

4/17/2008

59-O-08

AN ORDINANCE

**Granting Major Variations and the Expansion of a Special Use
for a Religious Institution with Accessory Parking at
1744 Darrow Avenue/1812 Lyons Street
in the R4 General Residential District**

WHEREAS, Bethel African Methodist Episcopal Church (the "Applicant"), owner of the property commonly known as 1744 Darrow Avenue/1812 Lyons Avenue, legally described in Exhibit A, attached hereto and made a part hereof (the "Subject Property"), located within the R4 General Residential District, submitted an application, case no. ZBA 08-06-SU & V(R), to seek approval for Major Variations pursuant to Sections Section 6-8-5-9 and 6-4-6-3 of the Zoning Ordinance, and for the expansion a Special Use pursuant to Section 6-8-5-3 of the Zoning Ordinance, necessary for the expansion of a religious institution and its accessory parking on the Subject Property; and

WHEREAS, on March 4, 2008, the Zoning Board of Appeals ("ZBA") held a public hearing, pursuant to proper notice, to consider the application, took testimony and received other evidence, and made a *verbatim* record and written findings that the application met the standards for Major Variations set forth in Section 6-3-8-12(E) of the Zoning Ordinance and the standards for Special Uses set forth in Section 6-3-5 of the Zoning Ordinance, and recommended City Council approval thereof; and

WHEREAS, at its April 28, 2008 meeting, the Planning and Development Committee of the City Council considered the ZBA's findings and recommendation and recommended City Council approval thereof; and

WHEREAS, at its May 12, 2008 meeting, the City Council considered and adopted the respective records and recommendations of the ZBA and the Planning and Development Committee,

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

SECTION 1: That the foregoing recitals are found as fact and made a part hereof.

SECTION 2: That the City Council hereby adopts the ZBA's record, findings, and recommendation, and the Planning and Development Committee's record, findings, and recommendation, and hereby approves the Major Variations and expansion of the Special Use as applied for in case no. ZBA 08-06-SU & V(R), on the Subject Property.

SECTION 3: That the Major Variations approved hereby are:

- A.** To allow an impervious surface ratio of approximately seventy-four percent (74%). Section 6-8-5-9 of the Zoning Ordinance establishes the maximum impervious surface ratio for the R4 District as fifty-five percent (55%); and
- B.** To allow the accessory parking to cover sixty and one-tenths' percent (60.1%) of the rear yard. Section 6-4-6-3 (A)1 of the Zoning Ordinance prohibits any detached accessory building, structure, or use to cover more than forty percent (40%) of a rear yard.

SECTION 4: That, as permitted by Sections 6-3-5-12 and 6-3-8-14 of the Zoning Ordinance, the City Council hereby imposes the following conditions upon the Special Use and Major Variations granted by this ordinance:

- A. The Applicant shall develop and use the Subject Property in substantial compliance with all applicable legislation, with the testimony and representations of the applicant to the ZBA, Planning and Development Committee, and City Council, and with approved plans and documents on file in this case;
- B. The Applicant shall submit an engineering study, subject to review and approval by the City's Public Works Department, that addresses drainage and stormwater detention on the Subject Property;
- C. The Applicant shall provide wheel stops for all parking spaces on the Subject Property;
- D. The Applicant shall submit a revised site plan, subject to review and approval by the City's Community Development Department, that: provides access to the church in compliance with the City Code; and reflects the handwritten changes suggested by the ZBA as shown on the document attached hereto and made a part hereof as Exhibit B;
- E. The Applicant shall submit a revised landscape plan, subject to review and approval by the City's Superintendent of Parks and Forestry, that shall include plant material and/or other features to reduce the amount of impervious surface area on the Subject Property;
- F. The Applicant shall install, or cause to be installed, all plant material and other features depicted on the aforementioned revised landscape plan;
- G. The Applicant shall submit a landscape maintenance plan, subject to review and approval by the City's Superintendent of Parks and Forestry, that shall guarantee that, upon written notification to the Applicant from the City, any plants, planted in accordance with the aforementioned revised landscape plan, that die, shall be replaced by the Applicant during the earliest planting season thereafter; and

- H. Should the City determine that the Applicant has failed to comply with any of the terms of this ordinance, the City may deliver written notice of non-compliance to the Applicant. If the Applicant does not cure the non-compliance identified in the notice within five (5) days, the Applicant shall owe the City a fine in the amount of two hundred fifty and no/100 dollars (\$250.00) per day that the Applicant is not in full compliance. If, in the City's determination, the Applicant is diligently pursuing the cure of such non-compliance and that such cure cannot be completed within five (5) days, the City may grant the Applicant additional time that the City determines to be reasonably necessary. The Applicant shall pay the total fine assessed within thirty (30) days after written notice from the City to do so. If the Applicant fails to pay the total amount of the fine within the thirty (30) days after written notice from the City to do so, the City may revoke the Major Variations or expansion of a Special Use granted by this ordinance.

SECTION 5: That, except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Ordinance and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same.

SECTION 6: That, when necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant's agents, assigns, and successors in interest."

SECTION 7: That the Applicant shall record a certified copy of this ordinance, at its cost, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, before the City may issue any permits or licenses related to the expansion or operation of the Special Use and Variations hereby authorized.

