

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

March 2, 2015

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 6:32p.m.

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

STAFF PRESENT: V. Benham, M. Rysavy

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission Meeting of February 16, 2014 were presented.

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

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2015-06
Petitioner: Dale and Diane Burda
Location: 581 Marshall Road
Request: Variance to Reduce the Interior Side Yard Lot Line Setback for Detached Structures from 3 Feet to 1 Foot for the Construction of a Garage.

Motion: Commissioner Weldon made a motion to call CDC Case No. 2015-06. Commissioner Pisano seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 6:35 p.m.

Chairman Moruzzi held a mass swearing in for those who planned to speak during the Public Hearing.

Village Planner, Victoria Benham, stated a legal notice was published in the Bensenville Independent on February 12, 2015 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mrs. Benham also stated that Village Staff posted a notice of the Public Hearing sign on the property on February 13, 2015. Mrs. Benham stated on February 13, 2015 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question. Mrs. Benham stated the applicants, Dale and Diane Burda are requesting a single variance to reduce the interior side yard setback from 3 feet to 1 foot to relocate and construct a 576 square foot garage. Mrs. Benham stated the property in question is zoned RS-5 High Density Single Family on Marshall Road, just south of Foster Avenue and is improved with an existing single family home approximately 1,200 square feet in size. Mrs. Benham stated when the home was originally constructed, Foster Avenue had much less industrial activity and the residential driveway was constructed with a north access to Foster Avenue. Mrs. Benham stated due to recent developments and increase of truck traffic along Foster Avenue, the applicant is desirous of relocating the garage and driveway to connect to Marshall Road similar to other residential properties south of the subject property.

Diane Burda of 581 Marshall Road was present and previously sworn in by Chairman Moruzzi. Mrs. Burda addressed the Commissioners and read the findings of facts into the record. Mrs. Burda stated the proposed driveway will not differ from the others along Marshall Road. Mrs. Burda thanked the Commissioners for their consideration of the request.

Commissioner Rodriguez asked if there were any curb cut issues with the Village. Mrs. Burda stated it is not settled with the Village, however the garage contractor that has been retained for the proposed project has agreements with the curbcuts being proposed and will follow all proper permitting.

Commissioner Pisano asked which way the driveway will be pitched for rainwater. Mrs. Burda stated plans will be constructed to not allow water to drain towards neighbor's house.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2015-06.

Chris Anaya – 732 Marshall Road

Mrs. Anaya was present and previously sworn in by Chairman Moruzzi. Mrs. Anaya stated she was the neighbor to Mrs. Burda and she fully supports the proposed request.

Mrs. Benham reviewed staff's report and indicated staff recommends approval of the requested variance with the following conditions:

1. The construction be in accordance with the plans submitted as part of this application; and
2. The grading around the new garage shall be done in such a manner as to not adversely impact neighboring properties.
3. Any downspouts shall not discharge on neighboring properties.

Commissioner Rodriguez suggested adding the following conditions to the approval criteria for the proposed variance:

Chairman Moruzzi suggested adding the following condition to the approval of the proposed variances:

- Upon construction, the northern curbcut on Foster Avenue be removed and replaced with curbing.

There were no objections from the Commission.

Commissioner Rodriguez asked if there will be anything done with the existing paved area. Mrs. Benham stated it is Staff's beliefs that the existing paved area will be removed and replaced with grass.

Commissioner Rodriguez asked if the curbcut permit on Marshall is approved. Mrs. Benham stated the permit is still pending.

Commissioner Rodriguez asked if there was a need for a property line offset for the proposed pavement. Mrs. Benham stated there was not a need for an offset.

Motion: Commissioner Janowiak made a motion to close CDC Case No. 2015-06. Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Janowiak, Pisano, Rodriguez, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the public hearing at 6:49 p.m.

Motion: Commissioner Weldon made a motion to approve the findings of facts for the requested variance to reduce the interior sideyard set back from 3 feet to 1 foot consisting of:

1. **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. The proposed garage needs to be closer to the property line so that the new driveway will be centered and allow easy access to the garage.
2. **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. Without this provision, the new driveway will be extremely difficult to maneuver in and out safely.
3. **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 physical character of the new garage depends on centering the driveway and garage so that we do not have to swing far left to access the garage entrance.

4. **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 variance request did not result from any act undertaken by the applicant.
5. **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 requested is necessary for the applicant to enjoy substantial property rights. Marshall Road has 19 other homes with their driveways and garages off of Marshall Road. The proposed driveway will not be any different than other ones down the block.
6. **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. Without the granting of the requested variance, the applicant will be deprived of a smooth and safe entrance and exit to the subject garage without having to make difficult maneuvers into or out of the garage.
7. **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 proposed variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety in the vicinity.

8. **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. The granting of the variance will be in harmony with the general purpose and intent of the general development plan.
9. **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. The minimum variance has been requested from 3 feet to 1 foot off the southern property line for the installation of the garage. This is the minimum variance needed for safe maneuvers in and out of the proposed garage in consideration of the existing layout of the subject property.

Commissioner Janowiak seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Janowiak, Pisano, Rodriguez, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Weldon made a motion to approve the requested variance to reduce the interior sideyard set back from 3 feet to 1 foot following conditions:

1. The construction be in accordance with the plans submitted as part of this application; and
2. The grading around the new garage shall be done in such a manner as to not adversely impact neighboring properties.
3. Any downspouts shall not discharge on neighboring properties; and
4. Upon construction, the northern curbcut on Foster Avenue be removed and replaced with curbing.

Commissioner Janowiak seconded the motion.

ROLL CALL: Ayes: Moruzzi, Janowiak, Pisano, Rodriguez, Weldon

Nays: None

All were in favor. Motion carried.

Report from Community Development

Mrs. Benham reviewed both recent CDC cases along with upcoming cases.

ADJOURNMENT:

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

All were in favor.

Motion carried.

The meeting was adjourned at 7:02 p.m.

A handwritten signature in black ink, appearing to read 'Mike Moruzzi', is written over a horizontal line.

Mike Moruzzi, Chairman
Community Development Commission