

ORDINANCE NO. F-1602

**AN ORDINANCE GRANTING A VARIANCE FROM THE
PROVISIONS OF THE DUPAGE COUNTY COUNTYWIDE STORMWATER AND FLOOD
PLAIN ORDINANCE –
106 W. ILLINOIS STREET**

WHEREAS, Citizens First National Bank (“Property Owner”) has submitted a written petition requesting the granting of a variance from the provisions of Section 15-133.5 of the DuPage County Countywide Stormwater and Flood Plain Ordinance (“Stormwater Ordinance”); the request pertains to permit the construction of a parking lot in the regulatory floodplain with flood depths exceeding one-foot (“Project”) located at 106 W. 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, A. McGurr Ltd., P.C., Wheaton, Illinois, and dated January 27, 2011, indicates that the Project will be constructed in conformance with the Stormwater Ordinance except for Section 15-133.5 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 November 14, 2011 to consider the variance request.

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:

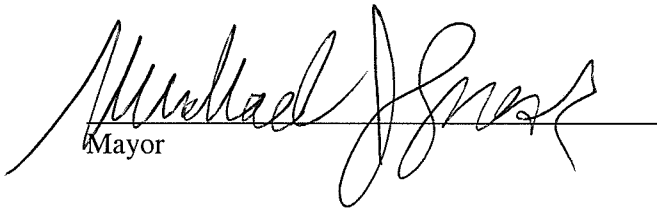
SECTION 1: The Wheaton City Council has determined the following findings of fact.

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 undue 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 15-133.5 of the Stormwater Ordinance is hereby granted to permit the construction of a parking lot in the regulatory floodplain with flood depths exceeding one-foot, on the property legally described on Exhibit A, attached hereto.

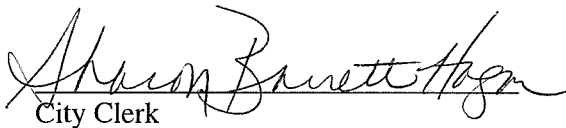
SECTION 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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:	Councilman Scalzo Councilwoman Ives Councilman Mouhelis Councilman Rutledge Mayor Gresk Councilwoman Pacino Sanguinetti
Nays:	None
Absent:	Councilman Suess

Motion Carried Unanimously

Passed: November 21, 2011
Published: November 22, 2011

EXHIBIT "A"

THE EAST 55 FEET OF THE WEST 253 FEET OF THE NORTH 110 FEET OF BLOCK 1 OF THE PLAT OF J.C. WHEATON SECOND ADDITION TO WHEATON, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING THE PLAT THEREOF RECORDED MAY 2, 1893, AS DOCUMENT 52089, IN DUPAGE COUNTY, ILLINOIS.

The subject property is located at 106 W. Illinois Street, Wheaton, Illinois.

P.I.N.: 05-16-329-005

