

1/25/2018  
1/10/2018

**13-O-18**

**AN ORDINANCE**

**Granting a Special Use Permit and Major Variations for the Expansion of a Religious Institution at 2014 Orrington Avenue in the R1 Single Family Residential District (“Lubavitch Chabad of Evanston, Inc.”)**

**WHEREAS**, the Zoning Board of Appeals (“ZBA”) met on January 9, 2018, pursuant to proper notice, to consider case no. 17ZMJV-0018, an application filed by Rabbi Dov Hillel Klein (the “Applicant”), owner of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 2014 Orrington Avenue (the “Subject Property”) and located in the R1 Single Family Residential Zoning District, for a Special Use Permit and Major Variations to establish, pursuant to Subsection 6-8-2-4 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), a Religious Institution with a Third Floor, “Lubavitch Chabad of Evanston, Inc.,” on the Subject Property; and

**WHEREAS**, the Applicant requests the following Major Variations:

- (A)** The Applicant requests an addition of a third story with a thirty five (35) foot peak height and exterior knee-wall above three (3) feet where only two and a half (2½) stories with a peak height of thirty-five (35) feet and a maximum of three (3) feet of exterior knee-wall are permitted;
- (B)** The Applicant requests a five and fourth tenths (5.4) of a foot north interior side yard setback and nine and a half (9.5) foot south interior side yard setback where fifteen (15) foot interior side yard setbacks are required for a non-residential structure; and

- (C) The Applicant requests a twenty-seven and three-tenths (27.3) foot front yard setback where thirty four (34) feet are required; and
- (D) The Applicant request a twenty-four and eight tenths (24.8) foot front yard porch eave setback where a twenty-seven and six tenths (27.6) foot front yard porch eave setback is required; and

**WHEREAS**, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application for a Special Use Permit for a Religious Institution and Major Variations met the standards for Special Uses in Sections 6-3-5-10 and 6-3-8-12 of the Zoning Ordinance and recommended City Council approval thereof; and

**WHEREAS**, at its meeting of January 22, 2018, the Planning and Development Committee of the City Council ("P&D Committee") considered the ZBA's record and findings and recommended the City Council accept the ZBA's recommendation and approve the application in case no. 17ZMJV-0018; and

**WHEREAS**, at its meetings of January 22, 2018 and February 12, 2018, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee and addresses the compelling governmental interest to recognize the agreement made by and between the Applicant and the neighborhood, as amended,

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

**SECTION 1:** The foregoing recitals are found as fact and incorporated herein by reference.

**SECTION 2:** The City Council hereby adopts the P&D Committee's records, findings, and recommendations, and hereby approves, pursuant to Subsection 6-3-8-10(D) of the Zoning Ordinance, the Special Use Permit for a Religious Institution and the Major Variations on the Subject Property as applied for in case no. 17ZMJV-0018.

**SECTION 3:** The Major Variation approved hereby is as follows:

- (A) Approval to permit a third story with a thirty-five (35) foot peak height and exterior knee-wall above three (3) feet on the Subject Property. Subsections 6-8-2-9(A) and 6-18-3 permit a maximum two and a half (2.5) stories with a peak height of thirty-five (35) feet and a maximum three (3) foot exterior knee-wall on the Subject Property.
- (B) Approval to permit a five and fourth tenths (5.4) of a foot north interior side yard setback and nine and a half (9.5) foot south interior side yard setback on the Subject Property. Subsection 6-8-5-8(B)(3) permit a fifteen (15) foot interior side yard setbacks are required for a non-residential structure on the Subject Property.
- (C) Approval to permit a twenty-seven and three-tenths (27.3) foot front yard setback on the Subject Property. Subsection 6-4-1-9(A)(3) requires a thirty four (34) foot front yard setback on the Subject Property.
- (D) Approval to permit a twenty-four and eight tenths (24.8) foot front yard porch eave setback on the Subject Property. Subsection 6-4-1-9(B) requires a twenty-seven and six tenths (27.6) foot front yard porch eave setback on the Subject Property.

