

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

**MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION**

August 15, 2016

**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, Pisano, Rowe, Marcotte  
Absent: Rodriguez, Tellez, Lomax  
A quorum was present.

**STAFF PRESENT:** S. Viger, K. Pozsgay, C. Williamsen

**JOURNAL OF PROCEEDINGS:**

The minutes of the Special Community Development Commission Meeting of July 11, 2016 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.

The minutes of the Community Development Commission Meeting of July 18, 2016 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 2016-08  
**Petitioner:** Crown Truck Service, Inc.  
**Location:** 1220 Mark Street  
**Request:** Conditional Use Permit to Allow Motor Vehicle Repair, Major & Minor.

**Motion:** Commissioner Rowe made a motion to re-open CDC Case No. 2016-08. Chairman Moruzzi seconded the motion.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Moruzzi, Pisano, Rowe, Marcotte  
Absent: Rodriguez, Tellez, 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.

Director of Community and Economic Development, Scott Viger, was present and previously sworn in by Chairman Moruzzi. Mr. Viger stated a Legal Notice was published in the Bensenville Independent on July 28, 2016. Mr. Viger 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. Mr. Viger stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on July 28, 2016. Mr. Viger stated on July 28, 2016 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. Mr. Viger 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. Mr. Viger stated the applicant, Crown Truck Service, Inc. is requesting a Conditional Use Permit to allow Motor Vehicle Repair, Major and Minor at 1220 Mark Street. Mr. Viger stated the subject property is located on the north side of Mark Street, just west of Illinois Route 83. Mr. Viger stated the property is zoned I-2 Light Industrial and is just over an acre in size allowing such a request.

Jack Calabrese, owner of Crown Truck Service, Inc. was present and previously sworn in by Chairman Moruzzi. Mr. Calabrese stated Crown Truck Service, Inc. opened in 1991 on Ellis Street in Bensenville. Mr. Calabrese stated this is the first time Crown Truck Service, Inc. has expanded their operation to add another location since the recession took place. Mr. Calabrese stated the proposed new location at 1220 Mark Street would be used to repair the trailers of Enterprise trucks. Mr. Calabrese stated there would be no engine work or oil changes occurring on site. Mr. Calabrese stated the proposed parking is adequate for the use of the proposed operation. Mr. Calabrese stated the building is in need of a sprinkler system prior to operation.

Mr. Viger read the findings of fact into the record on behalf of the petitioner.

Commissioner Marcotte asked if there are plans to repair other trucks other than Enterprise trucks on site. Mr. Calabrese stated only Enterprise trucks will be repaired on site; other trucks would be repaired at other locations owned by Crown Truck Services, Inc.

Commissioner Rowe asked what the hours of operation would be. Mr. Calabrese stated the hours of operation would be Monday – Friday 7:00am – 4:00pm; rarely Saturday hours, if they were to work on Saturdays it would be until 2:00pm and there are no plans to work on Sundays.

Commissioner Pisano asked if painting would take place on site. Mr. Calabrese stated there would be no painting done on site and that the parts being repaired come pre-painted.

*Commissioner Tellez entered the meeting at 6:40pm.*

**Public Comment:**

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2016-08. There was none.

Mr. Viger reviewed the Village Staff Report and stated Staff recommends the approval of the Findings of Fact and the proposed conditional use permit and variance with the following conditions:

1. The Conditional Use Permit be granted solely to Crown Truck Service, Inc. and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and / or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit.

2. The site shall be developed in substantial compliance with the plans submitted on 06.23.16 in support of this application prepared by Forma Inc. Dated 06.01.16 only after a full Building Permit review is completed and a Building Permit is issued.
3. A Landscape plan for the frontage of the property shall be submitted to staff for review and approval as part of the Building Permit process.
4. No Semi tractors or trailer shall be repaired at this site.
5. No vehicles associated with this repair operation shall be parked on the public (Mark Street, Tower Lane) streets.
6. Hours of Operation shall be no more than 7:00 AM to 4:00PM.
7. Any and all signage shall be in conformance with the Village Code.
8. A six-month "look back" review be conducted before the CDC and a report made to the Village Board Community & Economic Development Committee.

Commissioner Pisano asked if the building was behind on any utility bills with the Village. Mr. Viger stated he was unaware of any debt owed to the Village.

