

686

ORDINANCE NO. F-0213

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
TO ALLOW THE UPPER LEVEL OF AN EXISTING DETACHED GARAGE TO BE
USED AS AN ARTIST'S STUDIO/719 NAPERVILLE ROAD/CORRY**

WHEREAS, written application has been made for the issuance of a special use permit to allow the upper level of an existing detached garage to be used as an artist's studio for a home occupation on the property legally described herein within the City limits of Wheaton, Illinois and commonly known as 719 Naperville Road, 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 January 27, 1998, 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:

LOT 23 IN ROOSEVELT HEIGHTS, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SUBDIVISION RECORDED SEPTEMBER 12, 1919, AS DOCUMENT 138250, IN DUPAGE COUNTY, ILLINOIS. P.I.N. 05-21-200-004

The property is commonly located at 719 Naperville Road, 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 upper level of an existing detached garage to be used as an artist's studio for a home occupation in full compliance with the plans entitled "Existing Garage and Existing Upper Level", prepared by LaPage and Associates, 207 W. Front Street, Wheaton, Illinois and subject to the following condition:

1. The home occupation shall be operated in strict conformance with the standards for home occupations as set forth in Article 24.9 of the City of Wheaton Zoning Ordinance.

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:

Emily M. Connelley
City Clerk

Roll Call Vote

Ayes:

Councilman Mork
Councilwoman Davenport
Councilman Eckhoff
Mayor Carr
Councilman Gresk
Councilman Johnson
Councilwoman Johnson

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: February 2, 1998
Published: February 3, 1998