

3/28/97

44-O-97

AN ORDINANCE

**Granting an Amendment to
Ordinance 68-O-87 to Allow
Operation of An Automobile Service
Station at 500 Dodge Avenue**

WHEREAS, Ordinance 68-O-87 granted a variation from the use and non-conforming building structure and use regulations of the 1960 Zoning Ordinance to permit continuation of the automobile service station at 500 Dodge Avenue; and

WHEREAS, with passage of the 1993 Zoning Ordinance, the subject use became lawfully non-conforming; and

WHEREAS, sections 6-6-4-1 and 6-6-6 of the Zoning Ordinance, respectively, allow use variations granted under previous zoning ordinances to continue, subject to any conditions imposed by the grant; and

WHEREAS, the grant of Ordinance 68-O-87 was subject to certain conditions, among them, condition number one, which limited continuation of the automobile service station to such time as the then-sublessee operated it; and

WHEREAS, condition number one has failed and Shell Oil Company, as lessor, has applied for modification from said condition; and

WHEREAS, pursuant to section 6-3-1-6 (E) of the Zoning Ordinance, the City Council has considered the said application for release of condition; and

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

SECTION 1: The City Council hereby grants the application of Shell Oil Company, on behalf of itself and the property owners, Carole Karstensen, John R. Sladkey, Lois U. Sladkey, Robert J. Sladkey, and Evelyn W. Sladkey, for release of condition one of Ordinance 68-O-87 to permit operation of an automobile service station by Shell Oil Company on property in an R4 General Residential District and legally described as follows:

Lots 38, 39, 40, 41 and 42 in Block 4 in Ellsworth T. Martin's Subdivision of the south half of the southeast quarter of the southwest quarter of Section 24, Township 41 north, Range 13 east of the third principal meridian in Cook County, Illinois, excepting from said premises that part thereof lying east of a line 40 feet west of and parallel to the east line of the southwest quarter of Section 24 aforesaid taken for the widening of Dodge Avenue.

SECTION 2: The City Council finds that the aforesaid grant meets the standards for major variations set forth in section 6-3-8-12 (E) of the Zoning Ordinance:

- a. An automobile service station has operated at the subject site since 1955. A change in operators will have no substantial adverse impact on the use, enjoyment, or property values of adjoining properties.**
- b. The continued operation of the subject use is a convenience for the neighbors and the motoring public, and is thereby consistent with the purpose and intent of the Zoning Ordinance, in particular, with section 6-1-2-(A)**
- c. The hardship is peculiar to the subject property in that release of condition one of Ordinance 68-O-87 is the only available mechanism whereby an automobile service station can continue to operate thereon.**
- d. The economic consequences to the applicant if condition one of Ordinance 68-O-87 were not released would constitute a hardship and difficulty well beyond a mere inconvenience.**

- e. **Release of the subject condition will allow continuation of a use beneficial to, and desired by, the community, and is not sought exclusively to extract additional income from the property.**
- f. **The applicant's financial situation did not create the need for release of the subject condition.**
- g. **The need for zoning relief was not created by any individual or entity having a present interest in the property.**
- h. **Release of the subject condition and substitution of operators are the minimum changes necessary to alleviate the hardship and practical difficulty involved.**

SECTION 3: Pursuant to section 6-3-8-14 of the Zoning Ordinance, which provides for the imposition of conditions upon a zoning grant, these conditions are hereby imposed, with the applicant's consent:

1. **The relief granted herein shall be limited to operation of the subject automobile service station as a Shell Oil Company automobile service station.**
2. **The hours of operation of said automobile service station shall be limited to 6:00 a.m. to 10:00 p.m. Monday through Thursday; 6:00 a.m. to 11:00 p.m. Friday and Saturday; and 9:00 a.m. to 6:00 p.m. on Sunday.**
3. **Automobile repairs will not occur after 6:00 p.m. on any day.**
4. **Automobile repairs will not occur before noon on Sunday.**
5. **Permissible automobile repairs are tune-ups; fluid checks and changes; oil/filter changes, belt, battery, headlight, fuse replacement, tire repair, replacement, and alignment; brake and exhaust repair/replacement, and other like activities. Articles used or needed in conjunction with permitted repair/replacement activities may be sold. Engine replacements, valve and transmission work, body work, and other like activities are prohibited.**
6. **Three service bays will continue to operate and provide service in accordance with this Ordinance, for a minimum of fifty-five hours per week.**
7. **The dimensions of the sales room shall not be increased from the existing 10' x 14' size (ten feet by fourteen feet).**

8. **Articles offered for sale in the sales room shall be limited to soda, candy, snack foods, such as chips, cookies, peanuts, and the like, and cigarettes. No microwave or other food heating device shall be available for customer use.**
9. **The applicant is permitted to install three new electronic gas dispensers equipped with a vapor recovery system (with two hoses each), capable of servicing six vehicles at one time.**
10. **The applicant is permitted to install a new above-ground tank designed for safe storage and disposal of waste motor oils. The applicant will allow residents of the neighborhood to bring their waste oil to the use for dumping, storage, and disposal free of charge.**
11. **The applicant is permitted to install an illuminated pump island canopy, provided that the appropriate zoning relief is granted.**
12. **Any and all lighting in connection with the subject use shall not project past the property line, i.e., said lighting will project zero foot candles past the property line in all directions, including diagonally across the street.**
13. **The applicant agrees to take prompt, appropriate remedial action should said lighting be intrusive to the neighbors in any direction, including diagonally across the street.**
14. **The exterior is to be maintained in a clean, neat, and orderly condition.**
15. **The applicant will comply with all recommendations of the Site Plan and Appearance Review, including, but not limited, to those relating to landscaping.**
16. **The applicant will pay \$1000.00 to the City within thirty days of the effective date of this Ordinance to settle pending litigation.**
17. **The obligations imposed by this Ordinance upon the applicant are imposed upon the owners and the operator as well.**
18. **The subject use has the zoning status of a lawfully nonconforming use.**

SECTION 4: That all ordinances or part of ordinances in conflict herewith are hereby repealed.

SECTION 5: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced April 8, 1997

Adopted: April 28, 1997

Approved: April 29, 1997
Lorraine H. Morton
Mayor

ATTEST:

Mary P. Morris
City Clerk

Approved as to form:

Hyun/ll
Corporation Counsel

