

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

MINUTES OF THE SPECIAL COMMUNITY DEVELOPMENT COMMISSION

September 12, 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, Rodriguez
Absent: Tellez, Lomax
A quorum was present.

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

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission
Meeting of August 15, 2016 were presented.

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

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2016-22
Petitioner: Richard Meyer & Veronica Joson
Location: 1390 Indian Hill Drive
Request: Variance: Fence in Corner Side Yard

Motion: Commissioner Rowe made a motion to open CDC Case No. 2016-22. Chairman Moruzzi seconded the motion.

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

Motion: Commissioner Rowe made a motion to continue the Public Hearing as the petitioners were not present. Commissioner Marcotte seconded the motion.

All were in favor.

Public Hearing: CDC Case Number 2016-23

Petitioner: Celeste Emanuel

Location: 318 East Washington Street

Request: Variance: Fence in Corner Side Yard

Motion: Commissioner Rowe made a motion to open CDC Case No. 2016-23. Commissioner Marcotte seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:

Moruzzi, Pisano, Rowe, Rodriguez, Marcotte

Absent: Lomax, Tellez

A quorum was present.

Chairman Moruzzi opened the Public Hearing at 6:36 p.m.

Senior Planner, Kurtis Pozsgay, was present and previously sworn in by Chairman Moruzzi. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on August 25, 2016. Mr. Pozsgay 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. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on August 25, 2016. Mr. Pozsgay stated on August 25, 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. Pozsgay 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. Pozsgay stated the applicant/owner Celeste K. Emanuel is desirous of constructing a 5-foot-tall "PVC" fence approximately two (2) feet into the corner side yard along Marion Street.

Commissioner Lomax entered the meeting at 6:46 p.m.

A member of the audience approached the dais and handed Commissioner Lomax an envelope. Chairman Moruzzi asked if the material needed to be entered into the record. Commissioner Lomax stated it was a personal picture that did not need to be entered into the record as it had nothing to do with the matter at hand.

Celeste Emanuel, owner of the property, and Brian Emanuel, father of the petitioner, were both present and sworn in by Chairman Moruzzi. Ms. Emanuel submitted a revised drawing to the Commissions of the proposed fence. The revised drawings have been attached to the minutes as "Exhibit A.". Ms. Emanuel stated she would like to fence in the backyard & screen off the patio on her property. Ms. Emanuel stated the revised drawings will allow for clearance from the driveway to see pedestrians using the sidewalk and street. Ms. Emanuel stated the revised plan submitted to the Commission would allow for an eleven-foot setback from the driveway to the yard and a two-foot setback from the sidewalk. Ms. Emanuel read the findings of fact into the record.

Commissioner Rodriguez suggested the petitioner move forward with the original plans submitted that would allow for a five-foot setback of the fence. Mr. Emanuel disagreed with Commissioner Rodriguez's comments and asked why the Village would not allow his daughter to construct the fence to her liking.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2016-23. There was none.

Mr. Pozsgay reviewed the Village Staff Report and stated Staff recommends the approval of the Findings of Fact and the requested variance with the following condition:

1. Any landscape materials located at the southwestern corner of the driveway be removed within the 5' vision clearance triangle.
2. The 5' setback for the entire length of the fence be reinstated.
3. The plans and aesthetics of the fence to be in substantial compliance of the revised plans submitted with this application, including the move back to 5' setback.
4. Final landscaping shall be reviewed and approved by Village Staff at permitting.

Commissioner Pisano asked if the Commission was willing to allow for a two-foot setback from the sidewalk.

Chairman Moruzzi asked what the corner sideway plan is within the comprehensive plan that the Village Board adopted. Mr. Viger stated the Village has not allowed for less than a five-foot setback in a corner side yard since 2009.

Mr. Emanuel asked what the benefit of making all side yard fences the same by allowing for no less than five feet.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2016-23. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:07 p.m.

Motion: Commissioner Rowe made a motion to approve the Findings of Fact 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 that are peculiar to the property are due to the layout of the property and existing landscape.

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 prohibiting a fence in the corner side yard would result in unnecessary and undue hardship based on the layout of the subject property/building(s).

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 due to the layout of the property and the buildings in question.

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 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 necessary because without the requested variance, the applicant will be deprived of reasonable use from their property limiting their privacy, safety and use of the yard.

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 locality nor substantially impair environmental quality, property values or public safety or welfare 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 erection of the requested fencing is consistent with the Village Plan's intent.

9. **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

The minimum variance has been requested by the applicant in terms of fence construction.

Commissioner Lomax seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Rowe, Rodriguez

Nays: Pisano, Lomax, Marcotte

The motion failed.

Motion:

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

1. Any landscape materials located at the southwestern corner of the driveway be removed within the 5' vision clearance triangle.
2. The 5' setback for the entire length of the fence be reinstated.
3. The plans and aesthetics of the fence to be in substantial compliance of the revised plans submitted with this application, including the move back to 5' setback.
4. Final landscaping shall be reviewed and approved by Village Staff at permitting.

Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Rodriguez

Nays: Pisano, Lomax, Marcotte

The motion failed.

Continued

Public Hearing: CDC Case Number 2016-22
Petitioner: Richard Meyer & Veronica Joson
Location: 1390 Indian Hill Drive
Request: Variance: Fence in Corner Side Yard

Motion: Commissioner Rowe made a motion to re-open CDC Case No. 2016-22. Commissioner Lomax seconded the motion.

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

Chairman Moruzzi re-opened the Public Hearing at 7:13 p.m.

Senior Planner, Kurtis Pozsgay, was present and previously sworn in by Chairman Moruzzi. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on August 25, 2016. Mr. Pozsgay 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. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on August 25, 2016. Mr. Pozsgay stated on August 25, 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. Pozsgay 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. Pozsgay stated the applicants are seeing to erect a 4' black chain link fence in the corner side yard. Mr. Pozsgay stated although staff is not fond of chain link fencing, maintaining the existing hedge, and installing the fence along the interior, may make it more acceptable.

Richard Meyer and Veronica Joson, owners of the property, were both present and sworn in by Chairman Moruzzi. Mr. Meyer stated he was unaware of Staff's recommendation of keeping the hedges on the property. Mr. Meyer stated he received the packet on Thursday, September 8th and that he had his landscaper removed the hedges two days prior on September 6th as he had always planned to remove the hedges on his property.

Mr. Meyer stated the hedges had become too much of an upkeep for his ability and wanted them removed either way. Mr. Meyer stated the main reason for the proposed fence is for their dogs. Mr. Meyer read the findings of fact into the record.

Commissioner Rowe asked where the septic tank would be located. Mr. Meyer stated the septic tank would be located two-feet inside the proposed fence.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2016-22. There was none.

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

1. The plans and aesthetics of the fence to be in substantial compliance of the plans submitted with this application.
2. Existing bushes are to remain, with the fence being installed along the interior.
3. Bushes are to be maintained at a height equivalent to that of the fence (5 feet).
4. The chain link fence should be color coated black.

Commissioner Rodriguez suggested striking Staff recommendations #2 and #3 ask the hedges have already been removed. There were no objections from the Commission.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2016-22. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:36 p.m.

Motion: Commissioner Rowe made a motion to approve the Finding 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 exist including the property being located on a corner, meaning the setbacks would place the fence on top of the existing septic system.

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.

An existing septic system is located within the area making the side yard setback unreasonable.

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 property is located on an angled side street.

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 form 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.

If granted, the variance 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.

