

**ORDINANCE NO. F-0993**

**AN ORDINANCE GRANTING A SIDE YARD VARIATION  
ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS  
330 NAPERVILLE ROAD**

**WHEREAS**, written application has been made requesting a variation to Article 13.2.6 of the City of Wheaton Zoning Ordinance to allow First Choice Bank to construct a drive-thru canopy with a side yard setback of 15 feet in lieu of the required side yard setback of 25 feet; and

**WHEREAS**, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was held by the Wheaton Planning & Zoning Board on January 11, 2005 to consider the variation request and the Wheaton Planning & Zoning Board has unanimously recommended approval of the zoning variation.

**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 determined by the Wheaton Planning & Zoning Board a variation is hereby granted to Article 13.2.6 of the City of Wheaton Zoning Ordinance to allow First Choice Bank to construct a drive-thru canopy with a side yard setback of 15 feet in lieu of the required side yard setback of 25 feet in accordance with the plans *entitled "Site Plan", prepared by PHN Architects, Wheaton, IL 60187, sheet Z0.0b, dated December 14, 2004; and "Concept Elevations", prepared by PHN Architects, Wheaton, IL 60187, sheet Z2.0, dated October 19, 2004.*

The subject property is legally described as:

THE SOUTH 23 FEET OF LOT 5 AND THE NORTH 32 FEET OF LOT 8 AND THE EAST HALF OF THAT PORTION OF THE VACATED ALLEY WHICH LIES DIRECTLY WEST OF AND ADJOINING SAID PORTIONS OF SAID LOTS IN BLOCK 5 OF WARREN L. WHEATON'S SECOND ADDITION TO WHEATON, A SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS.

THE SOUTH 34 FEET OF LOT 8 AND THE NORTH 16 FEET OF LOT 9 AND TH EAST HALF OF THAT PORTION OF THE VACATED ALLEY WHICH LIES DIRECTLY WEST OF AND ADJOINING SAID PORTIONS OF SAID LOTS IN BLOCK 5 OF WARREN L. WHEATON'S SECOND ADDITION TO WHEATON, A SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

THE SOUTH 50 FEET OF LOT 9 AND THE SOUTH 50 FEET OF THE VACATED ALLEY WHICH LIES DIRECTLY WEST OF AND ADJOINING SAID PORTION OF LOT 9 IN BLOCK 5 OF WARREN L. WHEATON'S SECOND ADDITION TO WHEATON, A SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING ONE CHAIN SOUTHERLY FROM THE SOUTHEAST CORNER OF BLOCK 5 IN WARREN L. WHEATON'S SECOND ADDITION TO THE TOWN OF WHEATON; THENCE SOUTHERLY ON THE WEST LINE OF NAPERVILLE STREET 4 RODS; THENCE WEST, 8 RODS TO A STAKE; THENCE NORTH 4 RODS; THENCE EAST NEARLY 8 RODS, MORE OR LESS, TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-16-325-012, 05-16-330-016

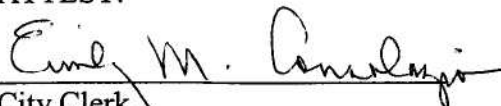
The subject property is commonly known as 330 Naperville Road, Wheaton, IL 60187.

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 Mouhelis  
Councilman Bolds  
Councilwoman Corry  
Councilman Johnson  
Mayor Carr  
Councilman Mork

Nays: None

Absent: Councilwoman Johnson

Motion Carried Unanimously

Passed: January 18, 2005  
Published: January 19, 2005