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ORDINANCE NO. F-0792

AN ORDINANCE DENYING A LOT WIDTH VARIATION ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS 119 SOUTH MORGAN AVENUE - WOZNIAK

WHEREAS, on December 22, 1988 written application was made on the behalf of the property owner requesting a lot width variation from the provisions of Article 3.4B.1 of the City of Wheaton Zoning Ordinance to allow the construction of a home on a forty-two foot (42') wide lot, in lieu of fifty feet (50') on property legally described herein within the City limits of Wheaton, Illinois, and commonly known as 119 South Morgan Avenue; and

WHEREAS, on February 28, 1989 the Wheaton Board of Zoning Appeals unanimously recommended that the lot width variation requested for 119 South Morgan Avenue be denied, and on May 1, 1989 the City Council passed Ordinance No. E-3458 denying said lot width variation, and DuPage County Case No. 89 MR 285 ruled that the denial of the lot width variation was lawful and that the City lot width ordinance was not arbitrary, capricious or unconstitutional.

WHEREAS, on December 5, 2002 written application has again been made on the behalf of the property owner requesting a lot width variation from the provisions of Article 3.4B.1 of the City of Wheaton Zoning Ordinance to allow the construction of a home on a forty-two foot (42') wide lot, in lieu of fifty feet (50') on property legally described herein within the City limits of Wheaton, Illinois, and commonly known as 119 South Morgan Avenue; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was convened by the Wheaton Planning & Zoning Board on January 28, 2003 and February 11, 2003 to consider the issuance of the lot width variation; and the Wheaton Planning and Zoning Board has recommended that the requested lot width variation be denied based upon the res judicata effect of the judgement entered in DuPage County Case No. 89 MR 285 and in addition, independently as a result of the applicant's failure to satisfy the requirements of Article 5.7B.2 and/or 5.7B.3 of the City of Wheaton Zoning Ordinance.

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-4 Residential District zoning classification.

LOT 56 (EXCEPT THE SOUTH 9.0 FEET) IN THE RESUBDIVISION FO PARTH OF PEIRCE HIGHLANDS, BEING A SUBDIVISION OF PARTH OF THE WEST HALF OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT TO SAID RESUBDIVISION RECORDED JANUARY 10, 1928 AS DOCUMENT 249828 IN DU PAGE COUNTY, ILLINOIS.

The property is commonly known as 119 South Morgan Avenue, Wheaton, Illinois 60187 ("subject property").

Section 2: Pursuant to the Findings of Fact determined by the Wheaton Planning and Zoning Board, its recommendation and or the res judicata effect of the judgment in case 89 MR 285 the requested lot width variation on the subject property is hereby denied.

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

ATTEST:

Mayor

Dr. James Carr

ATTEST:
Emily M. Connally
City Clerk

Roll Call Vote

Ayes: Councilman Gresk
Councilman Johnson
Councilwoman Johnson
Mayor Carr
Councilman Mork
Councilman Mouhelis
Councilman Tamm

Nays: None

Absent: None

Motion Carried Unanimously

Passed: February 18, 2003
Published: February 19, 2003