

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

February 3, 2014

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

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

STAFF PRESENT: V. Kosman, Rysavy, Viger, Williamsen

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission
Meeting of January 20, 2014 were presented.

Motion: Commissioner Rowe made a motion to approve the minutes as
presented. Commissioner Weldon seconded the motion.

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2013-33
Petitioner: Roman and Joanne Rachel
Location: 946 Pamela Drive
Request: Variances to Allow Parking in the Corner Side Yard

Motion: Commissioner Weldon made a motion to open CDC Case No.
2013-33. Commissioner Janowiak seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 6:32 p.m.

Chairman Moruzzi held a mass swearing in for members of the
audience who intended to make comments throughout the meeting.

Village Planner, Victoria Kosman, stated a legal notice was published in the Daily Herald on December 21, 2013 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Ms. Kosman also stated that Village Staff posted a notice of the Public Hearing sign on the property on December 20, 2013. Ms. Kosman stated on December 19, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Roman Rajchel, owner of 946 Pamela Drive, was present and sworn in by Chairman Moruzzi. Mr. Rajchel stated the current lay out of the parking allows for seven parking spots on site. Mr. Rajchel stated the building consists of five apartments. Mr. Rajchel stated he has trouble renting the spaces due to the parking issues. Mr. Rajchel stated in 2013 he had replaced a grass area with gravel to allow for two additional parking spaces. Mr. Rajchel stated his requests consists of four variance requests for: 1) to allow parking in the corner side yard; 2) to reduce the parking setback requirement from 15 feet to 0 feet; 3) to reduce the required parking spaces from 10 to 9; 4) to reduce the required drive aisle width to less than 13 feet. Mr. Rajchel read the approval criteria into the record.

Commissioner Caira entered the meeting at 6:38 p.m.

Commissioner Rowe asked if there will be a visibility issue with the proposed landscaping. Mr. Rajchel stated the proposed landscaping would be no taller than the windows on a car.

Commissioner Caira asked if the petitioner had pulled a permit for the gravel installation last year. Mr. Rajchel stated he did not pull a permit. Mr. Viger stated the gravel was discovered as part of the annual inspection.

Chairman Moruzzi asked if the petitioner would be objective to a condition that would if the Village needed perform necessary work in the area, that the owner of the property would be responsible for any costs of replacing damaged goods. Mr. Rajchel stated he agreed with the condition.

Public Comment:

Ms. Kosman read a letter into the record from Ms. Marianne Tralewski. The letter has been attached to the minutes as "Exhibit A".

Ms. Kosman read a letter into the record from Mr. Jack J. Brown. The letter has been attached to the minutes as "Exhibit B".

Ms. Kosman reviewed the Village Staff Report and stated Staff recommends approval of the variances with the following conditions:

- A copy of the variance Ordinance shall be kept upon the property at all times.
- The new parking area shall be fully curbed.
- A landscape plan providing year round opacity be submitted to the Community & Economic Development Department for review and approval as part of the Building Permit.
- The non-drive aisle/driveway pavement in the Pamela Drive right of way be removed and returned to green space.

Commissioner Pisano raised concern with the potential snowball effect by approving this request. Mr. Viger stated Staff is aware of the possibility but stated the other apartments in the area have more parking than 946 Pamela Drive.

Commissioner Caira asked if there had been a previous variance request for this property. Mr. Viger stated he was not aware of a previous request.

Chairman Moruzzi suggested adding the following conditions:

- Adequate vision clearance for pedestrian traffic to be determined by staff along the northeastern portion of proposed landscape.
- The annual inspection performed by the Village of Bensenville will confirm all conditions included herein have been met.
- All maintenance and replacement of the landscaped area be the sole responsibility of the property owner.

There were no objections from the Commission.

Motion: Commissioner Janowiak made a motion to close CDC Case No. 2013-33. Commissioner Weldon seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:09 p.m.

