Development Board (Felicia Burton, Access Specialist) has indicated (February 13, 2019) that the addition of a sprinkler system, alarms, and other associated changes are not considered to be alterations when determining the overall cost of alterations per the language of 2018 IAC, 106.5, cited above. Therefore, there the costs of adding an accessible entry to each building or other accessible features would far exceed the 20% limitation, would be disproportionate to the overall alterations in terms of cost and scope, and are not required as a part of the Change of Occupancy.

**Summary**

As has been indicated throughout this analysis and review, the Change of Occupancy does not require that substantial alterations or modifications must be undertaken in either building to comply with the applicable provisions of the governing building and life safety codes. The specific code citations I have provided identify why or why not any changes may be required. As noted, the major alteration or change necessary is not the result of any provisions in either the International Building Code or the International Fire Code for the Business Occupancy, but rather the result of the adopted change by the City
of Evanston to the International Fire Code that mandates automatic sprinkler systems even in those buildings or for those occupancies that would otherwise not require such installations, i.e., a business use.

There are a few other minor alterations that may or may not be required, e.g., a second handrail for the existing stairs. There is also the issue regarding the absence of a second exit leading down from the 3rd Floor level at 528 Greenwood. As noted, the limited number of occupants (3) coupled with the addition of a required automatic sprinkler system, the presence of both an emergency escape window and an emergency floor hatch and ladder, and the presence of a detection and alarm system give rise to a possible waiver for continued use of this space.

The lack of any alterations of consequence necessary to comply with a Change of Occupancy other than the sprinkler and any added alarm systems also eliminate the need making any alterations or changes necessary to provide accessibility throughout the two buildings including, but not limited to entry, toilets, or other accommodation. The costs of any such accommodations would far exceed the 20% cost limitation for providing increased access that is now incorporated within the Illinois Accessibility Code (as well as the ADAAG provisions for implementation of the ADA).

As will be noted, while having identified where compliance already exists within these two buildings and where some changes are needed, I have not included specific technical details for achieving any necessary compliance, i.e., details of a sprinkler system, details for an added stair, or details for new handrails, nor are any associated costs for such work included. These do not appear to be a requirement of your January 17, 2019 request for a Change of Occupancy evaluation.

Conclusions

As you know, despite the findings and conclusions contained in this report, both properties will still require inspection by both the Evanston Fire Department and the Evanston Community Development Department Building and Inspection Services Division. While I have already offered, to both entities, that I was willing to engage in a common inspection, I recognize that the City prefers having a separate evaluation. I have expressed my willingness to accompany either or both inspections and participate in the process should I be asked or if I am available.

Aside from the four results of my structural analyses of the floor framing at both 1st and 2nd floor of each building, I have included several photos showing the building exteriors including the rear exterior stair at 1327, and the ornate stairs inside each building that cannot readily be altered as to handrail configurations or heights without substantial destruction of these architectural features.

Finally, should you have any questions or if any clarification as to my observations, conclusions and opinions, is needed, please feel free to contact me.

Sincerely

[Signature]

Elliott E. Dudnik, PhD, FAIA, NCARB, ICC, ASTM, CSI, LEED AP
Figure 1 Results of Structural Analysis of 1st Floor Joists at 528 Greenwood for longest span condition with Office Occupancy live loading
Figure 2 Results of Structural Analysis of 2nd Floor joists at 528 Greenwood with both Corridor and Office Occupancy live loading
Figure 3  Results of Structural analysis for 1st Floor joists at 1327 Chicago for longest span with Office Occupancy live loading
Figure 4  Results of Structural Analysis of 2nd Floor joists at 1327 Chicago with both Corridor and Office Occupancy live loadings
Figure 5  Front (North) elevation of 528 Greenwood
Figure 6  Entry Stair at 528 Greenwood leading from 1st Floor to 2nd Floor
Figure 7 Emergency Escape and Rescue Opening at 3rd Floor of 528 Greenwood
Figure 8  Auxiliary (third) Means of Egress from 3rd Floor at 528 Greenwood in addition to single stairway and emergency escape and rescue opening
Figure 9 Front (West) elevation at 1327 Chicago showing three off-street parking spaces located between 1327 Chicago and 528 Greenwood available for visitors in addition to leased staff parking at rear and at nearby City of Evanston public parking lots
Figure 10  Rear exit stairway at 1327 Chicago providing required second means of egress from 3rd Floor
Figure 11  Front entry stair at 1327 Chicago leading up to 2nd Floor
Evanston Fire Department Fire Inspection Report  
Violations and Recommendations Summary  

Report # IR - 29798

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<td>Tim Taylor</td>
</tr>
<tr>
<td>Department Name:</td>
<td>Evanston Fire Department</td>
</tr>
<tr>
<td>Phone:</td>
<td>847-866-5929</td>
</tr>
<tr>
<td>Address:</td>
<td>Lake 909, Evanston, IL</td>
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<tr>
<td>PO ID:</td>
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<tr>
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<td>1327 - Chicago Ave</td>
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<td>Region:</td>
<td>--</td>
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<td>1327 - Chicago Ave</td>
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<tr>
<td>Zip:</td>
<td>60201</td>
</tr>
<tr>
<td>Phone # 1:</td>
<td>847-869-8686</td>
</tr>
<tr>
<td>Phone # 2:</td>
<td>847-864-0000</td>
</tr>
<tr>
<td>Contact Name:</td>
<td>Richard Shapiro</td>
</tr>
<tr>
<td>Contact Phone:</td>
<td>--</td>
</tr>
<tr>
<td>Contact Email:</td>
<td>info@richards Shapiro.com</td>
</tr>
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Alternate PO Details

| Alternate PO ID: | -- |
| Contact Name: | -- |
| Contact Phone: | -- |
| Contact Email: | info@richards Shapiro.com |

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<th>Contact Name</th>
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<th>Secondary Phone</th>
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Key Holders on File

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Knox Box Location: -- Parcel #: --

Building Info
Construction Type: -- # of Stories: --
FPU#: -- Occupancy Use: --
Roof Construction: --
Electrical Panel Location(s): -- Gas Shut-Off Location(s): --

Floor Plan
On File: N/A Electronic: N/A
Attached: N/A Attachment here:
Reviewed: N/A Revisions Required: N/A
Revised & submitted: No Revised & Submitted Date:
Fire Alarm: N/A Alarm Company: --
Phone#: -- Account#: --
Panel Location: -- Annunciator Location(s): --

HazMat Attachment:
Haz Mat/General Notes: --

Sprinkler System: N/A

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Fire Hydrant(s): N/A

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Violations
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<th>Code References</th>
<th>Issue</th>
<th>Action</th>
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<tr>
<td>None</td>
<td>Other</td>
<td>Clearance of overhead wires are too close</td>
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<tr>
<td>Exits are not free of obstructions &amp; implements for full use in case of fire or emergency.</td>
<td>1st fl rear emergency exit block with tarp and debris.</td>
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<tr>
<td>Sufficient emergency lighting is needed</td>
<td>Emergency lighting is required for the means of egress.</td>
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<tr>
<td>Extension cords are replacing permanent wiring</td>
<td>Extension cords are connected into another to provide more outlets (daisy chaining)</td>
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</tr>
<tr>
<td>Wall openings on site</td>
<td>Second Fl. Holes in walls</td>
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<tr>
<td>24&quot; distance below non-sprinkled ceilings required</td>
<td>Storage items are too high to ceiling, Must below 24&quot;</td>
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<tr>
<td>Ceiling openings on site</td>
<td>Basement had holes in ceiling</td>
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<tr>
<td>Extension cords are replacing permanent wiring</td>
<td>Basement</td>
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<tr>
<td>Extinguisher recharge/repair/annual service needed</td>
<td>Basement water extinguishers were expired</td>
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<td>Code References</td>
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<tr>
<td>NFPA-1 '12</td>
<td>None</td>
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<tr>
<td>20.1.5.1</td>
<td>Aisles/exits are blocked</td>
<td>Emergency exit on 1st floor kitchen obstructed by shelving unit.</td>
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<tr>
<td>20.1.5.1</td>
<td>Aisles/exits are blocked</td>
<td>aisle distance between work station is a min. of 36&quot;</td>
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<td>13.6.7.3.1</td>
<td>Improper fire extinguisher types for existing hazards for fire extinguishers</td>
<td>Need servicable and proper sized fire extinguisher</td>
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<tr>
<td>Other</td>
<td>Provide tent signage for ALL fire extinguishers</td>
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Recommendations
Next Inspection Due: July - 2019

Completed By: Tim Taylor
Email Sent To: ggerdes@cityofevanstion.org

Report Delivered To: (Richard Shapiro)

Visit Number: 1st

Notes

Inspection was a joint City of Evanston inspection process due to a change of use classification.