Without the variance, the applicants will not be able to install a fence that will allow them effectively use their rear yard.

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 fence will not alter local character.

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 variance is not in conflict with any adopted plans of the Village.

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 is the minimum required to provide the applicants relief.

Commissioner Rodriguez seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the variance with the following recommendations consisting of:

1. The plans and aesthetics of the fence to be in substantial compliance of the plans submitted with this application.
2. The chain link fence should be color coated black.

Commissioner Rodriguez seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing:

CDC Case Number 2016-24

Petitioner:

Bradley and Nancy Gibbs

Location:

835 Dennis Drive

Request:

Variance: Allow Lot Coverage Greater than 50% (50.64%)

Motion:

Commissioner Pisano made a motion to open CDC Case No. 2016-24. Commissioner Marcotte seconded the motion.

ROLL CALL :

Upon roll call the following Commissioners were present:

Moruzzi, Pisano, Rowe, Rodriguez, Lomax, Marcotte

Absent: Tellez

A quorum was present.

Chairman Moruzzi opened the Public Hearing at 7:40 p.m.

Senior Planner, Kurtis Pozsgay, was present and previously sworn in by Chairman Moruzzi. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on August 25, 2016. Mr. Pozsgay 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. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on August 25, 2016. Mr. Pozsgay stated on August 25, 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. Pozsgay 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. Pozsgay stated the applicants, Bradley & Nancy Gibbs, are seeking to build an addition and rear deck which exceeds maximum allowed coverage by approx. 50 SF on a 7,800 SF lot. Bradley and Nancy Gibbs, owners of the property, were both present and sworn in by Chairman Moruzzi. Mr. Gibbs stated the need for the proposed variance is so they can build an addition on the back of their home. Mrs. Gibbs read the findings of fact into the record.

Commissioner Rodriguez asked if the grade of the land would change as a result of the addition to the home. Mr. Gibbs stated the grade of the land will not change.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2016-24. There was none.

Mr. Pozsgay reviewed the Village Staff Report and stated Staff recommends the approval of the Findings of Fact and the requested variance the following condition:

1. The property be developed in accordance with the plans submitted with this petition by L.B. Herbst & Associates, Inc. dated 6.14.16.

There were no questions from the Commission.

Motion: Commissioner Lomax made a motion to close CDC Case No. 2016-24. Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:49 p.m.

Motion: Commissioner Rowe made a motion to approve the Finding 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.

Plans were drawn up by our architect, over the past 6 months, to build an addition to the backside of our house. These plans included expanding our kitchen, adding on a family room, and enlarging a bedroom, in order to have a large Master bedroom with a walk-in closet and its own bathroom. After submitting the plans to the Village, it was determined that the structure, that the architect had drawn up, was actually slightly larger than originally planned. It extends approximately 50 sq. ft. more than the allowed lot coverage, as determined by the Village Ordinance for building an addition. So we have decided to apply for a Variance at this time instead of making significant changes to the original plans.

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.

If we have to have the architect reconfigure the size of the addition, it will possibly be at an additional cost to us, as well as, prolonging the time that it will take to have the addition built.

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 sole reason we are applying for the Variance is because the physical character of the addition is currently going to extend approximately 50 sq. ft. more than what is allowed by the Village Ordinance.

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.

There has not been any action taken, on our part, to proceed with construction. We now know that a Variance is needed in order to proceed with obtaining the permit, for construction to begin.

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.

There have been several homes in our subdivision that have had additions built on to them. We would also like to reserve the same right to improve and enhance our living space while residing in Bensenville.

6. **Necessary for Use of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

Without the Variance, we will not be able to enjoy the additional space to our house as was originally planned. In other words, we will have to make significant, and possibly costly and timely changes, to the blue prints, in order to continue with the building of our addition.

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 structure that we plan on adding to the backside of our house, will not in any way impair the environmental quality or welfare of the vicinity in which we live. It may, however, have some impact on raising our property values in the future.

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.

If this Variance is granted, it will, in no way, interfere with the General Development Plan adopted by the Village of Bensenville.

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.

If the Variance is approved, we will be able to proceed with our plans to obtain a permit and begin construction without incurring additional costs.

Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Pisano made a motion to approve the variance with Staff's recommendation consisting of:

1. The property be developed in accordance with the plans submitted with this petition by L.B. Herbst & Associates, Inc. dated 6.14.16.

Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2016-19
Petitioner: Gullo International Development Corp.
Location: 600-700 West Devon Avenue
Request: Variances: Reduce Frontage Strip (8' to 7'); Parking in Front Yard (25' to 7'); Outdoor Storage in Actual Front & Corner Side Yard; Screening of outdoor storage; Reduce Dock Width (14' to 12'); Enlarge Curbcut (35' to 40'); Fence in the Front & Corner Side Yard

Motion: Commissioner Rowe made a motion to open CDC Case No. 2016-19. Commissioner Lomax seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 7:52 p.m.

Senior Planner, Kurtis Pozsgay, was present and previously sworn in by Chairman Moruzzi. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on August 25, 2016. Mr. Pozsgay 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. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on August 25, 2016. Mr. Pozsgay stated on August 25, 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. Pozsgay 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. Pozsgay stated the applicant, Gullo International Development Corporation (“Gullo”), are proposing a 46,000SF industrial facility on the larger/eastern portion of the site (600 W. Devon) and truck parking (“Outdoor Storage”) on the western portion of the site (700 W. Devon).

Mark Dudek, Architect for the project and Marian Gullo, owner of the property, were both present and sworn in by Chairman Moruzzi. Mr. Dudek stated the proposed site is approximately 4.1 archers and that Gullo International Development Corp is proposing a 60,000+ square foot building.

Ms. Gullo stated the proposed building would allow for a retail and showroom aspect that would allow customers to come in and view products prior to ordering. Mr. Dudek reviewed the findings of fact for the proposed variances.

Commissioner Rodriguez asked why there is no outlined detention drawings available. Mr. Dudek stated they are currently working on a detention plan with a civil engineer.

Commissioner Rodriguez commented that the detention could completely change the outline of the building and questioned why the detention was not done first. Mr. Dudek stated he agreed with Commissioner Rodriguez but stated they feel confident the detention would not alter the building plans and that they would have to install an additional vault if needed.

Chairman Moruzzi asked why the petitioner is requesting the parking in the front yard as there seems to be enough parking in the rear of the building on the proposal. Ms. Gullo stated the proposed parking in the front yard would be for executives visiting the property and customers visiting the retail portion of the property.

Commissioner Marcotte asked if there was a tenant to the property. Ms. Gullo stated there is currently no tenant signed to a lease but they are confident they will have the space occupied quickly.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2016-1. There was none.

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

1. The property be developed in accordance with the plans submitted with this petition by Gullo International Development Corp. dated 8.18.16.
2. A Final Plat of Consolidation be submitted to the Village for recordation at Du Page County.
3. The applicant will submit a full landscape plan. The applicant will revise the landscape plan to add additional landscaping to rear of outdoor storage (truck parking) area.
4. The applicant will submit a master sign plan for CDC review.
5. Dolly pads are to be included.
6. Construction to begin within 12 months of Village Board Approval.

Chairman Moruzzi asked if the petitioner was willing to compromise with the Village to follow the Village's corridor plan of not allowing parking in the front yard. Ms. Gullo stated they are all about comprise but the parking in the front yard is needed to have the retail and showroom proposal of the property work.

