

ORDINANCE NO. F- 1409

**AN ORDINANCE DENYING PARKING LOT PERIMETER LANDSCAPING
SETBACK AND MONUMENT SIGN SETBACK VARIATIONS-1010 & 1012 EAST
COLLEGE AVENUE-WATSON**

WHEREAS, written application has been made requesting the following variations from the following provisions of the Wheaton Zoning Ordinance: (i) Article 6.6.2a (1) to allow a front yard landscaping setback of 5 feet in lieu of the required 10 feet; (ii) Article 6.6.2b (2) to allow two side yard landscaping setbacks of 9 feet in lieu of the required 10.0 feet; and (iii) Article 23.7.1e to allow a front yard monument sign setback of 5 feet in lieu of the required 10 feet (collectively "variations"), all in order to allow for the construction of a new 3,536 square foot commercial building and parking lot at the property commonly known as 1010 and 1012 East College Avenue, Wheaton, IL 60187 ("subject property"); 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 November 11, 2008 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, the variations from the provisions of the Wheaton Zoning Ordinance are denied with respect to the following described property:

THE WEST HALF OF LOT 12, ALL OF LOT 13 AND 14, AND THE EAST HALF OF LOT 15, IN ANDERSEN'S RESUBDIVISION OF A PART OF BLOCK 5 OF ANDERSEN'S ADDITION TO WHEATON, A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF RESUBDIVISION RECORDED AUGUST 12, 1885 AS DOCUMENT 34825, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-15-110-004; -005; -042

This property is commonly known as 1010 and 1012 East College Avenue, Wheaton, IL 60187.

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

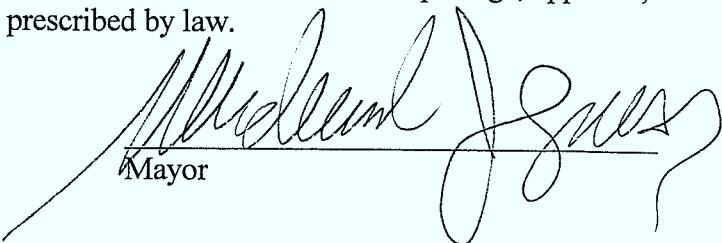
1. The subject property can yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the zoning district.
2. The plight of the owner or applicant is not due to the unique physical characteristics of

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.

3. 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.

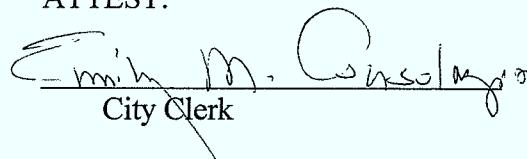
Section 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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



Mayor

ATTEST:



Emily M. Gresk
City Clerk

Roll Call Vote:

Ayes: Councilman Prendiville
 Councilman Suess
 Councilman Johnson

Nays: Mayor Gresk
 Councilman Mouhelis

Absent: Councilwoman Corry
 Councilman Levine

Motion Carried

Passed: December 15, 2008
Published: December 16, 2008