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**ORDINANCE NO. F-0240**

**AN ORDINANCE GRANTING A SETBACK VARIATION ON A CERTAIN  
PIECE OF PROPERTY COMMONLY KNOWN AS  
114 WILLOW STREET - JEWEL-OSCO**

**WHEREAS**, written application has been made requesting a variation from Section 19.5.4 of the City of Wheaton Zoning Ordinance in order to allow a decrease in the setback abutting a street from 15 feet to 8 feet to permit the construction of a new loading dock along the Illinois Street facade of the Jewel-Osco legally described herein and commonly known as 114 Willow Street, 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 April 14, 1998, to consider the variation request and the Wheaton Board of Zoning Appeals has unanimously recommended approval of the zoning variation.

**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:** Pursuant to the Findings of Fact determined by the Wheaton Board of Zoning Appeals, a variation from Section 19.5.4 of the Wheaton Zoning Ordinance is granted to permit a decrease in the setback abutting a street from 15 feet to 8 feet in order to construct a new loading dock along the Illinois Street facade of the Jewel-Osco in full compliance with the plans entitled "*Working Plan, Jewel-Osco*" prepared by A. Epstein & Sons International, 600 W. Fulton Street, Chicago, IL 60661 platted March 16, 1998 and subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant submit a revised plan which indicates the following:
  - a. That a portion of the concrete apron located in front of the proposed loading dock be removed to provide a landscaped parkway.
  - b. That an area be provided for a refuse enclosure.
  - c. That a fence be erected atop of the proposed dock to eliminate the area between the fence and the proposed loading dock to provide an area for additional landscaping.

The revised plan shall be subject to the reasonable approval of the Director of Planning.

The property that is subject of the variation is legally described as:

**PARCEL 1: BLOCK 5 (EXCEPT THE NORTH 157 FEET AND EXCEPT THE WEST 2304 FEET THEREOF) OF WARREN L WHEATON'S ADDITION TO THE TOWN OF WHEATON, A SUBDIVISION IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 3, 1857 AS DOCUMENT 11976, ALSO**

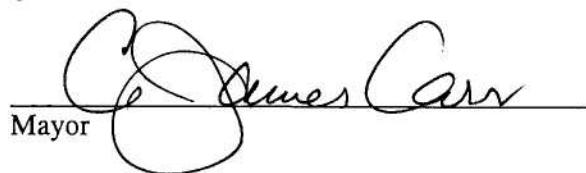
PARCEL 2: THAT PART OF THE NORTH 157 FOOT OF BLOCK 5 LYING EAST OF THE EAST LINE OF LOT 4 AND SAID EAST LINE EXT SOUTH OF WARREN L WHEATON'S ADDITION TO WHEATON, IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN; ALSO

PARCEL 3: THE EAST 50 FEET OF THE WEST 204 FEET (EXCEPT THE NORTH 157 FEET THEREOF) OF BLOCK 5 OF THE PLAT OF WARREN L WHEATON'S ADDITION TO THE TOWN OF WHEATON, DUPAGE COUNTY, ILLINOIS. 05-16-324-008

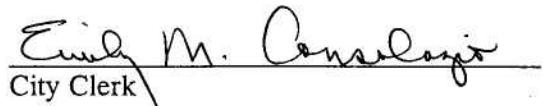
The property is commonly known as 114 Willow Street, Wheaton, Illinois 60187.

Section 2: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 3: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

  
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James Carr  
Mayor

ATTEST:

  
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Emily M. Consalvo  
City Clerk

Roll Call Vote

Ayes:	Councilman Johnson Councilwoman Johnson Councilman Mork Councilwoman Davenport Councilman Eckhoff Mayor Carr Councilman Gresk
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Nays: None

Absent: None

Motion Carried Unanimously

Passed: May 4, 1998  
Published: May 5, 1998