

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

August 1, 2017

CALL TO ORDER: The meeting was called to order by Chairman Rowe at 6:33p.m.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Moruzzi, Marcotte, Rodriguez, Ciula
Absent: Czarnecki, King
A quorum was present.

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

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of July 17, 2017 were presented.

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

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 Moruzzi made a motion to re-open CDC Case No. 2017-08. Commissioner Marcotte seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Moruzzi, Marcotte, Rodriguez, Ciula
Absent: Czarnecki, King
A quorum was present.

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

Motion: Commissioner Marcotte made a motion to continue CDC Case No. 2017-08 until September 5, 2017. Commissioner Moruzzi seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Continued
Public Hearing:**

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

Motion: Commissioner Marcotte made a motion to re-open CDC Case No. 2017-17. Commissioner Moruzzi seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Moruzzi, Marcotte, Rodriguez, Ciula
Absent: Czarnecki, King
A quorum was present.

Chairman Rowe re-opened the Public Hearing at 6:37 p.m.

Chairman Rowe 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 Rowe. 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 1, 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 has constructed a 20'L x 12'W x 8'H shed with a 4-foot roof in the rear of their church property for storage. Mr. Pozsgay stated the shed is in the southeast corner of the property. Mr. Pozsgay stated the shed is a total of 240 square feet, which is above the allowed maximum size of 160 square feet for this size lot.

Father Bogdan, of the Holy Trinity Ukrainian Orthodox Church was present and sworn in by Chairman Rowe. Father Bogdan stated he took over the church a little over eight in a half years ago. Father Bogdan stated he does not earn a salary from the Church; he works as a truck driver and is on the road the majority of the time. Father Bogdan stated the shed was built for storage because items were being kept in classrooms and now that the church is fully occupied, additional storage on site was needed. Father Bogdan stated the Church maintains the property and had nowhere to keep their lawnmower and gasoline.

Commissioner Rodriguez asked how many parking spaces were lost in order to construct the shed. Father Bogdan stated two parking spaces were lost but they were spaces no one ever used.

Commissioner Ciula raised concern with the type of materials that were being kept in the shed and suggested special, non-flammable containers to store them in.

Commissioner Moruzzi asked if the constructed shed was enough storage for the church. Father Bogdan stated the current shed size is exactly what was needed.

Commissioner Moruzzi suggested adding a condition that required stripping around the shed so no one could park next to it in case it needed to be accessed. Father Bogdan agreed with Commissioner Moruzzi's suggestion and had no objections with the added condition.

Public Comment:

Chairman Rowe 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: The special circumstances arise from the need to build a storage building (shed) on the Holy Trinity church property's parking lot behind the main building on the southeast corner of the property. The proposed storage building (shed) will be used to store school materials, landscaping and church equipment. The building is designed per construction budget and is measured 12'x20'.

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: Without the storage building (shed) the mentioned above articles (school materials, landscaping and church equipment) will be piled up in the main church building and could be a potential fire hazard. In addition, removing the mentioned articles from the main building will enable church to use the space for children's play area.

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 only relate to physical characteristics, specifically, the size and location of the church property in relation to the proposed development.

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 requested variance is not the result of any action undertaken by the Petitioner. It is due to the need to free up space in the main church building.

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 essential to make use of the available property space and to allow for the improvement of the church property with the proposed storage building (shed).

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 granting of the variance is necessary to allow for the building to be built. Without the variance the Petitioner will be deprived of reasonable necessity and use of the proposed construction of the church storage building (shed).

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: Granting the variance will not alter the character of the surrounding properties. In addition, the storage building (shed) should improve the property value.

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 granting of the variance is in harmony with the general purpose and 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 variance approved is the minimum required to provide the Petitioner with the necessary use and purpose for the building storage (shed).

Mr. Pozsgay stated Staff recommends the approval of the above Findings of Fact and therefore the approval of the variance with Staff's recommends consisting of:

1. The plans and aesthetics of the development to be in substantial compliance with the plans submitted 05.08.17 by the applicant and with this application.
2. Applicant will become current with all outstanding bills due to Village prior to receiving permit.

And the added condition:

3. The shed be striped to allow no parking in front of the doors.

Commissioner Rodriguez asked if there was enough parking on site with the removal of the spots for the shed. Mr. Pozsgay stated there was plenty of parking.

Motion: Commissioner Moruzzi made a motion to close CDC Case No. 2017-17. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 6:55 p.m.

Motion: Commissioner Ciula made a combined motion to approve the Findings of Fact listed above and to approve the proposed variance. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2017-20
Petitioner: Pawel Gieraltowski
Location: 44 Jacquelyn Drive
Request: Required front yard setback, Municipal Code Sections 10 – 5D – 4B and 10 – 14 – 13 – 2

Motion: Commissioner Moruzzi made a motion to open CDC Case No. 2017-20. Commissioner Marcotte seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Moruzzi, Marcotte, Rodriguez, Ciula
Absent: Czarnecki, King
A quorum was present.

Chairman Rowe opened the Public Hearing at 6:59 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 July 13, 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 July 14, 2017. Mr. Pozsgay stated on July 14, 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 114 square foot open front porch.

Mr. Pozsgay stated the porch extends 6 feet from the home, encroaching entirely into the 30-foot front yard setback. Mr. Pozsgay stated the property is zoned RS-4 Medium High Density Single Family.

