

ORDINANCE NO. F-0861**AN ORDINANCE DENYING VARIATIONS FOR FRONT AND REAR YARD
SETBACKS ON PROPERTY COMMONLY KNOWN AS 539 WAKEMAN
AVENUE/AMSTUTZ**

WHEREAS, written application has been made requesting variations from the provisions of Sections 9.2.5 and 9.2.6 of the Wheaton Zoning Ordinance to reduce the required front yard setback from 30 feet to 17.88 feet and the rear yard setback from 25 feet to 16 feet in order to construct a new home at 539 Wakeman 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 October 28, 2003, to consider the variation requests;

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: Pursuant to the Findings of Fact recited in Section 2 of this Ordinance, variations from the provisions of Sections 9.2.5 and 9.2.6 of the Wheaton Zoning Ordinance to reduce the required front yard setback from 30 feet to 17.88 feet and the rear yard from 25 feet to 16 feet are denied in order to construct a new home on the following-described property:

LOT 55 IN DURABLE CONSTRUCTION COMPANY'S EAST HAWTHORNE ADDITION, BEING A SUBDIVISION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO BEING A RESUBDIVISION OF LOTS 1, 7, 11 AND 12 IN DURABLE CONSTRUCTION COMPANY'S HAWTHORNE BOULEVARD ADDITION, ACCORDING TO THE PLAT OF DURABLE CONSTRUCTION COMPANY'S EAST HAWTHORNE ADDITION, AFORESAID, RECORDED AUGUST 14, 1953 AS DOCUMENT 691979, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. #05-09-402-029

This property is commonly known as 539 Wakeman 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 owner of the subject property has not attempted to professionally and architecturally create a plan that will allow for the construction of a home on the

subject property that would not require variations from the provisions of the Zoning Ordinance.

3. The plight of the owner is not due to the unique physical characteristics of the triangular 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.

4. The variations will alter the essential character of the geographic area, and it will be detrimental and injurious to other property or improvements in the neighborhood, and it 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:



City Clerk

Ayes:

Roll Call Vote:

Councilman Mouhelis
Councilman Bolds
Councilwoman Corry
Councilman Johnson
Mayor Carr
Councilwoman Johnson
Councilman Mork

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: November 17, 2003
Published : November 18, 2003