

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

## **MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION**

October 3, 2016

**CALL TO ORDER:** The meeting was called to order by Chairman Moruzzi at 6:30p.m.

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

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

### **JOURNAL OF PROCEEDINGS:**

The minutes of the Special Community Development Commission Meeting of September 12, 2016 were presented.

**Motion:** Commissioner Rowe made a motion to approve the minutes as presented. Commissioner Marcotte seconded the motion.  
All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2016-25  
**Petitioner:** Surpassing Properties, LLC  
**Location:** 610 N. York Road  
**Request:** Rezoning from C-4 Regional Destination PUD Commercial to I-2 Light Industrial

**Motion:** Commissioner Rowe made a motion to open CDC Case No. 2016-25. Chairman Moruzzi seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 6:32 p.m.

Chairman Moruzzi held a mass swearing in for those who planned to speak during the Public Hearing.

Director of Community and Economic Development, Scott Viger, was present and previously sworn in by Chairman Moruzzi. Mr. Viger stated a Legal Notice was published in the Bensenville Independent on September 15, 2016. Mr. Viger stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Mr. Viger stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on September 16, 2016. Mr. Viger stated on September 16, 2016 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Viger stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours. Mr. Viger stated the applicant, Surpassing Properties, LLC, is seeking change the zoning from C – 4 Regional Destination PUD Commercial to I – 2 Light Industrial.

Mark Baumhart of Arthur J. Rogers & Co. was present and previously sworn in by Chairman Moruzzi. Mr. Baumhart stated the building on site has always been intended for industrial use. Mr. Baumhart stated the current building is in need of a major renovation that could be in excess of \$700,000. Mr. Baumhart stated his company does not want to invest in the property if the zoning remains the same and they are limited as to what type of business they can lease to. Mr. Baumhart read the findings of fact into the record.

There were no questions from the Commission.

**Public Comment:**

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2016-25. There was none.

Mr. Viger reviewed the Village Staff Report and stated Staff recommends the approval of the Findings of Fact and the requested rezoning.

Commissioner Rowe asked what needed to be done to the building.

Mr. Baumhart stated the major project and most costly is a new fire alarm system.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2016-25. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 6:42 p.m.

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

1. **Support for Classification:**  
a. Compatible with Use or Zoning  
The uses permitted under the proposed district are compatible with existing uses or existing Zoning of property in the environs, or  
**The property is an industrial building located in the O'Hare Industrial Sub-Market and in the Bensenville Industrial Park and is adjacent to industrial users on Foster Avenue and York Road.**

b. Supported by Trend of Development  
The trend of development in the general area since the original zoning was established supports the proposed classification, or

**The trend/demand from companies seeking to locate in this location is exclusively by industrial companies.**

c. Consistent with Village Plans  
The proposed classification is in harmony with objectives of the General Development Plan and other applicable Village plans as reviewed in light of any changed conditions since their adoption.

**The request for I-2 zoning is consistent with the findings of the 2015 Comprehensive Plan. Below is an excerpts from a recent Village report for rezoning 350 N. York Road from C-4 to I-2:**

*The Comprehensive Plan states: "The Village rezoned the industrial areas on the west side of York Road across from O'Hare airport to C-4 Regional Planned Unit Development (PUD) Commercial to better position the area for airport related 5 redevelopment. The rezoning has negatively impacted industrial businesses from expanding operations and sale of property, however. Real estate professionals mentioned the ongoing demand for industrial redevelopment on rezoned parcels, but property owners have been unable to sell or improve the land since the parcels are not suited for the big box retail stores permitted by the C-4 zoning designation. The Village should change the C-4 designation to permit industrial uses as part of the zoning ordinance revision..."*

*Over the past decade, no Regional Destination Commercial type development has been constructed or proposed in the North York Road corridor.*

- 2. Furthers Public Interest**  
The proposed zoning classification promotes the public interest. It does not solely further the interest of the applicant.

**The proposed request to rezone to I-2 will allow the owner and future tenant to occupy the property as it was originally designed for without any near or long-term threat of the loss of the uses provided for with in the I-2 zoning district.**

- 3. Public Services Available**  
Adequate public services---such as water supply, sewage disposal, fire protection, and street capacity---are anticipated to be available to support the proposed classification by the anticipated date of issuance of a Certificate of Occupancy.