Chairman Moruzzi suggested the Commission not approve the proposed variances to reduce the frontage strip from 8' to 7' and parking in front yard from 25' to 7' as it is not part of the Village's Corridor plan. Chairman Moruzzi reminded the Commission that they are not the final decision for the petitioners and that if the Village Board wanted to allow the variances, they can.

There were no further questions from the Commission.

Motion: Commissioner Lomax made a motion to close CDC Case No. 2016-19. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 8:40 p.m.

Motion: Commissioner Rowe made a motion to approve the Finding of Fact for the proposed variance to reduce frontage strip from 8' to 7' 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.
 - Reduction in the Frontage (Landscape) Strip from 8' to 7', Municipal Code Section 10-12-2B – The reduction in the frontage landscape strip from 8 foot to 7 foot is a result of the proposed parking located in front yard setback
 - Parking within the required front yard with a setback reduced from 25' to 7', Municipal Code Section 10-11-8A and 10-9B-4 – The purpose of parking to be located in the front yard setback is to provide the clients of the building tenants convenient access to the showroom and retail areas of the building, the parking located in front of the building is dedicated for the office staff with parking along the east and west sides of the building for warehouse employees. Based on the ordinance the parking calculated would meet the needs of the tenant's office and warehouse staff but leave no reasonable amount of parking for the tenant's clients.
 - Outdoor Storage within the actual front and corner side yards, Municipal Code Section 10-9B-4 – due to the site restraints the outdoor storage could only be placed in the front and corner side yard.
 - Screening located within the actual and required front and corner side yards, Municipal Code Section 10-12-2D – Screening of the outdoor storage area shall consist of an 8 foot high opaque fence with landscape installed along the entire front and corner side yards of the proposed outdoor storage area.

- Reduction in dock width from 14' to 12', Municipal Code Section 10-11-12D – Reduction in dock width from 14 feet to 12 feet will not decrease the maneuverability of the tractor-trailers on site. Also the planned exterior wall is to be built from precast concrete wall panels with a nominal width of 12' which provides efficiency to the design of the loading dock area.
- Enlarge curb cut width from 35' to 40' at property line, Municipal Code Section 10-11-8-2E – By enlarging the curb cut width from 35 feet to 40 feet will allow additional maneuvering when entering and exiting the site.

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.

- Based upon the responses given to the Special Circumstances, the provisions of this Ordinance would result in unnecessary and undue hardship or practical difficulties from mere inconvenience.

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.

- Circumstances relate to property do not concern any business or activity present or prospective or any financial circumstances of any party interested in the property. They only relate to the proposed development of the site.

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.

- No, special circumstances, practical difficulties and or hardships are the basis for the requested variances and not from any act, undertaken subsequent to adoption of this ordinance 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.

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.

- These variance requests do not confer a special privilege ordinarily denied to such other properties but is necessary to maximize the potential of the site to meet the needs of today's tenant 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.

- Without granting the proposed variances the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, 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 granting of the proposed variances will not alter the character of the locality nor substantially impair the environmental quality, property values or public safety and welfare 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 proposed variances will be in harmony with the general purpose and intent of this Ordinance and of the General Development Plan and other applicable adopted plans of the Village of Bensenville, 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.

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.

- Yes, the variances approved are the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

Commissioner Lomax seconded the motion.

ROLL CALL:

Ayes: None

Nays: Moruzzi, Rowe, Pisano, Rodriguez, Lomax, Marcotte

Motion failed.

Motion:

Commissioner Pisano made a motion to approve the variance to reduce frontage strip from 8' to 7' with Staff's recommendations consisting of:

1. The property be developed in accordance with the plans submitted with this petition by Gullo International Development Corp. dated 8.18.16.
2. A Final Plat of Consolidation be submitted to the Village for recordation at Du Page County.

3. The applicant will submit a full landscape plan. The applicant will revise the landscape plan to add additional landscaping to rear of outdoor storage (truck parking) area.
4. The applicant will submit a master sign plan for CDC review.
5. Dolly pads are to be included.
6. Construction to begin within 12 months of Village Board Approval.

Commissioner Lomax seconded the motion.

ROLL CALL: Ayes: None

Nays: Moruzzi, Rowe, Pisano, Rodriguez, Lomax, Marcotte

Motion failed.

Motion: Commissioner Rowe made a motion to approve the Finding of Fact for the proposed variance to allow parking in the 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.
 - a. Reduction in the Frontage (Landscape) Strip from 8' to 7', Municipal Code Section 10-12-2B – The reduction in the frontage landscape strip from 8 foot to 7 foot is a result of the proposed parking located in front yard setback
 - b. Parking within the required front yard with a setback reduced from 25' to 7', Municipal Code Section 10-11-8A and 10-9B-4 – The purpose of parking to be located in the front yard setback is to provide the clients of the building tenants convenient access to the showroom and retail areas of the building, the parking located in front of the building is dedicated for the office staff with parking along the east and west sides of the building for warehouse employees. Based on the ordinance the parking calculated would meet the needs of the tenant's office and warehouse staff but leave no reasonable amount of parking for the tenant's clients.

- c. Outdoor Storage within the actual front and corner side yards, Municipal Code Section 10-9B-4 – due to the site restraints the outdoor storage could only be placed in the front and corner side yard.
- d. Screening located within the actual and required front and corner side yards, Municipal Code Section 10-12-2D – Screening of the outdoor storage area shall consist of an 8 foot high opaque fence with landscape installed along the entire front and corner side yards of the proposed outdoor storage area.
- e. Reduction in dock width from 14' to 12', Municipal Code Section 10-11-12D – Reduction in dock width from 14 feet to 12 feet will not decrease the maneuverability of the tractor-trailers on site. Also the planned exterior wall is to be built from precast concrete wall panels with a nominal width of 12' which provides efficiency to the design of the loading dock area.
- f. Enlarge curb cut width from 35' to 40' at property line, Municipal Code Section 10-11-8-2E – By enlarging the curb cut width from 35 feet to 40 feet will allow additional maneuvering when entering and exiting the site.

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.

- a. Based upon the responses given to the Special Circumstances, the provisions of this Ordinance would result in unnecessary and undue hardship or practical difficulties from mere inconvenience.

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.

- a. Circumstances relate to property do not concern any business or activity present or prospective or any financial circumstances of any party interested in the property. They only relate to the proposed development of the site.
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.
 - a. No, special circumstances, practical difficulties and or hardships are the basis for the requested variances and not from any act, undertaken subsequent to adoption of this ordinance 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.
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. These variance requests do not confer a special privilege ordinarily denied to such other properties but is necessary to maximize the potential of the site to meet the needs of today's tenant 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.

- a. Without granting the proposed variances the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, 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.
 - a. The granting of the proposed variances will not alter the character of the locality nor substantially impair the environmental quality, property values or public safety and welfare 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.
 - a. The granting of the proposed variances will be in harmony with the general purpose and intent of this Ordinance and of the General Development Plan and other applicable adopted plans of the Village of Bensenville, 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.
- 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.
 - a. Yes, the variances approved are the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

Chairman Moruzzi seconded the motion.

ROLL CALL: Ayes: None

Nays: Moruzzi, Rowe, Pisano, Rodriguez, Lomax, Marcotte

Motion failed.

Motion: Commissioner Lomax made a motion to approve the variance to allow parking in the front yard with Staff's recommendations consisting of:

1. The property be developed in accordance with the plans submitted with this petition by Gullo International Development Corp. dated 8.18.16.
2. A Final Plat of Consolidation be submitted to the Village for recordation at Du Page County.
3. The applicant will submit a full landscape plan. The applicant will revise the landscape plan to add additional landscaping to rear of outdoor storage (truck parking) area.
4. The applicant will submit a master sign plan for CDC review.
5. Dolly pads are to be included.
6. Construction to begin within 12 months of Village Board Approval.

Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: None

Nays: Moruzzi, Rowe, Pisano, Rodriguez, Lomax, Marcotte

Motion failed.

Motion: Commissioner Rowe made a motion to approve the Finding of Fact for the proposed variance to allow outdoor storage in actual front & corner side 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.

- a. Reduction in the Frontage (Landscape) Strip from 8' to 7', Municipal Code Section 10-12-2B – The reduction in the frontage landscape strip from 8 foot to 7 foot is a result of the proposed parking located in front yard setback
- b. Parking within the required front yard with a setback reduced from 25' to 7', Municipal Code Section 10-11-8A and 10-9B-4 – The purpose of parking to be located in the front yard setback is to provide the clients of the building tenants convenient access to the showroom and retail areas of the building, the parking located in front of the building is dedicated for the office staff with parking along the east and west sides of the building for warehouse employees. Based on the ordinance the parking calculated would meet the needs of the tenant's office and warehouse staff but leave no reasonable amount of parking for the tenant's clients.
- c. Outdoor Storage within the actual front and corner side yards, Municipal Code Section 10-9B-4 – due to the site restraints the outdoor storage could only be placed in the front and corner side yard.
- d. Screening located within the actual and required front and corner side yards, Municipal Code Section 10-12-2D – Screening of the outdoor storage area shall consist of an 8 foot high opaque fence with landscape installed along the entire front and corner side yards of the proposed outdoor storage area.
- e. Reduction in dock width from 14' to 12', Municipal Code Section 10-11-12D – Reduction in dock width from 14 feet to 12 feet will not decrease the maneuverability of the tractor-trailers on site. Also the planned exterior wall is to be built from precast concrete wall panels with a nominal width of 12' which provides efficiency to the design of the loading dock area.
- f. Enlarge curb cut width from 35' to 40' at property line, Municipal Code Section 10-11-8-2E – By enlarging the curb cut width from 35 feet to 40 feet will allow additional maneuvering when entering and exiting the site.

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.
 - a. Based upon the responses given to the Special Circumstances, the provisions of this Ordinance would result in unnecessary and undue hardship or practical difficulties from mere inconvenience.
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.
 - a. Circumstances relate to property do not concern any business or activity present or prospective or any financial circumstances of any party interested in the property. They only relate to the proposed development of the site.
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.
 - a. No, special circumstances, practical difficulties and or hardships are the basis for the requested variances and not from any act, undertaken subsequent to adoption of this ordinance 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.

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. These variance requests do not confer a special privilege ordinarily denied to such other properties but is necessary to maximize the potential of the site to meet the needs of today's tenant 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.
 - a. Without granting the proposed variances the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, 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.
 - a. The granting of the proposed variances will not alter the character of the locality nor substantially impair the environmental quality, property values or public safety and welfare 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.

- a. The granting of the proposed variances will be in harmony with the general purpose and intent of this Ordinance and of the General Development Plan and other applicable adopted plans of the Village of Bensenville, 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.
- 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.
 - a. Yes, the variances approved are the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

Commissioner Pisano seconded the motion.

ROLL CALL:

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

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Rowe made a motion to approve the variance to allow outdoor storage in actual front & corner side yard with Staff's recommendations consisting of:

1. The property be developed in accordance with the plans submitted with this petition by Gullo International Development Corp. dated 8.18.16.
2. A Final Plat of Consolidation be submitted to the Village for recordation at Du Page County.
3. The applicant will submit a full landscape plan. The applicant will revise the landscape plan to add additional landscaping to rear of outdoor storage (truck parking) area.
4. The applicant will submit a master sign plan for CDC review.
5. Dolly pads are to be included.
6. Construction to begin within 12 months of Village Board Approval.

Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Lomax made a motion to approve the Finding of Fact for the proposed variance for screening of outdoor storage 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.
 - a. Reduction in the Frontage (Landscape) Strip from 8' to 7', Municipal Code Section 10-12-2B – The reduction in the frontage landscape strip from 8 foot to 7 foot is a result of the proposed parking located in front yard setback
 - b. Parking within the required front yard with a setback reduced from 25' to 7', Municipal Code Section 10-11-8A and 10-9B-4 – The purpose of parking to be located in the front yard setback is to provide the clients of the building tenants convenient access to the showroom and retail areas of the building, the parking located in front of the building is dedicated for the office staff with parking along the east and west sides of the building for warehouse employees. Based on the ordinance the parking calculated would meet the needs of the tenant's office and warehouse staff but leave no reasonable amount of parking for the tenant's clients.
 - c. Outdoor Storage within the actual front and corner side yards, Municipal Code Section 10-9B-4 – due to the site restraints the outdoor storage could only be placed in the front and corner side yard.

- d. Screening located within the actual and required front and corner side yards, Municipal Code Section 10-12-2D – Screening of the outdoor storage area shall consist of an 8 foot high opaque fence with landscape installed along the entire front and corner side yards of the proposed outdoor storage area.
- e. Reduction in dock width from 14' to 12', Municipal Code Section 10-11-12D – Reduction in dock width from 14 feet to 12 feet will not decrease the maneuverability of the tractor-trailers on site. Also the planned exterior wall is to be built from precast concrete wall panels with a nominal width of 12' which provides efficiency to the design of the loading dock area.
- f. Enlarge curb cut width from 35' to 40' at property line, Municipal Code Section 10-11-8-2E – By enlarging the curb cut width from 35 feet to 40 feet will allow additional maneuvering when entering and exiting the site.

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.
 - a. Based upon the responses given to the Special Circumstances, the provisions of this Ordinance would result in unnecessary and undue hardship or practical difficulties from mere inconvenience.
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.
 - a. Circumstances relate to property do not concern any business or activity present or prospective or any financial circumstances of any party interested in the property. They only relate to the proposed development of the site.

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.
 - a. No, special circumstances, practical difficulties and or hardships are the basis for the requested variances and not from any act, undertaken subsequent to adoption of this ordinance 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.
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. These variance requests do not confer a special privilege ordinarily denied to such other properties but is necessary to maximize the potential of the site to meet the needs of today's tenant 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.
 - a. Without granting the proposed variances the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, 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.
 - a. The granting of the proposed variances will not alter the character of the locality nor substantially impair the environmental quality, property values or public safety and welfare 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.
 - a. The granting of the proposed variances will be in harmony with the general purpose and intent of this Ordinance and of the General Development Plan and other applicable adopted plans of the Village of Bensenville, 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.
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.
 - a. Yes, the variances approved are the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

Commissioner Pisano seconded the motion.

ROLL CALL:

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

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Rowe made a motion to approve the variance to allow screening of outdoor storage Staff's recommendations consisting of:

1. The property be developed in accordance with the plans submitted with this petition by Gullo International Development Corp. dated 8.18.16.
2. A Final Plat of Consolidation be submitted to the Village for recordation at Du Page County.
3. The applicant will submit a full landscape plan. The applicant will revise the landscape plan to add additional landscaping to rear of outdoor storage (truck parking) area.
4. The applicant will submit a master sign plan for CDC review.
5. Dolly pads are to be included.
6. Construction to begin within 12 months of Village Board Approval.

Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Lomax made a motion to approve the Finding of Fact for the proposed variance to reduce dock width from 14' to 12' 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.
 - a. Reduction in the Frontage (Landscape) Strip from 8' to 7', Municipal Code Section 10-12-2B – The reduction in the frontage landscape strip from 8 foot to 7 foot is a result of the proposed parking located in front yard setback

- b. Parking within the required front yard with a setback reduced from 25' to 7', Municipal Code Section 10-11-8A and 10-9B-4 – The purpose of parking to be located in the front yard setback is to provide the clients of the building tenants convenient access to the showroom and retail areas of the building, the parking located in front of the building is dedicated for the office staff with parking along the east and west sides of the building for warehouse employees. Based on the ordinance the parking calculated would meet the needs of the tenant's office and warehouse staff but leave no reasonable amount of parking for the tenant's clients.
- c. Outdoor Storage within the actual front and corner side yards, Municipal Code Section 10-9B-4 – due to the site restraints the outdoor storage could only be placed in the front and corner side yard.
- d. Screening located within the actual and required front and corner side yards, Municipal Code Section 10-12-2D – Screening of the outdoor storage area shall consist of an 8 foot high opaque fence with landscape installed along the entire front and corner side yards of the proposed outdoor storage area.
- e. Reduction in dock width from 14' to 12', Municipal Code Section 10-11-12D – Reduction in dock width from 14 feet to 12 feet will not decrease the maneuverability of the tractor-trailers on site. Also the planned exterior wall is to be built from precast concrete wall panels with a nominal width of 12' which provides efficiency to the design of the loading dock area.
- f. Enlarge curb cut width from 35' to 40' at property line, Municipal Code Section 10-11-8-2E – By enlarging the curb cut width from 35 feet to 40 feet will allow additional maneuvering when entering and exiting the site.

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.

- a. Based upon the responses given to the Special Circumstances, the provisions of this Ordinance would result in unnecessary and undue hardship or practical difficulties from mere inconvenience.
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.
 - a. Circumstances relate to property do not concern any business or activity present or prospective or any financial circumstances of any party interested in the property. They only relate to the proposed development of the site.
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.
 - a. No, special circumstances, practical difficulties and or hardships are the basis for the requested variances and not from any act, undertaken subsequent to adoption of this ordinance 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.
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. These variance requests do not confer a special privilege ordinarily denied to such other properties but is necessary to maximize the potential of the site to meet the needs of today's tenant 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.
 - a. Without granting the proposed variances the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, 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.
 - a. The granting of the proposed variances will not alter the character of the locality nor substantially impair the environmental quality, property values or public safety and welfare 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.
 - a. The granting of the proposed variances will be in harmony with the general purpose and intent of this Ordinance and of the General Development Plan and other applicable adopted plans of the Village of Bensenville, 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.
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.

- a. Yes, the variances approved are the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the variance to reduce dock width from 14' to 12' with Staff's recommendations consisting of:

1. The property be developed in accordance with the plans submitted with this petition by Gullo International Development Corp. dated 8.18.16.
2. A Final Plat of Consolidation be submitted to the Village for recordation at Du Page County.
3. The applicant will submit a full landscape plan. The applicant will revise the landscape plan to add additional landscaping to rear of outdoor storage (truck parking) area.
4. The applicant will submit a master sign plan for CDC review.
5. Dolly pads are to be included.
6. Construction to begin within 12 months of Village Board Approval.

Commissioner Rodriguez seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the Finding of Fact for the proposed variance to enlarge curbcut from 35' to 40' 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.
 - a. Reduction in the Frontage (Landscape) Strip from 8' to 7', Municipal Code Section 10-12-2B – The reduction in the frontage landscape strip from 8 foot to 7 foot is a result of the proposed parking located in front yard setback
 - b. Parking within the required front yard with a setback reduced from 25' to 7', Municipal Code Section 10-11-8A and 10-9B-4 – The purpose of parking to be located in the front yard setback is to provide the clients of the building tenants convenient access to the showroom and retail areas of the building, the parking located in front of the building is dedicated for the office staff with parking along the east and west sides of the building for warehouse employees. Based on the ordinance the parking calculated would meet the needs of the tenant's office and warehouse staff but leave no reasonable amount of parking for the tenant's clients.
 - c. Outdoor Storage within the actual front and corner side yards, Municipal Code Section 10-9B-4 – due to the site restraints the outdoor storage could only be placed in the front and corner side yard.
 - d. Screening located within the actual and required front and corner side yards, Municipal Code Section 10-12-2D – Screening of the outdoor storage area shall consist of an 8 foot high opaque fence with landscape installed along the entire front and corner side yards of the proposed outdoor storage area.
 - e. Reduction in dock width from 14' to 12', Municipal Code Section 10-11-12D – Reduction in dock width from 14 feet to 12 feet will not decrease the maneuverability of the tractor-trailers on site. Also the planned exterior wall is to be built from precast concrete wall panels with a nominal width of 12' which provides efficiency to the design of the loading dock area.

- f. Enlarge curb cut width from 35' to 40' at property line, Municipal Code Section 10-11-8-2E – By enlarging the curb cut width from 35 feet to 40 feet will allow additional maneuvering when entering and exiting the site.
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.
 - a. Based upon the responses given to the Special Circumstances, the provisions of this Ordinance would result in unnecessary and undue hardship or practical difficulties from mere inconvenience.
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.
 - a. Circumstances relate to property do not concern any business or activity present or prospective or any financial circumstances of any party interested in the property. They only relate to the proposed development of the site.
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.

- a. No, special circumstances, practical difficulties and or hardships are the basis for the requested variances and not from any act, undertaken subsequent to adoption of this ordinance 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.
- 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. These variance requests do not confer a special privilege ordinarily denied to such other properties but is necessary to maximize the potential of the site to meet the needs of today's tenant 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.
 - a. Without granting the proposed variances the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, 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.
 - a. The granting of the proposed variances will not alter the character of the locality nor substantially impair the environmental quality, property values or public safety and welfare 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.
 - a. The granting of the proposed variances will be in harmony with the general purpose and intent of this Ordinance and of the General Development Plan and other applicable adopted plans of the Village of Bensenville, 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.
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.
 - a. Yes, the variances approved are the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Lomax made a motion to approve the variance to enlarge curbcut from 35' to 40' with Staff's recommendations consisting of:

1. The property be developed in accordance with the plans submitted with this petition by Gullo International Development Corp. dated 8.18.16.
2. A Final Plat of Consolidation be submitted to the Village for recordation at Du Page County.
3. The applicant will submit a full landscape plan. The applicant will revise the landscape plan to add additional landscaping to rear of outdoor storage (truck parking) area.

4. The applicant will submit a master sign plan for CDC review.
5. Dolly pads are to be included.
6. Construction to begin within 12 months of Village Board Approval.

Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the Finding of Fact for the proposed variance for a fence in the front & corner side 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.
 - a. Reduction in the Frontage (Landscape) Strip from 8' to 7', Municipal Code Section 10-12-2B – The reduction in the frontage landscape strip from 8 foot to 7 foot is a result of the proposed parking located in front yard setback
 - b. Parking within the required front yard with a setback reduced from 25' to 7', Municipal Code Section 10-11-8A and 10-9B-4 – The purpose of parking to be located in the front yard setback is to provide the clients of the building tenants convenient access to the showroom and retail areas of the building, the parking located in front of the building is dedicated for the office staff with parking along the east and west sides of the building for warehouse employees. Based on the ordinance the parking calculated would meet the needs of the tenant's office and warehouse staff but leave no reasonable amount of parking for the tenant's clients.

