

ORDINANCE NO. F-0359

**AN ORDINANCE DENYING A VARIATION
ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN
AS 104 SOUTH PROSPECT STREET - TAYLOR/PLAYHOUSE-GYM**

WHEREAS, written application has been made requesting a variation from the provisions of Sections 10.2(5), 3.4A(5)(a) and 24.5(2) of the Wheaton Zoning Ordinance to allow the continued placement of a playhouse-gym on certain property legally described herein and commonly known as 104 South Prospect 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 27, 1999, to consider the variation request; and the Wheaton Board of Zoning Appeals has recommended denial 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 the requirements of Sections 10.2(5), 3.4A(5)(a) and 24.5(2) of the Wheaton Zoning Ordinance in order to permit front and side yard setback variations to allow for the continued placement of a playhouse-gym is denied on the following-described property:

LOT 1 IN BLOCK 6 IN ARTHUR T. MCINTOSH AND COMPANY'S LORRAINE ROAD SUBDIVISION IN THE SOUTH HAL OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 6, 1925 AS DOCUMENT 202765 AND CERTIFICATE OF CORRECTION FILED OCTOBER 29, 1927 AS DOCUMENT 245767, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-15-304-012

This property is commonly known as 104 South Prospect Street, Wheaton, IL 60187.

Section 2: The City makes the following additional findings of fact:

- A. The construction and placement of the playhouse-gym, which is the subject of this variation request, occurred on the subject property without the owner first securing a building permit from the City.
- B. Prior to completion of the installation of the playhouse -gym on the subject property, the City advised the owner of the subject property of the zoning violation and requested the owner to cease construction of the playhouse-gym; however, the owner

of the subject property disregarded the request of the City and proceeded to complete the construction of the playhouse-gym, in a location which violates the provisions of the Wheaton Zoning Ordinance.

Section 3: 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. Consalvo
City Clerk

C. James Carr

Ayes:

Roll Call Vote:

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

Nays:

None

Absent:

Councilman Mork

Motion Carried Unanimously

Passed: June 21, 1999

Published: June 22, 1999