Motion:

Commissioner Janowiak made a motion to approval the Finding of Facts for the variance request to allow parking in the corner side yard consisting of:

- **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them. There are special circumstances that are particular to the layout of this specific property. The property was constructed decades ago and it does not lend itself to current day parking demands or design standards.
- **Hardship Or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience. The prohibition of parking in the corner side yard creates an undue hardship on the property as there are no other plausible alternatives to attempt to meet the current day parking requirement and demand.
- **Circumstances Relate To Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property. The special circumstances relate to the physical character of the land and building location of this corner property.

- **Not Resulting From Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act. The configuration of the lot is not of the applicants' doing.
- **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy 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. The variance is needed for the applicant to enjoy the property and does not confer special privilege on the property.
- **Necessary For Use Of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property. Granting of the requested variance is necessary for the reasonable use of the property.
- **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity. If the additional parking area is constructed and screened in accordance with staff recommendations granting of the variance will not alter the local character. Similarly nearby property values and public safety will not be negatively affected should the variance be granted.

- **Consistent With Title And Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof. Staff believes that the variance with the conditions suggested by staff is consistent with the Village's Ordinances and plan as it strives to enrich the lives of these residents by allowing them to find parking on site and to assist in enhancing the safe and beautiful village we enjoy.
- **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property. Staff believes that the variance sought is the minimum required for the applicant to gain relief. Other factors are subject to the Commission's judgment.

Commissioner Rowe seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Janowiak made a motion to approval the Finding of Facts for the variance request to reduce the parking setback requirement from 15 feet to 0 feet consisting of:

- **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them. There are special circumstances that are particular to the layout of this specific property. The property was constructed decades ago and it does not lend itself to current day parking demands or design standards.

- **Hardship Or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience. The prohibition of parking in the corner side yard creates an undue hardship on the property as there are no other plausible alternatives to attempt to meet the current day parking requirement and demand.
- **Circumstances Relate To Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property. The special circumstances relate to the physical character of the land and building location of this corner property.
- **Not Resulting From Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act. The configuration of the lot is not of the applicants' doing.
- **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy 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. The variance is needed for the applicant to enjoy the property and does not confer special privilege on the property.
- **Necessary For Use Of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property. Granting of the requested variance is necessary for the reasonable use of the property.

- **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity. If the additional parking area is constructed and screened in accordance with staff recommendations granting of the variance will not alter the local character. Similarly nearby property values and public safety will not be negatively affected should the variance be granted.
- **Consistent With Title And Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof. Staff believes that the variance with the conditions suggested by staff is consistent with the Village's Ordinances and plan as it strives to enrich the lives of these residents by allowing them to find parking on site and to assist in enhancing the safe and beautiful village we enjoy.
- **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property. Staff believes that the variance sought is the minimum required for the applicant to gain relief. Other factors are subject to the Commission's judgment.

Commissioner Rowe seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Janowiak made a motion to approval the Finding of Facts for the variance request to reduce the required parking spaces from 10 to 9 consisting of:

- **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them. There are special circumstances that are particular to the layout of this specific property. The property was constructed decades ago and it does not lend itself to current day parking demands or design standards.
- **Hardship Or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience. The prohibition of parking in the corner side yard creates an undue hardship on the property as there are no other plausible alternatives to attempt to meet the current day parking requirement and demand.
- **Circumstances Relate To Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property. The special circumstances relate to the physical character of the land and building location of this corner property.
- **Not Resulting From Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act. The configuration of the lot is not of the applicants' doing.

- **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy 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. The variance is needed for the applicant to enjoy the property and does not confer special privilege on the property.
- **Necessary For Use Of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property. Granting of the requested variance is necessary for the reasonable use of the property.
- **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity. If the additional parking area is constructed and screened in accordance with staff recommendations granting of the variance will not alter the local character. Similarly nearby property values and public safety will not be negatively affected should the variance be granted.
- **Consistent With Title And Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof. Staff believes that the variance with the conditions suggested by staff is consistent with the Village's Ordinances and plan as it strives to enrich the lives of these residents by allowing them to find parking on site and to assist in enhancing the safe and beautiful village we enjoy.
- **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property. Staff believes that the variance sought is the minimum required for the applicant to gain relief. Other factors are subject to the Commission's judgment.

Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approval the Finding of Facts for the variance request to reduce drive aisle width less than 13 feet consisting of:

- **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them. There are special circumstances that are particular to the layout of this specific property. The property was constructed decades ago and it does not lend itself to current day parking demands or design standards.
- **Hardship Or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience. The prohibition of parking in the corner side yard creates an undue hardship on the property as there are no other plausible alternatives to attempt to meet the current day parking requirement and demand.
- **Circumstances Relate To Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property. The special circumstances relate to the physical character of the land and building location of this corner property.

- **Not Resulting From Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act. The configuration of the lot is not of the applicants' doing.
- **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy 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. The variance is needed for the applicant to enjoy the property and does not confer special privilege on the property.
- **Necessary For Use Of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property. Granting of the requested variance is necessary for the reasonable use of the property.
- **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity. If the additional parking area is constructed and screened in accordance with staff recommendations granting of the variance will not alter the local character. Similarly nearby property values and public safety will not be negatively affected should the variance be granted.

- **Consistent With Title And Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof. Staff believes that the variance with the conditions suggested by staff is consistent with the Village's Ordinances and plan as it strives to enrich the lives of these residents by allowing them to find parking on site and to assist in enhancing the safe and beautiful village we enjoy.
- **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property. Staff believes that the variance sought is the minimum required for the applicant to gain relief. Other factors are subject to the Commission's judgment.

Chairman Moruzzi seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Rowe made a motion to approve the variance request to allow parking in the side yard for CDC Case No. 2013-33 with Staff's recommendations consisting of:

- A copy of the variance Ordinance shall be kept upon the property at all times.
- The new parking area shall be fully curbed.
- A landscape plan providing year round opacity be submitted to the Community & Economic Development Department for review and approval as part of the Building Permit.
- The non-drive aisle/driveway pavement in the Pamela Drive right of way be removed and returned to green space.

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and the addition of:

- Adequate vision clearance for pedestrian traffic to be determined by staff along the northeastern portion of proposed landscape.
- The annual inspection performed by the Village of Bensenville will confirm all conditions included herein have been met.
- All maintenance and replacement of the landscaped area be the sole responsibility of the property owner.

Commissioner Weldon seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Rowe made a motion to approve the variance request to reduce the parking setback from 15 feet to 0 feet for CDC Case No. 2013-33 with Staff's recommendations consisting of:

- A copy of the variance Ordinance shall be kept upon the property at all times.
- The new parking area shall be fully curbed.
- A landscape plan providing year round opacity be submitted to the Community & Economic Development Department for review and approval as part of the Building Permit.
- The non-drive aisle/driveway pavement in the Pamela Drive right of way be removed and returned to green space.

and the addition of:

- Adequate vision clearance for pedestrian traffic to be determined by staff along the northeastern portion of proposed landscape.
- The annual inspection performed by the Village of Bensenville will confirm all conditions included herein have been met.
- All maintenance and replacement of the landscaped area be the sole responsibility of the property owner.

Commissioner Weldon seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the variance request to reduce the required parking spaces from 10 to 9 for CDC Case No. 2013-33 with Staff's recommendations consisting of:

- A copy of the variance Ordinance shall be kept upon the property at all times.
- The new parking area shall be fully curbed.
- A landscape plan providing year round opacity be submitted to the Community & Economic Development Department for review and approval as part of the Building Permit.
- The non-drive aisle/driveway pavement in the Pamela Drive right of way be removed and returned to green space.

and the addition of:

- Adequate vision clearance for pedestrian traffic to be determined by staff along the northeastern portion of proposed landscape.
- The annual inspection performed by the Village of Bensenville will confirm all conditions included herein have been met.
- All maintenance and replacement of the landscaped area be the sole responsibility of the property owner.

