

## ORDINANCE NO. F-0399

**AN ORDINANCE DENYING A ZONING VARIATION  
ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN  
AS 705 NORTH WEST STREET - VISCHER**

WHEREAS, written application has been made requesting a variation from the provisions of Article 24.5.2 of the Wheaton Zoning Ordinance to allow an existing playset to remain on the subject property with a side yard setback of one foot and a rear yard setback of seven feet, in lieu of the required side and rear yard setbacks of ten feet on certain property legally described herein and commonly known as 705 North West 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 August 24, 1999, and September 14, 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, Du Page 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 Article 24.5.2 in order to permit an existing playset to remain on the subject property with a side yard setback of one foot and a rear yard setback of seven feet, in lieu of the required side and rear yard setbacks of ten feet, is denied on the following-described property:

THAT PART OF BLOCK 14 IN MALLORY'S ADDITION TO THE VILLAGE OF WHEATON BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 2, 1875 AS DOCUMENT 20408 IN DUPAGE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF JEFFERSON AVENUE AND THE EAST LINE OF WEST STREET. THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID WEST STREET 66 FEET: THENCE EAST PARALLEL WITH THE NORTH LINE OF JEFFERSON AVENUE, 165 FEET: THENCE SOUTH 66 FEET TO THE NORTH LINE OF JEFFERSON AVENUE: THENCE WEST ALONG THE LINE OF SAID JEFFERSON AVENUE TO THE PLACE OF BEGINNING IN DUPAGE COUNTY, ILLINOIS.

This property is commonly known as 705 North West Street, Wheaton, Illinois 60187.

P.I.N. No. 05-16-105-005

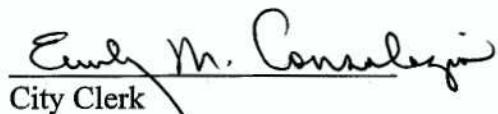
Section 2: The owner of the subject property shall cause the existing playset to be removed, or moved, so that there are no zoning ordinance violations on the subject property, within 30 days from the date of this ordinance.

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:

  
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Emily M. Connelley  
City Clerk

Roll Call Vote:

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

Ayes: None

Nays: None

Absent: Councilman Johnson

Motion Carried Unanimously

Passed: October 18, 1999

Published: October 19, 1999