

**ORDINANCE NO. F-0952**

**AN ORDINANCE GRANTING A VARIANCE FROM THE PROVISIONS OF THE DUPAGE COUNTY COUNTYWIDE STORMWATER AND FLOOD PLAIN ORDINANCE – ST MICHAEL PARISH / 315 WEST ILLINOIS STREET**

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 St Michael Church and Parking Facility (“Project”) located at the northeast corner of West and Illinois streets, 315 West Illinois Street, 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 twenty-five percent (25%) 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 September 27, 2004 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 Church and Parking Facility, on the property legally described on Exhibit A attached hereto, in accordance with the stormwater management report prepared by Gewalt Hamilton Associates, Inc. dated September, 2004.

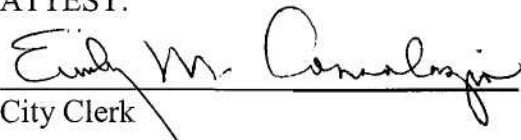
SECTION 3: It shall be a condition precedent to the effectiveness of this ordinance and the issuance of any permit to construct the Project that the Owner pay to DuPage County a detention variance fee for the volume of stormwater detention not provided in full compliance with the Stormwater Ordinance.

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:

  
\_\_\_\_\_  
City Clerk

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

Nays: None

Absent: Councilman Bolds  
Councilman Mork

Motion Carried Unanimously

Passed: October 4, 2004  
Published: October 5, 2004