

Seminary Revises Its Plans to Meet New Building Laws

Complying with the new zoning ordinance as to set back from the street, area of lot to be occupied and other building limitations, architects for the Western Theological seminary are now revising plans for the campus to be developed at Sheridan road and Noyes street, Evanston. The seminary is going ahead with its preparations regardless of the fact that the city is now trying through court action to prevent the issuance of a building permit for the dormitory units of the school.

Seminary officials declare they have already got a favorable ruling from the supreme court and they see no reason why they should delay work longer. In their court action they are standing on the old zoning ordinance in effect when they applied for a building permit three years ago, but they are revising their plans to conform as far as possible with the new amendatory ordinance in order, they explain, to avoid further litigation.

Graduate School Opens in October

For several years the seminary, having sold its Chicago property, has been without a home. It will, however, open up its graduate department in the Oliver Cunningham Memorial house of St. Mark's church in October. The use of these quarters has been offered by the rector, wardens and vestrymen of the parish. Dean Frederick C. Grant, formerly assistant rector of St. Luke's, will be in charge. He will live at 2145 Orrington avenue on the seminary site. It is expected to reopen the undergraduate school in the fall of next year.

The president of the seminary, the Rev. William C. DeWitt, has already taken up his residence here, at 1110 Grove street. Other members of the faculty, who now live in Chicago, it is announced, will meet their scheduled appointments.

Referring to the present litigation over the issuance of a building permit to the seminary, President DeWitt said, "The Western Theological seminary gladly welcomes any court decision that upholds the zoning laws of Evanston. Our contention has been and is that when the seminary acquired its site and obtained architectural plans for its proposed buildings those buildings on that site were in accordance with the zoning law then in force.

"Three successive unanimous appeals of the Evanston Zoning Board of Ap-

peals," he recalled, "favored the issuance of a building permit. The amendment of that ordinance by the city council (voting 8 to 5) so as to exclude a portion of the seminary from the site forced the issue into the circuit court.

"That court was informed, in my hearing, that whichever side lost the case would be appealed to the supreme court. Decision against the seminary favored us by allowing us to get before the high court almost at once."

The supreme court, President DeWitt pointed out, upheld the position of the seminary and of the board of appeals and went so far as to say, "Neither the city council nor the legislature is authorized under the power of the constitution to take away or limit the appellant's right to make any use of the property which was lawful at the time it acquired it except in such ways as may be necessary for the public health, comfort, safety or welfare."

The court continued, "So far as the property which the appellant acquired, relying upon the validity of the ordinance permitting its use for schools and colleges is concerned, the amendment depriving it to make such use, which is the destruction of the only property required, is unreasonable and arbitrary."

When Corporation Counsel Lister asked the supreme court for a rehearing, President DeWitt explained, he set forth in effect that the amendment complained of was no longer in existence, but that another ordinance more specifically limiting the use of class A areas has been enacted.

"The supreme court was not favorably impressed by this plea," recalled the seminary president, "and refused a rehearing.

"Now I understand, the corporation counsel's intention is to get before the

supreme court with the same issue by an around-about path.

"If the seminary were a 'menace to the health, comfort, safety and welfare of Evanston'—and the supreme court and several thousand citizens think it is not—no more determined, persistent and ingenious persecution could be devised than that with which our institution has been forced to contend for three years past.

"The fear that the erection of the entire college group, including dormitories, on the particular Zone A site, will in some way jeopardize all Zone A property is entirely unjustified by the facts in the case, by the wording of the court's decree and by the present zoning ordinance.

"Being fully certified by the very clear decision of the supreme court of the seminary's rights to use its property in the only way it can effectively be used the trustees as trustees have no alternative.

"If prosecution degenerates into persecution—of which symptoms have not been lacking—we shall the more confidently rely upon the moral support of the citizens of Evanston generally."

Miss Bernice Cole, daughter of Mr. and Mrs. F. E. M. Cole of 315 Essex road, Kenilworth, left Thursday of last week with friends for a month's stay on the west coast. She will stop at Banff and Lake Louise, and will then visit relatives in Seattle. Mr. Cole will meet Bernice in San Francisco, and they will make several stops on their way to Pasadena, Cal. On the return trip, they will stop at the Grand Canyon and arrive in Kenilworth about September 10.

Mrs. Arthur Johnson of New York arrived in Kenilworth Friday to visit her sister, Mrs. Richard Wolfe of 414 Essex road.



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