

Community Development Commission Meeting Minutes

December 10, 2012

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Village of Bensenville
Board Room
12 South Center Street
DuPage and Cook Counties
Bensenville, IL, 60106

MINUTES OF THE SPECIAL COMMUNITY DEVELOPMENT COMMISSION

December 10, 2012

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 6:30 p.m.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Janowiak, Pisano, Rowe, Weldon
Absent: Ventura
A quorum was present.

JOURNAL OF PROCEEDINGS:

The minutes of the Special Community Development Commission Meeting of November 19, 2012 were presented.

Motion: Commissioner Pisano made a motion to approve the minutes as presented. Commissioner Janowiak seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Weldon.

Nays: None

All were in favor. Motion carried.

Deputy Village Clerk, Corey Williamsen, reviewed the rules and process to the audience in attendance of the Public Hearings.

Chairman Moruzzi swore in members of the staff and audience under oath that planned to give testimony.

Public Hearing:	CDC Case Number 2012-40
Petitioner:	Itasca Bank & Trust; Trust #12291
Location:	130-154 W. Irving Park Road
Request:	Parking and Landscaping Variances
Motion:	Commissioner Pisano made a motion to open CDC Case No. 2012-40. Commissioner Rowe seconded the motion.
ROLL CALL :	<p>Upon roll call the following Commissioners were present: Moruzzi, Janowiak, Pisano, Rowe, Weldon</p> <p>Absent: Ventura</p> <p>A quorum was present.</p> <p>Chairman Moruzzi opened the Public Hearing for CDC Case Number 2012-40 at 6:35 p.m.</p>
	<p>Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on November 25, 2012 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mr. Viger also stated that Village Staff posted a notice of the Public Hearing sign on the property on November 21, 2012. Mr. Viger stated on November 21, 2012 Village Staff mailed first class notice of the public hearing to taxpayers of record within 250 feet of the property in question.</p>
	<p>Mr. Marshall Subach of Hunt, Kaiser, Aranda & Subach, Ltd. was present and previously sworn in by Chairman Moruzzi. Mr. Subach stated he was representing Itasca Bank & Trust; Trust #12291. Mr. Subach reviewed previous variance reliefs granted to the property in 1988 and stated the reasons for the new requests were part of the Irving Park Road redevelopment project by IDOT. Mr. Subach stated his clients were requesting six variances consisting of:</p>
	<ol style="list-style-type: none">1) Reduce the required 10' front yard parking setback previously reduced to 5' to 0'.2) Reduce the 60 required parking spaces previously reduced to 40 parking spaces to 35 parking spaces.3) Reduce the required 6' frontage (landscape) strip previously reduced to 3' to 0'.4) Reduce the required 6' Foundation (landscape) strip previously reduced to 3' to 0'.5) Reduce the 24' minimum Parking Lot Aisle Width to 22'.6) Increase the percentage of compact parking stalls from 25% to 29%.

Mr. Subach submitted photos of the property to the Commissioners. The photos have been submitted to the record as "Exhibit A". Mr. Subach stated his clients and Village Staff are currently discussing the landscaping for the property. Mr. Subach stated his client would prefer the landscaping be to the east of the property's pork-chop. Mr. Subach submitted two landscape drawing to the Commissioners. The drawings have been submitted to the record as "Exhibit B" and "Exhibit C". Mr. Subach reviewed the Finding of Facts consisting of:

- 1) **Special Circumstances:** Currently the strip center has 39 parking spaces for the approximate 3,900 square foot building. After the IDOT taking with the redesign of the parking lot and sidewalk in front of the building the strip center will have 35 spaces. The special circumstances that exist for this property are the fact that IDOT is currently taking approximately 2,483 square feet for the expanded right-of-way of Irving Park Road. As a result of this taking, all of the existing parking along Irving Park Road will be eliminated.
- 2) **Hardship or Practical Difficulty:** The literal application of the code would result in unnecessary and undue hardship for the applicant as distinguished from mere inconvenience. After the taking from IDOT, in order to keep the maximum number of parking spaces available to keep the building viable for current and future tenants, the existing sidewalk and landscaping foundation strip in front of the building will have to be eliminated. The depth of the lot will not allow any other viable parking plan. With the redesigned parking, and to keep a minimum two way drive aisle of 22' as well as room for vehicles to maneuver and to allow for safe pedestrian traffic, the landscaping strip along Irving Park Road must be eliminated for part of the property. To compensate the Petitioner is proposing to increase the landscaping on the east and west corners of the lot to 15' and 16' respectively.
- 3) **Circumstances Relate to Property:** The special circumstances only relate to the physical characteristics, specifically, the depth of the lot in relation to the size of the existing brick and concrete building. The circumstances do not concern any business or activity of the owner or any occupant.

