

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

April 6, 2015

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 6:41p.m.

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

STAFF PRESENT: V. Benham, M. Rysavy, C. Williamsen

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission Meeting of March 16, 2015 were presented.

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

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2015-09
Petitioner: Two Chefs Restaurant & Catering
Location: 3 South Center Street
Request: Variance to Increase the Sign Area of a Permanent Window Sign from 24 to 51 Sq. Ft.

Motion: Commissioner Weldon made a motion to call CDC Case No. 2015-09. Commissioner Pisano seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 6:33 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 March 19, 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 March 20, 2015. Mrs. Benham stated on March 20, 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 applicant, Two Chefs Restaurant & Catering located at 3 South Center Street is requesting a variance relative to the proposed modernized signage for the property. Mrs. Benham stated the applicant has been operating at the subject property for approximately a decade and is a staple in the Village's downtown. Mrs. Benham stated the property in question is approximately 5,500 Sq. Ft. in size and is located on the southeast corner of Railroad Avenue and Center Street within a C-3 Downtown Mixed Use Zoning District. Mrs. Benham stated the applicant has proposed updated signage in conjunction with the rebranding of the property. Mrs. Benham stated for this reason, a variance has been requested to increase the allowable permanent window signage from 24 square feet to 51 square feet.

Mr. Mike Olivera of 847 Randall Road, South Elgin, Illinois was present and previously sworn in by Chairman Moruzzi. Mr. Olivera shared an exhibit with the Commission showing what the proposed signage would look like if approved. Mr. Olivera stated Two Chefs is proposing a logo and footer to be placed on the west side of the building. Mr. Olivera stated the outside awnings have been removed and the dropped ceiling is now exposed. Mr. Olivera stated Two Chefs plans to hide the dropped ceilings. Mr. Olivera stated all other proposed signage meets the current Village Code. Mr. Olivera read the findings of facts for the proposed variance into the record.

There were no questions from the Commissioners.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2015-09. There were none.

Ms. 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 the application.
2. The applicant shall not post any temporary window signage.

There were no questions from the Commissioners.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2015-09. Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the public hearing at 6:44 p.m.

Motion: Commissioner Pisano made a motion to approve the findings of facts for the requested variance 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.
Special circumstances exist in that the permanent window sign within the C-3 Downtown Mixed Use Zoning District designation is the only signage proposed on the western façade of the building.
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. *The literal application of the provisions of this Title would result in unnecessary and practical difficulties for the applicant in the rebranding of the business.*

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 special circumstances relate only to the physical character of the land and building due to the nearly 400 square feet of window area long the western façade of the subject property.*
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 special circumstances have not resulted from any act of 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 is necessary for the applicant to enjoy substantial property rights possessed by other properties and do not confer a special privilege.*
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. *The grant of the Variance is necessary because without the requested Variance, the applicant will be deprived of reasonable use from their property in the adequate identification of their business along the western facade.*

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 granting of the Variance will not alter the essential character of the Village's Central Business District.*
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 Comprehensive Plan as the plan calls for the modernization of signage and facades within the downtown.*
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 Variance requested is the minimum required to provide the applicant with relief from undue practical difficulties.*

Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the requested variance with the following conditions:

1. The construction be in accordance with the plans submitted as part of the application.
2. The applicant shall not post any temporary window signage.

Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Pisano, Rodriguez, Rowe, 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 Rowe made a motion to adjourn the meeting. Commissioner Pisano seconded the motion.

All were in favor.

Motion carried.

The meeting was adjourned at 6:55 p.m.



Mike Moruzzi, Chairman
Community Development Commission