Chairman Moruzzi asked if Staff had the opportunity to review the proposed parking on site. Mr. Viger stated Staff has no objections to the parking plans as submitted.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2016-08. Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 6:50 p.m.

Motion: Commissioner Pisano made a motion to approve the Findings of Fact for the Conditional Use Permit for Motor Vehicle Repair, Major & Minor consisting of:

1. **Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized. The area has truck traffic already. We will add no additional traffic.

2. **Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district. The repair work will add no impact on environmental conditions at or around the building. There are no doors or windows to north wall facing homes.
3. **Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized. The building is in a Truck Route area.
4. **Use of Public Services and Facilities:** The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area. There will be no additional public services needed.
5. **Public Necessity:** The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community. We will provide service to the truck industry and add jobs to the community.
6. **Other Factors:** The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location. We do not believe the community will notice a change at all.

Commissioner Rowe seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Rowe, Pisano, Tellez, Marcotte

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Rowe made a motion to approve the Conditional Use Permit for Motor Vehicle Repair, Major & Minor with Staff's recommendations consisting of:

1. The Conditional Use Permit be granted solely to Crown Truck Service, Inc. and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and / or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit.
2. The site shall be developed in substantial compliance with the plans submitted on 06.23.16 in support of this application prepared by Forma Inc. Dated 06.01.16 only after a full Building Permit review is completed and a Building Permit is issued.
3. A Landscape plan for the frontage of the property shall be submitted to staff for review and approval as part of the Building Permit process.
4. No Semi tractors or trailer shall be repaired at this site.
5. No vehicles associated with this repair operation shall be parked on the public (Mark Street, Tower Lane) streets.
6. Hours of Operation shall be no more than 7:00 AM to 4:00PM.
7. Any and all signage shall be in conformance with the Village Code.
8. A six-month "look back" review be conducted before the CDC and a report made to the Village Board Community & Economic Development Committee.

Commissioner Marcotte seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Rowe, Pisano, Tellez, Marcotte

Nays: None

All were in favor. Motion carried.



**Public Hearing:** CDC Case Number 2016-17  
**Petitioner:** All Around Gymnastics, Inc.  
**Location:** 674 County Line Road  
**Request:** Conditional User Permit to Allow an Indoor Athletic Facility

**Motion:** Commissioner Rowe made a motion to re-open CDC Case No. 2016-17. Commissioner Marcotte seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 6:53 p.m.

Director of Community and Economic Development, Scott Viger, was present and previously sworn in by Chairman Moruzzi. Mr. Viger stated a Legal Notice was published in the Bensenville Independent on July 28, 2016. Mr. Viger 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. Mr. Viger stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on July 28, 2016. Mr. Viger stated on July 28, 2016 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. Mr. Viger 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. Mr. Viger stated the property in question is a multiple tenant industrial building located in the northwest quadrant of the George Street and County Line Road intersection. Mr. Viger stated there are three individual buildings on this corner, the request is concerned with the northern most of the three. Mr. Viger stated All Around Gymnastics Inc., currently rents the gym at West Leyden High School and is seeking a permanent home for their gymnastics training facility. Mr. Viger stated the site is zoned I – 1 Office/Research/Assembly Industrial District which allows such “indoor athletic facilities as Conditional Uses.

Ms. Daria Jakubowska, owner of All Around Gymnastics, Inc. was present and previously sworn in by Chairman Moruzzi. Ms. Jakubowska stated the proposed plans allow for a gymnastics center and dance facility. Ms. Jakubowska stated All Around Gymnastics, Inc. has between 10-15 coaches. Ms. Jakubowska stated All Around Gymnastics, Inc. is a USGA certified member and club. Ms. Jakubowska read the findings of fact into the record for the proposed conditional use permit.

Commissioner Rowe asked what the age range was for participants. Ms. Jakubowska stated the participants ages range from 2-18 year of age.

Commissioner Rowe asked what the proposed hours would be. Ms. Jakubowska stated the classes will be aged based and the operations would take place from 9:00am – 12:00pm for younger students; 4:00pm-9:00pm for older students, Monday – Friday. Ms. Jakubowska stated they are currently discussing adding classes on Sundays that would likely occur between 10:00am – 2:00pm.

Commissioner Tellez asked for clarification on the dropping off of participants. Ms. Jakubowska stated parent mostly drop their children off for class and leave. Ms. Jakubowska stated there is a viewing area for parents that chose to stay and watch the class.