- 4) **Not Resulting from Applicant Action:** The requested variance is not a result of any action taken by the Petitioner, but is a direct and proximate result of the condemnation action in DuPage County under case number 12 ED 49.
- 5) **Preserves Rights Conferred by District:** The variances are necessary to allow the owners to enjoy substantial use of the property and a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. Without the variances, the parking will be reduced to 20 spaces which will make the space unusable for existing and future tenants due to the lack of parking. There will be another vacant building along Irving Park Road in Bensenville.
- 6) **Necessary for Use of Property:** The granting of the variances is not necessary to increase the economic return, but without the variances the applicant will be deprived of reasonable use and economic return on the property. The granting of the variances is necessary to allow the existing tenants or business to stay in existence in the Village of Bensenville.
- 7) **Not Alter Local Character:** The granting of the variance will not alter the local character of the property as the existing strip center has been in existence for approximately 11 years. Moreover, the Village has granted similar variance requests for other property owners along Irving Park Road due to the IDOT taking.
- 8) **Consistent with Ordinance and Plan:** The granting of the variances will be in harmony with the general purpose and intent of the zoning code and of the general development plan adopted by the Village of Bensenville. In addition, the Village of Bensenville has a stated purpose and intent to retain existing business in town. The Village needs to work with the business and landowners with their existing conditions and property restraints to allow the businesses impacted by the IDOT expansion of Irving Park Road to properly function.
- 9) **Minimum Variance Needed:** The requested variances are the minimum required and very close to what is currently in existence. The Petitioner has worked diligently with staff creating a plan that can work for the strip center and keep the center viable. It is IDOT that determined the amount of property it is taking pursuant to the condemnation lawsuit.

Commissioner Pisano asked how wide the sidewalk is from the building to the parking lot. Mr. Subach stated it was six feet wide. Commissioner Pisano asked what the curb height would be in the parking lot to prevent cars from driving into the building. Mr. Subach stated the curb height will meet code requirements.

Commissioner Weldon raised concern with eastbound traffic and the visibility to drivers exiting the property.

Chairman Moruzzi asked if there was any member of the Public that would like to give testimony on the CDC Case. There was none.

Director of Community & Economic Development, Scott Viger, read a letter into the record submitted by _____ . The letter has been submitted to the records as "Exhibit D."

Director of Community & Economic Development, Scott Viger, presented the Village Staff report. Mr. Viger stated the Police Department has raised concerns with the potential landscape plan that could block traffic traveling east on Irving Park Road. Mr. Viger stated Staff will work with the petitioners regarding the landscaping plan at a later time. Mr. Viger stated Staff recommends approval with the following conditions:

- 1) A copy of the Variance ordinance must be kept on the premises of the establishment.
- 2) The property shall be developed and utilized in substantial conformance to the plans submitted for this application prepared by Christopher B. Burke Engineering, LTD dated 12.03.12.
- 3) Fence along the southern portion of the property be repaired.
- 4) A landscape plan shall be submitted and approved as part of the building permit.
- 5) As the site plan indicates only that the location of the proposed freestanding sign be acknowledged, a separate review will be necessary at sign permitting to ensure compliance.

Chairman Moruzzi asked Assistant Director of Community & Economic Development, Mark Rysavy, to review the drawing with the Commissioners.

Motion:

Commissioner Rowe made a motion to close CDC Case Number 2012-40. Commissioner Weldon seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Rowe, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing for CDC Case Number 2012-40 at 7:08 p.m.