<table>
<thead>
<tr>
<th>Entered By</th>
<th>Notes Type</th>
<th>Date</th>
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<tr>
<td>Tim Taylor</td>
<td>A</td>
<td>07/02/2019</td>
<td>Upon the changing of classification on the property will need to have a sprinkler and automatic fire alarm system installed per Ordinance 111-0-13 Sec. 43.7.2.1</td>
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Report Summary:

Follow-Up Notes
Report Status: Deficient
Evanston Fire Department Fire Inspection Report
Violations and Recommendations Summary

Report # IR - 29799

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<th>Date: 6/27/2019</th>
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<td>Inspector Name: Tim Taylor</td>
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<th>Business Occupant: Richard Shapiro Law Offices</th>
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<td>Region: --</td>
<td>Location: 528 - Greenwood St</td>
</tr>
<tr>
<td>Number : 528</td>
<td>Street Prefix : --</td>
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<tr>
<td>Street Name : Greenwood St</td>
<td>Unit #: --</td>
</tr>
<tr>
<td>City: Evanston</td>
<td>State: Illinois</td>
</tr>
<tr>
<td>Zip: 60201</td>
<td>Phone# 1: 847-869-8686</td>
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<td>Contact Name: Richard Shapiro</td>
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<td>Contact Phone: --</td>
<td>Contact Email: <a href="mailto:info@richardshapiro.com">info@richardshapiro.com</a></td>
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Next Inspection Due: July - 2020

Date: 

Completed By: --

Email Sent To: ggerdes@cityofevanston.org

Report Delivered To: (Richard Shapiro) (Electronic signature entered by technician.)

Visit Number: 1st

Notes

Joint inspection with other City of Evanston agencies due to the change of use application.

<table>
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<td></td>
<td>Upon the changing of the classification on the property will need to have a sprinkler and automatic fire alarm system installed per Ordinance 111-0-13 sec 43.7.2.1.</td>
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Report Summary: Emailed

Follow-Up Notes
Report Status: Deficient
November 20, 2018

Richard A. Shapiro, Attorney at Law
1327 Chicago Avenue
Evanston, IL 60201-4724

RE: BUSINESS OPERATIONS AT 1327 CHICAGO AVENUE, EVANSTON, IL

Dear Mr. Shapiro:

The City is aware of the operation of a business at 1327 Chicago Avenue. This property is located within the R5, Residential Zoning District. The R5 District allows a number of permitted and special uses per Section 6-8-7 of the Zoning Ordinance.

Please provide information about the operations of the business, including the following:

- Number of dwelling unit(s) and occupancy of those unit(s)
- Floor plan of building with use of spaces indicated
- Hours of operation
- Number of employees
- Number of clients present at one time and throughout the day

As the Zoning Administrator, under City Code Section 6-3-10, I am authorized to enforce and bring forth an action under the City’s Zoning Ordinance and will pursue all remedies provided by law. Please provide this information by December 7, 2018.

I appreciate your cooperation. Please do not hesitate to contact me directly at (847) 448-8675 or smangum@cityofevanston.org.

Sincerely,

Scott Mangum
Planning and Zoning Administrator

Cc: Johanna Leonard, Community Development Director
    Wally Bobkiewicz, City Manager
January 17, 2019

Ruth Krugly
70 W. Madison Street, Suite 2900
Chicago, IL 60602
Via Email

RE: LAW OFFICE OPERATIONS AT 1327 CHICAGO AVENUE, 528 GREENWOOD ST, EVANSTON, IL

Dear Ms. Krugly:

Thank you for the initial letter dated December 31, 2018, and subsequent communications regarding your operation of your client’s Law Offices at 1327 Chicago Avenue and 528 Greenwood Street.

As these properties are located within the R5, Residential Zoning District, a Special Use Permit is required to operate an Office Use (Zoning Ordinance Sections 6-8-7-3, and 6-8-1-11). The process to request a Special Use Permit typically runs 60-90 day following submittal of a completed application with public meetings before the City’s Design and Review Board (DAPR), Zoning Board of Appeals, and City Council. Please contact Melissa Klotz, Zoning Administrator mklotz@cityofevanston.org with any questions about the Special Use process.

Additionally, the Fire Department and Building and Inspection Services Divisions will need to review the use of the structures as an office. Per International Building Code 3408 – Existing Structures, the provisions of the code for new construction apply to an existing structure having a new occupancy. For the change of occupancy at 1327 Chicago and 528 Greenwood, the Building Division would require a licensed architect or other design professional perform a change of occupancy evaluation. The evaluation shall include a structural assessment to determine the adequacy of the structural systems for the proposed change of occupancy; a fire and life safety evaluation to assess general life and safety elements including required automatic sprinkler, detection, alarm and communication systems and means of egress; an accessibility evaluation to assess entrance, route, parking and signage elements; and a plumbing/mechanical evaluation to ensure systems and fixture counts/accessibility are appropriate for the use. The evaluation will be reviewed by Division/Department plan reviewers and permits/inspections will be required for
subsequent work. Please contact Gary Gerdes, Building and Inspection Services Division Manager agerdes@cityofevanston.org with any questions.

I appreciate your cooperation. Also, please do not hesitate to contact me directly at (847) 448-8675 or smangum@cityofevanston.org.

Sincerely,

Scott Mangum
Planning and Zoning Manager

Cc: Johanna Leonard, Community Development Director
Gary Gerdes, Building and Inspection Services Division Manager
Mario Tristan, Fire Plan Reviewer
Melissa Klotz, Zoning Administrator
Wally Bobkiewicz, City Manager
Richard A. Shaprio, Attorney at Law
October 30, 2019

Richard Shapiro
Ruth Krugly
Via Email

Re: 1327 Chicago Avenue/528 Greenwood Street, Evanston

Dear Mr. Shapiro & Ms. Krugly:

I am in receipt of your October 29, 2019 request to reconsider the Building Official’s decision regarding requiring accessibility elements as detailed in International Building Code section 3411.4.2. The request is being granted and the elements will not be required as part of the change in occupancy items listed in the July 8, 2019 inspection report.

During discussion with Kimberly Paarlberg, ICC Senior Staff Architect, she acknowledged the conflicting ICC opinions given to the City by Jason Toves, ICC Technical Staff and to Elliott Dudnik, Elliott Dudnik & Associates by her but based on her opinion as senior staff member and the fact that the section cited will be removed from 2021 edition of the ICC codes, I am comfortable moving forward with the special use application without requiring the accessible elements listed in 3411.4.2. Ms. Paarlberg stated that since adoption in 2012, there have been arguments and considerations by code officials that have revised the way the section is being viewed and applied. She also noted the disparity in impact to a building owner in leasing to one tenant versus another as a reason the section is being removed.

As the ADA and Illinois Accessibility Code do not have separate provisions for change of occupancy, the decision to treat the project as an alteration will not be in conflict to the aforementioned codes. The City will require that accessibility services be provided via alternate means (program access) and barrier removal. I would also ask consideration be given to providing accessibility from the parking spaces to the entrance of one of the structures.