Commissioner Janowiak seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the variance request to reduce the required drive aisle width to less than 13 feet for CDC Case No. 2013-33 with Staff's recommendations consisting of:

- A copy of the variance Ordinance shall be kept upon the property at all times.
- The new parking area shall be fully curbed.
- A landscape plan providing year round opacity be submitted to the Community &Economic Development Department for review and approval as part of the Building Permit.
- The non-drive aisle/driveway pavement in the Pamela Drive right of way be removed and returned to green space.

and the addition of:

- Adequate vision clearance for pedestrian traffic to be determined by staff along the northeastern portion of proposed landscape.
- The annual inspection performed by the Village of Bensenville will confirm all conditions included herein have been met.
- All maintenance and replacement of the landscaped area be the sole responsibility of the property owner.

Commissioner Weldon seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2013-39
Petitioner: AT&T Mobility
Location: 230 West Belmont Avenue
Request: Conditional Use Permit Amendment to Allow Additional Antenna

Motion: Commissioner Rowe made a motion to continue CDC Case No. 2013-39 until March 3, 2014. Commissioner Janowiak seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

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Public Hearing: CDC Case Number 2013-37

Petitioner: City of Chicago, Adam Rod

Location: 249 North Walnut Street

Request: Variance to Allow Fence in Front Yard

Motion: Commissioner Weldon made a motion to open CDC Case No. 2013-37. Commissioner Janowiak seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:

Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Absent: Rodriguez

A quorum was present.

Chairman Moruzzi opened the Public Hearing at 7:16 p.m.

Village Planner, Victoria Kosman, stated a legal notice was published in the Daily Herald on January 18, 2014 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Ms. Kosman also stated that Village Staff posted a notice of the Public Hearing sign on the property on January 17, 2014. Ms. Kosman stated on January 17, 2014 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Mr. Adam Rod of the City of Chicago was present and sworn in by Chairman Moruzzi. Mr. Rod stated he was present representing the owners on 237 North Walnut. Mr. Rod stated with the new runway opening at O'Hare Airport, there are certain requirements that must be met per FAA regulations. Mr. Rod stated part of the FAA requirements require three trees to be removed on the property of 237 North Walnut. Mr. Rod stated his job is to assist the homeowners with the removal and to help satisfy them with their loss. Mr. Rod stated the owners of 237 North Walnut have requested the current fence be extended to block the car traffic from Hillside Drive along with helping provide their residence with privacy from the apartments. Mr. Rod read the approval criteria into the record.

Commissioner Weldon asked if the proposed design esthetically made sense. Mr. Rod stated this was the exact design the home owner at 237 North Walnut Street is requesting.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to give testimony for CDC Case No. 2013-37. There were none.

Ms. Kosman reviewed the Village Staff Report and stated Staff recommends approval of the variance with the following conditions:

- A copy of the variance Ordinance shall be kept upon the property at all times.
- The fence be constructed in conformance with the plans submitted on October 7, 2013.

Commissioner Janowiak asked if wheel stops should be installed. Mr. Viger stated Staff will review the parking along Hillside Avenue and work with the petitioner.

Motion: Commissioner Caira made a motion to close CDC Case No. 2013-37. Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:39 p.m.

Motion: Commissioner Weldon made a motion to approval the Finding of Facts for the variance consisting of:

- **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them. There are special circumstances that are particular to the layout of this specific property. The unusual shape of the lot to the north of the property in question has yielded an unusual circumstance of parking activities being visible to a single family home.
- **Hardship Or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience. Applying the Zoning ordinance provisions strictly in this case would cause hardship and practical difficulties for the property owner in the exposure to the parking lot activity in the front yard of the property.

