

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

**MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION**

June 19, 2017

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

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

**JOURNAL OF PROCEEDINGS:**

The minutes of the Community Development Commission Meeting of June 5, 2017 were presented.

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

All were in favor. Motion carried.

**Continued**

**Public Hearing:**

**Petitioner:**

**Location:**

**Request:**

CDC Case Number 2017-04

ABW Automotive

211 Beeline Drive, Unit 11

Conditional Use Permit to allow Motor Vehicle Repair Major & Minor,  
Municipal Code Section 10 – 9B - 3

**Motion:** Commissioner Rowe made a motion to re-open CDC Case No. 2017-04. Commissioner Pisano seconded the motion.

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

Chairman Moruzzi re-opened the Public Hearing at 6:34 p.m.

Chairman Moruzzi swore in Director of Community and Economic Development, Scott Viger and Village Planner, Kurtis Pozsgay.

Village 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 March 2, 2017. 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 March 3, 2017. Mr. Pozsgay stated on March 3, 2017 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 is requesting a conditional use permit to operate their auto repair shop. Mr. Pozsgay stated the space formerly had a conditional use permit granted solely to Tom's Truck Repair and was not transferable. Mr. Pozsgay stated the property in question is the multiple tenant industrial facility on the north side of Beeline drive east of Meyer Road and is zoned I – 2 Light Industrial.

Marcin Walczyk, owner of ABW Automotive was present and sworn in by Chairman Moruzzi. Mr. Walczyk stated he was seeking a conditional use permit for minor auto repair at 211 Beeline Drive, Unit 11.

Commissioner Rodriguez asked how the petitioner had planned to deal with the stacking of cars on site. Mr. Walczyk stated he has off-site parking in Roselle he will use to stage vehicles. Mr. Walczyk also stated repairs are done by appointments only.

Commission Rodriguez asked if the company works on semi-trucks. Mr. Walczyk stated his company only works on cars and pick-up trucks.

Commissioner Rowe asked how many employees work at the company. Mr. Walczyk stated there are two employees.

Commissioner Rowe asked how many cars could fit inside the unit. Mr. Walczyk states 7-8 cars could fit inside the unit.

Anthony Oddo, Landlord for 211 Beeline Drive, Unit 11 was present and sworn in by Chairman Moruzzi. Mr. Oddo provided information regarding parking on site for each unit. Mr. Oddo stated he has been operating the site for twenty-four years and understands the Village's concerns. Mr. Oddo stated he doesn't see anything else that can operate the unit other than automotive repair. Mr. Oddo stated a triple basin would be installed if the conditional use was approved.

**Public Comment:**

Chairman Moruzzi asked if there was any member of the Public that would like to speak on behalf of the case. There were none.

Mr. Pozsgay reviewed the approval criteria for the proposed conditional use consisting of:

1. **Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.

*Applicant's Response: There will be two parking spots outside for employees and two parking spots for customers. The rest of the vehicles will be stored inside. We also have an offsite parking.*

2. **Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district.

*Applicant's Response: There will be no type of effects of noise, glare, odor, dust, waste disposal, blockage of light or air, or other adverse environmental effects of a type of degree.*

3. **Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized.

*Applicant's Response: There will be no affect on neighborhood characters.*

- 4. Use of Public Services and Facilities:** The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.

***Applicant's Response:*** *The proposed use will not put any type of strain on community facilities or services beyond the normal occurrence for a regular industrial user.*

- 5. Public Necessity:** The proposed use at the particular location requested is necessary to provide a service or a facility, which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community.

***Applicant's Response:***

- 6. Other Factors:** The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location.

***Applicant's Response:*** *We have a offsite parking to keep cars which parking will be kept to the minimum.*

Mr. Pozsgay stated Staff recommends the Denial of the above Findings of Fact and therefore the Denial of the Conditional Use Permit for ABW Automotive. Mr. Pozsgay stated if the Commission recommends approval, Staff recommends the following conditions:

1. The Conditional Use Permits be granted solely to ABW Automotive, Inc. and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and / or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit, and
2. A copy of the Conditional Use Permit and associated variance must be kept on the premises of the establishment and be presented to any authorized Village official upon request, and

3. The property shall be developed and utilized in substantial conformance to the plans submitted as part of this application, and
4. There shall be no work performed on vehicles out of doors, all work to be conducted within the fully enclosed building.
5. The owner and applicant shall work with the Village staff to create a functioning property owners/business association to ensure the maintenance, upkeep and harmony of the property and businesses.
6. There shall be no outdoor storage or overnight parking of tractors or trailers outside of the subject property.
7. There shall be no trailers left on-site.
8. The property owner and applicant will work with the Village in garnering support for the establishment of a mechanism that provides unified control of the overall property to ensure the proper.
9. The use should be restricted to Minor Vehicle repair only, on vehicles under 8,000 pounds and to strictly prohibit work on tractors, large trucks and trailers.