- c. Outdoor Storage within the actual front and corner side yards, Municipal Code Section 10-9B-4 – due to the site restraints the outdoor storage could only be placed in the front and corner side yard.
- d. Screening located within the actual and required front and corner side yards, Municipal Code Section 10-12-2D – Screening of the outdoor storage area shall consist of an 8 foot high opaque fence with landscape installed along the entire front and corner side yards of the proposed outdoor storage area.
- e. Reduction in dock width from 14' to 12', Municipal Code Section 10-11-12D – Reduction in dock width from 14 feet to 12 feet will not decrease the maneuverability of the tractor-trailers on site. Also the planned exterior wall is to be built from precast concrete wall panels with a nominal width of 12' which provides efficiency to the design of the loading dock area.
- f. Enlarge curb cut width from 35' to 40' at property line, Municipal Code Section 10-11-8-2E – By enlarging the curb cut width from 35 feet to 40 feet will allow additional maneuvering when entering and exiting the site.

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.

- a. Based upon the responses given to the Special Circumstances, the provisions of this Ordinance would result in unnecessary and undue hardship or practical difficulties from mere inconvenience.

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.

- a. Circumstances relate to property do not concern any business or activity present or prospective or any financial circumstances of any party interested in the property. They only relate to the proposed development of the site.
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.
 - a. No, special circumstances, practical difficulties and or hardships are the basis for the requested variances and not from any act, undertaken subsequent to adoption of this ordinance 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.
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. These variance requests do not confer a special privilege ordinarily denied to such other properties but is necessary to maximize the potential of the site to meet the needs of today's tenant 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.

- a. Without granting the proposed variances the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, 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.
 - a. The granting of the proposed variances will not alter the character of the locality nor substantially impair the environmental quality, property values or public safety and welfare 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.
 - a. The granting of the proposed variances will be in harmony with the general purpose and intent of this Ordinance and of the General Development Plan and other applicable adopted plans of the Village of Bensenville, 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.
- 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.
 - a. Yes, the variances approved are the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

Commissioner Rodriguez seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Lomax made a motion to approve the variance for a fence in the front & corner side yard' with Staff's recommendations consisting of:

1. The property be developed in accordance with the plans submitted with this petition by Gullo International Development Corp. dated 8.18.16.
2. A Final Plat of Consolidation be submitted to the Village for recordation at Du Page County.
3. The applicant will submit a full landscape plan. The applicant will revise the landscape plan to add additional landscaping to rear of outdoor storage (truck parking) area.
4. The applicant will submit a master sign plan for CDC review.
5. Dolly pads are to be included.
6. Construction to begin within 12 months of Village Board Approval.

Commissioner Marcotte seconded the motion.

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

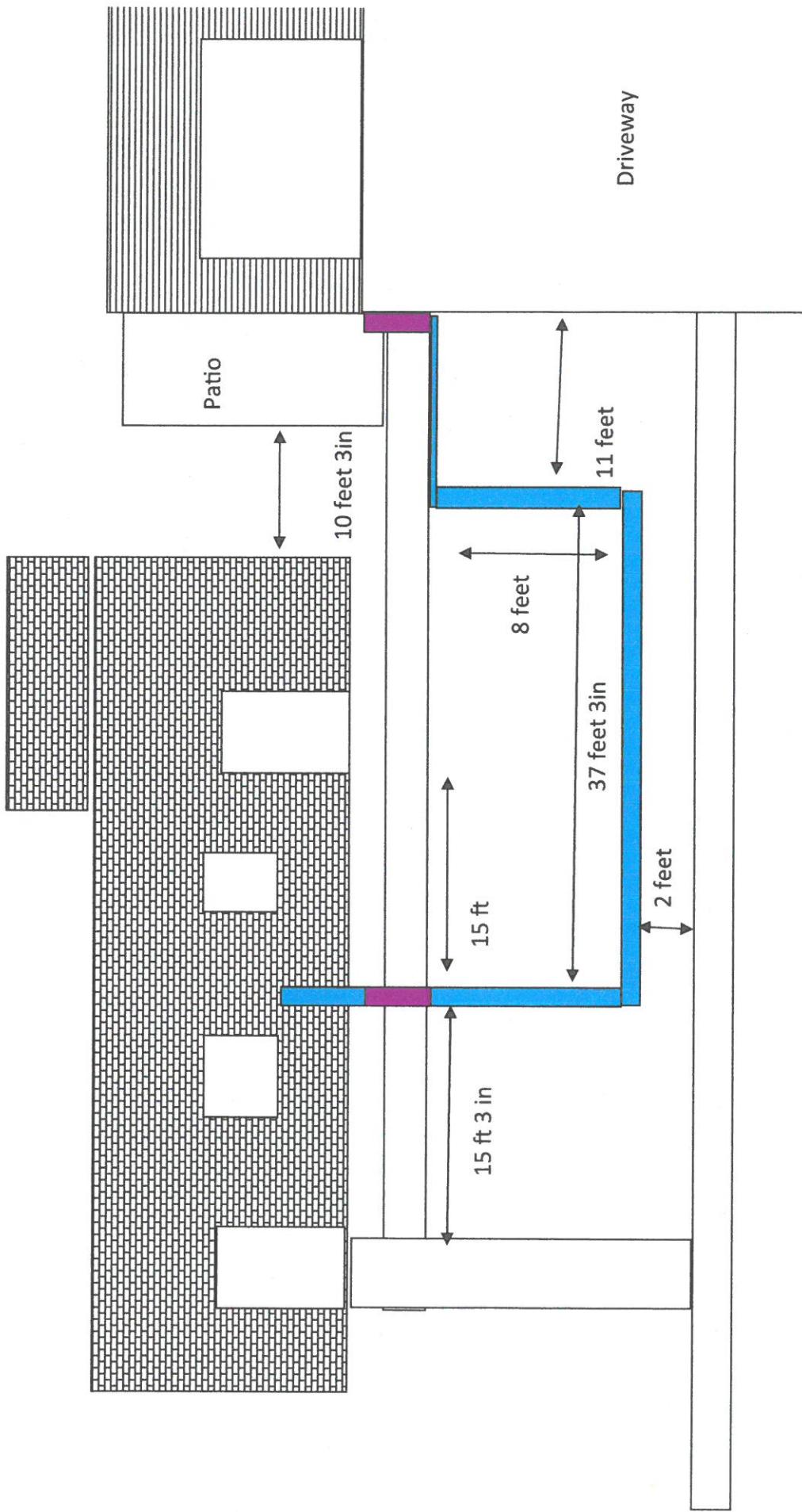
ADJOURNMENT:

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

All were in favor. Motion carried.

The meeting was adjourned at 8:56 p.m.

