

## **EXHIBIT E: ZONING ANALYSIS**



Melissa Klotz  
Planning & Zoning Division  
Community Development  
Dept.  
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Evanston, Illinois 60201  
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[www.cityofevanston.org](http://www.cityofevanston.org)

March 17, 2022

Connections for the Homeless  
C/O Donna Pugh  
Foley & Lardner LLP  
2121 Dewey Ave.  
Evanston, IL 60201

**RE: Zoning Analysis for a Determination of Use for operations at 1566 Oak Ave., Evanston, IL, commonly known as the Margarita Inn**

Dear Ms. Pugh,

The review of the Zoning Analysis for a Determination of Use submitted by Connections for the Homeless for permanent use of the Margarita Inn at 1566 Oak Ave., submitted in full on February 24, 2022, indicates the following:


1. Current operations by Connections for the Homeless do comply with the zoning definition for a Rooming House.
2. Special use ordinance 51-O-74, granted in 1974 for 63 rooming units at the premises and including 6 conditions required for ongoing special use status, is deemed invalid and expired for the following reasons:
  - a) The use ceased to operate for a period of more than 2 consecutive years when it operated as a Hotel so the special use expired.
  - b) Structural changes were made to the building (specifically in 1993-1994 and 2013 by permit issued by the City) which invalidates the special use approval per condition 1.
  - c) Required off-site parking was not consistently leased and is not currently leased which invalidates the special use approval per condition 1.

It is clear that, in general, the facility operated as a Hotel, potentially from 1994 - 2020. It is also clear that building permits issued in both 1993-1994 and 2013 were reviewed by the City in detail and approved. However, zoning records during this time are nearly non-existent and only provide approval by brief mention of the existing special use approval for the Rooming House use based on the 1974 ordinance. Full zoning reviews were not done, which is highly unusual. A Hotel use at 1566 Oak Ave. is not an eligible permitted or special use.

For Connections to proceed with a Rooming House use at 1566 Oak Ave., a new special use is required that includes a public hearing with the Land Use Commission and a final determination by the City Council. If the Applicant so chooses, an accompanying parking variation request may be made to reduce or eliminate the off-site parking requirement.

The City of Evanston appreciates your ongoing willingness to work together to resolve this issue. Please contact me with any questions or concerns at [mklotz@cityofevanston.org](mailto:mklotz@cityofevanston.org) or if you would like to meet to discuss next steps in the zoning process.

Sincerely,

A handwritten signature in cursive script that reads "Melissa Klotz".

Melissa Klotz  
Zoning Administrator

CC: Betty Bogg, Connections for the Homeless Executive Director  
Johanna Nyden, Community Development Director  
David Stoneback, Acting Deputy City Manager  
Nicholas Cummings, Corporation Counsel  
Kelley Gandurski, Interim City Manager  
Jonathan Nieuwsma, Councilmember

Enclosure: Findings of Fact, Timeline of Zoning Records, Historic City Documents

## Findings of Fact for Determination of Use, 1566 Oak Ave.

All Standards below must be met in order to appropriately interpret a zoning use and find it compliant with the zoning district in which it exists or is proposed. Connections for the Homeless' operations at the Margarita Inn, 1566 Oak Ave., documentation provided, and City records, indicate the following Findings based on 6-3-9-5 Standards for Use Interpretations:

1. Any use defined in Chapter 18 of this Title shall be interpreted as therein defined.
  - Rooming House is a defined use in Chapter 18, defined as: A building or portion thereof containing lodging rooms that accommodate more than three (3) persons who are not members of the keeper's family, and where lodging, excluding food service, is provided for compensation, whether direct or indirect.
2. No use interpretation shall permit any use in any district unless evidence shall be presented that demonstrates that it will comply with the general district regulations established for that particular district.
  - R6 Purpose Statement (6-8-8-1): The R6 general residential district is intended to provide for high density residential development of primarily multiple-family dwellings particularly in and around the downtown area.
  - General Residential Requirements: Land Use Interpretation (6-8-1-1) with procedures for Administrative Interpretations.
  - General Residential Requirements: Accessory Uses and Structures (6-8-1-2) - No accessory uses or structures in question; NA.
  - General Residential Requirements: Site Plan Review (6-8-1-3) - site plan is substantially similar to other/surrounding R6 sites; no changes proposed.
  - General Residential Requirements: Off-Street Parking & Loading (6-8-1-4) - minimal parking is provided on-site as an existing condition and is not proposed to further reduce. Documentation indicates 16 off-site parking spaces are also required within 500 of the site by the current property owner. It appears those 16 spaces have not been provided in recent years. The Applicant states the 16 spaces will be leased to meet the regulation if necessary.
  - General Residential Requirements: Landscaping & Screening (6-8-1-5) - front yard open area is landscaped.
  - General Residential Requirements: Signs (6-8-1-6) - Existing identification signage for "The Margarita European Inn" is located above the front building entrance and has existed for decades. Signage was previously "The Margarita Club" and was permitted via 1979 special use for a canopy and 3 identification signs to distinguish between the Rooming House and the public Restaurant use at the property.
  - General Residential Requirements: Historic Preservation (6-8-1-7) - the property is not located within an Historic District and is not a designated Landmark. It does hold significant Evanston history as it was originally constructed as lodging for working women or "ladies".
  - General Residential Requirements: Dormers (6-8-1-8) - NA

