

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

January 16, 2017

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 6:31p.m.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Marcotte, Pisano, Rodriguez
Absent: Rowe, 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 November 7, 2016 were presented.

Motion: Commissioner Rodriguez made a motion to approve the minutes as presented. Commissioner Pisano seconded the motion.

All were in favor. Motion carried.

Commissioner Lomax entered the meeting at 6:34 p.m.

Public Hearing: CDC Case Number 2016-29
Petitioner: South Water Signs (MB Financial)
Location: 1230 Mark Street
Request: Variance: Monument Sign

Motion: Commissioner Pisano made a motion to open CDC Case No. 2016-29. Chairman Moruzzi seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 6:35 p.m.

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

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 December 29, 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 December 27, 2016. Mr. Pozsgay stated on December 27, 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, South Water Signs, is installing signage at the new MB Financial site. Mr. Pozsgay stated they are moving into a multi-tenant space that already has a professional directory monument sign on site. Mr. Pozsgay stated the site is allowed one monument sign per code. Mr. Pozsgay stated the existing monument sign is on the middle portion of the site, while the proposed sign is on the eastern portion.

Lanette Pittman of South Water Signs and Carrie Treat of MB Financial Bank were both present and previously sworn in by Chairman Moruzzi.

Ms. Treat stated the new location is setback from Route 83 and is a main reason MB Financial is seeking approval of the installation of the proposed sign. Mr. Treat stated she has received numerous complaints from customers that they cannot find the new location and that they have decided to bring their business to the MB Financial Bank branch in Elk Grove Village.

Ms. Pittman reviewed the specs of the proposed sign. Ms. Pittman stated the sign will be installed on a standard 4x4 post that will meet all the Village requirements for installation. Ms. Pittman stated the proposed sign is 8' tall and 5' wide. Ms. Pittman read the findings of fact for the proposed variance into the record.

Commissioner Rodriguez asked how long the lease is. Ms. Treat stated they currently have a three-year lease.

Commissioner Rodriguez asked Staff if the proposed variance will be associated with the property or the business. Mr. Pozsgay stated in this case, if the Commission would choose, it could be associated with the business. Ms. Treat stated MB Financial Bank is willing to remove the sign and replace the landscaping if they move out of the sign.

Commissioner Rodriguez suggested adding the conditional to the approval criteria. There were no objections 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. 2016-29. There was none.

Mr. Pozsgay stated staff respectfully recommends the approval of the above applicant's Findings of Fact and the approval of the proposed variance, therefore recommending the following:

1. The plans and aesthetics of the sign to be in substantial compliance with the plans submitted with this application

and the added condition from the Commission:

2. MB Financial Bank is to remove the sign and replace the landscaping upon vacating the unit.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2016-29. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 6:47 p.m.

Motion: Commissioner Lomax made a motion to approve the Findings of Fact for the requested variance for a monument sign 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.
Applicant's Response: We are moving from a location with direct street view to a site that doesn't have as prominent of exposure. An MB Financial standard monument sign would provide more exposure to the street. The existing multi-tenant sign for the building does not allow for proper visual or directional for our business.
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.
Applicant's Response: Without the installation of this standalone sign, it would cause for inconvenience to the local businesses looking to continue banking in the area. Long-term, employees would be able to provide proper directions to customers looking for the branch.
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.
Applicant's Response: Due to the layout of the building, there is little visual to our business from the street. This sign would allow for us to direct traffic flow to the proper entrance.
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.
Applicant's Response: This special circumstance has not resulted from any act of MB Financial Bank nor any other party with an 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. *Applicant's Response: A variance for this sign is necessary for MB Financial Bank to enjoy a substantial property right possessed by other properties in the zoning area with comparison to business signage.*
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. *Applicant's Response: Because our space within the building is set back from the street, the sign would allow for a proper visual from the street. Without it we would be deprived of comparable economic return from the previous location.*
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. *Applicant's Response: A variance for this sign would 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. *Applicant's Response: A variance for this sign will not serve to substantially invalidate or nullify any part of the Ordinance of the General Development Plan or other plans of the Village of Bensenville. We wish to continue to provide services to local businesses and this sign would help in retaining the clientele.*

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. ***Applicant's Response: The requested sign would provide MB Financial Bank with relief from practical difficulties by maintaining flow from the existing location to our new location and would allow us reasonable use and enjoyment of the property.***

Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Marcotte made a motion to approve the requested variance for a monument sign with the following conditions:

