

**ORDINANCE NO. F- 1233**

**AN ORDINANCE GRANTING A REAR YARD SETBACK VARIATION ON PROPERTY COMMONLY KNOWN AS 1106 CHERRY STREET /MCALPINE**

**WHEREAS**, written application has been made requesting variations from the provisions of the Wheaton Zoning Ordinance to allow a variation to Article 24.4.3 of the Wheaton Zoning Ordinance in order to legally permit the continued use of an existing backyard brick patio with a rear yard setback of 4 feet in lieu of the required 25 feet on the property legally described in this ordinance and commonly known as 1106 Cherry Street, Wheaton, IL; 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 September 12 and October 24, 2006 to consider the variation request; and the Board recommended approval of the setback 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 made and determined by the Wheaton Planning and Zoning Board, a variation to the provisions of Article 24.4.3 of the Wheaton Zoning Ordinance is granted to allow and permit the continued use of an existing backyard brick patio with a rear yard setback of 4 feet in lieu of the required 25 feet on the following-described property:

LOT 34 IN THE RESUBDIVISION OF WHEATON MANOR ADDITION TO WHEATON,  
(EXCEPT LOT 4 IN BLOCK 2 IN SAID WHEATON MANOR), IN THE SOUTHEAST QUARTER  
OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL  
MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION, RECORDED MAY 7,  
1924 AS DOCUMENT 177391, IN DUPAGE COUNTY, ILLINOIS.

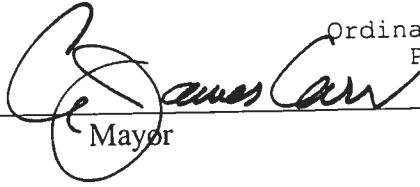
P.I.N. 05-09-412-018

This property is commonly known as 1106 Cherry Street, 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**Section 2:** All ordinances or parts of ordinances in conflict with these provisions are repealed.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.

*2006-237030*

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Roll Call Vote:

Ayes: Councilman Mouhelis  
Councilman Sues  
Councilman Bolds  
Councilwoman Corry  
Councilman Johnson  
Mayor Carr  
Councilman Levine

Nays: None

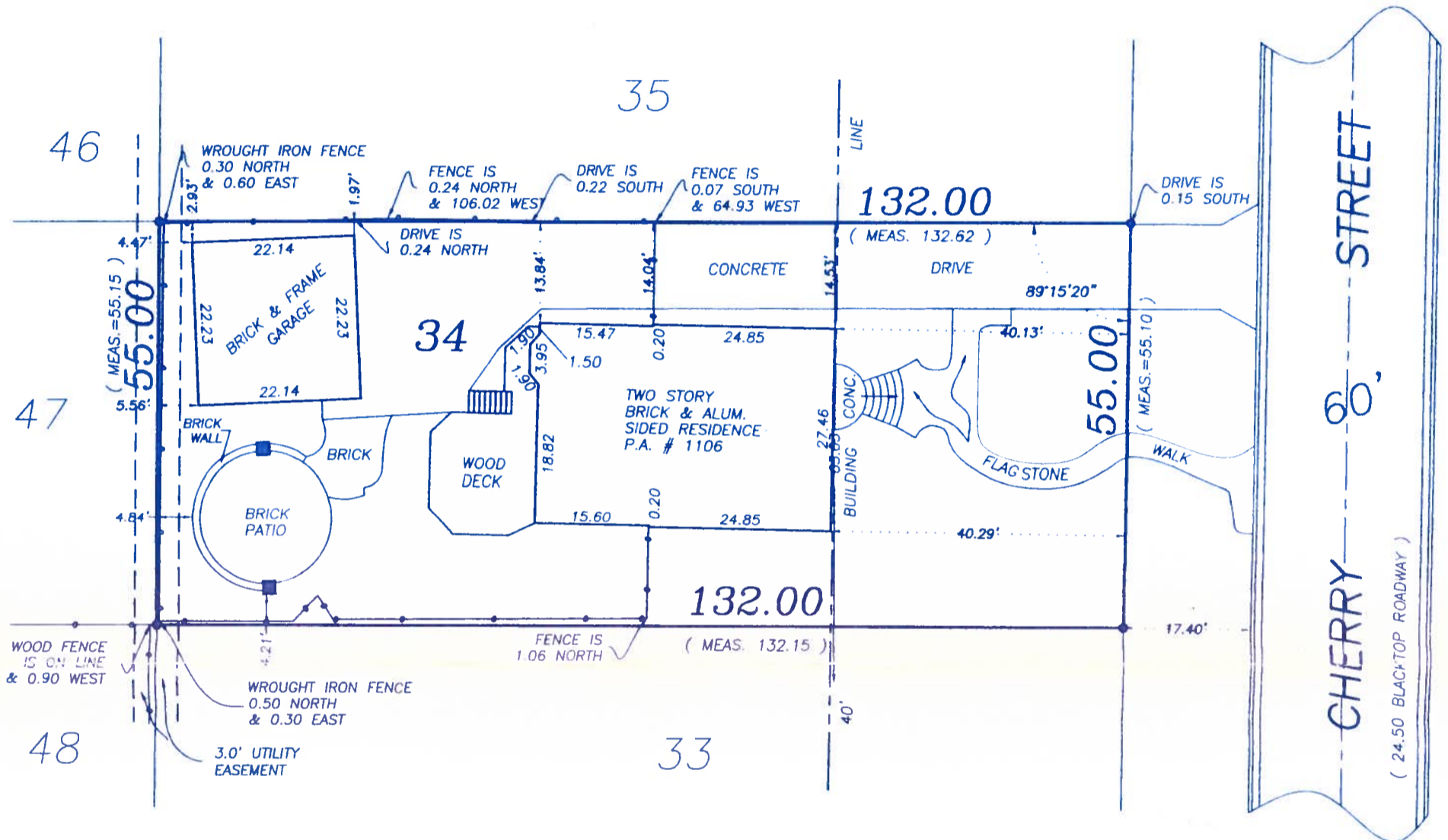
Absent: None

Motion Carried Unanimously

Passed: December 4, 2006  
Published: December 5, 2006

# PLAT OF SURVEY

OF LOT 34 IN THE RESUBDIVISION OF WHEATON MANOR ADDITION TO WHEATON, ( EXCEPT LOT 4 IN BLOCK 2 IN SAID WHEATON MANOR), IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION, RECORDED MAY 7, 1924 AS DOCUMENT 177391, IN DUPAGE COUNTY, ILLINOIS.



STATE OF ILLINOIS } s.s.  
COUNTY OF DU PAGE

THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS, THIS 2ND DAY OF NOVEMBER, A.D., 2006.

*Norbert V. Lambert, Jr.*

ILLINOIS LAND SURVEYOR NO. 1863

ORDERED BY: RATHJE & WOODWARD ORDER NO. 02-D 090 FILE NO. 020146

**LAMBERT & ASSOCIATES**