

106-O-18

AN ORDINANCE

**Granting a Special Use Permit and Major Variations to Replace
Electrical Equipment Located at 514 Custer Avenue in the
R3 Two Family Residential District**

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on September 4, 2018, pursuant to proper notice, to consider case no. 18ZMJV-0062, an application filed by William Lensky, contractor for the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 514 Custer Avenue (the “Subject Property”) and located in the R3 Two Family Residential District, for a Special Use Permit and a Major Variation to replace, pursuant to Subsections 6-9-5-3 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), electrical equipment on the Subject Property; and

WHEREAS, the Applicant requests the following Major Variation:

- (A) The Applicant requests to construct one (1) concrete wall fence that is twenty (20) feet in height, where concrete material is not permitted for fences; and
- (B) The Applicant requests to construct one (1) concrete wall fences that is twenty (20) feet in height, where the maximum fence height permitted is eight (8) feet; 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 and a Major Variation met the standards for Special Uses in Section 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 September 17, 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 submitted site plans and approve the application in case no. 18ZMJV-0062; and

WHEREAS, at its meetings of September 17, 2018 and September 24, 2018, the City Council considered the submitted application and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee, 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 Public Utility and the Major Variations on the Subject Property applied for in case no. 18ZMJV-0062 and described hereinabove.

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

- (A) Approval to install one (1) concrete wall fence that is twenty (20) feet in height. Subsection 6-4-6-7(F)(1) prohibits the installation of concrete fences on the Subject Property.
- (B) Approval to install one (1) concrete wall fence that is twenty (20) feet in height. Subsection 6-4-6-7(F)(3) prohibits the installation of fences greater than eight (8) feet on the Subject Property.

SECTION 4: Pursuant to Subsection 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 Variation, 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 must 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; the General Site Plan in Exhibit B, attached hereto and incorporated herein by reference; and the approved plans and documents on file in this case.
- B. **Thermographic Study:** The Applicant shall submit to the City of Evanston a thermographic study for review by City of Evanston staff.
- C. **Lighting:** Lighting shall be added on the interior and/or exterior of the walls as deemed necessary for safety purposes.
- D. **Design:** Design considerations shall be made to reduce the perceived scale of the wall.
- E. **Maintenance:** The Applicant shall be responsible for the maintenance of the project.
- D. **Recordation:** Before it may operate the Special Use authorized by the terms of this ordinance, the Applicant must 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: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: 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.

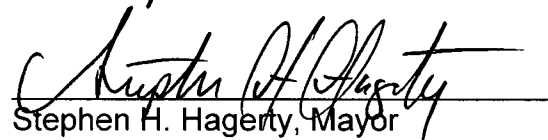
SECTION 9: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: September 17, 2018

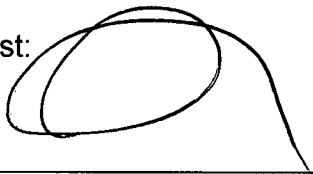
Approved:

Adopted: September 17, 2018

Sept 28, 2018


Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:



Michelle L. Masoncup, Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION

THE NORTH 50.00 FEET OF LOT 18 IN BLOCK 1 IN IGLEHART'S ADDITION TO EVANSTON; A SUBDIVISION OF THE SOUTH 12.17 ACRES EAST OF RIDGE ROAD OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTH 48 LINKS EAST OF RIDGE ROAD OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 11-19-329-026-0000

COMMONLY KNOWN AS: 514 Custer Avenue, Evanston, Illinois.

EXHIBIT B

GENERAL SITE PLAN