Sincerely,

Gary Gerdes
Building & Inspection Services Division Manager
City of Evanston

cc: Johanna Leonard, Community Development Director
    Melissa Klotz, Zoning Administrator
    Elliott Dudnik, Elliott Dudnik & Associates
November 7, 2019

VIA EMAIL

Melissa Klotz  
Zoning Administrator  
Planning and Zoning Division  
Community Development Department  
2100 Ridge Avenue  
Evanston, Illinois 60201  
mklotz@cityofevanston.com

Re: Supplemental Submission in Support of Special Use Application for 1327 Chicago Avenue and 528 Greenwood, Evanston

Dear Ms. Klotz:

I am writing on behalf of our client, Richard A. Shapiro, in response to your email of November 1, 2019, requesting certain supplemental information with respect to the above-referenced special use application. Specifically, you requested that Mr. Shapiro provide a short statement describing what changes will be made to the property to make it more accessible (e.g., handrails), and how clients or employees who need ADA accessibility will be helped. You also asked that we review the documents previously submitted by Mr. Shapiro to determine if anything further needed to be changed, based on the most recent interpretation by Mr. Gerdes (on October 30, 2019) regarding the accessibility requirements in the 2012 International Building Code (which has been adopted by the City of Evanston, with certain amendments). This letter is submitted in compliance with your request.

As a threshold matter, based on Mr. Gerdes’ October 30, 2019 letter, it is our understanding that the maximum costs for achieving accessibility need not exceed 20% of the overall project cost. It is our further understanding that, under the pertinent Building Code provisions, the overall project costs do not include any sprinkler system or other life safety alarm system costs, nor any plumbing, mechanical, or electrical costs (although Mr. Shapiro will be complying with all of those requirements, as detailed by the City in its prior inspection reports).

The overall project costs do include the installation of handrails, which are required by the inspection report issued on July 8, 2019. In compliance with the City’s requirements, handrails will be installed at both structures. At the 1327 property, approximately 50 feet of rail will be required, at an estimated cost of $1,500 to $2,000. At the 528 Greenwood property, approximately 25 feet of rail will be installed at an estimated cost of $750 – $1,000. If the City also decides to require handrails for the stairway leading to the third floor (even though the City
has determined that the third floor cannot be used), there will be an additional estimated cost of $350-$500.

Accordingly, the range of costs for the installation of handrails is $2,250 (if the third floor stairway is excluded) to $3,500 (if it is included). Thus, at the high end of the range, after applying the 20% cap, the cost required to provide accessibility is $700. At the low end of the range, the cost required to provide accessibility would be $450 (assuming no handrails to the third floor) or $520 (assuming handrails are installed).

As detailed below, Mr. Shapiro intends to provide accessibility at a cost that easily exceeds what he is required to spend under the 20% cap rule.

First, in the Building Official’s October 30, 2019 letter stating that the accessibility elements detailed in section 3411.4.2 of the International Building Code will not be required, the Building Official nevertheless asked that consideration be given to providing accessibility from the parking spaces to the entrance of one of the structures. Mr. Shapiro has considered this request and intends to create a handicapped parking space in the existing parking area immediately northwest of the 1327 Chicago Avenue structure. The costs for installing this parking space will include: 1) purchasing and installing signage; 2) purchasing and installing striping (even one roll of pavement marking tape is approximately $230); 3) removing three, six-foot rubber black and yellow parking blocks from the concrete and reinstalling two of those in two new locations; and 4) labor.

Second, in place of the existing doorknobs, lever handles will be installed at the front doors of both the 1327 Chicago Avenue and 528 Greenwood structures. It is estimated that the levers and labor required to install them will cost approximately $400-$500 per building. (Notably, the installation of the lever handles alone will meet or exceed the required accessibility budget for each structure.)

Third, although Mr. Shapiro does not currently anticipate making any significant alterations to either facility, if he does make such alterations he will provide such further accessibility as may be required under the Building Code.

Fourth, Mr. Shapiro will continue his existing practice of conducting home visits for clients for whom it would be difficult, for reasons of disability, age, infirmity, or any other reason to meet with Mr. Shapiro or his staff at his 1327 Chicago Avenue office. Accordingly, if a client advises Mr. Shapiro or his staff that, for one or more of those reasons, it is difficult to meet at his office, Mr. Shapiro or one of his employees will offer to meet that client at his or her home, at a mutually convenient location, or to handle the transmission of necessary documentation online.

Fifth, if a client comes to the office but advises Mr. Shapiro or his staff that he or she needs assistance entering the facility, a member of Mr. Shapiro’s staff will go to the vehicle (assuming the client arrived by car) and help him or her into the office located at 1327 Chicago Avenue. Alternatively, if an exchange of paperwork is all that is required to meet the needs of
the client, Mr. Shapiro or his staff will provide or collect that paperwork at the vehicle (without the client having to leave the car), if that is acceptable to the client.

Sixth, if an employee is disabled but otherwise able to perform the duties and responsibilities of the job, that employee will be reasonably accommodated by giving him or her the opportunity to work remotely at home. Again, this practice has already been successfully integrated into Mr. Shapiro’s business; Mr. Shapiro currently has several employees who work remotely from home, including an employee with a disability.

In fact, as discussed in Mr. Shapiro’s original submission in support of his application for a special use, almost all of his business is conducted by phone, and client visits to Mr. Shapiro’s office are infrequent. Mr. Shapiro does not recall any instances where a client was unable to utilize his legal services because of accessibility issues. And in the few cases where there have been potential issues for clients regarding accessibility, Mr. Shapiro or his staff has visited the client at his or her home. Although the making of “house calls” is, for the most part, a vestige of times gone by, Mr. Shapiro is proud to provide this service to those clients who need it.

More generally, Mr. Shapiro is proud to be the source of substantial employment and services to residents of the City, and to be a productive member of the vibrant community that is Evanston. He believes that the accommodations described above provide accessibility equal to or superior to any other arrangement that could be offered, but is willing to consider any additional accessibility improvements suggested by the City. Accordingly, Mr. Shapiro respectfully requests that the accessibility plan described herein be approved, and that the City grant a special use permit for the purpose of conducting his legal practice.

Respectfully submitted,

Ruth E. Krugly
PLAT OF SURVEY
OF
LOT 4 IN J.E. MILLER'S SUBDIVISION OF LOTS 16, 17 AND 18 IN BLOCK 3B IN THE VILLAGE OF EVANSTON, IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LAND TOTAL AREA: 4,000 SQ.FT. = 0.092 ACRES.
COMMONLY KNOWN AS: 528 GREENWOOD STREET, EVANSTON, ILLINOIS.

THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREOF DRAWN IS A COPY OF THE ORDER, AND FOR ACCURACY SHOULD BE COMPARED WITH THE TITLE OR DEED. DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING. BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE NOT COVERED IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACT.

Order No. 19-95619
Scale: 1 inch = 16 feet
Date of Field Work: July 31, 2019
Ordered by: RICHARD SHAPIRO

THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREOF DRAWN IS A COPY OF THE ORDER, AND FOR ACCURACY SHOULD BE COMPARED WITH THE TITLE OR DEED. DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING. BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE NOT COVERED IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACT.

Order No. 19-95619
Scale: 1 inch = 16 feet
Date of Field Work: July 31, 2019
Ordered by: RICHARD SHAPIRO

NOTE:
COPY OF CURRENT TITLE INSURANCE POLICY NOT PROVIDED TO SURVEYOR.
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
THIS SURVEY HAS BEEN ORDERED FOR SURFACE DIMENSIONS ONLY. NOT FOR ELEVATIONS.
THIS IS NOT AN ALTA SURVEY
COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE
State of Illinois
County of Cook

We, PROFESSIONALS ASSOCIATED SURVEY INC., do hereby certify that we have surveyed the above described property and that, to the best of our knowledge, the plat heron drawn is an accurate representation of said survey.