**No changes are anticipated for any of the public services presently provided.**

Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Motion:** Commissioner Rowe made a motion to approve the requested rezoning. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Public Hearing:** *CDC Case Number 2016-26 has been withdrawn at the request of the applicant.*

**Public Hearing:** CDC Case Number 2016-27

**Petitioner:** John Gallo

**Location:** 254 Pine Lane

**Request:** Variance: Maximum Garage Size (670 SF to 720 SF)

**Motion:** Commissioner Rowe made a motion to open CDC Case No. 2016-27. Commissioner Marcotte seconded the motion.

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

Moruzzi, Pisano, Rowe, Marcotte

Absent: Rodriguez, Tellez, Tellez

A quorum was present.

Chairman Moruzzi opened the Public Hearing at 6:45 p.m.

Director of Community and Economic Development, Scott Viger, was present and previously sworn in by Chairman Moruzzi. Mr. Viger stated a Legal Notice was published in the Bensenville Independent on September 15, 2016. Mr. Viger stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Mr. Viger stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on September 16, 2016.

Mr. Viger stated on September 16, 2016 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Viger stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours. Mr. Viger stated the applicant, John Gallo, is seeking to build a new 720 square foot garage which is 50 square feet larger than the maximum allowed size of 670 square feet. Mr. Viger stated the new garage will allow him to park his truck, which is currently too tall to fit, and to park his classic car, which he currently has to rent a separate storage space to house.

Joe Gallo, owner of 254 Pine Lane was present and previously sworn in by Chairman Moruzzi. Mr. Gallo stated he would like to construct a new garage on his property because the current garage is too small to have a pick up and SUV park in it. Mr. Gallo stated he also owns an antique car he would like to keep in the garage as well. Mr. Gallo stated he has lived at the property for twenty-five years. Mr. Gallo stated the look of the new garage will not change from the street.

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

**Public Comment:**

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2016-27. There was none.

Mr. Viger 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. The property be developed in accordance with the plans submitted 7.12.16.
2. The applicant must comply with all required setbacks.

Commissioner Rowe asked if the proposed project was an addition to the garage or a complete rebuild. Mr. Gallo stated it will be a complete rebuild of the existing garage.

Commissioner Pisano asked if there would be any flooding issues due to the proposed increase in size. Mr. Viger stated that would be addressed during permitting but does not foresee an issue.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2016-27. Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 6:56 p.m.

Motion: Commissioner Marcotte 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.
  - **My old deteriorating garage was built in the early 1950s and will not fit my new truck due to the door opening. The new larger garage will also allow me to park my vintage car which I currently have to rent a separate storage space to hold.**
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.
  - **As stated, I have to park my new vehicle outside and my vintage vehicle in a rented storage space. I am also recently retired and looking to eliminate the rent paid to the storage space.**

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 current garage is neither tall enough to house my new vehicle nor big enough to store both of my vehicles.**
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 and practical difficulties or hardship that are the basis for the variance have not resulted from any act of myself or other party with a present interest in the property.**
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 will allow me to enjoy the right to utilize my garage for parking of my two vehicles.**
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 denial of the variance would deprive me of adequate use of my garage, as I will not be able to park my vehicles inside of the existing.**

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.
  - **I have discussed this proposal with my surrounding neighbors. They are unanimously in favor of any improvements that would enhance their property value and neighborhood. The garage will have updated lighting for appearance and security reasons. The garage will also match the aesthetics of the area, and not be obtrusive to the neighborhood.**
8. **Consistent with Title and Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.
  - **The granting of a variance will be in harmony with the general purpose of the Title and Plan.**
9. **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.
  - **I am only requesting an additional 50 square feet of garage from what the ordinance allows. It is the minimum needed to provide me relief.**

Chairman Moruzzi seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Rowe, Pisano, Marcotte

Nays: None

All were in favor. Motion carried.

Motion:

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

1. The property be developed in accordance with the plans submitted 7.12.16.
2. The applicant must comply with all required setbacks.

Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, 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 7:07 p.m.



Mike Moruzzi, Chairman  
Community Development Commission