- General Residential Requirements: Circular Driveways (6-8-1-9) - NA
  - General Residential Requirements: Planned Developments (6-8-1-10) - NA unless triggered by substantial construction or rehabilitation of the existing structure or a change in use to +24 (+30 with zoning bonuses) dwelling units that include full bathrooms and kitchens in each unit.
  - General Residential Requirements: Special Conditions for Office Uses (6-8-1-11) - NA
  - General Residential Requirements: Townhouse Orientation (6-8-1-12) - NA
  - General Residential Requirements: Inclusionary Housing Bonuses (6-8-1-13) - Dwelling units are not proposed; NA
  - General Residential Requirements: Efficiency Homes - lot is already developed; NA
  - R6 General Residential District: complies with Lot Size (6-8-8-4), Lot Width (6-8-8-5), Lot coverage (6-8-8-6) appears compliant, front and rear setbacks appear compliant while interior side yard setbacks more closely comply with the residential setbacks (3' required) than the nonresidential (10' required) (6-8-8-7).
  - R6 General Residential District: Mean Building Height (6-8-8-8) appears compliant.
  - R6 General Residential District: Impervious Surface (6-8-8-9) appears noncompliant. Regulation established in 2003 long after the building and hardscape areas were established and is legally nonconforming; may not be further increased unless approved by variation - NA
3. No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or specially permitted in a more restrictive district.
- If analyzed as an eligible R6 uses such as:
    - Multiple-family Dwelling: no, units do not have kitchens and therefore do not meet the definition of dwelling.
    - Shelter for Abused Persons: no, past or current use was/is not residential accommodations that are provided on an emergency basis for persons who are victims of abusive treatment. No documentation provided by the Applicant stating occupants are victims of abusive treatment. Housing accommodations are not provided on an emergency basis - there is a wait-list and the average occupant stay is 9 months.
  - If analyzed similar to other uses in more restrictive districts (lower density residential districts) such as:
    - Residential Care Home, Type 1: no, the property does not function as “a family type environment as a single housekeeping unit” of 4-8 occupants.
    - Residential Care Home, Type 2: no, the property does not function as “a family type environment as a single housekeeping unit” of 9-15 occupants.
  - If analyzed as other potential zoning uses:

- Hotel: A Hotel by zoning definition is intended specifically for transient guests. A Guest, Transient by zoning definition is a guest who does not have a lease and occupies an apartment, lodging room, or other living quarters on a daily or weekly basis. Since lodging at the property is not on an emergency basis and the average occupant stay is 9 months, the use is not currently a Hotel.
  - Transitional Shelter: By zoning definition, a Transitional Shelter is a building, or portion thereof, in which sleeping accommodations are provided on an emergency basis for the temporarily homeless. Current operations are not providing sleeping accommodations on an emergency basis, there is a waitlist, and the average stay is 9 months. Current operations substantially match operations at other Rooming Houses such as the YMCA. The use is not currently a Transitional Shelter.
4. If the proposed use is most similar to a use permitted only as a special use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a special use permit for such use pursuant to Section 6-3-5.
- Rooming House is an eligible special use in the R6 District. When special use ordinance 51-O-74 was applied for and granted, the property was within the R7 District and Rooming House was an eligible special use in the R7 District at the time (rezoned to R6 in 1993). The facility currently operates in compliance with the Rooming House definition because it features lodging rooms (no kitchens) that accommodate more than three persons who are not members of the keeper's family, and where lodging, excluding food service, is provided for compensation, whether direct or indirect (currently indirect compensation from occupants to Connections). Of note, the average occupant stay is 9 months and is therefore not considered “emergency” (shelter) nor “transient” (hotel).
  - **Existing special use ordinance 51-O-74 is no longer a valid special use.** Although the property functioned as a Rooming House following the 1974 special use approval, and today functions as a Rooming House, the existing special use ordinance is no longer valid because:
    - The use did not consistently operate from 1974 to the present, and lapsed for more than 2 years when the property operated as a Hotel. Operations as a Hotel are substantiated through City records (but no zoning records) including the Hotel Tax, as well as Google, Yelp, Ascend Hotel Collection website, and general community knowledge. The exact date of Hotel use is unclear but likely began either following the 1993-1994 remodel or 2013 remodel. 6-3-5-15 states a special use expires once the approved use ceases to operate for 2 consecutive years.
    - Condition 1 of special use ordinance 51-O-74 states “The variation and special use permit herein granted are to be valid for so long as no structural alterations, as that term is defined in the Zoning Ordinance,

are undertaken on the premises, except for plans approved by the Planning and Development Committee, or if parking required in Condition 4 is not supplied.” Structural alterations were made by approved permits throughout the years, but most notably in substantial construction in 1993-1994 and 2013 and included the addition of bathrooms to most or all units with construction/demolition of walls.