Date: August 5, 2019

SIGNED:
RICHARD DONALDSON
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS

DRAWN BY: S.Z.
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.
1327 Chicago Ave. & 528 Greenwood St.
(from Chicago Ave.)
DESIGN AND PROJECT REVIEW COMMITTEE (DAPR) MINUTES EXCERPT
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.

New Business

1. 1327 Chicago Ave./528 Greenwood St. Recommendation to ZBA
Richard A. Shapiro, property owner, submits for a Special Use for an Office use, Richard Shapiro Attorney At Law, in the R5 General Residential District.

APPLICATION PRESENTED BY: R. Shapiro and legal counsel.

DISCUSSION:
- Applicant’s legal counsel briefly described Mr. Shapiro’s business including the growth from a small home office, to the larger operation conducted today.
- Legal counsel stated that Mr. Shapiro recognizes that he makes mistakes as his business grew, particularly by not applying for a Special Use Permit.
- Legal counsel stated that Mr. Shapiro acknowledges that previous residential tax assessments will have to be reconciled as the use is, and has been for some time, commercial in nature.
- Legal counsel stated that despite these mistakes, the use is appropriate for this location, noting proximity to business districts and zoning on Chicago Avenue and Dempster Street.
- Legal counsel made special note that the office use has operated for a significant amount of time and has been a good neighbor, trying hard to limit congestion, and maintain the significant appearance of the two residential structures.
- R. Shapiro stated that many employees work remotely and have alternating schedules.
- Legal counsel affirmed the above statement and stated that almost all of Mr. Shapiro’s clients conduct and transmit business remotely without a need to visit the office. Additionally, Mr. Shapiro, as is the nature of his business, performs many house-calls.
- Legal counsel stated Mr. Shapiro’s desire to remain in Evanston and in the two buildings he loves dearly. Permitting a special use would allow this thriving business to continue to operate.
- R. Shapiro noted that he has consistently maintained his buildings to the highest standard retaining their residential feel and aesthetic. No changes to the exterior of the buildings are anticipated.
- Legal counsel described the current parking situation including four spaces located off Chicago Avenue which are used for customer parking. Two of these spaces are planned to be removed to make space for an ADA compliant parking location. Additionally, Mr.
Shapiro leases several spaces from the City as well as spaces from neighboring properties. In total, Mr. Shapiro leases 25 spaces and has received no complaints from neighbors.

- Legal counsel described recommendations by the Fire Department and Building Department, including a recent agreement based on determination by the International Code Counsel (ICC). The recommendations, including ADA improvements in the total of 20% of the applicable improvement costs to the building, as well as a full fire suppression and alarm system will be installed at substantial cost to Mr. Shapiro ($200k).
- R. Shapiro noted that he is prepared to make significant investments in the property as needed and outlined in a recent agreement with the City and ICC.
- S. Mangum asked which facilities Mr. Shapiro is leasing parking from.
- R. Shapiro stated that he leases 10 spaces from Lot #14, 1 from Lot #23 and 1 from Lot #60. Additionally, R. Shapiro is on the waiting list for additional parking spaces as they become available.
- S. Mangum sought clarification that the spaces off Chicago Avenue are exclusively used by clients.
- R. Shapiro stated in the affirmative.
- S. Mangum noted that the subject properties are close to transit.
- Legal counsel stated that this is true and approximately 50% of employees arrive utilizing rapid transit.
- J. Leonard asked how many employees exist in the building at any given time.
- R. Shapiro stated that the question was misleading as the employees are spread across two buildings and schedules alternate making it hard to determine.
- J. Leonard asked the applicant to give his best estimate.
- R. Shapiro stated that at any given time 20-25 employees could be in each building.
- J. Leonard asked if 45 would be a good estimate then.
- R. Shapiro stated, something like that seems accurate but it certainly fluctuates.
- L. Biggs asked if the structures could be adapted to single-family residences in the future if the law practice moved.
- R. Shapiro stated that this could certainly happen as no significant interior or exterior alterations have occurred or are anticipated.
- Legal counsel noted that the applicant was not going to install new door levers as outlined in the proposal as it would negatively impact the architectural integrity of the structures and have limited benefit.
- R. Shapiro stated that the front entrance is rarely ever used and that preserving the look of the buildings is very important to him.
- J. Leonard asked how someone with accessibility needs would access the building.
- R. Shapiro stated that they would use the sidewalk and that grab bars would be installed where needed. They would use the stairs and be assisted if necessary.
- Legal counsel reiterated that clients rarely visit the offices.
- J. Hyink raised concern that not all those with disabilities require physical assistance. The need for accessibility is manifested in many ways.
- J. Hyink asked how other needs were being met.
- R. Shapiro stated that he would rather do things that are functional, rather than undergo improvements that address a hypothetical.
- Legal counsel stated that the applicant understands that not all accessible issues are physical.
- J. Leonard stated that a clear path needs to be identified from the ADA space to the office.
- R. Shapiro stated that a clear path already exists in the form of the sidewalk.
S. Mangum stated that nothing on the property, other than the intensity of the interior use, is out of character with the residential zoning and comended the applicant.

S. Mangum noted that you could walk or drive by the properties and never guess the intensity of the use inside.

R. Shapiro stated that was a poignant remark and that the intensity of the use is appropriate and adequately mitigated.

J. Leonard stated concern with the precedent setting nature of the use raising significant issue with the size and intensity of the use.

I. Eckersberg asked if conditions could be included in the motion.

S. Mangum stated in the affirmative.

C. Sterling asked Mr. Shapiro if he would consider landmarking the properties as an added level of protection.

R. Shapiro stated that he had not thought about that but liked the idea and would look into it.

S. Mangum noted that the properties are located in the Lakeshore Historic District.

C. Sterling responded that he understood, but they were not individual landmarks.

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

Conditions include:
1. Hours of operation shall be limited to M-F, 7am to 6pm.
2. Deliveries shall be limited to M-F 7am to 6pm.
3. The number of employees present on-site shall be limited to 45.

The Committee voted, 8-2, for a positive recommendation to the ZBA with the above mentioned conditions. (J. Leonard and J. Hyink dissenting)
1201 Grant Street
19ZMJV-0104

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: 1201 Grant Street - ZBA CASE 19ZMJV-0104
          ZBA Determining Body

Date: January 14, 2020

Notice - Published in the December 26, 2019 Evanston Review

Mark Benner, applicant, applies for major zoning relief to construct an addition in the R1 Single-Family Residential District. The applicant requests a 2.8’ west interior side-yard setback where 5’ is required (Zoning Code Section 6-8-2-8. (A) 3.) and minor zoning relief was previously granted to permit 3.3’ (Minor Variation case number 16ZMNV0064). The Zoning Board of Appeals is the determining body for this case.

Recommendation
City staff and DAPR unanimously recommend approval of major zoning relief for a reduced west interior side-yard setback in the R1 Single-Family Residential District. The proposal complies with all additional requirements of the Zoning Code and meets the standards for Major Variation.

Site Background
1201 Grant Street is a substandard lot (5900 square feet) currently improved with a circa 1920s American Four-Square and detached garage. The subject property is located on the north side of Grant Street at the corner of Grant Street and Bryant Avenue to the east. The property is served by a public alley along the north lot line. The surrounding structures to the north, east, and west are predominantly single-family on similarly sized substandard lots while the surrounding structures to the south are single-family on large lots.

Zoning:          R1 – Single-Family Residential District

Surrounding zoning:

North:        R1 Single-Family Residential District (2 story SFR)
East:         R1 Single-Family Residential District (2 story SFR)
South:        R1 Single-Family Residential District (2.5 story SFR)
West:         R1 Single-Family Residential District (2 story SFR)
Proposal and legislative history
In October of 2016 minor zoning relief was granted to facilitate construction of a single-story mudroom addition with a west interior side-yard of 3.3’ where 5’ is required. After the foundation was poured and the rough structural inspections were complete the recorded spot-survey discovered that the single-story addition was constructed 2.8’ from the west interior side-yard due to imprecise measurements and an unreliable assumption that the west lot line and west facade of the principal structure were squarely parallel to one another. Accordingly, the applicant requests a 2.8’ west interior side-yard setback where 3.3’ was previously approved under case number 16ZMNV-0064.