1. The plans and aesthetics of the sign to be in substantial compliance with the plans submitted with this application
2. MB Financial Bank is to remove the sign and replace the landscaping upon vacating the unit

Commissioner Rodriguez seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2016-30
Petitioner: Lois Phelan
Location: 457 S. Church Road
Request: Variance: Fence in Corner Side Yard

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2016-30. Commissioner Pisano seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 6:50 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 December 29, 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 December 27, 2016. Mr. Pozsgay stated on December 27, 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, Lois Phelan, is seeking to install a fenced in area in her corner side yard to provide safety on a busy intersection of two arterial roads. Mr. Pozsgay stated the area will also be a space to be able to let her dog out. Mr. Pozsgay stated the fence is spaced wood white picketed. Mr. Pozsgay stated there will be 3 sections forming a square section around her front door and porch (the entrance is in the corner side yard).

Brian Phelan, son of Lois Phelan, was present and previously sworn in by Chairman Moruzzi. Mr. Phelan stated the posed fence would be constructed out of wood and painted white in the summer. Mr. Phelan read the findings of fact for the proposed variance into the record.

Commissioner Lomax asked if the proposed fence would block any views for drivers on Jefferson and Church. Mr. Pozsgay stated the proposed fence is 3 ½ feet tall and will not cause an issue with traffic on Jefferson and Church. Mr. Pozsgay also stated the proposed fence will not interfere with future construction of the Village's bike path construction.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2016-30. There was none.

Mr. Pozsgay stated staff respectfully recommends the approval of the above applicant's Findings of Fact and the approval of the proposed variance, therefore recommending the following:

1. The fence must be installed at least 5 feet off the Jefferson property line.
2. The fence cannot extend west of the home.
3. The plans and aesthetics of the fence to be in substantial compliance of the revised plans submitted with this application.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2016-30. Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

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

Motion: Commissioner Lomax made a motion to approve the Findings of Fact for the requested variance for a fence in the 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. *Applicant's Response: It's a corner lot on Jefferson and Church that we would like to install a small decorative white picket fence.*

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. *Applicant's Response: Lois Phelan is 84 years old. Has lived on this property since 1977. She suffered a stroke on 9/8/16. The stroke occurred at her job, at the Bensenville Library where she has worked since 2000. Lois has a dog. She can no longer physically put the dog on a chain or leash to let the dog out. There is no back door to let the dog out, only two front doors that face Jefferson. A fence in the front of the house would ease her burden and keep the dog safe.*
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. *Applicant's Response: The house sits on two busy arterial streets. The fence will provide a safe yard space to enjoy the full use of my property. A wooden picket fence shouldn't interfere with neighbor's views or cause obstructions. Eight properties on Jefferson have fences.*
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. *Applicant's Response: No action has been taken, no construction.*

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. *Applicant's Response: Eight properties on Jefferson have fences. We are not sure which properties are incorporated. The house on Jefferson and Judson has a nice white picket fence. We would like the same.*
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. *Applicant's Response: There are no rear doors which make it possible to put the fence in the rear yard. The house is on the corner of two busy arterial streets. The fence provides safety.*
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. *Applicant's Response: The granting of the variance shouldn't alter the essential character of the locality. It will only enhance the property in our opinion.*
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. *Applicant's Response: The granting of the variance will be in harmony with the general purpose and intent of the village in our opinion.*
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. *Applicant's Response: The variance would ease a hardship for Lois Phelan. She can no longer handle her dog appropriately. A fenced in yard for a dog seems like a reasonable request. Eight properties on Jefferson have fences already.*

Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Lomax made a motion to approve the requested variance for a fence in the corner side yard with the following conditions:

1. The fence must be installed at least 5 feet off the Jefferson property line.
2. The fence cannot extend west of the home.
3. The plans and aesthetics of the fence to be in substantial compliance of the revised plans submitted with this application.

Commissioner Rodriguez seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Report from Community Development

Mr. Pozsgay reviewed both recent CDC cases along with upcoming cases.

Mr. Pozsgay informed the Commission that Staff is planning a Special Meeting on January 30, 2017 at 6:00 p.m.

ADJOURNMENT:

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

All were in favor. Motion carried.

The meeting was adjourned at 7:17 p.m.

A handwritten signature in black ink, appearing to read "Mike Moruzzi", is written over a horizontal line.

Mike Moruzzi, Chairman
Community Development Commission