SECTION 8: That if any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 9: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10: 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 28, 2008

Approved:

Adopted: May 12, 2008

May 13, 2008

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:

[Signature]
Corporation Counsel, Interim
First Assistant Corporation Counsel

EXHIBIT A**LEGAL DESCRIPTION**

PARCEL 1: THE EAST 27½ FEET OF THE WEST 52½ FEET OF LOT 1 AND THE EAST 27½ FEET OF THE WEST 52½ FEET OF LOT 2 IN BLOCK 3 IN MERRILL LADD'S SECOND ADDITION TO EVANSTON, BEING A SUBDIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

PARCEL 2: LOTS 1, 2, AND 3 IN MOHLIN'S SUBDIVISION OF THE EAST 89.87 FEET OF LOTS 1 AND 2 IN BLOCK 3 IN MERRILL LADD'S SECOND ADDITION TO EVANSTON, BEING A SUBDIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

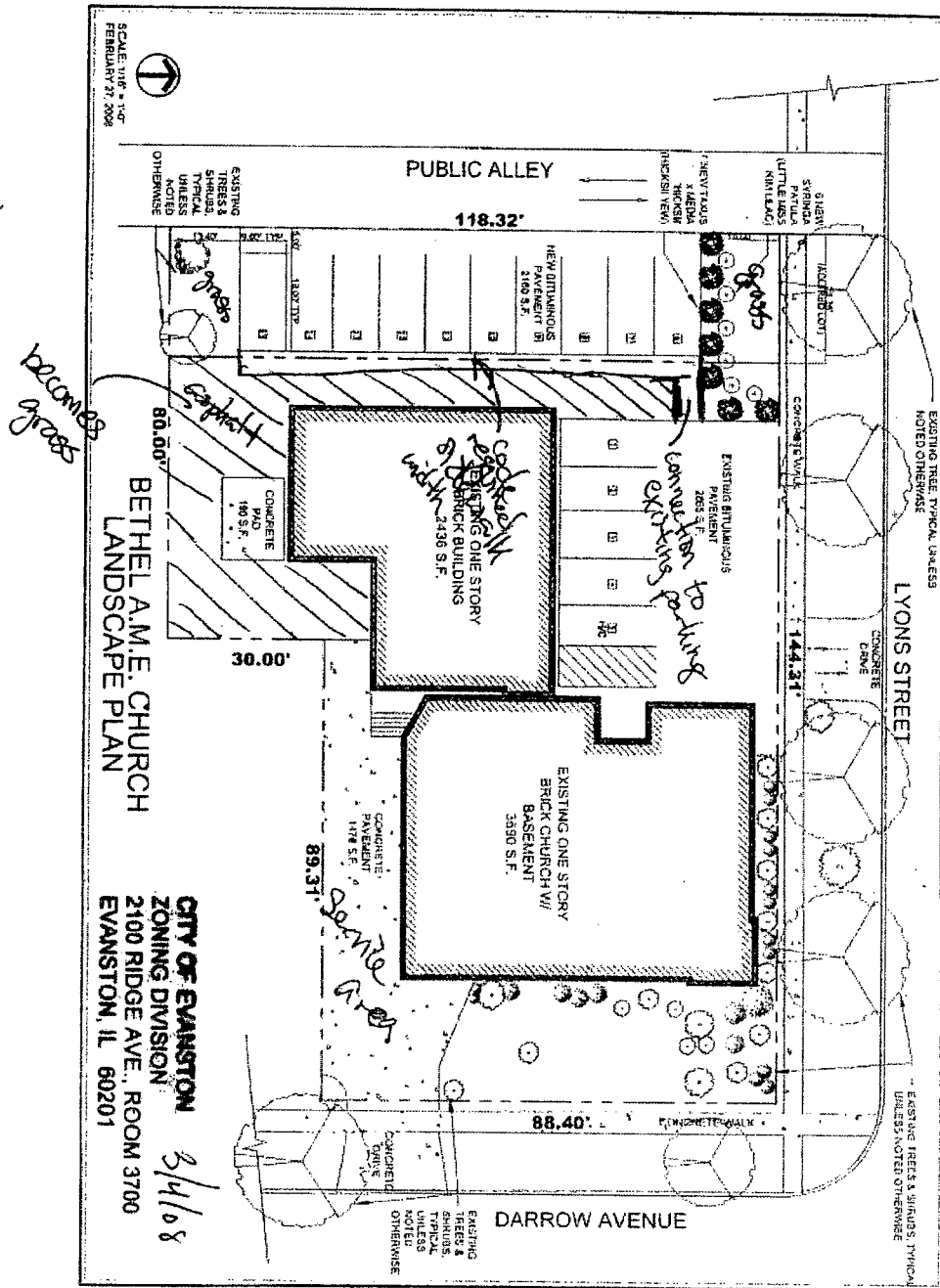
PARCEL 3: THE EAST 27.5 FEET OF THE WEST 80 FEET OF LOTS 1 AND 2 IN BLOCK 3 IN MERRILL LADD'S SECOND ADDITION TO EVANSTON, A SUBDIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 4: THE WEST 25 FEET OF THE LOTS 1 AND 2 IN BLOCK 3 IN MERRILL LADD'S 2ND ADDITION TO EVANSTON, A SUBDIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT FROM SAID WEST 25 FEET HE SOUTH 16 FEET THEREOF DEDICATED FOR A PUBLIC ALLEY) IN COOK COUNTY, ILLNOIS.

COMMONLY KNOWN As: 1744 Darrow Avenue/1812 Lyons Street, Evanston, Illinois.

EXHIBIT B

REVISED SITE PLAN AS PER MARCH 4, 2008 ZBA MEETING



SCALE: 1/8" = 1'-0"
FEBRUARY 27, 2008

**BETHEL A.M.E. CHURCH
LANDSCAPE PLAN**

**CITY OF EVANSTON
ZONING DIVISION
2100 RIDGE AVE., ROOM 3700
EVANSTON, IL 60201**

3/4/08

