

ORDINANCE NO. F-1191

**AN ORDINANCE GRANTING A SIDE YARD VARIATION
ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS
205 EAST PRAIRIE AVENUE/ANTHONY**

WHEREAS, written application has been made requesting a variation from the provisions of Article 9.2.5 of the City of Wheaton Zoning Ordinance to allow the construction of a "sport court" with a side yard setback abutting Cross Street of 47 feet in lieu of the required side yard of 68.64 feet on certain property legally described herein and commonly known as 205 East Prairie Avenue, 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 Planning and Zoning Board on June 27, 2006, to consider the variation request; and the Planning and Zoning Board has recommended approval of the zoning variation, pursuant to certain conditions and requirements.

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 Planning and Zoning Board, a variation from the requirements of Article 9.2.5 of the Wheaton Zoning Ordinance is granted to permit a side yard for a sport court of 47 feet, in lieu of 68.64 feet, on the following-described property:

LOT 2 OF WM. H. HUTTER'S ASSESSMENT PLAT OF PART OF THE SOUTH 1/2 OF SECTION 9,
TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE
PLAT THEREOF RECORDED OCTOBER 10, 1947 AS DOCUMENT 531315, IN DUPAGE COUNTY,
ILLINOIS.
P.I.N. 05-09-308-004

This property is commonly known as 205 East Prairie Avenue, Wheaton, IL 60187 ("subject property").

Section 2: It shall be a condition precedent to the effectiveness, and continuing effectiveness, of the variation granted pursuant to Section 1 of this ordinance that the owner of the subject property comply with the following conditions and requirements:

1. A landscape plan to screen the sport court with landscape material from the north and west sides for aesthetic and safety purposes, with a primarily evergreen hedge located between the court and the Cross Street setback of the residence shall be submitted to the City. Said landscape plan shall be subject to the approval of the Director of Planning and Economic Development. All landscaping shall be installed prior to the issuance of a final occupancy permit for the sport court;

2. The Owner shall only relocate the play equipment directly south of its current location;
3. Owner shall fully comply with City storm water regulations; and
4. Owner shall not install any lighting or sound systems on or adjacent to the sport court.

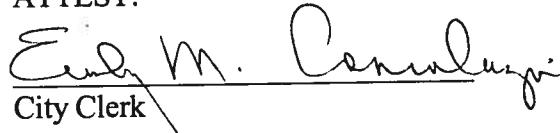
Section 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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:



Emily M. Cenvaluzi
City Clerk

Ayes:

Roll Call Vote:

Councilman Mouhelis
Councilman Suess
Councilman Bolds
Councilwoman Corry
Councilman Johnson
Mayor Carr
Councilman Levine

Nays:

None

Absent:

None

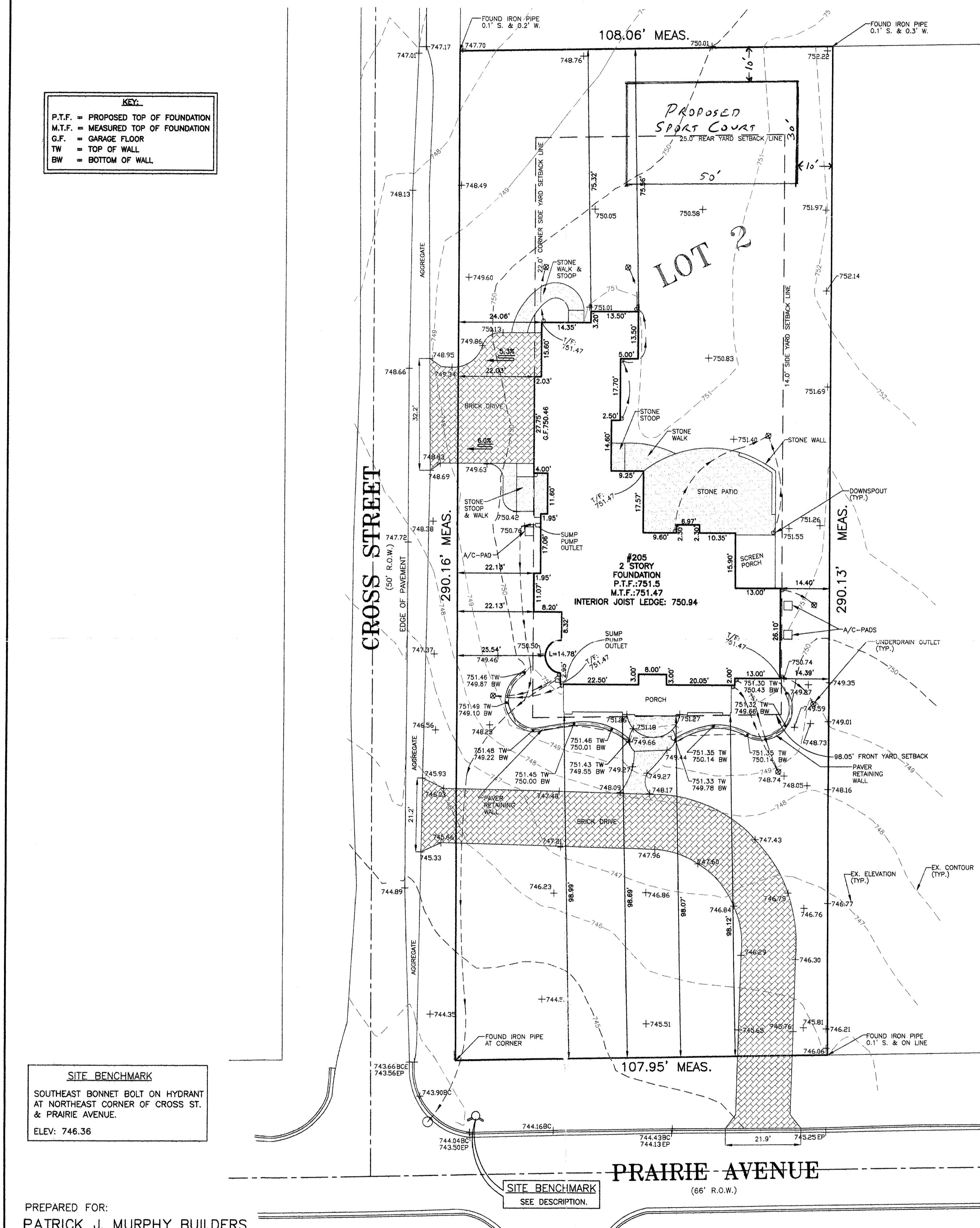
Motion Carried Unanimously

Passed: August 7, 2006
Published: August 8, 2006

FINAL GRADING SURVEY

LOT 2 OF WM. H. HUTTER'S ASSESSMENT PLAT OF PART OF THE SOUTH 1/2 OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 10, 1947 AS DOCUMENT 531315, IN DUPAGE COUNTY, ILLINOIS.

COMMON ADDRESS: 205 E. PRAIRIE, WHEATON, ILLINOIS
LOT AREA = 31,332 SQ. FT. (MEAS.)



PREPARED FOR:

SCALE: 1"=20'



ENGINEERING
RESOURCE
ASSOCIATES, INC.
ENGINEERS, SCIENTISTS
& SURVEYORS

3S701 WEST AVENUE, SUITE 150
WARRENVILLE, ILLINOIS 60555-3256
PHONE (630) 393-3060 FAX (630) 393-2152

ERA JOB #: 230407A
G:\ANTHONY\230407\CAD\230407.DWG

STATE OF ILLINOIS S.S.
COUNTY OF DuPAGE
I, DONALD E. RERICKA, HEREBY CERTIFY THAT
I HAVE SURVEYED THE ABOVE PROPERTY AND
THAT THE PLAT HEREON DRAWN IS A CORRECT
REPRESENTATION OF SAID SURVEY.
DATED AT WARRENVILLE, IL.
THIS 22ND DAY OF APRIL A.D. 2005

ILLINOIS REGISTERED LAND SURVEYOR NO. 35-3465