Motion: Commissioner Weldon made a motion to approve the finding of facts for the requested variance reducing the front yard parking setback consisting of:

1. **Special Circumstances:** Currently the strip center has 39 parking spaces for the approximate 3,900 square foot building. After the IDOT taking with the redesign of the parking lot and sidewalk in front of the building the strip center will have 35 spaces. The special circumstances that exist for this property are the fact that IDOT is currently taking approximately 2,483 square feet for the expanded right-of-way of Irving Park Road. As a result of this taking, all of the existing parking along Irving Park Road will be eliminated.
2. **Hardship or Practical Difficulty:** The literal application of the code would result in unnecessary and undue hardship for the applicant as distinguished from mere inconvenience. After the taking from IDOT, in order to keep the maximum number of parking spaces available to keep the building viable for current and future tenants, the existing sidewalk and landscaping foundation strip in front of the building will have to be eliminated. The depth of the lot will not allow any other viable parking plan. With the redesigned parking, and to keep a minimum two way drive aisle of 22' as well as room for vehicles to maneuver and to allow for safe pedestrian traffic, the landscaping strip along Irving Park Road must be eliminated for part of the property. To compensate the Petitioner is proposing to increase the landscaping on the east and west corners of the lot to 15' and 16' respectively.
3. **Circumstances Relate to Property:** The special circumstances only relate to the physical characteristics, specifically, the depth of the lot in relation to the size of the existing brick and concrete building. The circumstances do not concern any business or activity of the owner or any occupant.

4. **Not Resulting from Applicant Action:** The requested variance is not a result of any action taken by the Petitioner, but is a direct and proximate result of the condemnation action in DuPage County under case number 12 ED 49.
5. **Preserves Rights Conferred by District:** The variances are necessary to allow the owners to enjoy substantial use of the property and a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. Without the variances, the parking will be reduced to 20 spaces which will make the space unusable for existing and future tenants due to the lack of parking. There will be another vacant building along Irving Park Road in Bensenville.
6. **Necessary for Use of Property:** The granting of the variances is not necessary to increase the economic return, but without the variances the applicant will be deprived of reasonable use and economic return on the property. The granting of the variances is necessary to allow the existing tenants or business to stay in existence in the Village of Bensenville.
7. **Not Alter Local Character:** The granting of the variance will not alter the local character of the property as the existing strip center has been in existence for approximately 11 years. Moreover, the Village has granted similar variance requests for other property owners along Irving Park Road due to the IDOT taking.
8. **Consistent with Ordinance and Plan:** The granting of the variances will be in harmony with the general purpose and intent of the zoning code and of the general development plan adopted by the Village of Bensenville. In addition, the Village of Bensenville has a stated purpose and intent to retain existing business in town. The Village needs to work with the business and landowners with their existing conditions and property restraints to allow the businesses impacted by the IDOT expansion of Irving Park Road to properly function.
9. **Minimum Variance Needed:** The requested variances are the minimum required and very close to what is currently in existence. The Petitioner has worked diligently with staff creating a plan that can work for the strip center and keep the center viable. It is IDOT that determined the amount of property it is taking pursuant to the condemnation lawsuit.

Commissioner Rowe seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Pisano made a motion to approve the finding of facts for the requested variance reducing the required parking spaces consisting of:

1. **Special Circumstances:** Currently the strip center has 39 parking spaces for the approximate 3,900 square foot building. After the IDOT taking with the redesign of the parking lot and sidewalk in front of the building the strip center will have 35 spaces. The special circumstances that exist for this property are the fact that IDOT is currently taking approximately 2,483 square feet for the expanded right-of-way of Irving Park Road. As a result of this taking, all of the existing parking along Irving Park Road will be eliminated.
2. **Hardship or Practical Difficulty:** The literal application of the code would result in unnecessary and undue hardship for the applicant as distinguished from mere inconvenience. After the taking from IDOT, in order to keep the maximum number of parking spaces available to keep the building viable for current and future tenants, the existing sidewalk and landscaping foundation strip in front of the building will have to be eliminated. The depth of the lot will not allow any other viable parking plan. With the redesigned parking, and to keep a minimum two way drive aisle of 22' as well as room for vehicles to maneuver and to allow for safe pedestrian traffic, the landscaping strip along Irving Park Road must be eliminated for part of the property. To compensate the Petitioner is proposing to increase the landscaping on the east and west corners of the lot to 15' and 16' respectively.
3. **Circumstances Relate to Property:** The special circumstances only relate to the physical characteristics, specifically, the depth of the lot in relation to the size of the existing brick and concrete building. The circumstances do not concern any business or activity of the owner or any occupant.