Ordinances Identified for Requested Relief
6-8-2-8 (A) 3. Side Yard Requirements for Residential Structures

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

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

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

Design and Project Review Committee (DAPR) Discussion and Recommendation
Recommendation: DAPR recommends approval of major zoning relief to permit a 2.8’ west interior side-yard setback in order to construct a single-story addition in the R1 Single-Family Residential District. DAPR members noted that the existing principal structure is 2.5’ from the west interior side-yard and no correspondence was received from the neighboring property to the west, which would receive the highest potential impact. DAPR members found the alternative, demolition of the addition and re-construction, to be unreasonable and wasteful with potential to inflict an undue economic burden on the homeowner and prolonged nuisance on neighboring properties.

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: *Staff has not received opposition to the proposal and the proposed addition closely aligns with the existing principle structures non-conforming side-yard setback.*

b) **Is in keeping with the intent of the zoning ordinance;** Standard met: *The proposal 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 to its existing size prior to the current ownership. The lot is sub-standard (5,900 where 7,200 is standard) and although the lot width is 40’ where 35’ is standard, the lot has limited buildable area due to the 15’ street side-yard setback.*
d) Property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience; Standard met: The property owner could suffer economic hardship if the addition were required to be torn down and re-constructed.

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 property is owner-occupied. No additional income will be derived from the addition and the taxable value of the land will increase.

f) Does not have a hardship or practical difficulty that was created by any person having an interest in the property. Standard met: The property owner entrusted construction of the addition to a licensed professional, and in good-faith believed construction would be compliant with the approved minor variation. Although the hardship is inherently self-created due to negligence on part of the contractor, said contractor does not have a substantial interest in the property.

g) Is limited to the minimum change necessary to alleviate the particular hardship or practical difficulty. Standard met: The addition has been constructed and outside of demolition, the applicant has no viable alternative which would reduce the degree of the requested variation.

Attachments
Variance Application
Proof of Ownership
Plat of Survey
Approved Site-Plan and Permit
Minor Variation Documentation
Image of Property
Aerial View of Property
Zoning Map of Property
DAPR Meeting Minutes Excerpt
1. PROPERTY

Address:_1201 Grant Street
Permanent Identification Number(s):
PIN 1: _11071110200000 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:_Mark Benner
Organization:_Mark Eric Benner - Architects, Ltd.
Address:_1725 Ferndale Avenue
City, State, Zip:_Northbrook, IL 60062
Phone: Work: 847-412-0692 Home: None Cell/Other: 847-922-9880
Fax: Work: None Home: None
E-mail:_MarkBenner@MEBArchitect.com

What is the relationship of the applicant to the property owner?
☐ same ☐ builder/contractor ☐ contract purchaser ☐ potential lessee
☐ architect ☐ attorney ☐ lessee ☐ real estate agent
☐ officer of board of directors ☐ other:

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

Name(s) or Organization:_John and Susan Worth
Address:_1201 Grant Street
City, State, Zip:_Evans ton, IL 60201
Phone: Work: Home: 847-869-6140 Cell/Other:
Fax: Work: Home: 
E-mail:_JWorth@Kirkland.com & SusanW orth@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."

_Susan Worth_ _John R. Worth_ 11/11/19
Property Owner(s) Signature(s) – REQUIRED Date

4. SIGNATURE

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

_Mark E. Benner_ 11/18/2019
Applicant Signature – REQUIRED Date
5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

☐ (This) Completed and Signed Application Form
☐ 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 $385.00 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:

- Mud room addition expansion of existing stair landing from first floor to basement.
- New patio and reconfigured walks with pergola covered grilling area

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

(Date Applied: 1/21/2019  Building Permit Application #: 18ADDR-0058)

## 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>
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<tr>
<td>6-8-2-8-C</td>
<td>Interior Side Yard (1)(FT)</td>
<td>Existing = 2.76 feet, 11/6/2019 survey; 2.52 feet Proposed = 2.80 feet</td>
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<tr>
<td></td>
<td>Direction: W, Standard = 5.00 feet</td>
<td>For proposed addition</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?

The existing home's Northwest corner is positioned at 2.76 feet from the West property line as indicated in the City of Evanston Zoning Analysis Summary, dated 7/26/2016 and more recently surveyed at 2.52 feet, dated 11/6/2019. The proposed and now substantially built addition was designed 6 inches to the East to remain within the the minor variance approved setback of 3.75 feet. It was discovered that the home's footprint is rotated on the site at an angle, causing the addition to come to a dimension of 2.80 feet from the West property line.

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

The addition remains further away from the West property line in relation to the original Northwest corner of the home. Additionally, steps were taken to alleviate stormwater issues by providing stormwater management facilities.

2. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.

The proposed addition has been substantially constructed in good faith according to the approved plans. Correction to align with the previously approved Minor Variation (10/13/2016) would require the structure to be demolished and re-built.

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 have demonstrated that the application is not based exclusively upon a desire to extract additional income from the property, the Zoning Board of Appeals or the City Council, depending upon final jurisdiction under §6-3-8-2, has found that public benefits to the surrounding neighborhood and the City as a whole will be derived from approval of the variation, that include, but are not limited to any of the standards of §6-3-6-3.

The purpose of the variation has no income component. The addition was conceived to improve the access of a formerly congested stair leading to the first floor and basement. Circulation clearance and headroom clearance issues have been increased and brought within minimum code standards.

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

The existing Northwest corner of the original home resides at 2.76 feet from the West property line and was re-evaluated to be 2.52 feet from the West property line, according to a recent "spot survey" (11/6/2019). This is a setback decrease of approximately 3 inches. The addition is no closer (more than 3 inches further away) to the property line than this existing corner position.

It was anticipated that the addition's position of 6 inches inside the boundary of the existing home's West most extent would result in a West setback of 3.26 feet. The angled position of the home, relative to the assumed parallel orientation, reduced this setback dimension to 2.80 feet.
5. Have other alternatives been considered, and if so, why would they not work?

A 6 inch setback from the existing West most wall was employed in an attempt to remain within the adjusted sideyard setback. The structure is substantially complete. Any adjustment to reduce the width of the addition would require its demolition and re-construction.

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 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.)

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.
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 1 above, or indicated below.

If Applicant or Proposed Land User is a Corporation

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

a. Names and addresses of all officers and directors.
   Does not apply

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.
   Does not apply

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.
Owners are listed in section 3 as Property Owner.
## Settlement Statement (HUD-1)

### Type of Loan

<table>
<thead>
<tr>
<th>1</th>
<th>FHA &amp; VA</th>
<th>Conv. Loans</th>
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</thead>
</table>

<table>
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<th>2</th>
<th>File Number: ST121613</th>
<th>Loan Number: J11585001113</th>
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</thead>
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| 3 | Mortgage Insurance Case Number: KBS 51 | |

### Name & Address of Borrower:

| 4 | Name & Address of Seller: NELSON P. SPRENO AND DARRETT E. SPRENO 1201 GRANT STREET EVANSTON, ILLINOIS 60201 |

### Property Location:

| 5 | Settlement Agent: CHICAGO TITLE & TRUST COMPANY 5215 OGD ORCHAR 8400 SIEKIE ILLINOIS 60607 |

| 6 | Place of Settlement: 5215 OGD ORCHAR 8400 SIEKIE ILLINOIS 60607 |

### Settlement Agent Details:

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<th>F</th>
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<tr>
<td>1</td>
<td>Name &amp; Address of Lender: PERI MORTGAGE INC 709 W. BELOIT CHICAGO, ILLINOIS 60616</td>
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</tr>
</tbody>
</table>

