

1577

ORDINANCE NO. F-0884

**AN ORDINANCE GRANTING VARIATIONS AND RESUBDIVISION ON PROPERTY
COMMONLY KNOWN AS 124 SOUTH WILLISTON/MC MASTER BUILDERS**

WHEREAS, written application has been made requesting variations from the provisions of:

- Section 10.2.4 of the City of Wheaton Zoning Ordinance to allow two lots with lot widths of 55 feet in lieu of the required 60 foot lot width;
- Section 62-212 of the Wheaton City Code to allow two lots with lot widths of 55 feet in lieu of the required 70 foot lot width; and
- Section 62-212 of the Wheaton City Code to allow two lots with lot sizes of 9,670 and 9,583 square feet, respectively, in lieu of the required 10,000 square foot lot size, all on property commonly known as 124 South Williston, Wheaton, IL ("subject property"); and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, public hearings were conducted by the Wheaton Planning and Zoning Board on October 14 and December 9, 2003, to consider the variation requests; and

WHEREAS, pursuant to additional notice, additional supplemental testimony and evidence was considered by the City Council during its regularly scheduled meeting on February 2, 2004.

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 recited in Section 5 of this Ordinance, variations are granted from the provisions of: Section 10.2.4 of the City of Wheaton Zoning Ordinance to allow two lots with lot widths of 55 feet in lieu of the required 60 foot lot width; Section 62-212 of the Wheaton City Code to allow two lots with lot widths of 55 feet in lieu of the required 70 foot lot width; and Section 62-212 of the Wheaton City Code to allow two lots with lot sizes of 9,670 and 9,583 square feet, respectively, in lieu of the required 10,000 square foot lot size, all in order to construct two new homes on the following-described property:

LOTS 6 AND 7 IN WHEATON HIGHLANDS, BEING A SUBDIVISION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP THIRTY-THREE (33) NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-15-301-023, 05-15-301-024

This subject property is commonly known as 124 South Williston Wheaton, IL 60187.

Section 2: Prior to the issuance of a Building Permit for Lot #1, the Owner/Developer shall submit a front yard landscape and tree planting plan. Said plan shall be subject to the reasonable approval of the Director of Planning and Economic Development.

Section 3: The homes to be constructed on Lots 1 and 2 shall not be larger than 2,500 square feet in size at the time of initial construction.

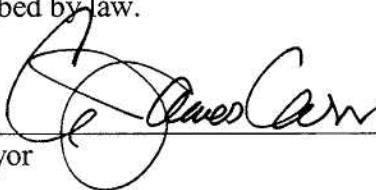
Section 4: Resubdivision of the subject property is granted and the Mayor is authorized to sign the plat of resubdivision prepared by Paul A. Thomson, Elmhurst, Illinois, dated September 17, 2003 and the City Clerk is authorized to attest to the signature of the Mayor.

Section 5: The City Council hereby adopts, makes and determines the following Findings of Fact which were previously made and determined by the Wheaton Planning and Zoning Board:

1. The plight of the owner is due to the fact that the lots were originally platted as two 55 foot wide lots which now need to be re-subdivided creating a hardship as distinguished from a mere inconvenience, if the strict letter of the Zoning Ordinance is carried out.
2. The subdivision will not alter the essential character of the neighborhood, nor will it be injurious to other property or improvements in the neighborhood, nor impair an adequate supply of light and air to adjacent property, nor diminish or impair property values within the neighborhood since 31.5 percent of the properties within 500 feet of the subject property have lot widths less than or equal to 55 feet.
3. The subdivision conforms to the City of Wheaton Comprehensive Plan policies for small subdivisions since it will not alter the existing character of the neighborhood.
4. The subdivision promotes the objectives and policies of the City of Wheaton Comprehensive Plan by providing additional housing diversity, and enhancing the property values and the attractiveness of the neighborhood.
5. The subdivision would have a negligible effect on storm water management in the area due the small size of the subdivision.
6. The subdivision will not substantially increase the density of the neighborhood.

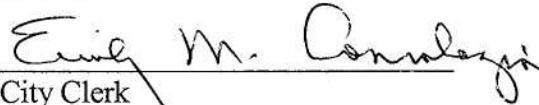
Section 6: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 7: 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. Connolly
City Clerk

Roll Call Vote:

Ayes: Councilman Mork
Councilwoman Corry
Mayor Carr
Councilwoman Johnson

Nays: Councilman Mouhelis
Councilman Bolds

Absent: Councilman Johnson

Motion Carried

Passed: February 2, 2004

Published: February 3, 2004