

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

**MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION**

October 19, 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, Majeski, Pisano, Rodriguez, Rowe  
Absent: Janowiak, Tellez  
A quorum was present.

**STAFF PRESENT:** V. Benham, M. Rysavy, S. Viger, C. Williamsen

**JOURNAL OF PROCEEDINGS:**

The minutes of the Special Community Development Commission Meeting of October 12, 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 2015-21

**Petitioner:** Highway Xpress, Inc.

**Location:** 100 Leland Court, Unit C

**Request:** Conditional Use Permits to Allow Motor Vehicle Repair Major & Minor and Outdoor Storage

**Motion:** Commissioner Rowe made a motion to continue CDC Case No. 2015-21 until November 2, 2015. Commissioner Majeski seconded the motion.

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2015-26  
**Petitioner:** Victory Auto Wreckers, Inc.  
**Location:** 710 East Green Street  
**Request:** Variance to Allow a Generator in the Front Yard

**Motion:** Commissioner Pisano made a motion to open CDC Case No. 2015-26. Commissioner Majeski seconded the motion.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Moruzzi, Majeski, Pisano, Rodriguez, Rowe  
Absent: Janowiak, Tellez  
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, was present and previously sworn in by Chairman Moruzzi. Mrs. Benham stated a Legal Notice was published in the Bensenville Independent on Thursday October 1, 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 one Notice of Public Hearing sign on the property, visible from the public way on Friday, October 2, 2015. Mrs. Benham stated on Friday, October 2, 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, Victory Auto Wreckers, Inc. is desirous of installing a generator in the front yard of the property located at 710 East Green Street. Mrs. Benham stated the subject property is located on the south side of Green Street, just east of Evergreen Street within an existing I-3 Heavy Industrial Zoning District. Mrs. Benham stated the size of the proposed generator is 33.5"(W)x76.75"(L)x 45.125"(H). Mrs. Benham stated the applicant has proposed the installation of it in the center of the property with screening to minimize visual impact.

Jim Carr, Attorney for Victory Auto Wreckers, and Kyle Weisner, owner of Victory Auto Wreckers, were both present and previously sworn in by Chairman Moruzzi. Mr. Carr stated the current Village Code prohibits a standby generator to be installed in the front yard of property. Mr. Carr reviewed the plat of survey with the Commission and the proposed spot where the generator will be placed. Mr. Carr stated the generator will be enclosed by a jersey barrier. Mr. Carr reviewed the approval criteria for the proposed variance. Mr. Carr stated the generator will only be used during power outages. Mr. Weisner reviewed the current operations of Victory Auto Wreckers. Mr. Weisner expressed concern of the location of the generator is the variance is not approved. Mr. Weisner stated if the generator is placed anywhere else on the property, it will be hit by a forklift while conducting their daily operations. Mr. Weisner stated the generator is made by Siemens and costs \$25,000. Mr. Weisner stated the generator has already been purchased and that we was unaware of the Village Code at the time. Mr. Weisner stated the generator will not be seen from Green Street as the property is already screened and the generator will be screened on the lot by concrete barriers and a fence.

Commissioner Rodriguez asked the petitioner for a detailed plan and placement of the proposed generator as there was not one provided in the Commissioner's packets. Mr. Carr stated there is no drawings other than what was provided to the Commission.

Commissioner Rodriguez asked if parking will be effected by the proposed variance. Mr. Weisner stated no parking will be effected.

Commissioner Rodriguez asked how far away from the building will the generator be placed. Robert Braun, Engineer for Victory Wreckers, was present and previously sworn in by Chairman Moruzzi. Mr. Braun stated the generator will be placed eight feet from the back of the outer line of the gas line and nine feet from the back of the wall. Mr. Braun stated there will be room within the jersey barrier to allow for maintenance and air circulation to the generator. Mark Rysavy, Assistant Director of Community and Economic Development, was present and previously sworn in by Chairman Moruzzi. Mr. Rysavy assured the Commission Staff will assure the jersey barrier is set and will meet requirements in the code during permitting.

Commissioner Pisano asked if the petitioner had any thoughts of a decorative screening for the generator. Mr. Carr stated his client had considered it but it is not a wise decision due to the possible heat transfer from the generator will being used. Mr. Carr reiterated the generator will not be seen from Green Street.

**Public Comment:**

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2015-26. There were none.

Mrs. Benham reviewed the Village Staff Report and stated Staff recommends approval of the proposed variance with the following conditions:

1. The construction be in accordance with the plans submitted and included with this application.
2. The standby generator shall not be visible from the street.

