

**ORDINANCE NO. F-1089**

**AN ORDINANCE DENYING SIDE YARD SETBACK  
VARIATIONS ON PROPERTY COMMONLY KNOWN AS  
1707 EAST FOREST AVENUE/NALON & RUHL**

**WHEREAS**, written application has been made requesting variations from the provisions of Articles 24.4.3 and 24.5.8 of the Wheaton Zoning Ordinance to allow (i) a side yard setback of four (4) feet in lieu of the required eight (8) feet in order to construct a concrete patio and (ii) a side yard setback of five (5) feet in lieu of the required ten (10) feet in order to construct a hot tub, all on the property commonly known as 1707 East Forest Avenue, Wheaton, IL (“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 September 27, 2005 to consider the variation requests; and the Board has recommended that the variations be denied.

**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 made and determined by the Wheaton Planning and Zoning Board, the requested side yard variations from the provisions of the Wheaton Zoning Ordinance are both denied with respect to the following described property:

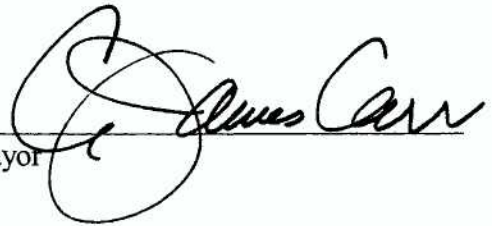
LOT 2, IN WOODS EDGE SUBDIVISION, BEING A SUBDIVISION IN THE  
SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 10 EAST  
OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF  
RECORDED NOVEMBER 7, 1995 AS DOCUMENT R95-156569, IN DUPAGE  
COUNTY, ILLINOIS.


P.I.N. 05-10-317-032

This property is commonly known as 1707 East Forest Avenue, Wheaton, IL 60187.

**Section 2:** All ordinances or parts of ordinances in conflict with these provisions are repealed.

**Section 3:** This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

  
Mayor

ATTEST:  
  
City Clerk

Ayes: Roll Call Vote:  
Councilman Seuss  
Councilwoman Corry  
Councilman Johnson  
Mayor Carr  
Councilman Levine  
Councilman Mouhelis

Nays: None

Absent: Councilman Bolds

Motion Carried Unanimously

Passed: October 17, 2005  
Published October 18, 2005