- Condition 4 of special use ordinance 51-O-74 states “A total of 26 off-street parking spaces shall be provided, 16 of which may be supplied upon land owned or leased by the property owner herein within 500 feet of the subject property, and the remainder located on the property.” The Applicant states the property currently has ten onsite spaces, and “could arrange for a shared parking agreement to provide the additional sixteen spaces within the required 500 feet. However, the additional spaces were required to accommodate patrons of the restaurant, which is no longer operating. The existing ten spaces provided have been sufficient for the current operations and there has been no demand for any additional parking.” The parking requirement is specifically noted in the special use ordinance and Covenant, but no documentation exists that the parking spaces were intended for the restaurant use or that those spaces cease to be required if/when the restaurant ceased to operate. As such, all 26 parking spaces are still required if the special use ordinance is in effect. However, since the applicant indicates the off-site parking is not currently leased, and no documentation exists with the City regarding off-site parking leases since 1974-1979. Therefore, per Condition 1 that states “or if parking required in Condition 4 is not supplied,” the special use is no longer valid.
  - In the event special use ordinance 51-O-74 is deemed currently valid for any reason, historic documentation clearly states the number of units was reduced over time to 42. An increase in the number of units (or back to the original 63 units) is an increase of intensity beyond the current operations and would therefore require a new special use.
5. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.
- R6 Purpose Statement (6-8-8-1): The R6 general residential district is intended to provide for high density residential development of primarily multiple-family dwellings particularly in and around the downtown area. Standard met
  - Interpretation of the use as it currently exists and is described is a Rooming House, which is an eligible special use in the R6 District.

Timeline of 1566 Oak Ave. zoning based on the Applicant's documentation, historic documents, and permit records:

- The building was originally constructed in 1927 and approved as a Rooming House/Boarding House. No documentation exists regarding this but it is mentioned briefly in the 1974 special use application. Original Rooming House approval lapsed when the property owner accidentally did not renew the approval with the City.
- 1974: The property sold to a new owner, who was required to obtain a new special use. The applicant requests to reinstate the same approval that was previously granted. Special use Ordinance 51-O-74 for the Margarita Club in the R7 District was granted, and included a use variation to allow a restaurant open to the public on the ground floor. The restaurant was previously for the Rooming House occupants but over time occupants used the restaurant less. The special use approval included a required covenant to be recorded against the property that restates conditions listed in the special use ordinance. Conditions include a requirement for off-site parking, no structural alterations allowed without approval by the Planning & Development Committee, and payment in lieu of taxes if the building is ever removed from the property tax roll. **The ordinance specifically states that failure to comply with the structural or parking requirement will invalidate the special use approval.**
- 1979: Special use requested for a canopy and identification signage for the restaurant to distinguish the private residence entrance/area from the restaurant entrance/area that was open to the public. Special use 22-O-80 was granted, but the canopy was not installed (restaurant closed or changed hands) and expired in 1981.
- 1974-1979: Documentation of off-site parking provided as required by 1974 special use ordinance. Parking leases existed at 1016-1022 Davis St. and at NU's Dryden Hall.
- 1974-1992: Zoning documentation repeatedly states approval for a Rooming House and Restaurant per the 1974 special use. Various documents (from zoning and other divisions/departments) indicate the property was used for housing purposes consistently throughout that time and was not used for transient guests or in any form of a typical Hotel type of use.
- 1984: Property Standards violation inspection report details indicate property is operating as a traditional Rooming House and not a Hotel for transient occupancy.
- 1986: The City provided a document stating the 1974 Special Use runs with the land and not a specific owner, and insinuated the special use was still valid at that time.
- 1987-1988: Structural alterations were made to the building via approved permits. Any structural alterations to the restaurant space feature documentation of zoning approval per the 1974 special use ordinance. Restaurant Va'Pensiero is established at the property.
- 1989: Liquor license request by Va'Pensiero to the City Council notes the Rooming House occupants largely do not use the restaurant so something more (liquor) is needed to entice the public to patronize the establishment or it will close.
- 1993: City adopts a new zoning ordinance and zoning map. The property is rezoned from R7 to R6. Rooming House is still an eligible special use; Hotel is still not an eligible use.



- 1993-1994: Substantial remodel of entire building. Remodel included adding bathrooms to most units which reduced the number of Rooming House units from 63 to 44. Significant documentation and approvals by other divisions and departments exist. No zoning records exist.
- 2001: Further reduced from 44 Rooming House units to 42.
- 2013: Substantial remodel of entire building. Significant documentation and approvals by other divisions and departments exist. Zoning approval is minimal, and only states “SUBJECT TO PROVIDING 18 OFF-STREET PARKING SPACES WITHIN 500’ OF MARGARITA INN (ORD 51-O-74)”. To discern the parking requirement, the Special Use ordinance had to be read, but the condition that the special use expires if the parking is not provided or if structural alterations are made was not noted or enforced. **There is no record of the off-site parking provided after 1979, and significant documentation of structural alterations (including the 2013 permit) exist.**
- The Margarita European Inn is still listed as an Ascend Hotel on the Ascend website, features Yelp reviews that reflect a boutique hotel use (48 reviews and 72 photos over the last few years prior to Connections’ use of the property). Interior photos verify the use appears to look like a Hotel use for transient occupants rather than a Rooming House with longer occupancy. The City has collected a Hotel tax on the property in recent years and Property Standards licenses the property as a Rooming House as it does all other Hotels in Evanston. (Note: In Property Standards (different uses than Zoning), all Hotels are licensed and inspected as Rooming Houses. However, not all Rooming Houses are Hotels).