4. **Not Resulting from Applicant Action:** The requested variance is not a result of any action taken by the Petitioner, but is a direct and proximate result of the condemnation action in DuPage County under case number 12 ED 49.
5. **Preserves Rights Conferred by District:** The variances are necessary to allow the owners to enjoy substantial use of the property and a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. Without the variances, the parking will be reduced to 20 spaces which will make the space unusable for existing and future tenants due to the lack of parking. There will be another vacant building along Irving Park Road in Bensenville.
6. **Necessary for Use of Property:** The granting of the variances is not necessary to increase the economic return, but without the variances the applicant will be deprived of reasonable use and economic return on the property. The granting of the variances is necessary to allow the existing tenants or business to stay in existence in the Village of Bensenville.
7. **Not Alter Local Character:** The granting of the variance will not alter the local character of the property as the existing strip center has been in existence for approximately 11 years. Moreover, the Village has granted similar variance requests for other property owners along Irving Park Road due to the IDOT taking.
8. **Consistent with Ordinance and Plan:** The granting of the variances will be in harmony with the general purpose and intent of the zoning code and of the general development plan adopted by the Village of Bensenville. In addition, the Village of Bensenville has a stated purpose and intent to retain existing business in town. The Village needs to work with the business and landowners with their existing conditions and property restraints to allow the businesses impacted by the IDOT expansion of Irving Park Road to properly function.
9. **Minimum Variance Needed:** The requested variances are the minimum required and very close to what is currently in existence. The Petitioner has worked diligently with staff creating a plan that can work for the strip center and keep the center viable. It is IDOT that determined the amount of property it is taking pursuant to the condemnation lawsuit.

Commissioner Weldon seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the finding of facts for the requested variance reducing the required frontage strip consisting of:

1. **Special Circumstances:** Currently the strip center has 39 parking spaces for the approximate 3,900 square foot building. After the IDOT taking with the redesign of the parking lot and sidewalk in front of the building the strip center will have 35 spaces. The special circumstances that exist for this property are the fact that IDOT is currently taking approximately 2,483 square feet for the expanded right-of-way of Irving Park Road. As a result of this taking, all of the existing parking along Irving Park Road will be eliminated.
2. **Hardship or Practical Difficulty:** The literal application of the code would result in unnecessary and undue hardship for the applicant as distinguished from mere inconvenience. After the taking from IDOT, in order to keep the maximum number of parking spaces available to keep the building viable for current and future tenants, the existing sidewalk and landscaping foundation strip in front of the building will have to be eliminated. The depth of the lot will not allow any other viable parking plan. With the redesigned parking, and to keep a minimum two way drive aisle of 22' as well as room for vehicles to maneuver and to allow for safe pedestrian traffic, the landscaping strip along Irving Park Road must be eliminated for part of the property. To compensate the Petitioner is proposing to increase the landscaping on the east and west corners of the lot to 15' and 16' respectively.
3. **Circumstances Relate to Property:** The special circumstances only relate to the physical characteristics, specifically, the depth of the lot in relation to the size of the existing brick and concrete building. The circumstances do not concern any business or activity of the owner or any occupant.

4. **Not Resulting from Applicant Action:** The requested variance is not a result of any action taken by the Petitioner, but is a direct and proximate result of the condemnation action in DuPage County under case number 12 ED 49.
5. **Preserves Rights Conferred by District:** The variances are necessary to allow the owners to enjoy substantial use of the property and a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. Without the variances, the parking will be reduced to 20 spaces which will make the space unusable for existing and future tenants due to the lack of parking. There will be another vacant building along Irving Park Road in Bensenville.
6. **Necessary for Use of Property:** The granting of the variances is not necessary to increase the economic return, but without the variances the applicant will be deprived of reasonable use and economic return on the property. The granting of the variances is necessary to allow the existing tenants or business to stay in existence in the Village of Bensenville.
7. **Not Alter Local Character:** The granting of the variance will not alter the local character of the property as the existing strip center has been in existence for approximately 11 years. Moreover, the Village has granted similar variance requests for other property owners along Irving Park Road due to the IDOT taking.
8. **Consistent with Ordinance and Plan:** The granting of the variances will be in harmony with the general purpose and intent of the zoning code and of the general development plan adopted by the Village of Bensenville. In addition, the Village of Bensenville has a stated purpose and intent to retain existing business in town. The Village needs to work with the business and landowners with their existing conditions and property restraints to allow the businesses impacted by the IDOT expansion of Irving Park Road to properly function.
9. **Minimum Variance Needed:** The requested variances are the minimum required and very close to what is currently in existence. The Petitioner has worked diligently with staff creating a plan that can work for the strip center and keep the center viable. It is IDOT that determined the amount of property it is taking pursuant to the condemnation lawsuit.

Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the finding of facts for the requested variance reducing the required foundation strip consisting of:

1. **Special Circumstances:** Currently the strip center has 39 parking spaces for the approximate 3,900 square foot building. After the IDOT taking with the redesign of the parking lot and sidewalk in front of the building the strip center will have 35 spaces. The special circumstances that exist for this property are the fact that IDOT is currently taking approximately 2,483 square feet for the expanded right-of-way of Irving Park Road. As a result of this taking, all of the existing parking along Irving Park Road will be eliminated.
2. **Hardship or Practical Difficulty:** The literal application of the code would result in unnecessary and undue hardship for the applicant as distinguished from mere inconvenience. After the taking from IDOT, in order to keep the maximum number of parking spaces available to keep the building viable for current and future tenants, the existing sidewalk and landscaping foundation strip in front of the building will have to be eliminated. The depth of the lot will not allow any other viable parking plan. With the redesigned parking, and to keep a minimum two way drive aisle of 22' as well as room for vehicles to maneuver and to allow for safe pedestrian traffic, the landscaping strip along Irving Park Road must be eliminated for part of the property. To compensate the Petitioner is proposing to increase the landscaping on the east and west corners of the lot to 15' and 16' respectively.
3. **Circumstances Relate to Property:** The special circumstances only relate to the physical characteristics, specifically, the depth of the lot in relation to the size of the existing brick and concrete building. The circumstances do not concern any business or activity of the owner or any occupant.

4. **Not Resulting from Applicant Action:** The requested variance is not a result of any action taken by the Petitioner, but is a direct and proximate result of the condemnation action in DuPage County under case number 12 ED 49.
5. **Preserves Rights Conferred by District:** The variances are necessary to allow the owners to enjoy substantial use of the property and a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. Without the variances, the parking will be reduced to 20 spaces which will make the space unusable for existing and future tenants due to the lack of parking. There will be another vacant building along Irving Park Road in Bensenville.
6. **Necessary for Use of Property:** The granting of the variances is not necessary to increase the economic return, but without the variances the applicant will be deprived of reasonable use and economic return on the property. The granting of the variances is necessary to allow the existing tenants or business to stay in existence in the Village of Bensenville.
7. **Not Alter Local Character:** The granting of the variance will not alter the local character of the property as the existing strip center has been in existence for approximately 11 years. Moreover, the Village has granted similar variance requests for other property owners along Irving Park Road due to the IDOT taking.
8. **Consistent with Ordinance and Plan:** The granting of the variances will be in harmony with the general purpose and intent of the zoning code and of the general development plan adopted by the Village of Bensenville. In addition, the Village of Bensenville has a stated purpose and intent to retain existing business in town. The Village needs to work with the business and landowners with their existing conditions and property restraints to allow the businesses impacted by the IDOT expansion of Irving Park Road to properly function.
9. **Minimum Variance Needed:** The requested variances are the minimum required and very close to what is currently in existence. The Petitioner has worked diligently with staff creating a plan that can work for the strip center and keep the center viable. It is IDOT that determined the amount of property it is taking pursuant to the condemnation lawsuit.

Commissioner Rowe seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the finding of facts for the requested variance reducing the parking lot aisle width consisting of:

1. **Special Circumstances:** Currently the strip center has 39 parking spaces for the approximate 3,900 square foot building. After the IDOT taking with the redesign of the parking lot and sidewalk in front of the building the strip center will have 35 spaces. The special circumstances that exist for this property are the fact that IDOT is currently taking approximately 2,483 square feet for the expanded right-of-way of Irving Park Road. As a result of this taking, all of the existing parking along Irving Park Road will be eliminated.
2. **Hardship or Practical Difficulty:** The literal application of the code would result in unnecessary and undue hardship for the applicant as distinguished from mere inconvenience. After the taking from IDOT, in order to keep the maximum number of parking spaces available to keep the building viable for current and future tenants, the existing sidewalk and landscaping foundation strip in front of the building will have to be eliminated. The depth of the lot will not allow any other viable parking plan. With the redesigned parking, and to keep a minimum two way drive aisle of 22' as well as room for vehicles to maneuver and to allow for safe pedestrian traffic, the landscaping strip along Irving Park Road must be eliminated for part of the property. To compensate the Petitioner is proposing to increase the landscaping on the east and west corners of the lot to 15' and 16' respectively.
3. **Circumstances Relate to Property:** The special circumstances only relate to the physical characteristics, specifically, the depth of the lot in relation to the size of the existing brick and concrete building. The circumstances do not concern any business or activity of the owner or any occupant.

