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ORDINANCE NO. F-0042

**AN ORDINANCE DENYING A REQUEST FOR SUBDIVISION AND LOT WIDTH
AND LOT AREA VARIATIONS ON A CERTAIN PIECE OF PROPERTY
COMMONLY KNOWN AS 617 NORTH SCOTT STREET - JOSEPH**

WHEREAS, application for the subdivision of property commonly known as 617 North Scott Street ("subject property") has been submitted to, and reviewed by, the Wheaton Plan Commission; and

WHEREAS, written application has also been made requesting variations from the provisions of Section 9.2(2a) of the Wheaton Zoning Ordinance regarding lot areas and from the provisions of Section 9.2(4) of the Wheaton Zoning Ordinance regarding lot widths; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Board of Zoning Appeals on May 28, 1996, to consider the variation requests and the Wheaton Board of Zoning Appeals has unanimously recommended denial of the zoning variations.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, Du Page County, Illinois, pursuant to its home rule powers, as follows:

Section 1: The following-described property has been, and continues to be, zoned and classified in the R-3 Single Family Residential zoning classification:

THAT PART OF BLOCK 8 IN LYMAN E. DEWOLF AND GUY TRACY'S ADDITION TO THE TOWN OF WHEATON, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK (BEING AT THE INTERSECTION OF THE SOUTH LINE OF JEFFERSON AVENUE WITH THE EAST LINE OF SCOTT STREET) AND RUNNING THENCE SOUTH ALONG THE WEST LINE OF SAID BLOCK, 55.0 FEET FOR A PLACE OF BEGINNING, THENCE EAST PARALLEL TO THE NORTH LINE OF SAID BLOCK, 129.0 FEET TO THE EAST LINE OF SAID BLOCK; THENCE SOUTH 105.9 FEET TO A POINT 114.0 FEET NORTH OF THE SOUTHEAST CORNER OF SAID BLOCK; THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID BLOCK, 129.0 FEET TO A POINT IN THE WEST LINE OF SAID BLOCK, 114.0 FEET NORTH OF THE SOUTHWEST CORNER OF SAID BLOCK; THENCE NORTH 104.97 FEET TO THE PLACE OF BEGINNING, IN DU PAGE COUNTY, ILLINOIS.

PIN: 05-16-114-002

This property is commonly known as 617 North Scott Street, Wheaton, IL 60187.

Section 2: The following Findings of Fact are hereby determined by the City:

- A. The subject property is presently improved with a single-family residence. The present size of the subject property is in full conformance with the requirements of the Wheaton Zoning Ordinance. Subdivision of the subject property would

result in the creation of two lots that fail to meet the minimum requirements of the Wheaton Zoning Ordinance.

- B. The proposed subdivision of the subject property would create two lots whose area and width would fail to meet the minimum requirements as required in Section 62-212 of the Wheaton City Code.
- C. The proposed subdivision increases the density per acre to a number greater than the density per acre of lots within a 500 foot radius surrounding the subdivision.
- D. The property in question can yield a reasonable return in its present state.
- E. No unique physical characteristics exist which create a hardship.
- F. The variations would alter the essential character of the area, and would be detrimental or injurious to other property or improvements in the neighborhood.

Section 3: Pursuant to the Findings of Fact as determined in Section 2 of this ordinance, subdivision of the subject property and the request for the variations recited in this ordinance are denied.

Section 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

ATTEST:
Emily M. Cenalojo
City Clerk


James Carr

Ayes:

Roll Call Vote:

Councilwoman Davenport

Councilman Eckhoff

Mayor Carr

Councilman Gresk

Councilman Mork

Councilwoman Cullen

Nays:

None

Absent:

Councilwoman Johnson

Motion Carried Unanimously

Passed: July 1, 1996
Published: July 2, 1996