

63-O-09**AN ORDINANCE****Granting a Major Variation and Amending a Special Use
for a Religious Institution with Accessory Parking
Located at 1825 Dodge Avenue in the R4 Residential District**

WHEREAS, Seventh Day Adventist Church, Lake Region Conference (the "Applicant"), owner of the property commonly known as 1825 Dodge Avenue (the "Subject Property"), legally described in Exhibit A, attached hereto and made a part hereof, located within the R4 General Residential District, submitted an application, case no. 09ZMJV-0032, to seek approval for Major Variations to Subsections 6-8-5-7 and 6-8-5-9 of Title 6 of the Evanston City Code, 1979, as amended ("the Zoning Ordinance"), and an amendment of the Special Use for a Religious Institution on the Subject Property, granted by Ordinance 21-O-80, attached hereto as Exhibit B and made a part hereof, due to the proposed expansion of said Special Use and its accessory parking; and

WHEREAS, on June 2, 2009, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held a public hearing to consider the application, took testimony and received other evidence, and made a verbatim record and written findings that: **(1)** the requested Major Variation to Subsection 6-8-5-9 of the Zoning Ordinance and amendment to the Special Use met the standards set forth in Section 6-3-5 of the Zoning Ordinance, and recommended City Council approval thereof, and; **(2)** the requested Major Variation to Subsection 6-8-5-7 of the Zoning Ordinance did not meet the aforementioned standards and therefore recommended City Council denial thereof; and

WHEREAS, at its meeting of July 27, 2009, the Planning and Development Committee of the City Council (the "P&D Committee") considered the ZBA's record, findings, and recommendation and recommended City Council approval thereof; and

WHEREAS, at its meeting of August 10, 2009, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and the P&D 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 respective records, findings, and recommendations of the ZBA and the P&D Committee in case no. 09ZMJV-0032, approves the requested Major Variation to Subsection 6-8-5-9 of the Zoning Ordinance and amendment to the Special Use for a Religious Institution on the Subject Property, and denies the requested Major Variation to Subsection 6-8-5-7 of the Zoning Ordinance.

SECTION 3: That the Major Variation approved hereby is to allow impervious surface coverage of approximately fifty-nine percent (59%) of the Subject Property. Section 6-8-5-9 of the Zoning Ordinance establishes the maximum impervious surface coverage for the R4 General Residential District at fifty-five percent (55%).

SECTION 4: That the Special Use for a Religious Institution is hereby amended to include the two (2) zoning lots immediately south of the Subject Property. Said lots were formerly occupied by residences commonly known as 1819 and 1823 Dodge Avenue, which the Applicant has demolished.

SECTION 5: That, as permitted by Subsections 6-3-8-14 and 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the grant of the Major Variation and amendment to the Special Use, violation of any of which shall constitute grounds for revocation thereof, pursuant to Subsection 6-3-10-6 of the Zoning Ordinance:

- A. Compliance with Applicable Requirements:** 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, the P&D Committee, and the City Council, and with the approved plans and documents on file in this case.
- B. Subsurface Stormwater Detention System:** The Applicant shall construct a sub-surface stormwater detention system on the Subject Property that shall be subject to review and approval by the City's Public Works Department.
- C. Fine for Non-Compliance:** 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 said notice within five (5) days, the Applicant shall owe the City a fine of two hundred fifty and no/100 dollars (\$250.00) per day that the Applicant fails to comply. 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 any such fine within thirty (30) days of written notice from the City to do so.

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, 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 9: 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 10: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11: 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: July 27, 2009

Approved:


Adopted: August 10, 2009

August 12, 2009


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


Elke B. Tober-Purze, Interim
First Assistant Corporation Counsel

EXHIBIT A**LEGAL DESCRIPTION**

PARCEL 1: THE NORTH $\frac{1}{2}$ OF LOT 21 AND THE SOUTH $12\frac{1}{2}$ FEET OF LOT 22 IN BLOCK 2 IN MERRILL LADD'S SECOND ADDITION TO EVANSTON, A SUBDIVISION OF THE WEST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

PARCEL 2: LOT 22 (EXCEPT THE SOUTH $12\frac{1}{2}$ FEET THEREOF) IN BLOCK 2 IN MERRILL LADD'S SECOND ADDITION TO EVANSTON, A SUBDIVISION OF THE WEST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

PARCEL 3: LOTS 23 AND 24 IN BLOCK 2 IN MERRILL LADD'S SECOND ADDITION TO EVANSTON, A SUBDIVISION OF THE WEST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

PINs: 10-13-214-014-0000
10-13-214-015-0000
10-13-214-046-0000

COMMONLY KNOWN As: 1819-1825 Dodge Avenue, Evanston, Illinois.

EXHIBIT B

ORDINANCE 21-O-80

21-0-80

AN ORDINANCE

Granting a Special Use Permit
for Construction of a Church
at 1825 Dodge

WHEREAS, the Evanston Zoning Board of Appeals conducted a public hearing on January 15, 1980 upon the application of the Lake Region Conference Association of Seventh-Day Adventists for a special use to allow construction of a church on property located at 1825 Dodge, said 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 the application for said variation and said special use 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 Lake Region Conference Association of Seventh-Day Adventists for a special use to allow construction of a church, said application pertaining to property located at 1825 Dodge, Evanston, Illinois, and legally described as:

Lots 23 and 24 in Block 2 in Merrill Ladd's Second Addition to Evanston, a subdivision of the W 1/2 of the SW 1/4 of the NE 1/4 of Section 13, Township 41 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois

is granted, subject to the condition that the church will be constructed in conformity with the plans dated October 7, 1979 and submitted with the application at said hearing and will be in compliance with all other applicable provisions of the Zoning Ordinance and all other applicable laws.

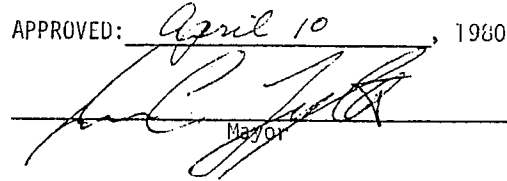
SECTION 2: The Director of Inspections and Permits is hereby directed to issue such permit pursuant to the terms of this ordinance.

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

Introduced: March 24, 1980

Adopted: April 8, 1980

APPROVED: April 10, 1980



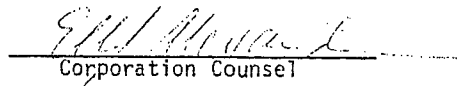
Mayor

ATTEST:



City Clerk

Approved as to form:



Corporation Counsel