8. d. Describe existing buildings or other improvements on the property, and the use and occupancy of said buildings.

Built in 1927 as a "genuine home for respectable young girls in Evanston.....", this building was VERY well built--brick, with Bedford Stone trim and of fireproof construction.

It was built to house 100 girls and in addition to the rooms for individuals, there is a recreation room (27 x 50) with a stage and a wood-burning fireplace, a large parlor off the lobby (fireplace, too), a library, 4 suites for managers and housekeepers, laundry room, trunk and storage rooms, a sewing room, a roof terrace of quarry tile, living quarters on the first floor (rear) for maintenance help and complete facilities for food preparation and service for 100 people.

The dining room is no longer being used but the rest of the building was continued through all these years to be used for the purpose for which it was built--to provide housing for ladies.

Introduced as Revised 6-3-74

Adopted as Amended 6-24-74

51-0-74

AN ORDINANCE

Granting a Variation From the  
Use and Off-Street Parking  
Provisions of the Zoning Ordinance  
and a Special Use Permit to the  
Catholic Bishop of Chicago, Inc.,  
and Patricia and Richard Barnes  
Relating to 1566 Oak Avenue

WHEREAS on April 16, 1974, the Zoning Board of Appeals conducted a public hearing upon the application of the Catholic Bishop of Chicago, Inc., and Patricia and Richard Barnes for a variation from the use and off-street parking provisions of the Evanston Zoning Ordinance adopted November 1, 1960, and a special use permit to allow use of the premises located at 1566 Oak Avenue, Evanston, Illinois, as a rooming house in an R-7 general residence district, said public hearing having been conducted pursuant to notice and publication thereof as provided by law; and

WHEREAS, the Zoning Board of Appeals has recommended that such relief be granted;

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

SECTION 1: That the application of the Catholic Bishop of Chicago, Inc., and Patricia and Richard Barnes for a variation from the use and off-street parking provisions of the Evanston Zoning Ordinance, adopted November 1, 1960, and for a special use permit to allow the use of the building as a rooming house insofar as the provisions of the Evanston Zoning Ordinance

pertain to the property located at 1566 Oak Avenue, and legally described as:

The north 58-1/3 feet of Lot 3 and the south 8-1/3 feet of Lot 4 in Block 61 in Section 18, Township 41 North, Range 14 East of the Third Principal Meridian in Evanston, Cook County, Illinois,

is hereby granted so as to permit the following:

1. Use of the building as a rooming house;
2. Use of the premises as a restaurant open to the public in a residential district;
3. To permit the establishment of a restaurant open to the public and to operate a rooming house without supplying the required off-street parking,

subject to compliance with all other provisions of the Zoning Ordinance, other applicable laws and the following conditions:

1. The variation and special use permit herein granted are to be valid for so long as no structural alterations, as that term is defined in the Zoning Ordinance, are undertaken on the premises, except for plans approved by the Planning and Development Committee, or if parking required in Condition 4 is not supplied;
2. That the restaurant established pursuant to this variation shall be restricted to the floor of the building identified as first floor in Exhibit 3 submitted to the Zoning Board of Appeals;

3. The special use to operate the premises as a rooming house shall be limited to a maximum occupancy of 63 roomers;
4. A total of twenty-six (26) off-street parking spaces shall be provided, sixteen (16) of which may be supplied upon land owned or leased by the property owner herein within 500 feet of the subject property, and the remainder located on the property;
5. That the owner make an annual payment in lieu of taxes if the property is ever exempted from taxation pursuant to the provisions of Chapter 120 of the Illinois Revised Statutes, as now or hereafter amended, at the rate the property would have been taxed had it been subject to levies only by School Districts 65 and 202 and the City of Evanston and those corporate taxing bodies whose boundaries do not extend beyond the geographical limits of the City of Evanston; and
6. That a covenant of agreement to the above conditions shall be submitted in recordable form by the applicants;

all in accordance with the recommendations of the Zoning Board of Appeals.

SECTION 2: The Director of Inspections and Permits is hereby ordered and directed to grant such permits as shall be required to effectuate the provisions of this ordinance.

SECTION 3: This ordinance shall be in full force and effect

from and after its passage and approval in the manner provided by law.

Introduced JUNE 3, 1974

Adopted JUNE 24, 1974

~~APPROVED~~ JUNE 24, 1974

[Signature]  
Mayor

Attest:

Marian P. Krum

City Clerk

Approved as to form: Jack M. Siegel  
Corporation Counsel

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DECLARATION OF COVENANTS

ARTICLES OF DECLARATION made this 21st of November, 1974,  
by the First National Bank & Trust Company of Evanston, <sup>NOT PERSONALLY BUT</sup> as trustee  
under trust agreement dated July 19, 1974, and known as trust  
number R-1759, (hereinafter called the "Owner") being the owner of  
record of the following described land (hereinafter called "subject  
land") situated in the City of Evanston, Cook County, Illinois:

The North 58-1/3 feet of Lot 3 and the  
South 8-1/3 feet of Lot 4 in R. 61  
in Section 18, Township 41 Range 14  
East, in Cook County, Illinois