Commissioner Rodriguez raised concern with the submitted plans to the Commissioners but stated he was ok with Staff reviewing the placement of the generator during the permitting process. Commissioner Rodriguez asked for the following condition to be added to the approval of the proposed variance:

3. A localized drawing specifying the details of the generator be provided, included in the application and approved by Staff.

There were no objections from the Commission.

**Motion:** Commissioner Rowe made a motion to close CDC Case No. 2015-26. Commissioner Majeski seconded the motion.

**ROLL CALL:** Ayes: Moruzzi, Majeski, Pisano, Rodriguez, Rowe

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing for CDC Case No. 2015-26 at 7:13 p.m.

Motion: Commissioner Pisano made a motion to approve the findings of fact for the proposed 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. The property is unique among similarly situated properties zoned I-3 in the Green Street Corridor. It is the only property in the area having an automotive sales and display area as an accessory use with frontage on Green Street. Automobiles offered for resale are parked in the sales and display area of the Property located between the Main Building and Green Street. These autos block much of the view of the north elevation of the Main Building from the Green Street perspective. If a Variance were allowed, the standby generator would be screened entirely from the autos parked in the display area lot. Additional screening would be provided with the use of jersey barriers placed in front of the standby generator to protect it from accidental contact with autos moving in and out of the display lot.

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. Locating the Standby Generator in the rear yard of the property would present significant hardship and practical difficulties to Victory Auto Wreckers. The manufacturer's installation guidelines call for locating the Standby Generator as close as possible to the electrical source to reduce the voltage differential over longer distances. Both the fuel supply and electrical source for the property are located along the north elevation in the front yard. For this reason, installation of the standby generator in the rear yard of the property would involve relatively long runs of fuel lines and electrical supply lines with attendant reductions of fuel pressure and voltage over these long distances. Locating the standby generator in the rear yard would present a heightened risk of accidental contact by heavy equipment operating in the rear yard vehicle processing area. The location of the generator in the rear yard would present an unacceptable risk of damage from accidental contact by heavy equipment being operated there to load and unload vehicles.
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. Given the layout of the subject property, the front yard of the property is not only the safer location for the standby generator, it also affords greater ease of access for service, maintenance and use during any occasional power outages.

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 electrical service and fuel supply (gas line) have been located at the front of the main building since Victory Auto Wreckers commenced operations at the property in the early 1960s. As with other buildings and uses in the Green Street Corridor, the utility services run along the right-of-way and this fact may explain why so many other users in the area have compressors, electrical and utility cabinets located in their front yards.
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 instances in which mechanical equipment, including air conditioning compressors have been placed within the front yards of buildings in the area.
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. Placement of the standby generator in the front yard will have no impact on the applicant's economic return. Use of the standby generator would merely allow Victory Auto Wreckers to continue normal operations during a power outage, day or night, and to provide enhanced security to the whole site during extended outages.

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 subject property is located within an I-3 zoning district where uses having greater impacts are permitted. The standby generator will have no impact whatsoever when not operation; it would have minimal impact while operating during power outages owing to its relatively small engine size.
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 installation of the generator would have no adverse impact on any use of the property or on the character of the area or on any comprehensive planning or zoning scheme adopted by the Village for the Green Street Corridor.
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 Majeski seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Motion:** Commissioner Majeski made a motion to approve the proposed Variance with Staff's recommendations consisting of:

1. The construction be in accordance with the plans submitted and included with this application.
2. The standby generator shall not be visible from the street.

and the addition of:

3. A localized drawing specifying the details of the generator be provided, included in the application and approved by Staff.

Commissioner Rowe seconded the motion.

**ROLL CALL:** Ayes: Moruzzi, Majeski, Pisano, Rodriguez, Rowe  
Nays: None

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2015-27  
**Petitioner:** Marek Zaleski  
**Location:** 675 John Street  
**Request:** Variance to Allow an increase in garage Height from 12 feet to 14 feet 1 inch.

**Motion:** Commissioner Rowe made a motion to open CDC Case No. 2015-27. Commissioner Majeski seconded the motion.

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

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

Village Planner, Victoria Benham, was present and previously sworn in by Chairman Moruzzi. Mrs. Benham stated a Legal Notice was published in the Bensenville Independent on Thursday October 1, 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 one Notice of Public Hearing sign on the property, visible from the public way on Friday, October 2, 2015.

Mrs. Benham stated on Friday, October 2, 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, Marek Zaleski is requesting a variance relative to the construction of a new garage at 675 John Street. Mrs. Benham stated the subject property is located on the east side of John Street, just north of George Street within an existing RS-4 Medium High Density Single Family Zoning District. Mrs. Benham stated under current Village Code the maximum height of accessory structures such as a garage is limited to 12 feet. Mrs. Benham stated the proposed garage at 14'1" requires a variance.