Mike Moruzzi, Chairman
Community Development Commission

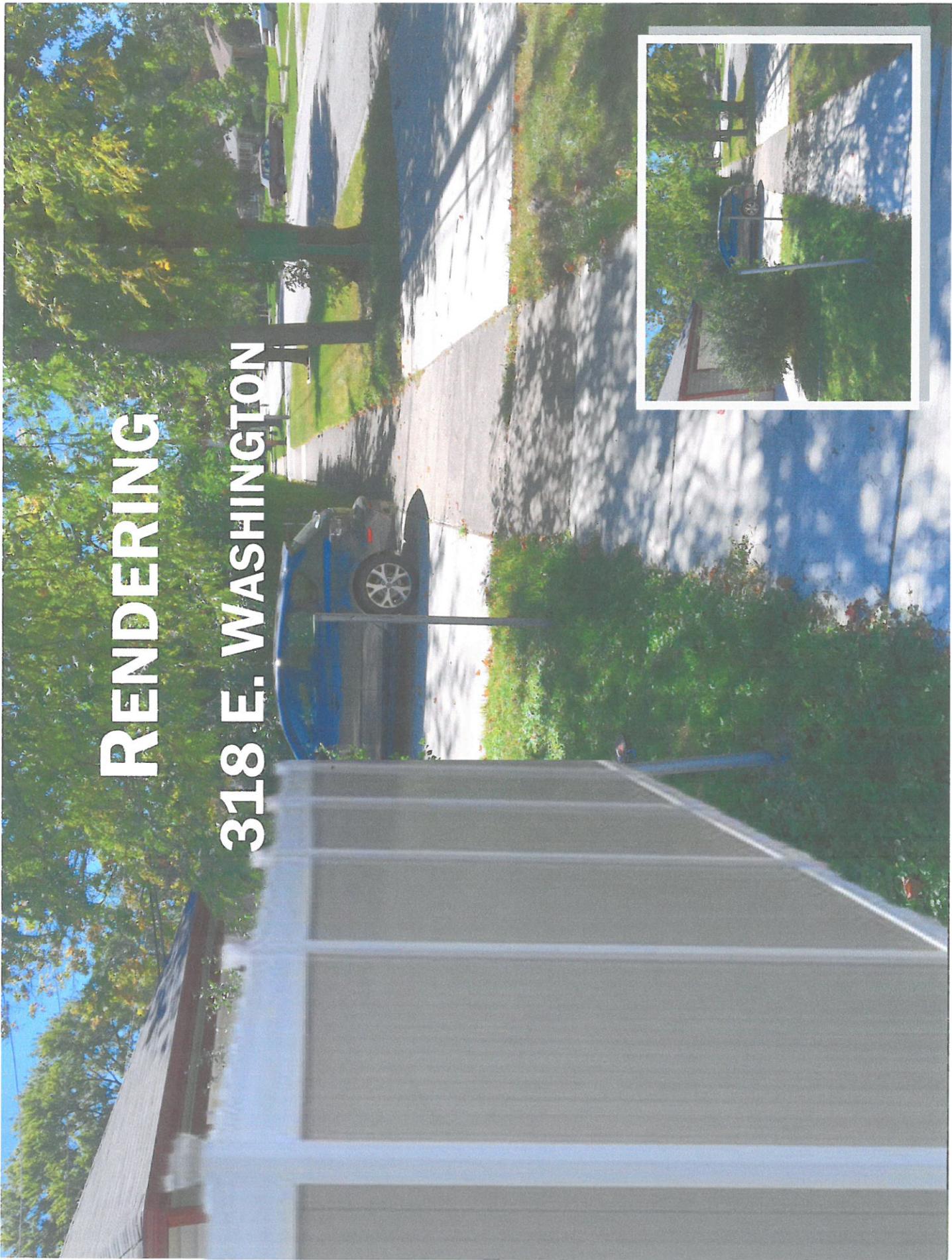


318 E. WASHINGTON

THE PLAN

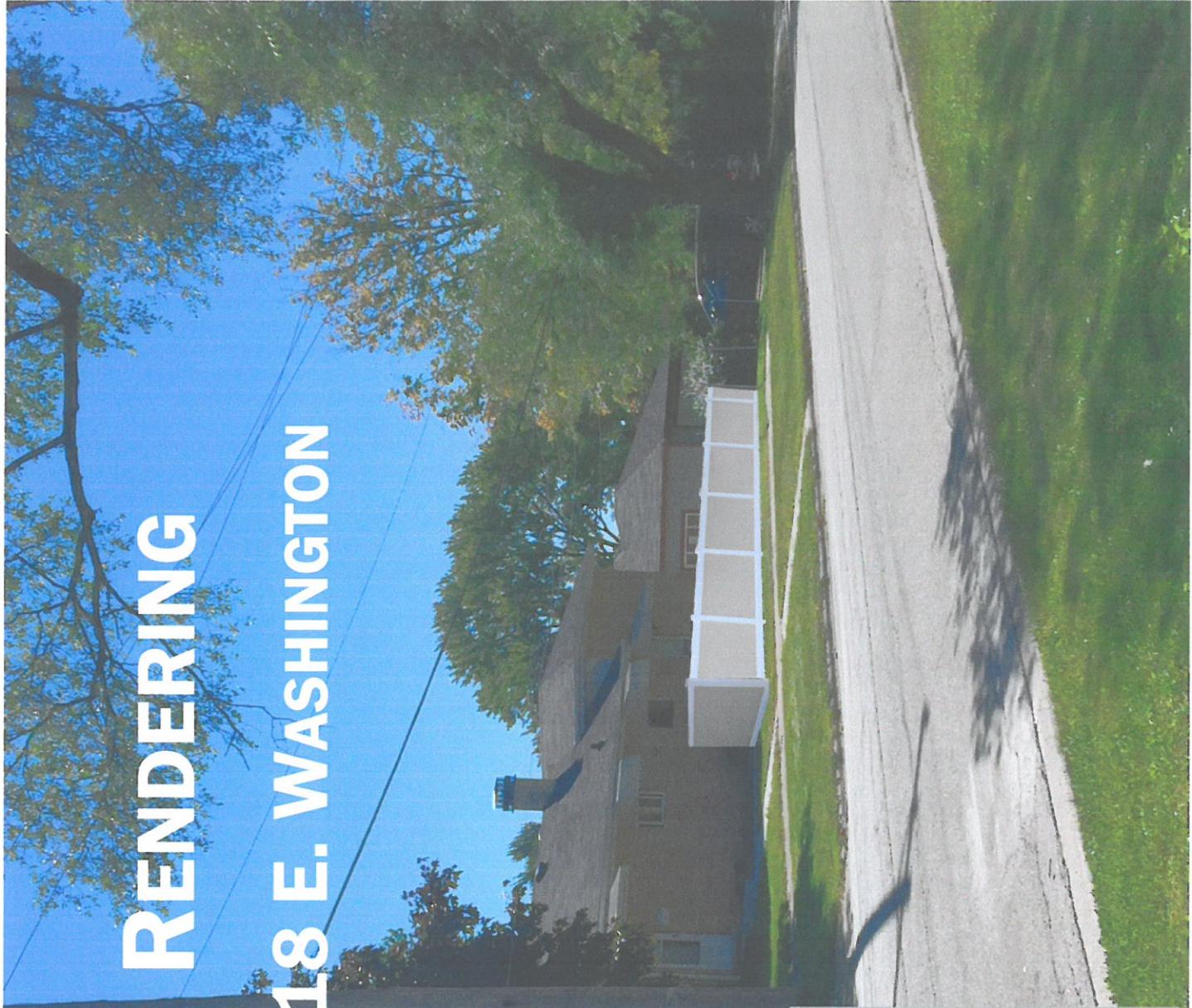
RENDERING

318 E. WASHINGTON



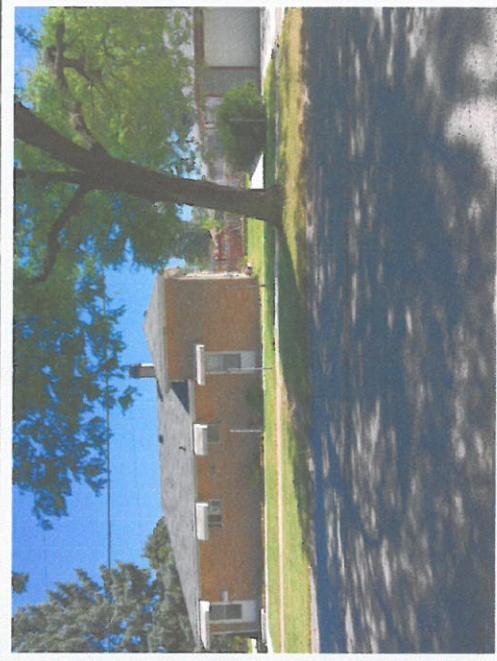
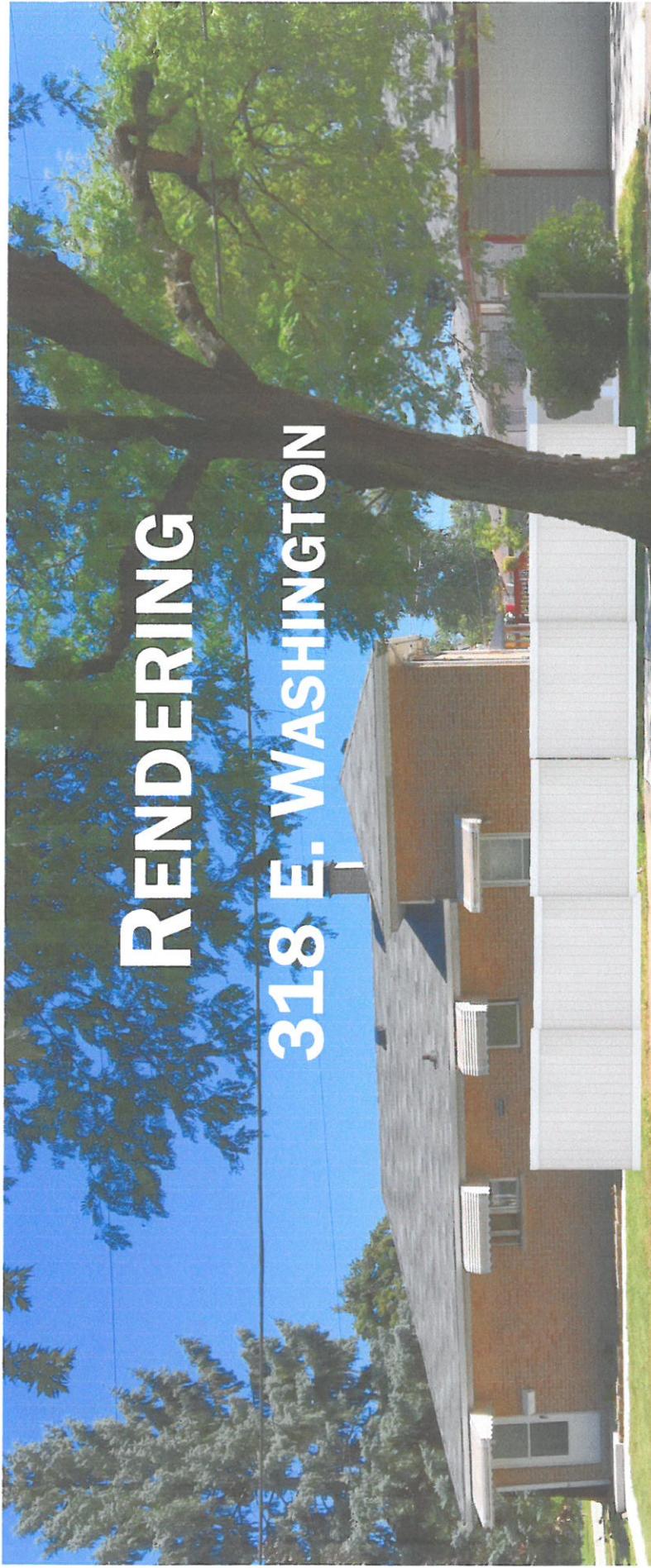
