

ORDINANCE NO. F- 0804

**AN ORDINANCE GRANTING A FRONT YARD SETBACK VARIATION
ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS 409 EAST
PRAIRIE AVENUE**

WHEREAS, written application has been made requesting a variation from the provisions of Section 9.2.5 of the Wheaton Zoning Ordinance on certain property legally described herein and commonly known as 409 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 Board of Zoning Appeals on February 25 and March 11, 2003, to consider the variation request; and the Wheaton Board of Zoning Appeals has not recommended approval of the zoning variation.

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, a variation from the requirements of Section 9.2.5 of the Wheaton Zoning Ordinance is granted to permit a front yard setback of 168 feet, in lieu of 223.7, to allow the construction of a new home on the subject property in substantial conformance with the plans entitled Casto Residence Sheet No. Sk-3 dated March 10, 2003 and Sheet Nos. A-1 through A-6 dated December 31, 2002 and revised January 8, 2003, all prepared by Architects by Design, P.C., 109 Ogden Avenue, Clarendon Hills, Illinois, on the following-described property:

LOT 2 IN DREFFEIN'S SECOND SUBDIVISION OF PART OF
THE SOUTH ½ OF SECTION 9, TOWNSHIP 39 NORTH, RANGE
10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING
TO THE PLATE THEREOF RECORDED FEBRUARY 20, 1969 AS
DOCUMENT R69-7236, IN DUPAGE COUNTY, ILLINOIS .
P.I.N. 05-09-405-030

This property is commonly known as 409 East Prairie Avenue Wheaton, IL 60187 ("subject property").

Section 2: The City of Wheaton makes and determines the following finding of fact:

- A. The property cannot yield a reasonable return (non monetary considerations) if permitted to be used only under the conditions allowed by the regulations of the Zoning District.

- B. The plight of the Owner is due to unique physical characteristics (being the particular physical surroundings of the neighborhood) related to the specific property which create a hardship, as opposed to a mere inconvenience, if the strict letter of the Zoning Ordinance is carried out.
- C. The variation will not alter the essential character of the area, nor will it be detrimental or injurious to other property or improvements in the neighborhood, impair adequate supply of light and air to adjacent property or impair property values within the neighborhood.

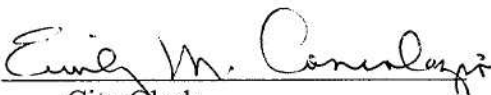
Section 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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:



City Clerk

Ayes:

Roll Call Vote:

- Councilman Mork
- Councilman Mouhelis
- Councilman Tamm
- Councilman Johnson
- Mayor Carr

Nays:

Councilwoman Johnson

Absent:

Councilman Gresk

Motion Carried

Passed: April 21, 2003
Published: April 22, 2003