W I T N E S S E T H

WHEREAS, upon the application of the Catholic Bishop of  
Chicago, Inc., and Richard S. Barnes and Patricia N. Barnes, the  
City of Evanston has granted variations from the use provisions in  
off-street parking requirements of its zoning ordinance to allow  
a restaurant open to the public in the building on subject land, and  
also for a special use permit to allow use of the building as a room-  
ing house; and

WHEREAS, as a condition to the aforesaid zoning variations  
and the special use permit by the City of Evanston, the Owner of  
subject land has consented and agreed to make this DECLARATION OF  
COVENANTS and to cause the same to be recorded;

NOW, THEREFORE, the Owner hereby declares, covenants and  
agrees as follows:

1. The Owner will not make to the building on subject land  
any "structural alterations" as defined in the Evanston Zoning Ordinance on the date hereof, without first applying to the Evanston

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Planning and Development Committee for permission to do so.

2. The Owner will not operate a restaurant serving meals to the public in the building on subject land except upon the first floor thereof without the prior approval of the proper municipal officials.

3. The Owner will not allow more than 63 roomers to live in the existing building on the subject land.

4. The Owner will provide 26 off-street parking places for said building, 16 of which may be supplied within 500 feet of subject land on land owned or leased by the Owner with the remaining 10 places to be on subject land.

5. The Owner will make an annual payment in lieu of taxes if the subject land is ever exempted from taxation pursuant to the provisions of Chapter 120 of the Illinois Revised Statute as now or hereafter amended at the rate the property would have been taxed had it been subject to levies only by School Districts 65, 202 and the City of Evanston and the corporate taxing bodies whose boundaries do not extend beyond the geographical limits of the City of Evanston.

6. The covenants herein set forth shall run with the subject land and shall bind the Owner and its grantees, successors and assigns. The City of Evanston is intended to be benefited by the covenants here in set forth and may enforce compliance thereof in any equity court of competent jurisdiction. The provisions of this Declaration may be changed, modified or rescinded by an instrument in writing setting forth such change, modification or rescission and signed and approved by the then Owner of subject land and the City of Evanston. Nothing in this Declaration, expressed or implied, is intended or shall be construed to confer upon, or to give to any person or persons, other than the City of Evanston, any right, remedy or claim under or by reason of this Declaration or any covenant, condition or stipulation.

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hereof, the same being for the sole and exclusive benefit of the City of Evanston and the Owner of subject land.

7. This Declaration is executed by the First National Bank & Trust Company of Evanston, not personally but solely as trustee aforesaid, in the exercise of the power and authority conferred upon and vested in it as such trustee. It is expressly understood and agreed that nothing herein shall be construed as creating any personal liability in the First National Bank & Trust Company of Evanston as trustee.

FIRST NATIONAL BANK & TRUST COMPANY OF EVANSTON, as trustee aforesaid and not individually

BY Patricia B. Ley  
Vice President and Trust Officer



Alan H. Shippee  
Assistant Secretary  
Trust Officer

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STATE OF ILLINOIS )  
                                  ) SS.  
COUNTY OF C O O K )

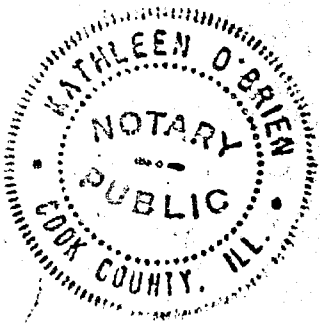
I, Kathleen O'Brien, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that PATRICIA B. LEY, Vice President of the FIRST NATIONAL BANK & TRUST COMPANY OF EVANSTON, Illinois, and ALAN H. SHIPPEE, ASST. TRUST OFFICER, Assistant Secretary of said Bank, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President, and Assistant/Trust Officer, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary of said Bank, as Trustee as aforesaid, for the uses and purposes therein set forth; and the said Assistant Trust Officer then and there acknowledged that he, as custodian of the corporate seal of said Bank did affix the corporate seal of said Bank

to said instrument as his own free and voluntary act and as the free and voluntary act of said Bank, as Trustee aforesaid, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal, this 25th day of November, 1974.

[Signature]  
Notary Public

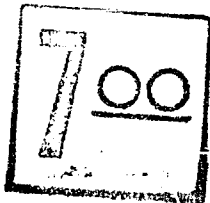
My Commission Expires June 20, 1977



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This instrument was prepared by:  
Robert O. Wienke, Esq.  
Hubachek, Kelly, Rauch & Kirby  
3100 Prudential Plaza  
Chicago, Illinois 60601

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CITY OF EVANSTON  
EVANSTON, ILLINOIS

July 3, 1974

Richard Ungaretti  
Kirkland and Ellis  
2700 Prudential Plaza  
Chicago, Ill. 60601

Re: Zoning Board Case  
11-78-1Y & SU(R), for the  
property at 1566 Oak Avenue

Dear Mr. Ungaretti:

The City Council, at a meeting held on June 28, 1974, substantially in accordance with the recommendation of the Zoning Board of Appeals, granted the application of the Catholic Bishop of Chicago, Inc., and Richard and Patricia Barnes for variations from the use provisions and the off-street parking requirements of the zoning ordinance to allow a restaurant open to the public, and also for a special use permit to allow use of the building as a rooming house on the property at 1566 Oak Avenue, subject to compliance with all other provisions of the zoning ordinance, other applicable laws, and the following conditions:

1. The variation and special use permit herein granted are to be valid for so long as no, structural alterations as that term is defined in the zoning ordinance, are undertaken on the premises, except for plans approved by the Planning and Development Committee, or if parking required in condition 4 is not supplied.
2. that the variation to allow a restaurant open to the public shall be limited to the floor of the building identified as the first floor in exhibit 3 submitted to the Zoning Board of Appeals;
3. the special use for a rooming house shall be limited to a maximum occupancy of sixty-three roomers;

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EVANSTON, ILLINOIS

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4. that twenty-six off-street parking spaces shall be provided, sixteen of which may be supplied within five hundred feet of the subject property on land owned or leased by the property owner, and the remainder located on the property;
5. that the owner make an annual payment in lieu of taxes if the property is ever exempted from taxation, pursuant to the provisions of Chapter 120 of the Illinois Revised Statutes, as now or hereafter amended, at the rate the property would have been taxed had it been subject to levies only by School Districts 25, 202, and the City of Evanston and those corporate taxing bodies whose boundaries do not extend beyond the geographical limits of the City of Evanston; and
6. that a covenant of agreement to the above conditions shall be submitted on recordable form by the applicants.

Ordinance 51-9-74, confirming this action, was adopted by the City Council on June 24, 1974.

Any variation or special use granted by the City Council is subject to Section XII.C.4.c. which is quoted below for your information.

A variation or special use permit approved by the City Council by ordinance shall not be valid after a period of one (1) year, except for planned developments as otherwise set forth in the zoning ordinance, unless during such period such variation or special use shall be established or unless any required building, development or erection permit for an approved variation or special use is obtained within this period, after which construction shall proceed to completion within a reasonable time. Said one (1) year period may be extended in writing for good cause by the Director of Inspections and Permits or the City Manager or his authorized representative for up to an additional one year, if no other zoning changes affecting the property have been made or

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are formally pending before the City Council or Zoning Amendment Committee; or said period may be extended by the Council for such time as it shall determine, for good cause shown and without further hearing before the Board.

Sincerely yours,

*David N. Rasmussen*

David N. Rasmussen  
Secretary, Zoning Board of Appeals

CC: Richard A. Beyer  
Property Standards Div.  
Technical Codes Div.  
File

DNR:jb

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1566 OAK STREET, EVANSTON

BASEMENT

Furnace Room  
Coal Storage  
Pantry  
Generator  
Stairs  
Cleaning Room

FIRST FLOOR

Foyer, bath, elevator, recreation room, stage, 2 storage rooms, TV room, 2nd kitchen, china storage. Dining room, kitchen, pantry, employees' dining room, security guard room, freezer room, pantry room, bath, cook's sitting room, stairs.

SECOND FLOOR

Room 200-207. Manager's 2 rooms and bath. 1 large dormitory bathroom with showers, toilets, sinks & tubs. Living room, reception telephone, library, 2 fire escapes.

THIRD FLOOR

Room 300-318. ~~4 large bedrooms~~, 1 large dormitory bathroom with showers, <sup>6</sup>toilets, <sup>8</sup>sinks & <sup>3</sup>tubs. 1 room with bath. 2 stairways & 2 fire escapes.

FOURTH FLOOR

Room 401-419. ~~4 large bedrooms~~, 1 large dormitory bathroom with showers, <sup>6</sup>toilets, <sup>8</sup>sinks and <sup>3</sup>tubs. 1 room with bath. 2 stairways and 2 fire escapes.

FIFTH FLOOR

Room 501-506. 1 stairway and 1 fire escape. 1 large dormitory bathroom with showers, toilets, sinks and tubs. Laundry room, trunk room.

At one time it housed 100 girls.

22-0-80

AN ORDINANCE

Granting a Variation and a Special Use  
for the Property Located  
at 1566 Oak Avenue

WHEREAS, the Evanston Zoning Board of Appeals conducted public hearings on December 18, 1979, January 15, 1980 and February 19, 1980 upon the application of the First National Bank and Trust Co. of Evanston as trustee under trust R-1759 and Patricia N. Barnes and Richard S. Barnes, beneficiaries, for a variation from the yard obstruction regulations of the Evanston Zoning Ordinance to permit erection of a canopy in the front and side yard; and for a special use to allow identification signs as a part of said canopy on the property commonly known as 1566 Oak Avenue, property located in an R-7 General Residence District; said public hearing having been conducted pursuant to notice and publication thereof in the manner prescribed by law; and

WHEREAS, the Zoning Board of Appeals has recommended that such variation and special use permit be granted;

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

SECTION 1: That the application of the First National Bank, Patricia N. Barnes and Richard S. Barnes for a variation from the yard obstruction regulations to permit erection of a canopy partially located in the required side and front yards, and for a special use to allow three identification signs on the premises as a part of said canopy on the property located at 1566 Oak Avenue, Evanston, Illinois and legally described as follows:

The North 58 1/3 feet of Lot 3 and the South 8 1/3 feet of Lot 4 in Block 61 in Evanston, in Section 18, Township 41 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois

be and hereby is granted subject to compliance with all other provisions of the Evanston Zoning Ordinance and other applicable laws and the condition that said canopy and signs be installed in conformity with the site plan and drawings submitted with the application and identified by the date stamp of the appeals officer of November 16, 1979, with the following modifications thereto:

1. The characters used for the three signs shall be limited to a maximum height of 8 inches; and
2. The two identification signs which are to be printed on each of the side curtains of the canopy may identify any one lawfully established, non-residential use located on the premises.

