

**ORDINANCE NO. F- 0999****AN ORDINANCE AUTHORIZING THE DEMOLITION AND RECONSTRUCTION OF A COMMERCIAL BUILDING AND GRANTING VARIATIONS ON A CERTAIN PARCEL OF REAL ESTATE LOCATED AT 724 S. PRESIDENT-SAVENOK**

**WHEREAS**, written application has been made to:

1. Demolish the existing commercial structure on the property legally described herein and commonly known as 724 S. President Street Wheaton, IL (“subject property”); and
2. Secure zoning variations in order for the commercial building to be reconstructed as follows:
  - a north side yard setback of 1.93 feet in lieu of the required north side yard setback of 10 feet;
  - a south side yard setback of 5.5 feet in lieu of the required south side yard setback of 15 feet;
  - a north building perimeter landscaping area of 1.93 feet in width in lieu of the required north building perimeter landscaping area of 8 feet;
  - a south building perimeter landscaping area of 5.5 feet in width in lieu of the required south building perimeter landscaping area of 8 feet;
  - an east building perimeter landscaping area of 3.5 feet in width in lieu of the required east building perimeter landscaping area of 8 feet;
  - a west building perimeter landscaping area of 4 feet in width in lieu of the required west building perimeter landscaping area of 8 feet;
  - a north lot perimeter landscaping width of 1.93 feet in lieu of the required north lot perimeter landscaping width of 10 feet;
  - a south lot perimeter landscaping width of 5.5 feet in lieu of the required south lot perimeter landscaping width of 15 feet; and

**WHEREAS**, Pursuant to notice as required by the Illinois Municipal Code and City Code, the City Council of the City of Wheaton (“City”), sitting as a special hearing body, conducted a public hearing on the requested demolition and variation requests on January 24, 2005; and

**WHEREAS**, the City makes and determines the following findings of fact:

1. The subject property is located on the west side of President Street between Roosevelt Road and Pershing Avenue and was previously improved with a 2,000 square foot commercial building.
2. The City Council approved Ordinance No. F-0955 on October 18, 2004, which granted a parking lot setback variation to allow the construction of a new parking lot behind the previously existing commercial building.
3. The parking lot was to be constructed as part of a full interior and exterior remodel of the former commercial building that included a small 212 square foot building expansion.
4. The Building Department issued an interior demolition and exterior remodel permit on

- November 11, 2004 and the Engineering Department issued a site development permit on November 15, 2004.
5. Interior demolition work and construction of the parking lot commenced shortly thereafter.
  6. A stop work order was issued by the Building Department on December 3, 2004 following a Building Department inspection visit that found only two walls of the original commercial building still remaining.
  7. The Building Department then informed the applicant that revised plans would be required and that the property to the north had to be protected from the unstable remaining northern wall.
  8. The applicant responded by fax on Saturday December 4, 2004 stating that the walls had become unstable when the roof and interior walls were removed. On Monday December 6, 2004 the applicant stated by fax that all of walls must be removed.
  9. The City then asked the City Attorney to review the case and determine whether zoning variations would be required to reconstruct the commercial building. The City also informed the applicant that any further site work would be done at his own risk.
  10. On December 9, 2004 the City Attorney rendered an opinion that the building had been demolished and that the project should no longer be considered a remodel. Consequently, any new structure built on the site must comply with requirements of the City of Wheaton Zoning Ordinance.
  11. The original remodel project was not appropriate or reasonable due to physical deterioration of the original commercial building; and the structural deterioration was not known or apparent until work began on the remodeling.
  12. Based on the City Attorney's opinion, the owner of the subject property has applied for the demolition permit and variations recited in this ordinance.
  13. Practical difficulties prevent compliance with the strict application of the regulations of the zoning ordinance, and a particular hardship would result from compliance with the strict application of the requirements of the zoning ordinance.
  14. The variations will not alter the essential character of the area or neighborhood.

**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:** The following-described property has been and continues to be zoned and classified in the C-3 General Business District:

THE SOUTH 60.0 FEET OF LOT 1 OF ROOSEVELT HEIGHTS, A SUBDIVISION OF PART OF THE NORTH HALF OF THE NORTH HALF OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE CENTER OF NAPERVILLE ROAD, IN DU PAGE COUNTY, ILLINOIS.

P.I.N. 05-21-201-017

This property is commonly known as 724 S. President Street, Wheaton, IL 60187 ("subject property").

**Section 2:** Pursuant to the Findings of Fact made and determined by the City Council, as

recited in this ordinance, the following variations from the provisions of the Zoning Ordinance are granted with respect to the subject property:

- a north side yard setback of 1.93 feet in lieu of the required north side yard setback of 10 feet;
- a south side yard setback of 5.5 feet in lieu of the required south side yard setback of 15 feet;
- a north building perimeter landscaping area of 1.93 feet in width in lieu of the required north building perimeter landscaping area of 8 feet;
- a south building perimeter landscaping area of 5.5 feet in width in lieu of the required south building perimeter landscaping area of 8 feet;
- an east building perimeter landscaping area of 3.5 feet in width in lieu of the required east building perimeter landscaping area of 8 feet;
- a west building perimeter landscaping area of 4 feet in width in lieu of the required west building perimeter landscaping area of 8 feet;
- a north lot perimeter landscaping width of 1.93 feet in lieu of the required north lot perimeter landscaping width of 10 feet;
- a south lot perimeter landscaping width of 5.5 feet in lieu of the required south lot perimeter landscaping width of 15 feet.

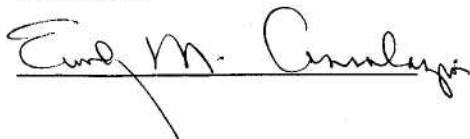
**Section 3:** Permits shall issue allowing for the demolition of the previously existing commercial building and the reconstruction of a new commercial building on the subject property. Article XII, Demolition of Buildings, Chapter 22, Wheaton City Code requires a specific procedure for the demolition of structures within the City. Recognizing the fact that the application for variations presented to the City at the public hearing had announced the demolition of the existing commercial building, the City agrees to approve the demolition as testified for at the public hearing. Notwithstanding the foregoing, the applicant shall be required to file a demolition application on the form provided by the City. Such demolition shall be done in accordance with the provisions of the BOCA Building Codes in force at the time and any additional requirements or conditions placed on the Owners by the Building and Code Enforcement Department of the City.

**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.

  
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Mayor

ATTEST:

  
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Eud M. Conley

Roll Call Vote

Ayes: Councilman Mouhelis  
Councilman Bolds  
Councilman Johnson  
Mayor Carr  
Councilwoman Johnson  
Councilman Mork

Nays: None

Absent: Councilwoman Corry

Motion Carried Unanimously

Passed: February 22, 2005  
Published: February 23, 2005