4. **Not Resulting from Applicant Action:** The requested variance is not a result of any action taken by the Petitioner, but is a direct and proximate result of the condemnation action in DuPage County under case number 12 ED 49.
5. **Preserves Rights Conferred by District:** The variances are necessary to allow the owners to enjoy substantial use of the property and a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. Without the variances, the parking will be reduced to 20 spaces which will make the space unusable for existing and future tenants due to the lack of parking. There will be another vacant building along Irving Park Road in Bensenville.
6. **Necessary for Use of Property:** The granting of the variances is not necessary to increase the economic return, but without the variances the applicant will be deprived of reasonable use and economic return on the property. The granting of the variances is necessary to allow the existing tenants or business to stay in existence in the Village of Bensenville.
7. **Not Alter Local Character:** The granting of the variance will not alter the local character of the property as the existing strip center has been in existence for approximately 11 years. Moreover, the Village has granted similar variance requests for other property owners along Irving Park Road due to the IDOT taking.
8. **Consistent with Ordinance and Plan:** The granting of the variances will be in harmony with the general purpose and intent of the zoning code and of the general development plan adopted by the Village of Bensenville. In addition, the Village of Bensenville has a stated purpose and intent to retain existing business in town. The Village needs to work with the business and landowners with their existing conditions and property restraints to allow the businesses impacted by the IDOT expansion of Irving Park Road to properly function.
9. **Minimum Variance Needed:** The requested variances are the minimum required and very close to what is currently in existence. The Petitioner has worked diligently with staff creating a plan that can work for the strip center and keep the center viable. It is IDOT that determined the amount of property it is taking pursuant to the condemnation lawsuit.

Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the finding of facts for the requested variance increasing the percentage of compact parking consisting of:

1. **Special Circumstances:** Currently the strip center has 39 parking spaces for the approximate 3,900 square foot building. After the IDOT taking with the redesign of the parking lot and sidewalk in front of the building the strip center will have 35 spaces. The special circumstances that exist for this property are the fact that IDOT is currently taking approximately 2,483 square feet for the expanded right-of-way of Irving Park Road. As a result of this taking, all of the existing parking along Irving Park Road will be eliminated.
2. **Hardship or Practical Difficulty:** The literal application of the code would result in unnecessary and undue hardship for the applicant as distinguished from mere inconvenience. After the taking from IDOT, in order to keep the maximum number of parking spaces available to keep the building viable for current and future tenants, the existing sidewalk and landscaping foundation strip in front of the building will have to be eliminated. The depth of the lot will not allow any other viable parking plan. With the redesigned parking, and to keep a minimum two way drive aisle of 22' as well as room for vehicles to maneuver and to allow for safe pedestrian traffic, the landscaping strip along Irving Park Road must be eliminated for part of the property. To compensate the Petitioner is proposing to increase the landscaping on the east and west corners of the lot to 15' and 16' respectively.
3. **Circumstances Relate to Property:** The special circumstances only relate to the physical characteristics, specifically, the depth of the lot in relation to the size of the existing brick and concrete building. The circumstances do not concern any business or activity of the owner or any occupant.

