

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

October 5, 2015

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, Tellez
Absent: Rodriguez
A quorum was present.

STAFF PRESENT: V. Benham, C. Williamsen

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission Meeting of September 21, 2015 were presented.

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

All were in favor. Motion carried.

Commissioner Janowiak recused himself from the meeting at 6:32 p.m.

Public Hearing: CDC Case Number 2015-19
Petitioner: MTR Truck Center
Request: Text Amendment to Allow Motor Vehicle Sales as a Conditional Use within the I-1 Office/Research/Assembly/Industrial District

Motion: Commissioner Rowe made a motion to open CDC Case No. 2015-19. Commissioner Pisano seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 6:34 p.m.

Village Planner, Victoria Benham, was present and sworn in by Chairman Moruzzi. Ms. Benham stated a Legal Notice was published in the Bensenville Independent on Thursday September 17, 2015. Ms. Benham stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Mrs. Benham stated the request is set forth by MTR Truck Center to allow the operation of a Motor Vehicle Sales and Accessory Outdoor Sales and Display Area uses as Conditional Uses within the I-1 Office/Research/Assembly Industrial District. Ms. Benham stated currently the I-1 Office/Research/Assembly/Industrial Zoning District ("I-1 Zoning District") does not identify such a use as allowable or conditional. Ms. Benham stated the applicant is ultimately desirous of operating a dealership adjacent to their existing property located at 900 – 920 County Line Road.

Mark Daniel, Attorney representing MTR Truck Center, was present and sworn in by Chairman Moruzzi. Mr. Daniel stated his client is proposing a truck sale center that would contain medium density trucks. Mr. Daniel stated he would like to take a different approach to the request and is willing to host meetings with the Residents in the affected area to hear and address their concerns. Mr. Daniels asked for the CDC Case No. 2015-19 to be continued until November 16, 2015.

There were no questions from the Commission.

Motion: Commissioner Rowe made a motion to continue CDC Case No. 2015-19 until November 16, 2015. Commissioner Tellez seconded the motion.

ROLL CALL: Ayes: Moruzzi, Pisano, Rowe, Tellez

Nays: None

All were in favor. Motion carried.

Commissioner Janowiak re-entered the meeting at 6:39 p.m.

Public Hearing: CDC Case Number 2015-24
Petitioner: Karen Armentano
Location: 1001 Medinah Street
Request: Variance to Allow a Porch in the Required Front Yard and to Reduce the Front Yard Setback from 30' to Approximately 26'

Motion: Commissioner Rowe made a motion to open CDC Case No. 2015-24. Commissioner Janowiak seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 6:44 p.m.

Village Planner, Victoria Benham stated a Legal Notice was published in the Bensenville Independent on September 17, 2015. Mrs. Benham stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development department during regular business hours. Mrs. Benham stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on Thursday, September 17, 2015. Mrs. Benham stated on Thursday, September 17, 2015, Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mrs. Benham stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours. Mrs. Benham stated the applicant, Karen Armentano is requesting a variance relative to the construction of a porch in the front yard at 1001 Medinah Street. Mrs. Benham stated the approximately 1,100 sq.ft. single family home is located on approximately 0.2 acres with a detached garage. It is located on the northwest corner of Medinah Street and Franzen Street within an RS-5 High Density Single Family Zoning District. Mrs. Benham stated under current Village Code the construction of a porch in the required front yard requires a variance, which in this case is the southern portion of the property along Medinah Street.

Ms. Armentano was present and sworn in by Chairman Moruzzi. Ms. Armentano stated she was seeking to extend the current deck that sits in front of her house. Ms. Armentano read the findings of facts 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. 2015-24. There were none.

Mrs. Benham reviewed staff's report and indicated staff recommends approval of the proposed request with the following condition:

1. The construction be in accordance with the plans submitted as part of the application.

There were no questions from the Commissioners.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2015-24. Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Tellez

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the public hearing at 6:52 p.m.

Motion: Commissioner Rowe made a motion to approve the findings of facts for the proposed variance to construct a porch in the required front yard 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 subject property sits atop a small hill. The existing porch therefore has hills on each side of it. The applicant would like to have a new porch constructed which runs the width of the house. The applicant is requesting a variance of approximately 4 feet less than what the current 30 foot ordinance calls for.*
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. *It is not practical or cost effective to regrade, reseed or re-sod the entire front yard to eliminate the hazard that the hills present. Instead the applicant proposes to build the porch over the hills on either side of the current porch stoop. The hills seem to attract small children in the neighborhood who will bring all kinds of things*
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/buildings given the topography and existing setback which would preclude moving the house back in order to comply. Furthermore, the owner/occupant is not motivated by any business activity at the address or in the future.*

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. *These circumstances are not resultant from the applicant's action. The applicant has not begun the proposed expansion and will await approval or denial prior to proceeding.*
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. *Other properties within the same RS-5 High Density Single Family have setbacks ranging from 15 feet to 30 feet. The variance is necessary for the applicant to enjoy a substantial property right possessed by other properties within the same zoning district and does 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 an extension east and west of an existing porch that encroaches south into the front yard setback. Without the Variance, the applicant will be deprived of reasonable use of the property.*
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 character of the locality as the properties are setback only 20 feet in their front yards. Additionally, the property values, public safety or welfare in the vicinity are not expected to be negatively impacted.*

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 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 Variance requested is the minimum required to provide the applicant with relief from undue practical difficulties of the functionality of the proposed porch.*

Commissioner Janowiak seconded the motion.

ROLL CALL: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Tellez

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Janowiak made a motion to approve the findings of facts for the proposed variance to reduce the front yard setback from 30' to approximately 26' 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 subject property sits atop a small hill. The existing porch therefore has hills on each side of it. The applicant would like to have a new porch constructed which runs the width of the house. The applicant is requesting a variance of approximately 4 feet less than what the current 30 foot ordinance calls for.*

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. *It is not practical or cost effective to regrade, reseed or re-sod the entire front yard to eliminate the hazard that the hills present. Instead the applicant proposes to build the porch over the hills on either side of the current porch stoop. The hills seem to attract small children in the neighborhood who will bring all kinds of things*
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/buildings given the topography and existing setback which would preclude moving the house back in order to comply. Furthermore, the owner/occupant is not motivated by any business activity at the address or in the future.*
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. *These circumstances are not resultant from the applicant's action. The applicant has not begun the proposed expansion and will await approval or denial prior to proceeding.*

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. *Other properties within the same RS-5 High Density Single Family have setbacks ranging from 15 feet to 30 feet. The variance is necessary for the applicant to enjoy a substantial property right possessed by other properties within the same zoning district and does 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 an extension east and west of an existing porch that encroaches south into the front yard setback. Without the Variance, the applicant will be deprived of reasonable use of the property.*
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 character of the locality as the properties are setback only 20 feet in their front yards. Additionally, the property values, public safety or welfare in the vicinity are not expected to be negatively impacted.*
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 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 Variance requested is the minimum required to provide the applicant with relief from undue practical difficulties of the functionality of the proposed porch.*

Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Tellez

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the proposed variance requests to allow the construction of a porch in the required front yard, Municipal Code Section 10 – 14 – 13 and to reduce the front yard setback from 30’ to approximately 26’ with Staff’s recommendations consisting of:

1. The construction be in accordance with the plans submitted as part of the application.

Commissioner Janowiak seconded the motion.

ROLL CALL: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Tellez

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 Janowiak seconded the motion.

All were in favor.

Motion carried.

The meeting was adjourned at 6:56 p.m.



Mike Moruzzi, Chairman
Community Development Commission