Commissioner Rodriguez asked if the current business was a conforming use. Mr. Pozsgay stated it was non-conforming.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2017-04. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

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

Motion: Commissioner Rowe made a combined motion to deny the Findings of Fact listed above and to deny the proposed conditional use permit. Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Continued**

**Public Hearing:** CDC Case Number 2017-08  
**Petitioner:** De Asti's Partners  
**Location:** 1410 West Irving Park Road  
**Request:** Variances for construction of a 4-car garage.  
- Height, Municipal Code Section 10 – 14 – 13A  
- Location, Municipal Code Section 10 – 14 – 13B – 1c

**Motion:** Commissioner Rowe made a motion to re-open CDC Case No. 2017-08. Commissioner Pisano seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 7:10 p.m.

**Motion:** Commissioner Rowe made a motion to continue CDC Case No. 2017-08 until July 17, 2017. Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2017-14  
**Petitioner:** Fernando Lucero  
**Location:** 311 Diana Court  
**Request:** Variances for construction of a fence in a corner side yard.  
- Municipal Code Section 10 – 14 – 11

**Motion:** Commissioner Rowe made a motion to open CDC Case No. 2017-14. Commissioner Pisano seconded the motion.

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

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

Village 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 June 1, 2017. 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 June 2, 2017. Mr. Pozsgay stated on June 2, 2017 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 is proposing to construct a 6-foot high fence in his corner side yard. Mr. Pozsgay stated the fence will be black chain link. Mr. Pozsgay stated the property in question is zoned RS – 2 Medium Low Density Single Family and is located on the southwest corner of Diana Ct. and Pamela Dr. It is not a reverse corner lot.

Marissa Lucero, property owner, was present and sworn in by Chairman Moruzzi. Ms. Lucero reviewed the proposed plans of the black chain link fence with the Commission.

Commissioner Rodriguez asked why the family was not interested in putting up a privacy fence. Ms. Lucero stated he husband in a Police Officer in another Community and that their house has been robbed in the past. Mr. Lucero stated they believe a chain link fence would provide exposure to ensure another crime does not happen again.

Commissioner Rodriguez asked if there were plans for landscaping along the proposed fence. Ms. Lucero stated they plan to lay mulch along the fence on the inside of their property.

Commissioner Pisano asked what the reason for the fence was. Ms. Lucero stated they have four children and they currently face trash problems from the street.



Commissioner Pisano stated he does not believe the proposed fence material meets the criteria of the surrounding area and suggested the petitioner install a three-foot privacy fence on site. Ms. Lucero stated there are multiple chain link fences in the area and that the family has not considered a different material because of cost.

**Public Comment:**

Chairman Moruzzi asked if there was any member of the Public that would like to speak on behalf of the case. There were none.

Mr. Pozsgay stated staff respectfully recommends the approval of the Findings of Fact for the proposed Variance for construction of a fence 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.

**Response: Special circumstances that exist relate to the property and are specific due to the layout of the property.**

2. **Hardship or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.

**Response: Prohibiting a fence in the side yard would result in unnecessary and undue hardship based on the layout of the property and buildings and otherwise inability to properly use the remaining yard.**

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.

**Response: The special circumstances relate only to the physical character of the land and buildings.**



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.

**Response: 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.

**Response: The variance is necessary for the applicant to enjoy the same property rights and privileges as the interior street 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.

**Response: 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.

**Response: The granting of the variances will not alter the essential character of their locality nor substantially impair environmental quality 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.

**Response: 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.

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

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the proposed variance with the following conditions:

1. The applicant must get staff approval on final material and design.
2. The fence must be installed a minimum of three feet off the property line.
3. Applicant must work with staff on aesthetics and landscaping.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2017-14. Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

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

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve Variance for construction of a fence in a corner side yard., Municipal Code Section 10 – 14 – 11. Commissioner Pisano seconded the motion.

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

Nays: Pisano

Motion carried.

**Public Hearing:** CDC Case Number 2017-15

**Petitioner:** Village of Bensenville

**Location:** 735 East Jefferson Street

**Request:** Variances for construction of a wall sign

- Number permitted, Municipal Code Section 10 – 18 – 12 – 3b – 2
- Maximum sign area, Municipal Code Section 10 – 18 – 12 – 3c – 2

**Motion:** Commissioner Rowe made a motion to open CDC Case No. 2017-15. Commissioner Pisano seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 7:38 p.m.

Village 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 June 1, 2017. 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 June 2, 2017. Mr. Pozsgay stated on June 2, 2017 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 is proposing to install a Chiefs Hockey Club internally lit cabinet sign on the front elevation. Mr. Pozsgay stated the face-lit channel logo and lettering is roughly 55.7 square feet. Mr. Pozsgay stated it will be mounted on the west end of the Edge Ice Arena roughly 13 feet 6 inches above ground, in line with other signage on the building.

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 on behalf of the case. There were none.

Mr. Pozsgay stated staff respectfully recommends the approval of the Findings of Fact for the proposed Variances for the construction of a wall 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.

**Response: The sign is for an affiliated group using EDGE and is similar to other groups' signs located on the building.**

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.