Commissioner Tellez asked if there are safety measures in place. Ms. Jakubowska stated all of the coaches are certified and she was a prior nurse and her husband is a former paramedic.

**Public Comment:**

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2016-17. There was none.

Mr. Viger reviewed the Village Staff Report and stated Staff recommends the approval of the Findings of Fact and the requested conditional use permit with the following condition:



1. The Conditional Use Permit be granted solely to All Around Gymnastics Inc. and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of change in tenancy of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and / or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit.
2. The facility shall be developed in accordance with the plans submitted as a part of the application.
3. All Code Enforcement comments in the staff report shall be addressed at permit and before occupancy.

Commissioner Marcotte asked if the children waiting to be picked up will be waiting outside alone. Ms. Jakubowska stated children will be waiting inside for their ride, with a coach, and will not be allowed to exit the building until a parent comes to the door for them or until a coach recognizes their ride is ready.

Commissioner Pisano requested a condition be added to the approval criteria that required a stop sign be installed at the exit of the property prior to County Line Road.

There were no objections from the Commission, Staff or the petitioner.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2016-17. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:12 p.m.

Motion: Commissioner Pisano made a motion to approve the Findings of Fact for the requested conditional use permit consisting of:

1. **Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized. All Around Gymnastics Inc. would not result in any adverse impact on traffic flow. During peak evening hours, 6:00 – 8:00 PM, we would expect no more than 25 cars passing through per hour.
2. **Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district. As an indoor gymnastics facility, we would not produce excessive noise, glare, odor or have excessive waste disposal requirements.
3. **Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized. We do not believe a children's gymnastics program would have any adverse effects on environmental quality, property values, or neighborhood character. Rather, neighborhood character will be improved with the additional activities available for children.
4. **Use of Public Services and Facilities:** The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area. The day to day functional activities of the business would not put undue burden on the use of provided public services or facilities.

5. **Public Necessity:** The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community. A full service competitive gymnastics facility is not available in Bensenville or the surrounding area. Additionally, gymnastics fosters personal growth, positive self-esteem, respect and an increase in physical health. With respect to the childhood obesity epidemic, and Bensenville's push towards a more healthy life style, our gymnastics facility would provide another opportunity to help increase awareness and opportunity for healthier living.
6. **Other Factors:** The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location. Any factors the Commission or public raise at the Public Hearing will be addressed at that time.

Commissioner Marcotte seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Rowe, Pisano, Tellez, Marcotte

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Rowe made a motion to approve the requested conditional use permit with Staff's recommendation consisting of:

1. The Conditional Use Permit be granted solely to All Around Gymnastics Inc. and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of change in tenancy of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and / or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit.
2. The facility shall be developed in accordance with the plans submitted as a part of the application.

3. All Code Enforcement comments in the staff report shall be addressed at permit and before occupancy.

And the addition of:

4. A stop sign be installed on site for the vehicles exiting the property onto County Line Road.

Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

*Commissioner Lomax entered the meeting at 7:15p.m.*

**Public Hearing:** CDC Case Number 2016-21  
**Petitioner:** James R. Anderson  
**Location:** 1316 West Hillside Drive  
**Request:** Variances: to Increase the Size of a Detached Garage and to increase the Maximum Width of a Driveway

Motion: Commissioner Rowe made a motion to open CDC Case No. 2016-21. Commissioner Marcotte seconded the motion.

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

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

Director of Community and Economic Development, Scott Viger, was present and previously sworn in by Chairman Moruzzi. Mr. Viger stated a Legal Notice was published in the Bensenville Independent on July 18, 2016. Mr. Viger 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. Mr. Viger stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on July 28, 2016.

Mr. Viger stated on July 28, 2016 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. Mr. Viger 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. Mr. Viger stated the applicant/owner James R. Anderson is desirous of constructing a detached two car garage in the rear yard of the property at 1316 West Hillside Drive. Mr. Viger stated the garage is wider and larger than a standard two car garage. Mr. Viger stated the proposed driveway is 30' wide and the garage overall is 110 square feet larger than the Zoning Ordinance permits by right.

