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**ORDINANCE NO. F-0174**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT  
TO ALLOW A DETACHED GARAGE IN EXCESS OF 700 SQUARE OF  
LOT COVERAGE/725 NORTH WHEATON AVENUE/BENSON**

**WHEREAS**, written application has been made for the issuance of a special use permit to allow the construction of a detached garage in excess of 700 square feet of lot coverage on the property legally described herein within the City limits of Wheaton, Illinois and commonly known as 725 North Wheaton Avenue, Wheaton, Illinois; 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 September 23, 1997, to consider the issuance of a special use permit, and the Wheaton Board of Zoning Appeals has unanimously recommended the issuance of the special use permit.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Wheaton, DuPage 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 District zoning classification:

THE NORTH 101 FEET OF THE WEST 171.5 FEET OF BLOCK 7 IN MALLORY'S ADDITION TO VILLAGE OF WHEATON, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 2, 1875 AS DOCUMENT 20408, IN DUPAGE COUNTY, ILLINOIS. P.I.N. 05-16-106-001

The property is commonly located at 725 North Wheaton Avenue, Wheaton, Illinois 60187 (the "Subject Property").

Section 1: Pursuant to the Findings of Fact determined by the Wheaton Board of Zoning Appeals, a special use permit is hereby issued to allow the construction of a detached garage in excess of 700 square feet of lot coverage in full compliance with the plans entitled "New Garage and Driveway for Mr. and Mrs. Roger Benson, 725 North Wheaton Avenue, Wheaton, Illinois" Sheets 1-4 prepared by John R. Clark, Architect dated May 22, 1996 and revised June 13, 1997 and subject to the following condition:

1. Prior to the issuance of a site development and/or building permit, that a grading plan, prepared in full compliance with the requirements of the Wheaton City Code, be submitted to the Director of Engineering for his review and approval.

Section 2: This special use permit and the conditions, restrictions and requirements cited herein shall be considered a declaration of restrictive covenant and shall be binding upon the subject property, and its owners, successors, assigns and grantees. This Ordinance shall be recorded in the office of J.P. Carney, Recorder of Deeds, DuPage County, Illinois. By application for and in receipt of any site development or building permit and the commencement of construction of any

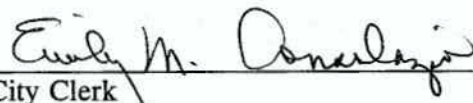
improvements on the subject property, owner for himself/itself, his/its successors, assigns and grantees thereby agree to all terms and conditions of this ordinance and declares this ordinance to constitute a covenant running with and binding the subject property in perpetuity.

Section 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 4: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Roll Call Vote

Ayes:

Councilman Johnson  
Councilwoman Johnson  
Councilman Mork  
Councilwoman Davenport  
Mayor Pro Tem Eckhoff

Nays:

None

Absent:

Mayor Carr

Motion Carried Unanimously

Passed: October 20, 1997  
Published: October 21, 1997