**Response: Due to the nature of the EDGE, multiple groups use the ice and require signage.**

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.

**Response: The circumstances relate only to this property.**

4. **Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

**Response: The needed variance did not result from any applicant action.**

5. **Preserve Rights Conferred by District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

**Response: A variance is necessary to enjoy the rights of the 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.

**Response: Without a variance, we will be deprived of reasonable use or enjoyment of 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.

**Response: The variance 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.

**Response: The variance will be consistent with 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.

**Response: This is the minimum variance needed.**

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the proposed variance with the following conditions:

1. The plans and aesthetics of the development to be in substantial compliance with the plans dated 04.24.17 by South Water Signs submitted with this application.

**Motion:** Commissioner Pisano made a motion to close CDC Case No. 2017-15. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:43 p.m.

**Motion:** Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve Variances for the construction of a wall sign; Number permitted, Municipal Code Section 10 – 18 – 12 – 3b – 2; Maximum sign area, Municipal Code Section 10 – 18 – 12 – 3c – 2. Chairman Moruzzi seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2017-16  
**Petitioner:** Noelia Hernandez  
**Location:** 434 South Barron Street  
**Request:** Variances for construction of a concrete pad for parking  
- Total parking spaces, Municipal Code Section 10 – 11 – 7 – 1C –  
2

**Motion:** Commissioner Rowe made a motion to open CDC Case No. 2017-16. Commissioner Pisano seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 7:46 p.m.

Village 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 June 1, 2017. 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 June 2, 2017. Mr. Pozsgay stated on June 2, 2017 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 is proposing to remove and replace an approximately 800 square foot gravel and asphalt driveway off the alley and an approximately 90 square foot concrete walk in the front of the house. Mr. Pozsgay stated she is also proposing to install an approximately 378 square foot asphalt-parking pad to the north of her driveway and approximately 240 square foot of asphalt to the south to of the driveway. Mr. Pozsgay stated the total impervious surface of the lot does not go above the 50% threshold.



Noelia Hernandez, property owner, was present and sworn in by Chairman Moruzzi. Ms. Hernandez stated the family is in need of more parking on site because her kids now have vehicles and everyone leaves at different times. Ms. Hernandez also stated her guests have nowhere to park when they are over.

Commissioner Rodriguez raised concern with the proposed plans relative to the size of the home. Commissioner Rodriguez stated between the two car garage and a driveway that could fit four cars, there was plenty of room on site.

**Public Comment:**

Chairman Moruzzi asked if there was any member of the Public that would like to speak on behalf of the case. There were none.

Mr. Pozsgay reviewed the approval criteria 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.

**Response: My kid's families live out of town, so when they come over on the weekends they stay over. I would like to provide enough parking space for all of us.**

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.

**Response: We would like a well-structured parking pad with enough space for us.**

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.

**Response: The main reason we want a bigger parking pad is to provide my children space for vehicles and space for solid ground.**

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.

**Response: 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.

**Response: I have seen several homes in our area that have had additions added 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.

**Response: Without the variance, we would not be able to have all of our children over comfortably at the same time to provide parking.**

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.

**Response: The extra parking we plan to add to the parking pad will not in any way impair the environmental quality or welfare of the vicinity in which we live.**

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.

**Response: 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.

**Response: If approved, we will be able to proceed with our plans to obtain permit and begin construction without incurring additional costs.**

Mr. Pozsgay stated Staff recommends the Denial of the above Findings of Fact and therefore the Denial of the variance. Mr. Pozsgay stated if the Commission recommends approval, Staff recommends the following conditions:

1. The driveway should have positive drainage pitch without adversely affecting neighboring properties. The proposed improvements can't block off existing drainage.
2. Village inspectors should confirm that the home is not being used as anything other than a single-family residence. This includes no businesses operating out the home requiring the use of outdoor storage and/or parking. This also includes the home being subdivided and rented to multiple tenants against current ordinance.
3. The additional parking area be properly screened.
4. No outdoor storage of vehicles allowed.

Motion:

Commissioner Pisano made a motion to close CDC Case No. 2017-16. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 8:11 p.m.

Motion: Commissioner Rowe made a combined motion to deny the Findings of Fact listed above and to deny the proposed variance. Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2017-17  
**Petitioner:** Holy Trinity Ukrainian Orthodox Church  
**Address:** 1009 South Church Road  
**Request:** Variance for construction of a shed (size)  
- Municipal Code Section 10 – 14 – 12

Motion: Commissioner Rowe made a motion to open CDC Case No. 2017-17. Commissioner Pisano seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 8:13 p.m.

Motion: Commissioner Rowe made a motion to continue CDC Case No. 2017-17 until July 17, 2017. Commissioner Pisano seconded the motion.

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

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 announced CDC meetings will be on the first Tuesday of the month at 6:30 p.m. beginning August 1, 2017.

### **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 8:20 p.m.

A handwritten signature in black ink, appearing to read 'R. Rowe', is written over a horizontal line.

Ronald Rowe, Chairman  
Community Development Commission