

## ORDINANCE NO. F-1254

### AN ORDINANCE GRANTING A VARIANCE FROM THE PROVISIONS OF THE DUPAGE COUNTY COUNTYWIDE STORMWATER AND FLOOD PLAIN ORDINANCE – ST MICHAEL PARISH / 310 N. WHEATON AVENUE (North Playground)

WHEREAS, St Michael Parish (“Owner”) has submitted a written petition requesting the granting of a variance from the provisions of Section 15-114.2 of the DuPage County Countywide Stormwater and Flood Plain Ordinance (“Stormwater Ordinance”); the request pertains to the construction of a school playground and outdoor classroom area (“Project”) located at the southwest corner of Wheaton Avenue and Willow Avenue, 310 N. Wheaton Avenue, 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, the stormwater management plan for the Project submitted by the Owner’s engineer, Gewalt Hamilton Associates, Inc. of Vernon Hills, Illinois, indicates that the Project reduces the peak discharge of stormwater from the Project Site while providing none of the required stormwater detention volume as compared to the existing condition of the Project Site; and

WHEREAS, pursuant to notice as required by the Stormwater Ordinance, a public hearing was conducted by the Wheaton City Council on February 12, 2007 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. Carry 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.

SECTION 2: A variance from the provisions of Section 15-114.2 of the Stormwater Ordinance is hereby granted to permit the construction of St. Michael's School North Playground, on the property legally described on Exhibit A attached hereto, in accordance with the stormwater management report prepared by Gewalt Hamilton Associates, Inc. dated November, 2006.

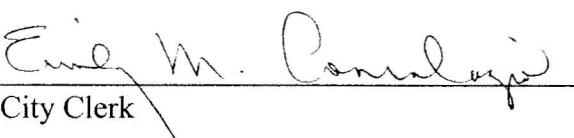
SECTION 3: It shall be a condition precedent to the effectiveness of this ordinance and the issuance of any permit to construct the Project that the Owner pay to DuPage County a detention variance fee for the volume of stormwater detention not provided in full compliance with the Stormwater Ordinance.

SECTION 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

SECTION 5: 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. Conradage  
City Clerk

ROLL CALL VOTE

Ayes:	Councilman Mouhelis Councilman Suess Councilman Bolds Councilwoman Corry Councilman Johnson Mayor Carr Councilman Levine
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Nays:            None

Absent:          None

Motion Carried Unanimously

Passed:          February 20, 2007  
Published        February 21, 2007

**EXHIBIT "A"**

**St. Michael Parish Church**

**Legal Description**

LOT 1 IN SAINT MICHAEL'S CONSOLIDATION PLAT, IN PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 20, 2005, AS DOCUMENT R2005-80927, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-16-321-017