

10/23/2002

110-O-02

**AN ORDINANCE**

**Granting a Special Use and Variations to  
Allow Accessory Parking at 1945 Darrow Avenue for an  
Existing Religious Institution at 1932 Dewey Avenue**

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on August 6, 2002, August 20, 2002, and September 3, 2002 in case no. ZBA 02-46-SU(R), pursuant to proper notice, on the application of Faith Temple Church of God in Christ, owner of the subject property and the religious institution use at 1932 Dewey Avenue to be served thereby, for a special use and certain variations from the requirements of the Zoning Ordinance to allow the installation of open, off-street accessory parking spaces at 1945 Darrow Avenue to serve the religious institution at 1932 Dewey Avenue ("subject property"), in an R4 General Residential District; and

WHEREAS, during the hearing, the applicant withdrew its request for a special use and certain variations for 1943 Dewey Avenue; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and findings pursuant to Section 6-3-4-5 of the Zoning Ordinance that the application met the standards for special uses and recommended that the City Council grant the said special use, subject to certain conditions; and

WHEREAS, the ZBA made findings pursuant to Section 6-3-8-12 of the Zoning Ordinance that the application met the standards for variations to Sections 6-4-6-3 (B) relating to parking within thirty (30) feet of a rear lot line or alley, Section 6-4-6-7 (F) 2, relating to fences in required front and street side yards, Section 6-8-5-4 (D), relating to

required lot size of ten thousand (10,000) square feet, and Section 6-8-5-7, relating to required setbacks for required parking areas and recommended approval thereof;

WHEREAS, the ZBA made findings pursuant to Section 6-3-8-12 of the Zoning Ordinance that the application failed to meet the standards for a variation to Section 6-8-5-7 to allow parking within the required front yard of the subject property and recommended denial of this variation; and

WHEREAS, the Planning and Development Committee of the City Council considered and adopted the ZBA's findings at its October 28, 2002 and November 11, 2002 meetings and recommended approval thereof; and

WHEREAS, the City Council considered and adopted the respective records and recommendations of the ZBA and the Planning and Development Committee at its October 28, 2002, November 11, 2002, and November 25, 2002 meetings,

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

**SECTION 1:** That the above recitations are found as fact and incorporated herein.

**SECTION 2:** That the special use pursuant to Section 6-8-5-3 of the Zoning Ordinance for an open off-street parking area accessory to an existing religious use is hereby granted for the subject property, commonly known as 1945 Darrow Avenue, Evanston, Illinois, and legally described as follows:

LOT 16 IN BLOCK 5 IN MCNEIL'S ADDITION TO EVANSTON, A SUBDIVISION OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**SECTION 3:** That the following variations to the Zoning Ordinance are hereby granted on the aforescribed subject property:

- a. a variation to Section 6-4-6-3 (B), which requires parking within residential districts to be within thirty (30) feet of a rear lot line or alley, to allow the subject property to be used for an accessory parking area for the principal use, a religious institution.
- b. a variation to Section 6-4-6-7 (F) 2, which prohibits fences in required front and street side yards, to allow erection of a fence within the front yard of the subject property adjacent to Dewey Avenue and to the street side yard along Foster Street.
- c. a variation to Section 6-8-5-4 (D), which requires a lot area within the R4 District of no less than 10,000 square feet for nonresidential uses, to allow the subject property having 7,605 square feet to be used for an accessory parking area, and
- d. a variation to Section 6-8-5-7, which prohibits open off-street parking areas in the R4 District within the 15-foot side of the year abutting a street, within the 5-foot interior side yard, and within the 3-foot rear yard, to allow the subject property to be used for an accessory parking area for vehicles parked with zero setback from the south interior side lot line, zero setback from the east rear lot line, and within a setback of approximately 2.5 feet from the north street side yard.

**SECTION 4:** That the requested variation from Section 6-8-5-7 to allow parking in the required front yard adjacent to Darrow Avenue is hereby denied.

**SECTION 5:** Pursuant to Section 6-3-5-12 and Section 6-3-8-14 which provide, respectively, that the City Council may impose conditions on the grant of a special use

and on the grant of a variation, the following conditions are hereby imposed on the subject grant. When necessary to effectuate the purposes and requirements of this Ordinance and these conditions, "applicant" shall be read as "applicant's successors in interest".

- a. Development, use, and operation shall be in substantial compliance with the testimony presented by the applicant, documents placed on file by the applicant, and approved plans, all in connection with this case.
- b. The grant of zoning relief is subject to compliance with all applicable provisions of the Zoning Ordinance and all other applicable legislation including, but not limited to, the parking design standards of Chapter 16 of the Zoning Ordinance.
- c. All parking spaces on the subject property are required parking spaces for the religious institution use, the principal use located at, 1932 Dewey Avenue, subject to the conditions of this special use and variances, and the requirements of the Zoning Ordinance regarding off-street parking dimensions.
- d. The applicant shall cause to be erected and to be maintained in good and sightly condition a four- (4-) foot tall wrought iron fence with gates that lock at entry and exit, said fence to extend around the perimeter of the parking area on the subject property.
- e.
  - 1) The applicant shall cause to be installed, and to be maintained in good and sightly condition, landscaping in conformance with the testimony and the "proposed site plan 1945 Darrow" executed by Goss/Pasma Architects and made part of the record, to which plan is hereby added along the entire length of the south lot line the landscape treatment similar to that along the north lot line. Said "proposed site plan 1945 Darrow" as modified hereby, is attached as Exhibit 1 to this Ordinance and made a part hereof.
  - 2) Said landscaping shall consist of "low height (24 inch) shrubs and plants" at the entry and the exit and also running along the perimeter on the north and south sides. The applicant shall maintain the landscaping and replace it as needed. The applicant

shall replace any dead, dying, or diseased landscape material within thirty (30) days of notification by the City or within the first thirty (30) days of the earliest available planting season, if the original thirty- (30-) day notification period is during a season inappropriate for the installation of new plant material.

- f. The applicant shall cause to be installed and to be maintained in good and sightly condition a new sidewalk within the Foster Street right-of-way, subject to applicable City requirements.
- g. The applicant shall make a good faith effort to renew and maintain the lease with Family Focus for overflow parking use at the property commonly known as 2010 Dewey Avenue. The applicant shall encourage persons attending the religious institution at 1932 Dewey Avenue to park in the off-street site rather than on streets in the neighborhood.
- h. No parking spaces will extend into the west twenty seven (27) feet of the subject property.
- i. The applicant shall install and maintain a "left-turn only" sign at the exit onto the alley abutting the property at the east. The applicant shall make a good faith effort to enforce said "left-turn only" sign so that persons exiting the parking area do not travel south through the alley after exiting the parking area.
- j. The applicant shall submit to, and obtain prior written approval from, the City Engineer, of a drainage plan to prevent an adverse effect of run-off on adjoining properties.

**SECTION 3:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4:** 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: October 28, 2002

Adopted: November 25, 2002

Approved:

December 2, 2002  
Juanita H. Norton  
Mayor

ATTEST:

Mary D. Morris  
City Clerk

Approved as to form:

[Signature]  
Corporation Counsel