

ORDINANCE NO. F- -0918

AN ORDINANCE DENYING VARIATIONS FOR PARKING, SIDE YARD, REAR YARD AND PARKING LOT SETBACK VARIATIONS ON PROPERTY COMMONLY KNOWN AS 724 S. PRESIDENT STREET/SAVENOK

WHEREAS, written application has been made requesting variations from the provisions of the following Articles of the Wheaton Zoning Ordinance:

1. Article 18.5D to allow a north side yard setback of 1 foot in lieu of the required 10 foot side yard setback;
2. Article 6.6.2a to allow an east parking lot landscape setback of 10.5 feet in lieu of the required 15 foot east parking lot landscape setback;
3. Article 6.6.2b to allow a north parking lot landscape setback of 0.5 feet in lieu of the required 10 foot north parking lot landscape setback;
4. Article 6.6.2c to allow a south parking lot landscape setback of 9.5 feet in lieu of the required 15 foot south parking lot landscape setback;
5. Article 6.7.1 to allow an east building perimeter landscaping area of 3.5 feet in width in lieu of the required 8 foot east building perimeter landscaping area, and a north building perimeter landscaping area of 1 foot in lieu of the required 8 foot north building perimeter landscaping area;
6. Article 6.8.2 to allow a north lot perimeter landscaping width of 1 foot in lieu of the required 10 north lot perimeter landscaping width;
7. Article 6.8.3 to allow a south lot perimeter landscaping width of 9.5 feet in lieu of the required 15 foot south lot perimeter landscaping width;

in order to construct a new 3,136 square foot retail building and parking lot to replace an existing 2,000 square foot retail building and parking lot on the property commonly known as 724 South President Street, 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, to consider the variation requests;

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 2 of this Ordinance, variations from the provisions of the Articles of the Wheaton Zoning Ordinance recited in this ordinance are denied with respect to the following described property:

THE SOUTH 60.0 FEET OF LOT 1 OF ROOSEVELT HEIGHTS, A SUBDIVISION OF PART OF THE NORTH HALF OF THE NORTH HALF OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE CENTER OF NAPERVILLE ROAD, IN DU PAGE COUNTY, ILLINOIS.

P.I.N. 05-21-201-017

This property is commonly known as 724 South President Street, Wheaton, IL 60187.

Section 2: The City Council hereby makes and determines the following Findings of Fact:

1. The subject property can yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the zoning district.
2. The owner of the subject property has not attempted to professionally and architecturally create a plan that will allow for the construction of a use on the subject property that would not require variations from the provisions of the Zoning Ordinance.
3. The plight of the owner is not due to the unique physical characteristics of the subject property and therefore does not create a hardship as distinguished from a mere inconvenience, if the strict letter of the Zoning Ordinance is carried out.
4. The variations will alter the essential character of the geographic area, and they will be detrimental and injurious to other property or improvements in the neighborhood, and they will impair an adequate supply of light and air to adjacent property and diminish and impair property values within the neighborhood.

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.

ATTEST:
Emily M. Connell
City Clerk

Ayes:



Mayor

Roll Call Vote:
Councilman Bolds
Councilwoman Corry
Mayor Carr
Councilwoman Johnson
Councilman Mork
Councilman Mouhelis

Nays:

None

Absent:

Councilman Johnson

Motion Carried Unanimously

Passed: June 7, 2004

Published: June 8, 2004