RENDERING

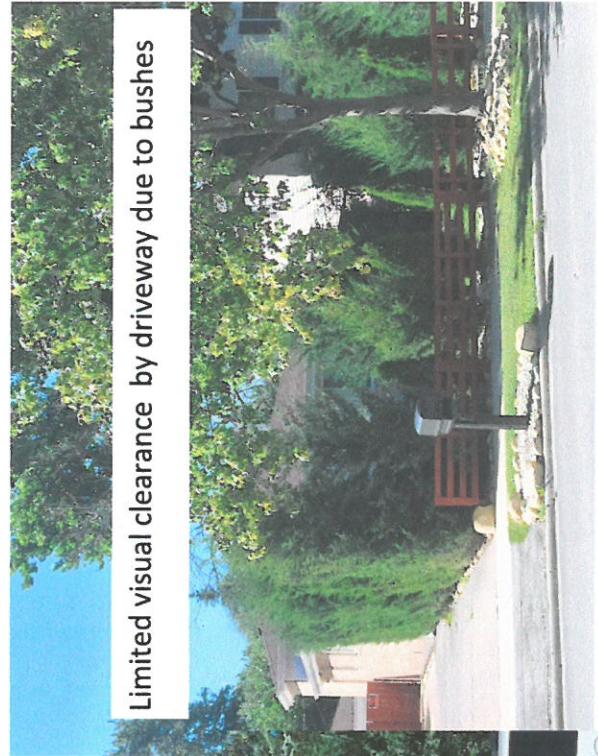
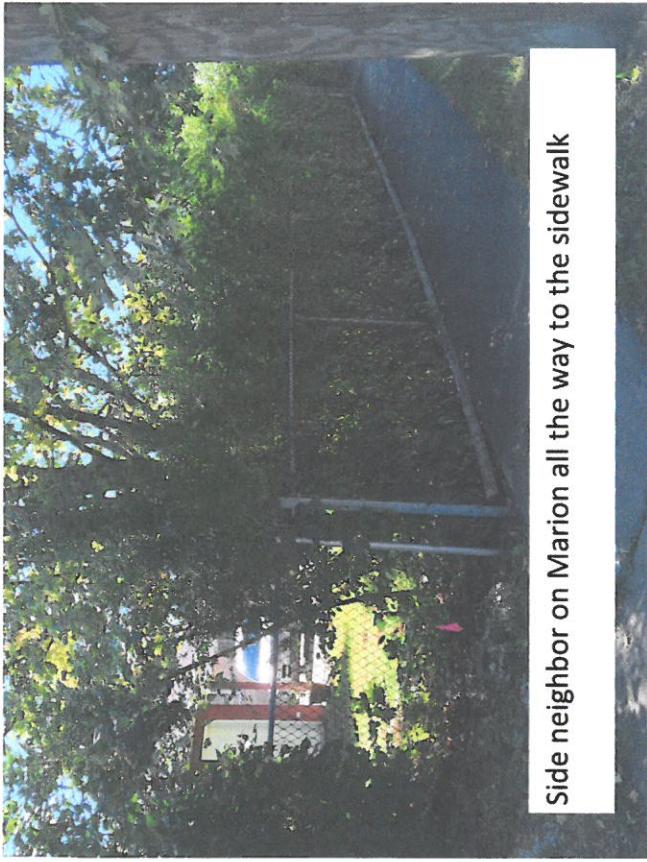
318 E. WASHINGTON



RENDERING

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Limited visual clearance by driveway due to bushes

Limited visual clearance by driveway due to bushes