SECTION 2: The Director of Inspections and Permits is hereby directed to issue such permit pursuant to the terms of this ordinance.

SECTION 3: This ordinance shall be in full force and effect from and after its passage and approval in the manner provided by the law.

Adopted April 8, 1980

Introduced March 24, 1980

Approved April 10, 1980

[Signature]  
Mayor

ATTEST: [Signature]  
City Clerk

Approved as to form: [Signature]  
Corporation Counsel



Civic Center

2100 Ridge Avenue  
Evanston, Illinois  
60204

Telephone  
312/328-2100

# City of Evanston

May 19, 1981

Mr. and Mrs. Richard S. Barnes  
225 Hamilton Avenue  
Evanston, Illinois

Re: Zoning Board Case 79-26-V & SU(R)  
for the property at  
1566 Oak Avenue.

Dear Mr. and Mrs. Barnes:

Please be advised that the variations granted by the City Council, by adoption of Ordinance 22-0-80, following a hearing before the Zoning Board of Appeals of the above cited case, became invalid on April 8, 1981, under the terms of Section 6-12-4(C) of the Zoning Ordinance which is quoted below for your guidance.

A variation or special use permit approved by the City Council by ordinance shall not be valid after a period of one year, except for planned developments as otherwise set forth in the Zoning Ordinance, unless during such period such variation or special use shall be established or unless any required building, development or erection permit for an approved variation or special use is obtained within this period, after which construction shall proceed to completion within a reasonable time. Said one year period may be extended in writing for good cause by the Director of Amendments and Appeals or, in the event of a vacancy in that office, by the City Manager or his authorized representative for up to an additional one year, if no other zoning changes affecting the property have been made or are formally pending before the City Council or Zoning Amendment Committee, or said period may be extended by the Council for such time as it shall determine, for good cause shown and without further hearing before the Board. (Ords. 28-0-65, 22-0-68, 4-0-72, 49-0-79)

Mr. and Mrs. Richard S. Barnes -2-

May 19, 1981

If I may be of any assistance to you with respect to this matter, please contact me.

Sincerely yours,

*David N. Rasmussen*

David N. Rasmussen, Appeals Officer  
Department of Amendments & Appeals

DNR:gbs

cc: Frank Clark, Director of Building & Zoning  
Nancy Grimmer, Director of Property Standards  
Central Records, Property Standards Department

FIELD INSPECTION REPORT  
 DEPT. OF INSPECTION AND PERMITS  
 2100 RIDGE AVE.  
 EVANSTON, IL 60204  
 (312) 328-2100 EXT. 2170



ADDRESS 1566 OAK ST.

TYPE OF INSPECTION STRUCTURAL

PERMIT NO. BUSINESS LICENSE

COMMENTS: NEW OWNER

STRUCTURAL -  
O.K FOR LICENSE (BUT -  
EXIT SIGN IN PRIVATE DINING  
ROOM MUST BE LOCATED OVER  
NEW EXIT DOOR - ALSO STEPS  
MUST HAVE HAND RAILINGS (BOTH  
SIDES). CALL FOR INSPECTION  
WHEN THESE ITEMS ARE COMPLETED.

[Signature] 5-4-81 [Signature]  
 INSPECTOR'S SIGNATURE DATE OF INSPECTION OCCUPANT OR BUILDER  
 SIGNATURE

RE-INSPECTION DATE INSPECTOR'S SIGNATURE

CITY OF EVANSTON

January 18, 1984

Margarita Club  
1566 Oak Avenue  
Evanston, Illinois 60201  
Attn: Mr. Brown

Re: 1566 Oak Avenue

Dear Mr. Brown:

Date Our visit to the subject address revealed the following  
Approved violations of the Ordinances enforced by the City of Evanston,  
as administered by the Property Standards Department.

11-8-84

1 HOUSING CODE: Section 5-1-5-1(A)  
Repair or replace the entire water damaged roof that has caused interior damage to rear common hallway between the fifth and sixth floor.

2-4-85

2 HOUSING CODE: Section 5-1-5-1(A)  
Repair or replaster the entire ceiling and walls to the rear interior stairwell between the fifth and sixth floors where moisture has penetrated from the damaged roof. Paint after repairs.

12-10-84

3 HOUSING CODE: Section 5-1-5-3(D)  
Properly cap open junction box to ceiling in the sixth floor rear interior common hallway where wires are exposed.

Room Number 406

2-29-84

4 R.U. 5-1-1  
Remove toaster broiler.

Room Number 407

2-29-84

5 R.U. 5-1-1  
Remove toaster broiler.

2-29-84

6 R.U. 5-1-1  
Remove coffee maker.

Margarita Club  
Re: 1566 Oak Avenue

-2-

January 18, 1984

Room Number 409

- 2-29-84 7 R.U. 5-1-1  
Remove hot plate.
- 2-29-84 8 R.U. 5-1-1  
Remove coffee maker.
- 2-29-84 9 R.U. 5-1-1  
Remove toaster broiler.

