

**ORDINANCE NO. F-1206**

**AN ORDINANCE GRANTING A VARIANCE FROM THE  
PROVISIONS OF THE DUPAGE COUNTY COUNTYWIDE STORMWATER AND  
FLOOD PLAIN ORDINANCE –  
SELF SERVICE CAR WASH / 1733 N. MAIN STREET**

WHEREAS, L. Michael Ruffolo (“Owner”) has submitted a written petition requesting the granting of a variance from the provisions of Section 15-133.4 of the DuPage County Countywide Stormwater and Flood Plain Ordinance (“Stormwater Ordinance”); the request pertains to the construction of an addition to the existing self service car wash facility (“Project”) located at 1733 N. Main Street, Wheaton, Illinois (“Project Site”); and

WHEREAS, the scope of the Project requires the application of stormwater management practices in accordance with the Stormwater Ordinance, which the City has adopted; and

WHEREAS, the DuPage County Stormwater Management Committee has granted the City partial waiver status of County enforcement of the Stormwater Ordinance, and as such, the Wheaton City Council has the sole authority to grant variances to the Stormwater Ordinance for projects within the City; and

WHEREAS, pursuant to notice as required by the Stormwater Ordinance, a public hearing was conducted by the Wheaton City Council on August 14, 2006 to consider the variance request; and the Wheaton City Council has recommended approval of the variance.

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 Wheaton City Council has determined the following findings of fact.

1. Granting the variance will not alter the essential character of the area of the Project Site, including existing stream uses.
2. Carrying out the strict letter of the provisions of the Stormwater Ordinance would create an undo or particular hardship or difficulty on the Owner.
3. The relief requested is the minimum necessary and there are no means other than the requested variance by which the alleged hardship can be avoided or remedied to a degree sufficient to permit the reasonable development of the Project.
4. The Owner’s circumstances are unique and do not represent a general condition or problem.
5. The Project is exceptional as compared to other developments subject to the same provisions.

6. The Project could not be constructed if it were limited to areas outside of the special management area.

SECTION 2: A variance from the provisions of Section 15-133.4 of the Stormwater Ordinance is hereby granted to permit the construction of an addition to the existing self service car wash building, on the property legally described on Exhibit A attached hereto, within the regulatory flood plain without elevating the usable space at least one foot above the base flood elevation, and in accordance with the stormwater management report prepared by Steinbrecher Land Surveyors, Inc of West Chicago, Illinois dated October 10, 2005.

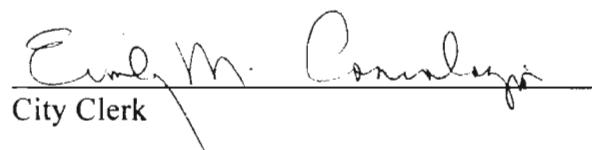
SECTION 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

SECTION 4: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



James Carr  
Mayor

ATTEST:



Emily M. Connelley  
City Clerk

Roll Call Vote:

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

Nays: None

Absent: None

Motion Carried Unanimously

Passed: October 2, 2006

Published: October 3, 2006