**SECTION 4:** Pursuant to Subsections 6-3-5-12 and 6-3-8-14 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Applicant's Special Use Permit and Major Variations, violation of any of which shall constitute grounds for penalties or revocation of said Permit pursuant to Subsections 6-3-10-5 and 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; the Applicant's testimony and representations to the ZBA, the P&D Committee, and the City Council; and the approved plans and documents on file in this case.

- (B) **Occupancy:** The use of the Subject Property shall be limited to a maximum of thirty (30) persons or less, in accordance with all applicable fire, safety, and building regulations and restrictions.
- (C) **Use of the Subject Property:** The use of the Subject Property shall be limited to religious services, related study, discussion groups, and additional similar activities
- (D) **Excluded Uses on the Subject Property:** The use of the Subject Property (not to include the uses permitted for a Religious Institution) excludes all other special uses described in the City Code Section 6-8-2-4, including the following uses: bed and breakfast establishment, child residential care home, daycare center, planned development, public utility, residential care home, or a transitional treatment facility.
- (E) **Soundproofing:** The building on the Subject Property must be soundproofed, or activities within it limited so that the sound generated within the building cannot be heard at the property line of the adjoining lots.
- (F) **Parking:** The Applicant agrees to supply all of the off-street parking spaces required to serve the actual use of the building.
- (G) **Deliveries:** All deliveries shall occur only between 7:00 a.m. and 10:00 p.m. on any given day.
- (H) **Lodging:** No person shall sleep on the Subject Property, except for one person, his or her spouse, and children; provided, however, that up to four (4) religious observants may sleep on the premises on the night of the Jewish Sabbath and the Jewish holidays.
- (I) **Vehicular Use:** The Applicant agrees that during its occupancy of the premises it will not operate or avail itself of a van or truck in connection with its occupancy or ownership of the Subject Property.
- (J) **Recordation:** Before it may operate the Special Use authorized by the terms of this ordinance, the Applicant shall record, at its cost, a certified copy of this ordinance with the Cook County Recorder of Deeds.

**SECTION 5:** 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 6:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**SECTION 7:** The special use authorized by this ordinance is specific to the Lubavitch Chabad House of Evanston, Inc. This special use does not run with the land; it must run with the owner and terminates when the ownership of the Subject Property is no longer vested with the Lubavitch Chabad House of Evanston, Inc. This covenant has no precedential value on the treatment of other special use applications in the City and is limited to this specific special use application, which is fully acknowledged and agreed to by the Applicant.

**SECTION 8:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

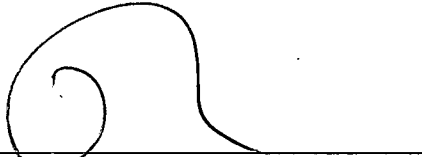
**SECTION 9:** If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

**SECTION 10:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: January 22, 2018

Adopted: February 12, 2018

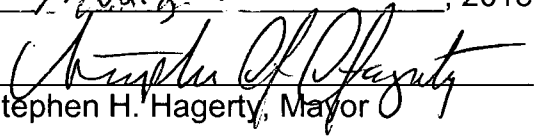
Attest:



Devon Reid, City Clerk

Approved:

Mayor: 1, 2018

  
Stephen H. Hagerty, Mayor

Approved as to form:

  
W. Grant Farrar, Corporation Counsel

**EXHIBIT A**

**LEGAL DESCRIPTION**

THE SOUTH 1/2 OF LOT 5 IN BLOCK 4 IN EVANSTON, IN THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PIN:** 11-18-105-030-0000

**COMMONLY KNOWN AS:** 2014 Orrington Avenue, Evanston, Illinois.

**EXHIBIT B**  
**GENERAL SITE PLAN**