Room Number 408

- 2-29-84 10 R.U. 5-1-1  
Remove coffee maker.

Room Number 404

- 2-29-84 11 R.U. 5-1-1  
Remove toaster broiler.
- 2-29-84 12 R.U. 5-1-1  
Remove coffee maker.

Room Number 411

- 2-29-84 13 R.U. 5-1-1  
Remove hot pot.

Room Number 414

- 2-29-84 14 R.U. 5-1-1  
Remove electric skilker.

Room Number 417

- 2-29-84 15 R.U. 5-1-1  
Remove skilker.
- 2-29-84 16 R.U. 5-1-1  
Remove blender.
- 2-29-84 17 R.U. 5-1-1  
Remove hot plate.

Room Number 418

- 2-29-84 18 R.U. 5-1-1

Margarita Club  
Re: 1566 Oak Avenue

-3-

January 18, 1984

Remove hot plate.

Room Number 419

11-8-84<sup>OK</sup> 19

HOUSING CODE: Section 5-1-5-1(A)  
Repair or replaster the entire ceiling and west wall where plaster damage has occurred. Paint after repairs.

Fourth Floor Womens' Washroom

11-8-84<sup>OK</sup> 20

HOUSING CODE: Section 5-1-5-1(A)  
Repair or replaster the entire ceiling and west walls in washroom where plaster damage has occurred. Paint after repairs.

Room Number 312

2-29-84 21

R.U. 5-1-1  
Remove skillet.

Room Number 300

2-29-84 22

R.U. 5-1-1  
Remove hot plate.

Room Number 305

2-29-84 23

R.U. 5-1-1  
Remove popcorn popper.

2-29-84 24

R.U. 5-1-1  
Remove toaster broiler.

2-29-84 25

R.U. 5-1-1  
Remove hot pot.

2-29-84 26

R.U. 5-1-1  
Remove electric skillet.

Room Number 208

2-29-84 27

R.U. 5-1-1  
Remove electric skillet.

Room Number 204

4-5-84<sup>6/8</sup> 28

HOUSING CODE: Section 5-1-5-1(A)  
Find cause of moisture that has deteriorated the south wall in this room and repair room.

Civic Center

2100 Ridge Avenue  
Evanston, Illinois  
60204

Telephone  
312/328-2100



# City of Evanston

December 18, 1986

Richard Barnes  
225 Hamilton St.  
Evanston, Illinois  
60202

Re: Restaurant and Rooming House Use at 1566 Oak Avenue

Dear Mr. Barnes:

Per our conversation of December 17, 1986, the above captioned property was granted a variation to operate a restaurant and a special use for a rooming house. Ordinance 51-0-74, which granted these uses, does not limit the restaurant or rooming house to a specific owner or operator and therefore, runs with the land as long as the other conditions contained therein are met.

Enclosed please find a copy of Ordinance 51-0-74 as adopted on June 24, 1974.

If you have any questions regarding this matter, contact me at 866-2930.

Sincerely,

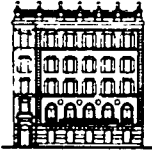
A handwritten signature in cursive script that reads "Frank Aguado".

Frank Aguado  
Zoning Officer II  
Building and Zoning Department

FA:jm

Enclosure

cc: Robert Rudd  
David Rasmussen  
Central Records



*The Margarita  
European Inn*

1566 Oak Avenue  
Evanston, Illinois 60201  
(847) 869-2273  
FAX (847) 869-2353

**RECEIVED**  
COMMUNITY DEVELOPMENT

OCT 25 2001

October 22, 2001

Mr. Eugene Wharton  
City of Evanston  
Community Development Department  
2100 Ridge Avenue  
Evanston, IL 60201

RE: Margarita European Inn  
1566 Oak Avenue, Evanston 60201  
License # C-407

Dear Mr. Wharton:

*1566 - 01RHC - 00016*

This is in response to your request for written verification of the current number of "roomers" in the Margarita European Inn so you can revise our "Rooming House Invoice Fee".

The number of "roomers" in the Inn has been decreased from forty-four {44} to forty-two {42}.

Yours very truly,

*Barbara Gorham*  
Barbara Gorham





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## City of Evanston, Illinois

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# CERTIFICATE OF ZONING COMPLIANCE

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*APPROVED*

**ZONING CERTIFICATE NUMBER: 13ZONA-0016**

**DATE ISSUED:**

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

**PROPERTY ADDRESS:** 1566 OAK AVE

**ZONING DISTRICT:**

**OVERLAY DISTRICT:**

**USE:**

**CONDITIONS OR  
COMMENTS:**

SUBJECT TO PROVIDING 18 OFF-STREET PARKING SPACES WITHIN 500' OF MARGARITA  
(ORD 51-O-74)

**CERTIFICATE BASED ON:** Plans Prepared As:

Plans Dated:

Plans Prepared By:

Plat of Survey Dated:

Plans Originating As:

Related Application ID:

Miscellaneous:

THIS ZONING  
CERTIFICATE IS NOT A  
BUILDING PERMIT.

**ISSUED BY:**

---

Zoning Officer