- **Circumstances Relate To Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property. The special circumstances relate to the physical character of the land and building location of this property.
- **Not Resulting From Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act. The configuration of the adjacent lot is not resultant from the applicants' actions.
- **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy 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. The variance is needed for the applicant to enjoy the property, and does not confer special privilege on the property.
- **Necessary For Use Of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property. Granting of the requested variance is necessary for the reasonable use of the property.
- **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity. The variance will not alter the local character. Property values, public safety will not be negatively affected should the variance be granted.

- **Consistent With Title And Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof. Staff believes that the variance with the conditions suggested by staff is consistent with the Village's Ordinances.
- **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property. Staff believes that the variance sought is the minimum required for the applicant to gain relief. Other factors are subject to the Commission's judgment.

Chairman Moruzzi seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the variance request for CDC Case No. 2013-37 with Staff's recommendations consisting of:

- A copy of the variance Ordinance shall be kept upon the property at all times.
- The fence be constructed in conformance with the plans submitted on October 7, 2013.

Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2013-36
Petitioner: Village of Bensenville
Request: Text Amendment to Allow Firing Ranges in the I-2, I-3 and I-4

Motion: Commissioner Pisano made a motion to open CDC Case No. 2013-36. Commissioner Caira seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 7:42 p.m.

Village Planner, Victoria Kosman, stated a legal notice was published in the Daily Herald on January 18, 2014 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Ms. Kosman stated there was no legal process for mailing notices or posting the site since the request is for a text amendment.

Ms. Kosman stated Due to recent changes in Illinois state statutes to gun laws, the Village has received several requests regarding businesses looking to operate a “firing range” for recreational target practice/training. These “firing ranges” have been requested either as a stand-alone range or in conjunction with a gunsmith shop. The Village code currently prohibits a “firing range” use as indicated in the text of Municipal Code Sections 10-9B-3 & 10-9C-3: “Gunsmith shops, not including firing ranges.” These sections pertain to zoning districts of the I-2 Light Industrial and I-3 Heavy Industrial. Ms. Kosman stated Staff finds that a one thousand (1000) foot separation requirement from all property lines between firing ranges is consistent with current Village ordinances. The Village currently utilizes the same separation requirements for uses such as Smoke Shops and Currency Exchanges. Ms. Kosman stated outdoor firing ranges would not be allowed with the approval of this text amendment. Ms. Kosman stated the Village is proposing a firing range as part of the new Police/EMA facility located within an I-3 Heavy Industrial zoning district. Ms. Kosman stated the proposed definition for firing ranges includes the verbiage “including firearm training.” This text is proposed to clearly define the inherent training use of a firing range. Ms. Kosman stated to promote the safety of such a use for both the users and surrounding properties, staff proposes the design of the firing range meet federal and state requirements.

Ms. Kosman stated the Village currently requires a Firearm Dealer License Application to be attached to any new or renewal business license forms. This form currently mandates the Federal Firearms License number. Ms. Kosman stated currently the I-4 General Industrial Zoning District does not establish standards for a “Gunsmith Shop” or a “Firing Range.” For this reason, staff recommends including as part of the text amendment adding “Gunsmith shops, not including a Firing Range” into the I-4 Conditional Uses. Ms. Kosman stated within an approximately 10 mile radius of the Village, 11 firing ranges are currently operating. Ms. Kosman stated Staff does not recommend the indoor firing range conditional use to be applied to I-1 Office/Research/Assembly/Industrial Zoning Districts due to its proximity to more restricted uses such as residential.

There were no questions from the Commission.

Public Comment:

Matthew Barges – Devil Dawg Firearms

Mr. Barges was present and sworn in by Chairman Moruzzi. Mr. Barges stated he owns property within the C-4 District and asked the Commission to amend the proposed text amendment to include firing ranges in the C-4 District.

Mr. Viger stated firing ranges would be allowed in the C-4 District as part of the Village's current practice of allowing I-2 use in the C-4 District with the sunset provision of July 21, 2021.