### Date and Time of Printing:

| 8 | 12/13/11 10:49 |

### Summary of Borrower's Transaction

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<th>9</th>
<th>Gross Amount Due from Borrower:</th>
<th>10</th>
<th>Gross Amount Due to Seller:</th>
</tr>
</thead>
</table>

### Adjustments for Items Paid by Seller in Advance

<table>
<thead>
<tr>
<th>11</th>
<th>Adjustments for items paid by seller in advance:</th>
</tr>
</thead>
</table>

### Summary of Seller's Transaction

<table>
<thead>
<tr>
<th>12</th>
<th>Adjustments for items unpaid by seller in advance:</th>
</tr>
</thead>
</table>

### Settlement Date:

| 13 | December 13, 2011 10:00 |

### Funding Date:

| 14 | |

### Disbursement Date:

| 15 | December 13, 2011 |

### Adjustments for Items Paid by Seller in Advance:

| 16 | Contract sales price: |

### Adjustments for Items Unpaid by Seller:

| 17 | City/town taxes: |

### Gross Amount Due from Borrower:

| 18 | Principal and interest: |

### Gross Amount Due to Seller:

<p>| 19 | |</p>
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Real Estate Broker Fees</td>
<td>$3,305.00</td>
<td></td>
</tr>
<tr>
<td>Division of Commission $750 as follows:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$761.00 to Wright Properties</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$762.00 to VYCHERT REALTORS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Commission paid at Settlement</td>
<td>$16,000.00</td>
<td></td>
</tr>
<tr>
<td>Adjust Comm To</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ITEMS PAYABLE IN CONNECTION WITH LOAN</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Origination charge</td>
<td>$0.00</td>
<td>from GFE #8</td>
</tr>
<tr>
<td>Your credit and charge (points) for specific interest rate chosen</td>
<td>$0.00</td>
<td>from GFE #8</td>
</tr>
<tr>
<td>Your adjusted origination charges</td>
<td>$991.68</td>
<td>from GFE #8</td>
</tr>
<tr>
<td>Appraisal fees PERL MORTGAGE, INC</td>
<td>$271.00</td>
<td>from GFE #8</td>
</tr>
<tr>
<td>Credit report PERL MORTGAGE, INC</td>
<td>$21.90</td>
<td>from GFE #8</td>
</tr>
<tr>
<td>Tax service to</td>
<td>$0.00</td>
<td>from GFE #8</td>
</tr>
<tr>
<td>Flood certification to</td>
<td>$0.00</td>
<td>from GFE #8</td>
</tr>
<tr>
<td><strong>ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Daily interest charges from 12/15/11 to 01/01/12 @ 6.804% /day</td>
<td>$1,343.02</td>
<td>from GFE #9</td>
</tr>
<tr>
<td>Mortgage insurance premium for</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homeowners insurance for 1 years to STATE FARM</td>
<td>$5.00</td>
<td>from GFE #9</td>
</tr>
<tr>
<td><strong>RESERVES DEPOSITED WITH LENDER</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial deposit for your escrow account</td>
<td>$7,221.81</td>
<td>from GFE #9</td>
</tr>
<tr>
<td>Homeowner's insurance 4 months @ $64.92 per month</td>
<td>$269.68</td>
<td>from GFE #9</td>
</tr>
<tr>
<td>Mortgage insurance 4 months @ $64.92 per month</td>
<td>$269.68</td>
<td>from GFE #9</td>
</tr>
<tr>
<td>County property taxes 7 months @ $1,022.79 per month</td>
<td>$7,158.90</td>
<td>from GFE #9</td>
</tr>
<tr>
<td><strong>TITLE CHARGES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title services and lender's title insurance</td>
<td>$2,431.00</td>
<td>from GFE #9</td>
</tr>
<tr>
<td>Settlement or Closing Fee CHICAGO TITLE AND TRUST COMPANY</td>
<td>$2,285.00</td>
<td>from GFE #9</td>
</tr>
<tr>
<td>Owner's title insurance to TRACEY L. NINEM</td>
<td>$2,260.00</td>
<td>from GFE #9</td>
</tr>
<tr>
<td>Lender's title insurance to TRACEY L. NINEM</td>
<td>$725.00</td>
<td>from GFE #9</td>
</tr>
<tr>
<td>Owner's title policy limit</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>Agent's portion of the total title insurance premium</td>
<td>$1,753.30</td>
<td></td>
</tr>
<tr>
<td>Underwriter's portion of the total title insurance premium</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td><strong>OTHER CHARGES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Charges</td>
<td>$490.00</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL SETTLEMENT CHARGES</strong></td>
<td>$15,841.83</td>
<td></td>
</tr>
<tr>
<td><strong>Government Recording and Transfer Charges</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government recording charges</td>
<td>$335.00</td>
<td></td>
</tr>
<tr>
<td>$220.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ADDITIONAL SETTLEMENT CHARGES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Required services that you can shop for</td>
<td>$423.00</td>
<td></td>
</tr>
<tr>
<td>SURVEY FEE TO PREPARED SURVEY INC</td>
<td>$423.00</td>
<td></td>
</tr>
<tr>
<td>REINS FOR WATER BILL TO TRACEY L. NINEM</td>
<td>$47.14</td>
<td></td>
</tr>
<tr>
<td>REINS FOR EVANSTON TRANSFER STAMPS TO TRACEY L. NINEM</td>
<td>$3,401.00</td>
<td></td>
</tr>
<tr>
<td>SELLER ATTORNEY FEE TO TRACEY L. NINEM</td>
<td>$350.00</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$15,841.83</td>
<td></td>
</tr>
</tbody>
</table>
Comparison of Good Faith Estimate (GFE) and HUD-1 Charges

L1 - PERL MORTGAGE, INC

<table>
<thead>
<tr>
<th>Charges That Cannot Increase</th>
<th>HUD-1 Line Number</th>
<th>Good Faith Estimate</th>
<th>HUD-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Our origination charge</td>
<td>$279</td>
<td>925.00</td>
<td>995.00</td>
</tr>
<tr>
<td>Your credit or charge PTO for spurious title searches</td>
<td>930.00</td>
<td>930.00</td>
<td>930.00</td>
</tr>
<tr>
<td>Your adjusted origination charge</td>
<td>$930.00</td>
<td>4,680.00</td>
<td>1,080.00</td>
</tr>
<tr>
<td>Transfer Taxes</td>
<td>$390.00</td>
<td>5,770.00</td>
<td>2,075.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>6,955.00</td>
<td>6,975.00</td>
</tr>
</tbody>
</table>

Charges That Will Not Increase More Than 10%

<table>
<thead>
<tr>
<th>Government recording charges</th>
<th>Good Faith Estimate</th>
<th>HUD-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appraisal Fee</td>
<td>375.00</td>
<td>135.00</td>
</tr>
<tr>
<td>Credit Report</td>
<td>275.00</td>
<td>275.00</td>
</tr>
<tr>
<td>Total</td>
<td>650.00</td>
<td>410.00</td>
</tr>
</tbody>
</table>

Increase between GFE and HUD-1 Charges:

| $650.00 | 31.56% |

Loan Terms

Your initial loan amount is $2,785.23
Your loan term is 30.0 years
Your initial interest rate is 4.10%

Can your interest rate rise?
- No
- Yes, it can rise to a maximum of 12.10%

Even if you make payments on time, can your loan balance rise?
- No
- Yes, it can rise to a maximum of $4,968.71

Do your loan have a prepayment penalty?
- No
- Yes, your maximum prepayment penalty is $3,395.23

Does your loan have a balloon payment?
- No
- Yes, you have a balloon payment of $3,395.23 due in 10 years on

Total monthly amount owed including escrow account payments:
- You do not have a monthly escrow payment for items, such as property taxes and homeowner's insurance. You must pay these items directly yourself.
- You have an additional monthly escrow payment of $1,087.82 that results in a total initial monthly amount owed of $3,395.23

This includes principal, interest, any mortgage insurance and any items checked below:
- Property taxes
- Homeowner's insurance
- Flood insurance