Robert Utyro, owner of Duel Design Builder, Inc. was present and previously sworn in by Chairman Moruzzi. Mr. Utyro stated he was present on behalf of the petitioner. Mr. Utyro stated the proposed garage would be 26x30 feet on the rear of the property. Mr. Utyro stated the proposed garage will be smaller than the maximum allowed by the Village. Mr. Utyro stated the current shed on site would be removed and not replaced. Mr. Utyro stated the variance for the wider driveway is needed to match the width of the garage door. Mr. Utyro stated the neighbor next door has a similar garage setup on their property. Mr. Utyro stated read the findings of fact for the proposed variances into the record.

Commissioner Pisano asked for clarification of the plans for the second floor of the proposed garage. Mr. Utyro reviewed the plans and stated the second floor was not habitable for living.

Commissioner Tellez asked if there would be any flooding issues with the proposed plan. Mr. Utyro stated gutter will be properly displaced for water drains properly.

**Public Comment:**

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2016-21. There was none.

Mr. Viger reviewed the Village Staff Report and stated Staff recommends the approval of the Findings of Fact and the requested variances the following conditions:

1. The property be developed in substantial compliance with the plans submitted as part of this application prepared by Dual Design Builders Inc. Dated 06.09.16 Last Revised 07.20.16.

Commissioner Pisano asked if there was any type of Village Code regarding garage height. Mr. Viger stated there is, and the proposed plans meet the requirements.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2016-21. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:28 p.m.

Motion: Commissioner Pisano made a motion to approve the Finding of Fact for the proposed variance to increase the maximum width of a driveway 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.

Drive: The garage is the same approximate width as a three car garage which would allow a 30' driveway. The interesting architectural style with a man door between the two overhead doors makes the driveway width a necessity.

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.

Drive: redesign of the driveway would result in unnecessary hardship for the applicant and create practical difficulty in vehicle movements.



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.

In both the garage size and drive width it is clear that the circumstances relate to this unusual property rather than a typical RS -5 zoned homesite.

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 unusual lot size and shape are not resultant from an action 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.

Both variances, if granted would not confer any special privilege upon the ownership of this property.

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 applicant is a relatively new owner and has performed significant improvements to the property. The proposed garage and drive are part of their overall plan to make the property serve their family needs.

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.

Drive: The driveway retains its existing one car width until it passes through the existing garage and enters the rear yard. Therefore, it too will not alter the character of the neighborhood.

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.

Both the garage size and drive width in this specific situation are consistent and in harmony with the intent of the Municipal Code.

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.

Drive: The minimum variance has been requested by the applicant in terms of access to the garage with the split drive in doors.

Commissioner Marcotte seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Rowe, Pisano, Tellez, Lomax, Marcotte

Nays: None

Motion:

All were in favor. Motion carried.

Commissioner Rowe made a motion to approve the Finding of Fact for the proposed variance to increase the size of a detached garage 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.

Garage: The homesite is almost twice the minimum lot size for the district and is within 185 Square feet of a size that would allow a 785 square foot garage. The angles front and rear lot lines if "squared off" may well push the lot size over the 11,000 square foot threshold for a larger 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.

Garage: Redesign of the garage to reduce its size would result in unnecessary hardship for the applicant.

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.

In both the garage size and drive width it is clear that the circumstances relate to this unusual property rather than a typical RS -5 zoned homesite.

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 unusual lot size and shape are not resultant from an action 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.

Both variances, if granted would not confer any special privilege upon the ownership of this property.

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 applicant is a relatively new owner and has performed significant improvements to the property. The proposed garage and drive are part of their overall plan to make the property serve their family needs.

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.

Garage: the garage is a detached structure well within the rear yard and should not be visible from the public street.

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.

Both the garage size and drive width in this specific situation are consistent and in harmony with the intent of the Municipal Code.

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.

Garage: The design of the garage and the storage needs of the applicant have been designed by the architect to reflect the minimum variance request possible.

Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Lomax made a motion to approve the variance to increase the maximum width of a driveway with Staff's recommendations consisting of:

1. The property be developed in substantial compliance with the plans submitted as part of this application prepared by Dual Design Builders Inc. Dated 06.09.16 Last Revised 07.20.16.

Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the variance to increase the size of a detached garage with Staff's recommendations consisting of:

1. The property be developed in substantial compliance with the plans submitted as part of this application prepared by Dual Design Builders Inc. Dated 06.09.16 Last Revised 07.20.16.

Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

### **Report from Community Development**

Mr. Viger 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 Lomax seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 7:38 p.m.



Mike Moruzzi, Chairman  
Community Development Commission