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ORDINANCE NO. E-0346

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
FOR A SWIMMING POOL HOUSE ON A CERTAIN PIECE OF PROPERTY
COMMONLY KNOWN AS 116 MUIRFIELD COURT - ROBINSON**

WHEREAS, written application has been made for the issuance of a special use permit for a swimming pool house on the property legally described herein within the city limits of Wheaton, Illinois, and commonly located at 116 Muirfield Court; 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 13, 1999 to consider the issuance of the special use permit; and the Wheaton Board of Zoning Appeals has 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-2 Single Family Residential District zoning classification:

LOTS 23 AND 24 IN ST. JAMES PARK, BEING A SUBDIVISION OF PART OF SECTIONS 19 AND 30, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 1990 AS DOCUMENT NO. R90-057160, IN DUPAGE COUNTY, ILLINOIS.

PIN 05-19-419-002 AND 05-19-419-003

This property is commonly located at 116 Muirfield Court, Wheaton, Illinois 60187 ("subject property").

Section 2: Pursuant to the Findings of Fact determined by the Wheaton Board of Zoning Appeals, a special use permit is hereby issued to allow for the construction and use of a swimming pool house on the subject property in full compliance with the plans prepared by Styczynski, Walker & Associates, Architects, Willowbrook, Illinois, dated January 26, 1998, entitled "The Robinson Pool House, identified as Project 9911, Sheets A1, A2 sheets; the "Site Plan and Topographical Survey" prepared by Kreger Surveying Services, Naperville, Illinois, dated March 2, 1999; the landscape plan entitled, "The Robinson Residence" prepared by R.S. Hursthause and Associates,

Bolingbrook, Illinois, dated February, 1999; and in further compliance with the following conditions, restrictions, and requirements:

- A. The swimming pool house constructed upon the subject property shall be constructed with two 3/0 wide six-panel steel insulated doors on the northeast elevation, rather than the originally proposed overhead door.
- B. The owner of the subject property shall maintain all landscaping and plantings on the subject property so that the number, quality, and character of the landscaping shall not be less than that which is illustrated on the approved landscaping plan. In the event any landscaping, plantings, or vegetation on the subject property dies, in whole or in part, at any time, the owner shall, forthwith, replace the non-viable landscaping vegetation and/or plantings with reasonably similar substitutes of original planting size or larger, as directed by the City.
- C. This special use permit, and the conditions, restrictions, and requirements recited herein, shall be considered a declaration of restrictive covenants and shall be binding upon the subject property and its owner, its successors, assigns, and grantees; this ordinance shall be recorded in the office of J. P. Carney, Recorder of Deeds, Du Page County, Illinois.

By application for, and 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 agrees 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.

- D. The swimming pool house constructed on the property shall not be used for overnight housing by the occupants of the principal structure or their guests and shall not be used as a separate housekeeping unit.

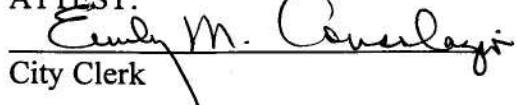
Section 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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



James Carney
Mayor

ATTEST:


Emily M. Cavarozzi
City Clerk

Roll Call Vote:

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

Nays: None
Absent: None

Motion Carried Unanimously

Passed: May 17, 1999
Published: May 18, 1999