Mr. Barges stated he was aware of the Village's current practice but asked the Commission would allow firing ranges in the C-4 District without the sunset provision of July 21, 2021.

Ms. Kosman reviewed the Village Staff Report and stated Staff recommends approval of the text amendment.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2013-36. Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 8:00 p.m.

Motion: Commissioner Pisano made a motion to approve the text amendment request for CDC Case No. 2013-36. Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Public Meeting: CDC Case Number 2014-03
Location: 18-30 North York Road
Request: Master Sign Plan

Motion: Commissioner Weldon made a motion to open CDC Case No. 2014-03. Commissioner Janowiak seconded the motion.

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

Chairman Moruzzi opened the Public Meeting at 8:03 p.m.

Village Planner, Victoria Kosman, stated since there is no rezoning or variance necessary, the Municipal Code does not require a full Public Hearing, but rather a simple public meeting; therefore, no legal notice requirements (newspaper, posting of property or mailed notices to taxpayers of record) is required. The agenda including this item was posted on the Village website as well as in Village Hall in compliance with Statute.

Ms. Kosman stated the property in question is zoned C – 3 Downtown Mixed-Use and is improved with a one story multiple unit commercial complex. As such, Municipal Code Section 10-18-7I requires a Master Sign Plan be applied “when more than one wall, awning, canopy, and/or permanent window sign is proposed on any building with multiple tenants.” For this reason, the applicant has worked with Village staff to develop a feasible Master Sign Plan for the conformance of any future signage.

There were no questions from the Commission.

Public Comment:

Tomi Minner, President of J&S Electric and Sign, Inc.

Mr. Minner was present and sworn in by Chairman Moruzzi. Mr. Minner stated she was present for questions from the Commission.

There were no questions from the Commission.

Ms. Kosman reviewed the Village Staff Report and stated Staff recommends approval of the text amendment.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2014-03. Commissioner Wedlon seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 8:07 p.m.

Motion: Commissioner Weldon made a motion to approve the master sign plan request for CDC Case No. 2014-03. Chairman Moruzzi seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Report from Community Development

Ms. Kosman reviewed both recent CDC cases along with upcoming cases.

ADJOURNMENT:

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

All were in favor
Motion carried.
The meeting was adjourned at 8:12 p.m.



Mike Moruzzi, Chairman
Community Development Commission

November 11, 2013

Scott R. Viger, Director
Community and Economic Development

Dear Mr. Viger,

At the present time, I am out of state and unable to attend the CDC's Public Hearing #2013-33 held this evening. I have serious concerns regarding this variance request and ask that my comments be made part of the public record.

This building and the one directly across Pamela Drive have violated the code by removing the lawn and allowing parking directly in front of the building. These corner buildings have always had lovely landscaping in the front yards and in the side yards as well. Allowing this variance will not only destroy the appearance and integrity of the neighborhood, but will also result in lower property values. One need only to drive east on Grand Ave. past County Line Rd. to see what parking in front and side of multi-family buildings looks like. How unattractive! Is this what we want for our village?

I trust the CDC will carefully consider the ramifications of this variance and the precedent that will be set if granted. Please deny this request.

Respectfully yours,



Marianne Trajewski
41 East Belmont Avenue
Bensenville, IL 60106

RECEIVED

NOV 12 2013

10/20/13

Community Development
Markell R. Veger A.I.C.P.
Director/Community & Economic
Development

Subject: Parking, Variance

without objection, I encourage approval
of the proposed Variance. Parking is a
devil of a problem. Public transportation
is a disaster. If tenants or their children
are to climb the success ladder, they
needs cars to work day and attend
school at night. We must encourage
ambition. Our society needs the best and
brightest.

Roman is a excellent landlord. Yes, I
know from personal experience.

Cars need parking. Tenants need cars.
Approval of the Variance is a double
winner. (Yes, Yes) Yes, I
approve.

Jack T. Brown