Pawel Gieraltowski, property owner, was present and sworn in by Chairman Rowe. Mr. Gieraltowski reviewed the proposed plans of the porch with the Commission. Mr. Gieraltowski stated this idea came about because he had to remove the stairs in front of the home. Mr. Gieraltowski stated he is requesting to build a porch on the front of the home to watch his kids play and keep an eye on the street.

Commissioner Rodriguez asked what type of material will be used to construct the proposed porch. Mr. Gieraltowski stated he plans to use a composite/synthetic wood.

Public Comment:

Chairman Rowe 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 porch 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: As far as it was explained to us, property is few inches from property line and variance is needed for front porch. Due to damage to front concrete stairs (first step falling apart, stairs collapsed in the middle), we would like to build wooden stairs with area for couple chairs and table to enjoy front view of the house and watch our children while they play.

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: Concrete patio in front of the house would not be on the same level and would require constant walking up and down the stairs. It would be convenient to have porch on the same level as house.

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: Only reason we are applying for variance is because porch will encroaches more than maximum 6" into the required front yard 30 feet that is allowed be 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.

Response: No new construction actions were takes. Variance is needed in order to proceed with obtaining permit to begin 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.

Response: There are other properties in Bensenville with front porch and we would like reserve the same right to improve our living 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 have no place to sit, put couple of chairs and a table to enjoy front views of our house as well as watch children while they play.

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: Front porch will not 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 the Variance is approved, we will proceed with obtaining a permit and begin 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 plans and aesthetics of the porch to be in substantial compliance with the plans submitted with this application.
2. Building material should be compatible with the main residential structure.

Commissioner Rodriguez asked for clarification for the applicant's response to finding of fact No. 2. Mr. Pozsgay stated the code requires a landing pad for staircases and the property owner has the right to construct a concrete pad.

Commissioner Rodriguez raised concern with the possible way the porch would look and how consistent it will be in the area. Mr. Pozsgay stated Staff sees many benefits with having porches in the front of homes and that this was a suggestive factor within the Village's recently adopted Comprehensive Plan.

Commissioner Moruzzi asked what type of landscaping would be done in front of the porch. Mr. Gieraltowski stated he intends to plant flowers around the property. Mr. Pozsgay stated Staff will work with the applicant on landscaping.

Motion: Commissioner Moruzzi made a motion to close CDC Case No. 2017-20. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:16 p.m.

Motion: Commissioner Moruzzi made a combined motion to approve the Findings of Fact listed above and to approve Variance for the Required front yard setback, Municipal Code Sections 10 – 5D – 4B and 10 – 14 – 13 – 2. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2017-19
Petitioner: Village of Bensenville
Location: 514 East Pine Avenue
Request: Rezoning from RM – 1 Low Density Multi-Family District to RS – 5 High Density Single Family District, Municipal Code Sections 10 – 6A and 10 5E; and Preliminary & Final Plat of Subdivision into two single-family lots, Municipal Code Section 11 – 3

Motion: Commissioner Moruzzi made a motion to open CDC Case No. 2017-19. Commissioner Marcotte seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Moruzzi, Marcotte, Rodriguez, Ciula
Absent: Czarnecki, King
A quorum was present.

Chairman Rowe opened the Public Hearing at 7:18 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 July 13, 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 July 14, 2017. Mr. Pozsgay stated on July 14, 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 Village is seeking to change the zoning of this Village owned property to match the zoning to the south of the property. Mr. Pozsgay stated the Village would also like to divide the property into two single-family lots in order to better match market conditions, with the hopes of selling the property and returning it to the tax rolls.

There were no questions from the Commission.

Public Comment:

Chairman Rowe 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 re-zoning 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.

The requested rezoning (Map Amendment) to a Single Family District mimics the abutting district to the south (RS – 5). Additionally the property adjacent to the east across South Park Street while currently zoned RM – 1 is developed with a free standing single family home. Abutting the subject property to the west is a low density multiple family rental building. The applicant believes that the adjacency of single-family detached residence with the multiple family property is acceptable.

b. Supported by the Trend of Development

The trend of development in the general area since the original zoning was established supports the proposed classification.

The Village of Bensenville has seen a spike in single-family home construction in recent years. From 2016 to date there have been eight new home permitted in the village. The Village staff has been approached by a homebuilder active in the community regarding the purchase of the Subject Property for single – family development. On 06.27.17, the Village President and Board of Trustees approved a Planned Unit Development for another 37 homes on the 700 block of South John Street.

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 2015 Comprehensive Plan indicates Single Family for the Subject Property.

2. Furthers the Public Interest

The proposed zoning classification promotes the public interest. It does not solely further the interest of the applicant.

The Village believes that the single family home is a mainstay of our community and maintaining a strong supply of new housing products serves to attract new residents to the Village.

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 anticipated date of issuance of a Certificate of Occupancy.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the rezoning.

Motion: Commissioner Moruzzi made a motion to close CDC Case No. 2017-19. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:30 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact listed above and to approve Rezoning from RM – 1 Low Density Multi-Family District to RS – 5 High Density Single Family District, Municipal Code Sections 10 – 6A and 10 – 5E; and Preliminary & Final Plat of Subdivision into two single-family lots, Municipal Code Section 11 – 3. Commissioner Moruzzi seconded the motion.

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

Nays: None

All were in favor. Motion carried.

PUBLIC

COMMENT: There was no Public Comment.

Report from Community

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

Mr. Pozsgay announced there will be a special meeting for training on August 29, 2017.

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

All were in favor. Motion carried.

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

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

Ronald Rowe, Chairman
Community Development Commission