Marek Zaleski and Patryk Zaleski, owners of 675 John Street were both present and previously sworn in by Chairman Moruzzi. Mr. P. Zaleski stated the property was purchased and planned for a remodel and to be sold once completed. Mr. P. Zaleski stated the original plans were approved by Staff with a twelve foot garage, which is allowed per the Village Code. Mr. P. Zaleski stated he is requesting a variance to allow for an additional two feet, one inch of garage height. Mr. P. Zaleski stated the taller garage esthetically looks better per the designs submitted to the Commissioners. Mr. P. Zaleski stated the reason for the height increase is to allow for a pitched roof rather than a flat roof on the garage. Mr. P. Zaleski reviewed the findings of fact that was submitted to staff. Mr. P. Zaleski stated the flow of the garage to the house would look much better with the newly planned out garage even though it goes over height restrictions. Mr. P. Zaleski stated there would be no hardships of difficulties regarding the new garage plan. Mr. P. Zaleski stated it would not affect the neighborhood negatively. Mr. P. Zaleski stated the proposed garage would be related to the height of the structure. Mr. P. Zaleski stated no construction has been taking place and that all that is done is the architectural plans. Mr. P. Zaleski stated no substantial property rights are possessed. Mr. P. Zaleski stated there is no economic return resulting in the proposed height modification to the garage. Mr. P. Zaleski stated the environment will not be impaired, nor will the property values or public safety of anyone with the proposed addition. Mr. P. Zaleski stated the proposed variance would not invalidate or nullify any plans put in by the Village of Bensenville. Mr. P. Zaleski stated the proposed variance is not of substantial proportions and is only a minor change.

Commissioner Rodriguez asked for clarification of the drawings provided in the Commissioner's packet. Mr. P. Zaleski stated the proposed variance is to allow a garage height of 14' 1" for the pitch of the roof, not the size of the garage door.

Commissioner Rodriguez asked if the proposed variance would allow for additional storage in the garage. Mr. P. Zaleski stated it would allow for additional storage.

**Public Comment:**

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2015-27. There were none.

Mrs. Benham reviewed the Village Staff Report and stated Staff found seven of the nine approval criteria submitted by the petitioners do not meet approval criteria. Mrs. Benham reviewed Staff's recommendation of the findings of fact for the proposed 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 do not exist that are peculiar to the property.*
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 would be considered an inconvenience as the applicant has developed a garage that meets their needs without a variance.*

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 do not relate solely to 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 circumstances are the result of the applicant's action.*
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. *A variance is not necessary for the applicant to enjoy a substantial property right possessed as the applicant has designed a garage that meets the height requirements.*
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 not necessary for the applicant to maintain reasonable use or enjoyment of the subject 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 granting of the variance will not alter the local character as there is another garage with an increased height 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 would 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 not the minimum required as no variance would be required to have the door sized for the applicant's utilization.*

Mrs. Benham stated Staff recommends the denial of the proposed variance.

Commissioner Rodriguez asked if other garages in the area exceed 12 feet. Mrs. Benham stated Staff is aware of one other garage in the area that exceeds 12 feet, however; it was previously approved prior to the Village code amendment two years ago.

Commissioner Rodriguez stated he understands Staff's recommendation and the petitioner's reasons for seeking the variance. Mrs. Benham stated the proposed remodel of 675 John Street is still feasible with a 12 foot garage.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2015-27. Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing for CDC Case No. 2015-27 at 7:34 p.m.

Motion: Commissioner Rowe made a motion to approve the findings of fact for the proposed variance as presented by Staff 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 do not exist that are peculiar to the property.*
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 would be considered an inconvenience as the applicant has developed a garage that meets their needs without a variance.*
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 do not relate solely to 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 circumstances are the result of the applicant's action.*

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. *A variance is not necessary for the applicant to enjoy a substantial property right possessed as the applicant has designed a garage that meets the height requirements.*
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 not necessary for the applicant to maintain reasonable use or enjoyment of the subject 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 granting of the variance will not alter the local character as there is another garage with an increased height 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 would 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 not the minimum required as no variance would be required to have the door sized for the applicant's utilization.*

Chairman Moruzzi seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Pisano made a motion to approve the proposed Variance. Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: None

Nays: Moruzzi, Majeski, Pisano, Rodriguez, Rowe

All were in favor. Motion failed.

### **Report from Community Development**

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

Chairman Moruzzi asked the Commissioners to consider a Chairman Pro-Tem in the event of his absence from a meeting. Chairman Moruzzi asked Staff to place this matter on the next agenda for action.

### **ADJOURNMENT:**

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

All were in favor.

Motion carried.

The meeting was adjourned at 7:40 p.m.



Mike Moruzzi, Chairman  
Community Development Commission