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ORDINANCE NO. F-0269

**AN ORDINANCE GRANTING A SIDE YARD ABUTTING A STREET VARIATION
ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS
1303 UNDERWOOD TERRACE - DYMIT**

WHEREAS, written application has been made requesting a variation from the provisions of the City of Wheaton Zoning Ordinance in order to reduce the side yard abutting a street setback from 12 feet to 8.05 feet to allow the construction of a deck onto an existing home on a certain piece of property legally described herein and commonly known as 1303 Underwood Terrace, 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 August 11, 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 Article 3.4A5d of the Wheaton Zoning Ordinance is granted to permit a deck in compliance with the plans entitled "*Karen and Tom Dymit, 1303 Underwood Terrace*" prepared by Hammertime Construction Company dated April 8, 1998, and subject to the following conditions:

- A. That the owner maintain the existing privet hedge along the property line. In the event the privet hedge dies, in whole or in part, at any time, the owner shall, forthwith, replace the nonviable hedge with reasonably similar substitutes of original planting size, as directed by the City.

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

LOT 15 IN BLOCK 11 IN GREEN VALLEY ADDITION TO WHEATON, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF THE NORTH HALF OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 5, 1926 AS DOCUMENT 22415 AND CERTIFICATE OF CORRECTION FILED JUNE 3, 1927 AS DOCUMENT 236887, IN DUPAGE COUNTY, ILLINOIS P.I.N. 05-21 -213-013

The property is commonly known as 1303 Underwood Terrace, 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Section 2: All ordinances or parts of ordinances in conflict with these provisions are repealed.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.

ATTEST:

Emily M. Connelley
City Clerk

Mayor Carr
Mayor

Roll Call Vote

Ayes:

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

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: August 17, 1998

Published: August 18, 1998