Note: If you have any questions about the Settlement Charges and Loan Terms listed on this form, please contact your lender.
### ADDITIONAL BUYER TITLE CHARGES

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHAIN OF TITLE</td>
<td>$125.00</td>
</tr>
<tr>
<td>CLOSING PROTECTION LTR FEE - B</td>
<td>$25.00</td>
</tr>
<tr>
<td>CLOSING PROTECTION LTR FEE - S</td>
<td>$25.00</td>
</tr>
<tr>
<td>EMAIL PACKAGE FEE</td>
<td>$40.00</td>
</tr>
<tr>
<td>EXPRESS DELIVERY &amp; SERVICE FEE</td>
<td>$25.00</td>
</tr>
<tr>
<td>WIRE TRANSFER FEE</td>
<td>$35.00</td>
</tr>
<tr>
<td>WIRE TRANSFER FEE</td>
<td>$35.00</td>
</tr>
<tr>
<td>ILPAPD CERTIFICATE SERVICE FEE</td>
<td>$50.00</td>
</tr>
<tr>
<td>POLICY UPDATE FEE</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

**TOTAL buyer charges from page 2 (LINE 1109)** $465.00

### ADDITIONAL SELLER TITLE CHARGES

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLOSING PROTECTION LTR FEE - S</td>
<td>$50.00</td>
</tr>
<tr>
<td>EXPRESS DELIVERY &amp; SERVICE FEE</td>
<td>$25.00</td>
</tr>
<tr>
<td>WIRE TRANSFER FEE</td>
<td>$35.00</td>
</tr>
<tr>
<td>COMMITMENT UPDATE FEE</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

**TOTAL seller charges from page 2 (LINE 1109)** $210.00

---

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

**Borrower:**

**Seller:**

**Settlement Agent:**

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause funds to be disbursed in accordance with this statement.

Settlement Agent

12/13/11
<table>
<thead>
<tr>
<th>RECEIPTS</th>
<th>DISBURSEMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>REEL MORTGAGE, INC</td>
<td><strong>CHICAGO TITLE AND TRUST COMPANY</strong></td>
</tr>
<tr>
<td>CTI</td>
<td>SETTLEMENT OR CLOSING FEE 2,239.00</td>
</tr>
<tr>
<td>JOHN R. WORTH</td>
<td>TITLE INSURANCE 3,175.00</td>
</tr>
<tr>
<td></td>
<td>ANNUAL CLOSING FEE 320.00</td>
</tr>
<tr>
<td></td>
<td>ADDITIONAL CLOSING FEE 350.00</td>
</tr>
<tr>
<td></td>
<td>RECORDING FEES 32.00</td>
</tr>
<tr>
<td></td>
<td>CITY/COUNTY TAX/STAMPS 720.00</td>
</tr>
<tr>
<td></td>
<td>STATE TAX/STAMPS 720.00</td>
</tr>
<tr>
<td></td>
<td>ADDITIONAL CHARGES 6.00</td>
</tr>
<tr>
<td></td>
<td>CHECK TOTAL 2,980.00</td>
</tr>
<tr>
<td></td>
<td>TOTAL RECEIPTS 3,318.00</td>
</tr>
<tr>
<td></td>
<td><strong>B WREICHER REALTORS</strong></td>
</tr>
<tr>
<td></td>
<td>LISTING BROKER COMMISSION CHECK TOTAL 1,295.00</td>
</tr>
</tbody>
</table>
|                          | SELLING BROKER COMMISSION CHECK TOTAL 17,705.00
|                          | **C STATE FARM**                   |
|                          | HAZARD INSURANCE PREMIUM 6.00      |
|                          | CHECK TOTAL 6.00                   |
|                          | **D PREFERRED SURVEY INC**         |
|                          | SURVEY FEE 425.00                  |
|                          | CHECK TOTAL 425.00                 |
|                          | **F TRACEY L. NIHEM**              |
|                          | REIMB FOR WATER BILL 47.54         |
|                          | CHECK TOTAL 47.54                  |
|                          | **G TRACEY L. NIHEM**              |
|                          | REIMB FOR EVANSTON TRANSFER ST 3,600.00 |
|                          | CHECK TOTAL 3,600.00               |
|                          | **H TRACEY L. NIHEM**              |
|                          | SELLER ATTORNEY FEE 350.00        |
|                          | CHECK TOTAL 350.00                 |
|                          | **I WELLS FARGO**                  |
|                          | PAYOFF FIRST MORTGAGE CHECK TOTAL  |
|                          | **J FIRST AMERICAN BANK**          |
|                          | PAYOFF SECOND MORTGAGE CHECK TOTAL |
|                          | **K CLASS**                        |
|                          | AGENT SPLIT 625.00                 |
|                          | CHECK TOTAL 625.00                 |
|                          | **L TRACEY L. NIHEM**              |
|                          | AGENT SPLIT 2,355.00               |
|                          | CHECK TOTAL 2,355.00               |

12/13/11 10:50 K85
The undersigned authorize Chicago Title and Trust Company, as Agent for PERL MORTGAGE, INC.
to make the expenditures and disbursements as listed above and we hereby approve the same, jointly and severally, for payment. The undersigned mortgagee certify
that the signatures on the note and mortgage, if any, furnished as security for the loan are genuine and that the consideration therefore was actual and valid without
offset or defense.

[Signatures]

Date

Borrower

Sellers

Chicago Title & Trust Co.

Authorization
Property Address: 1201 GRANT ST  
Parcel Number:  
Parcel Owner: John and Susan Worth  
CAP ID: 19ZMJV-0104  
Group: Zoning  
Type: Variance  
Subtype: Major

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Fee Amount</th>
<th>Unit(s)</th>
<th>Invoice No</th>
<th>Amt. Applied</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Variance (1 &amp; 2 Family)</td>
<td>385.00</td>
<td>1.00</td>
<td>164774</td>
<td>385.00</td>
</tr>
</tbody>
</table>

Subtotal for Acct. 100.21.2108.53695: 385.00

Payment Date: 12/10/19  
Paid By: Mark Benner  
Ref #: 1167  
Cashier: CSERLING  
Payment Method: Check  
Total Receipt Payment: 385.00
BUILDING PERMIT APPLICATION

Address of Property: 1201 GRANT STREET

Name of Business: 
Type of Business: 

Use of Building/Type of Project: (Check all that apply)
- Single Family
- Commercial
- Multi-Family-Rental: # of units
- Condo Conversion / New Condo: # of units
- Dwelling Conversion
- Addition
- Garage
- Detached
- Attached
- Exterior Renovation
- Interior Renovation
- Restaurant
- Office
- Health Care
- Retail
- Educational
- Other

Scope of Work: Mud Room addition with stairs down from first floor level and stairs down to basement level

Work Valuation (required for permit issuance) $150,000

APPLICANT/CONTACT NAME: Mark Benner
PHONE NUMBER: 847-412-0692 x 1001
E-MAIL ADDRESS: MarkBenner@MEBArchitect.com

OWNER OF PROPERTY: John and Susan Worth
Address (if different): 
E-MAIL ADDRESS: JWorth@Kirkland.com, SusanWorth@gmail.com

ARCHITECTURE FIRM: Mark Eric Benner - Architects, Ltd.
PHONE #: 847-412-0692 FAX #: None
ARCHITECT'S E-MAIL ADDRESS: MarkBenner@MEBArchitect.com

Contractor Information

General Contractor: DON VAN CURA CONSTRUCTION COMPANY, INC.
Phone #: 773-282-6360
Address: 4443 W. Montrose Ave, Chicago, IL 60625
Email: don@donvancura.com
Evans License #: 01CR-01A
Expiration Date: 

Plumber/Sewer:
Phone #: 
IL State License #: 
Address: 
Email: 

Electrical Contractor:
Phone #: 
Address: 
Email: 
City where licensed: 
License #: 

Page 1 of 2
Mechanical Contractor:______________________________________________

Phone #:________________________________________________________

Address:________________________________________________________ Email:________________________________________________________

Evans License #:_______________________________________________ Expiration Date:______________________________________________

**Additional Permit Information**
(Please complete the sections below that apply)

Sign/Roofing/Other Contractor:____________________________________

Address:________________________________________________________

Phone #:________________________________________________________ Email:________________________________________________________

**LANDMARK / HISTORIC DISTRICT**

Is the property where the work is to be done a Landmark or in a Historic District?

