

ORDINANCE NO. F-1379

**AN ORDINANCE GRANTING A VARIANCE FROM THE
PROVISIONS OF THE DUPAGE COUNTY COUNTYWIDE STORMWATER AND
FLOOD PLAIN ORDINANCE –
603 SOUTH HALE STREET/CAHILL**

WHEREAS, Patricia Cahill (“Applicant”) has submitted a written petition requesting the granting of a variance from the provisions of Section 15-133.15 of the DuPage County Countywide Stormwater and Flood Plain Ordinance (“Stormwater Ordinance”); the request pertains to the construction of garage within the regulatory flood plain elevated on fill (“Project”) located at 603 S. Hale 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 Applicant’s engineer, Mackie Consultants, LLC, Rosemont, Illinois, and dated May 21, 2008, indicates that the Project will be constructed in conformance with the Stormwater Ordinance except for Section 15-133.15 which is the basis of the requested variance; and

WHEREAS, pursuant to notice as required by the Stormwater Ordinance, a public hearing was conducted by the Wheaton City Council on September 22, 2008 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.

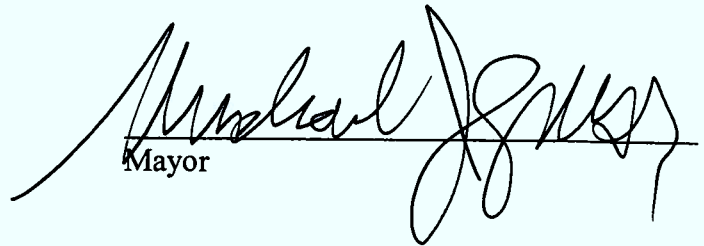
1. Granting the variance will not alter the essential character of the area of the Project Site, including existing stream uses.
2. Carrying out the strict letter of the provisions of the Stormwater Ordinance would create an undo or particular hardship or difficulty on the Owner.
3. The relief requested 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 15-133.15 of the Stormwater Ordinance is hereby granted to permit the construction of a garage, on the property legally described on Exhibit A, attached hereto, within the regulatory flood plain elevated on fill without the fill extending at least 10 feet beyond the foundation of the garage before the grade slopes below the highest flood elevation in accordance with the stormwater management report prepared by Mackie Consultants, LLC, dated May 21, 2008.

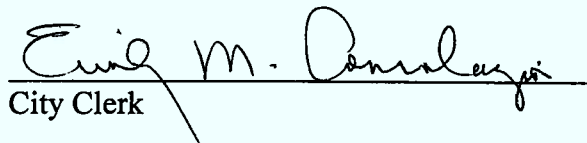
SECTION 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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

ROLL CALL VOTE

Ayes: Councilwoman Corry
Councilman Johnson
Councilman Levine
Mayor Gresk
Councilman Mouhelis
Councilman Prendiville
Councilman Suess

Nays: None

Absent: None

Motion Carried Unanimously

Passed: October 6, 2008
Published: October 7, 2008

EXHIBIT "A"

Legal Description

603 S. Hale St.
Wheaton, IL

LOT 10 IN BLOCK 3 IN PLAT OF W.I. AND F.E. WHEATON'S RESUBDIVISION
OF LOT 2 IN BLOCK 1 AND ALL OF BLOCK 4 IN J.C. WHEATON'S SECOND
ADDITION TO WHEATON IN THE WEST HALF OF THE SOUTHWEST
QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE
THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-16-337-001