4. **Not Resulting from Applicant Action:** The requested variance is not a result of any action taken by the Petitioner, but is a direct and proximate result of the condemnation action in DuPage County under case number 12 ED 49.
5. **Preserves Rights Conferred by District:** The variances are necessary to allow the owners to enjoy substantial use of the property and a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. Without the variances, the parking will be reduced to 20 spaces which will make the space unusable for existing and future tenants due to the lack of parking. There will be another vacant building along Irving Park Road in Bensenville.
6. **Necessary for Use of Property:** The granting of the variances is not necessary to increase the economic return, but without the variances the applicant will be deprived of reasonable use and economic return on the property. The granting of the variances is necessary to allow the existing tenants or business to stay in existence in the Village of Bensenville.
7. **Not Alter Local Character:** The granting of the variance will not alter the local character of the property as the existing strip center has been in existence for approximately 11 years. Moreover, the Village has granted similar variance requests for other property owners along Irving Park Road due to the IDOT taking.
8. **Consistent with Ordinance and Plan:** The granting of the variances will be in harmony with the general purpose and intent of the zoning code and of the general development plan adopted by the Village of Bensenville. In addition, the Village of Bensenville has a stated purpose and intent to retain existing business in town. The Village needs to work with the business and landowners with their existing conditions and property restraints to allow the businesses impacted by the IDOT expansion of Irving Park Road to properly function.
9. **Minimum Variance Needed:** The requested variances are the minimum required and very close to what is currently in existence. The Petitioner has worked diligently with staff creating a plan that can work for the strip center and keep the center viable. It is IDOT that determined the amount of property it is taking pursuant to the condemnation lawsuit.

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Commissioner Rowe seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the variance requested reducing the required front yard parking setback with Staff recommendations. Chairman Moruzzi seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Pisano made a motion to approve the variance requested reducing the required parking spaces with Staff recommendations. Commissioner Rowe seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the variance requested reducing the required frontage strip with Staff recommendations. Chairman Moruzzi seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

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Motion: Commissioner Weldon made a motion to approve the variance requested reducing the required foundation strip with Staff recommendations. Commissioner Rowe seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Pisano made a motion to approve the variance requested reducing the required parking lot aisle width with Staff recommendations. Commissioner Weldon seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Pisano made a motion to approve the variance requested increasing the percentage of compact parking with Staff recommendations. Commissioner Weldon seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2012-32

Petitioner: Linden Towers

Location: 6-24 S. Addison

Request: Master Sign Plan

Motion: Commissioner Pisano made a motion to continue Public Hearing CDC Case Number 2012-32 until January 14, 2013. Commissioner Janowiak seconded the motion.

All were in favor. Motion carried.

Public Meeting: CDC Case Number 2012-24
Petitioner: Lisa Breiter
Location: Memorial Drive (East of 730 Memorial Drive)
Request: Two Lot Subdivision

Motion: Commissioner Weldon made a motion to open the Public Meeting for CDC Case Number 2012-24. Commissioner Janowiak seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Janowiak, Pisano, Rowe, Weldon
Absent: Ventura
A quorum was present.

Chairman Moruzzi opened the Public Meeting for CDC Case Number 2012-24 at 7:17 p.m.

Director of Community & Economic Development, Scott Viger, reviewed the Village Staff Report. Mr. Viger stated the owner and applicant Lisa Breiter seeks to re-subdivide the property just east of 730 Memorial Drive. The property is currently zoned RS-5 High Density Single Family and abuts Breiter Palm Park to the south. The purpose of the re-subdivision is to establish the property as two single family lots approximately 50' x 150' in dimension each. Mr. Viger stated the Village's Engineering Department requested petitioner receive additional certifications be added to the plat of survey. Mr. Viger stated Staff recommends approval of the requested subdivision.

There were no questions from the Commissioners.

Mr. Lisa Breiter was present and gave a brief review of the history of the property.

There were no questions from the Commissioners.

Motion: Commissioner Pisano made a motion to close the Public Hearing for CDC Case Number 2012-24. Commissioner Rowe seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

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Chairman Moruzzi closed the Public Hearing for CDC Case Number 2012-24 at 7:22 p.m.

Motion: Commissioner Pisano made a motion to approve the two lot subdivision. Commissioner Janowiak seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Report from Community Development

Motion: Commissioner Janowiak made a motion to approve the 2013 Community Development Commission Meeting schedule with the meeting beginning at 6:30p.m. and directed Staff to post the meeting schedule and submit to the necessary media. Commissioner Rowe seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Mr. Viger reviewed both recent CDC cases along with upcoming cases.

Chairman Moruzzi stated he would like to elect a Chairman Pro-tem from the Commission.

ADJOURNMENT:

There being no further business before the Community Development Commission, Chairman Moruzzi made a motion to adjourn the meeting. Commissioner Janowiak seconded the motion.

All were in favor

Motion carried.

The meeting was adjourned at 7:35 p.m.

Mike Moruzzi, Chairman
Community Development Commission