☐ If YES, please answer the following questions

☒ NO

Are there exterior modifications to the property?

☐ If YES, you must apply for a Certificate of Appropriateness.

☐ NO, I will not be modifying the exterior in anyway: X

Sign and Print Your Name

**MULTI-UNIT APARTMENTS / CONDOMINIUMS**

Are you constructing a new multi-unit residential building, upgrading an existing apartment building, or converting an existing building into apartments?

☐ If Yes, please answer the following questions

☒ No

Are these residential units going to be condominiums?

☐ If YES, how many units?

You must contact the Plan Review/Project Supervisor at (547) 448-4311 to begin the Condominium paperwork.

(Required for Permit Issuance).

☐ NO, These units will not be sold as condominiums: X

Sign and Print Your Name

**WATER/SEWER: NEW, REPAIR, OR REPLACEMENT, AND/OR WORK ON THE PUBLIC WAY**

Does this project require street, sidewalk/parkway openings and/or obstruction of a public right of way (driveway, street, sidewalk, or parkway)? ☐ Yes ☒ No

If YES, a Right of Way Permit must be obtained from the City Engineer prior to issuance of a building permit, and in addition to a building permit for work performed.

I have completed the application honestly and to the best of my knowledge. I understand that all work performed pursuant to this application shall be in strict compliance with all provisions of the City of Evanston statutes, laws, rules, regulations and ordinances.

Applicant Signature ____________________________ Date: 12/16/2018

Page 2 of 2 11/2017
Date: 06/17/2019

Address:
1201 GRANT ST,
EVANSTON, IL 60201

Permit No.
18ADDR-0058

Construction Hours
Monday thru Friday: 7a.m. - 7p.m.
Saturday: 8a.m. - 5p.m.

ADDITION TO RESIDENTIAL PROPERTY

Scope of Work: MUD ROOM ADDITION WITH STAIRS DOWN FROM 1ST FLR. LEVEL AND STAIRS DOWN TO BASEMENT LEVEL.

24 Hour Emergency Contact:
DON VAN CURA - 773-895-7738

To schedule, reschedule, or cancel an inspection, call 847-448-4311 or submit an online request for service to www.cityofevanston.org/how-to/311. A minimum of 48-hour notice is required in advance of inspection. Same day cancellation, missed and failed inspections are subject to a minimum re-inspection fee of $45. Contractors must be present at time of inspection.

Approved permit plans shall be kept on job site during construction activities.

NO WORK IS ALLOWED ON SUNDAY WITHOUT CITY APPROVAL IN WRITING
ZONING MAP

User drawn points
Zoning Boundaries & Labels
Tax Parcels

December 10, 2019

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.
PUBLIC NOTICE

OF A REQUEST FOR AN ADMINISTRATIVE ZONING VARIATION

If you have received this notice by mail, it is because our records indicate you are the owner of a property located within 250 feet of the property address given below.

Notice Date: August 3, 2016  Zoning District: R1
Case Number: 16ZMNV- 0064  Preservation/Landmark: N/A
Address: 1201 Grant Street
Applicant: Mark Benner
Comments Accepted Through: August 19, 2016

Dear Property Owner – The Zoning Office has received an application for an administrative variation for the address listed above. You are receiving this notice because, according to our records, you own property within 250 feet of this address.

The requested variation is …

From section 6-8-2-7, that states, the maximum allowed building lot coverage in the R1 District is 30%, and Section 6-8-2-10-A, that states, the maximum allowed impervious lot coverage in the R1 District is 45%, and Section 6-8-2-8-C, that states, a minimum 5’ setback is required from the west property line, and Section 6-8-2-8-C, that states a minimum 15’ setback is required from the side street (east) property line.

and is for the purpose of …

Constructing a 1-story addition that is 3.25 feet from the west property line, and a new patio and walks where patio is 6.22’ from east property line, with a proposed building lot coverage of 38.18% and impervious lot coverage of 57.79%.

The full application is available at the Zoning Office during regular business hours Monday thru Friday (8:30am-5:00pm) for review and comment. For consideration, the Zoning Office must receive written comments by the date indicated above. Send your comments to the Zoning Office at the address or e-mail shown on this page.

Proposed addition and patio

Order & Agenda Items are subject to change. Questions can be directed to Michael Griffith at (847) 448-8155, mgriffith@cityofevanston.org, or mailed to the Zoning Division, 2100 Ridge Avenue, Evanston, Illinois 60201. 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 the Facilities Management Office at 847-866-2916 (Voice) or 847-448-8064 (TTY).
# PUBLIC NOTICE

## OF APPROVAL OF AN ADMINISTRATIVE ZONING VARIATION

<table>
<thead>
<tr>
<th>Notice Date:</th>
<th>October 13, 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Number:</td>
<td>16ZMNV-0064</td>
</tr>
<tr>
<td>Address:</td>
<td>1201 Grant Street</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mark Benner</td>
</tr>
</tbody>
</table>

Dear Mark Benner,

Staff has reviewed your variation application from Section 6-8-2-7, that states, the maximum allowed building lot coverage in the R1 District is 30%, and Section 6-8-2-10-A, that states, the maximum allowed impervious lot coverage in the R1 District is 45%, and Section 6-8-2-8-C, that states, a minimum 5’ setback is required from the west property line, and Section 6-8-2-8-C, that states a minimum 15’ setback is required from the street side (east) property line.

Your application to construct a 1-story addition, permeable paver patio and walks, site plan dated October 5, 2016, has been APPROVED, subject to the permeable paver patio to be reduced by 7.5’x11’, or 82.5 square feet (measured).

The request was approved because it was found your application meets the standards for minor zoning variation.

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

If you have any other questions, please do not hesitate to contact the City of Evanston Community Development Department, Zoning Office at (847) 448-4311.

Thank you,
Michael Griffith
Development Planner
Community Development Department
City of Evanston

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*Order & Agenda Items are subject to change.* Information about the ZBA is available at:


Questions can be directed to Michael Griffith at (847) 448-4311, mgriffith@cityofevanston.org, or mailed to the Zoning Division, 2100 Ridge Avenue, Evanston, Illinois 60201.

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 the Facilities Management Office at 847-866-2916 (Voice) or 847-448-8064 (TTY).
DESIGN AND PROJECT REVIEW COMMITTEE (DAPR) MINUTES
December 18, 2019


Staff Present:  M. Rivera

Others Present:  Ald. Rainey

Presiding Member:  J. Leonard

A quorum being present, J. Leonard called the meeting to order at 2:33 p.m.

3. 1201 Grant Street

Recommendation to ZBA

Mark Benner, applicant, submits for a Major Variation to reduce the minimum required interior side yard setback from 3.3', approved by a Minor Variation case no. 16ZMNV-0064, to 2.8' from the west interior side property line, in order to construct an addition (under construction) in the R1 Single-Family Residential District.

APPLICATION PRESENTED BY:  Mark Benner, applicant

DISCUSSION:

- Applicant stated a minor variation was granted in 2016 to reduce the side yard setback in order to construct an addition. He stated the foundation for the addition was laid out without realizing the house does not sit square with the lot line, therefore, the addition is built past the required setback. He stated the error was caught when the spot survey was submitted. He stated the addition is mostly complete, they were not aware of the spot survey requirement.
- M. Griffith stated that accurately summarized the situation.

L. Biggs made a motion to recommend approval to ZBA, seconded by M. Jones.

The Committee voted, 11-0, to recommend approval to ZBA.