

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

September 5, 2017

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

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

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

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of August 1, 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.

The minutes of the Special Community Development Commission Meeting of August 29, 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.

PUBLIC COMMENT: There was no Public Comment

Public Hearing: CDC Case Number 2017-21
Petitioner: Fluff N Stuff Laundry
Location: 1105 S. York Rd.
Request: Conditional Use Permit, Dry Cleaner, and laundry Drop Off Station and Laundromats, municipal Code Section 10-7B-3

Motion: Commissioner Moruzzi made a motion to open CDC Case No. 2017-21. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened the Public Hearing at 6:33 p.m.

Motion: Commissioner Moruzzi made a motion to continue CDC Case No. 2017-21 until October 3, 2017. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Moruzzi, Marcotte, Czarnecki, King

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2017-22
Petitioner: Fenton Community High School District 100
Address: 1000 West Green Street
Request: Conditional Use Permit, Electronic Message Board Sign, Municipal Code Section 10-18-6-1; and Variance, Monument Sign (are and height), Municipal Code Section 10-18-8-2

Motion: Commissioner Moruzzi made a motion to open CDC Case No. 2017-22. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened the Public Hearing at 6:35 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 August 17, 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 August 18, 2017.

Mr. Pozsgay stated on August 18, 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 Petitioner is seeking a variance to replace an existing monument sign. Mr. Pozsgay stated the current sign stands 20 feet high. Mr. Pozsgay stated the sign itself is 50 square feet. Mr. Pozsgay stated the new proposed sign is 12 feet high and 40 square feet. Mr. Pozsgay stated maximums for monument signs in a residential district are 6 feet high and 32 square feet.

Bill Martin of Fenton High School was present and sworn in by Chairman Rowe. Mr. Martin thanked Staff for their assistance on the request.

There were no questions from the Commissioners.

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 request 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: Fenton High School District 100 proposes to replace its existing marquee sign that is outdated and non-functional. The exiting sign sits atop a brick post approximately 15 feet high. The sign is 5'X10' in size. The proposed new sign would be 5'X8' or 40 Square Feet and 6' high. Although the new sign exceeds the 32 Square Feet ordinance, we believe the sign will be aesthetically appropriate to the neighborhood. The new sign would be dramatically smaller in size and height compared to the current sign. The sign would be installed in the existing

location that is beautifully landscaped with hedges and flowers. We believe the sign will be more attractive and viewable to the community. The proposed sign will have 4 lines of data and be able to display in text and graphics. Fenton has much information to share and will be able to communicate its message in a thoughtful, timely, ongoing and attractive manner.

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: The existing sign location is the preferred spot to install the new sign. This however will exceed the village ordinance by about 2 feet. This location includes all necessary power requirements and is beautifully landscaped. If the sign were to be relocated, a new foundation would be necessary as well electrical needs. Relocation of the sign will increase the costs and alter the timeline for installation.

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: We are applying for the variance because the sign size and height exceed 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: We now know that a Variance is needed in order to proceed with obtaining the permit for installation 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: The District would like to reserve the right to improve and enhance our sign display.

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, the District will experience additional costs by changing the sign design, installation and 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.

Response: The proposed sign will not in any way impair the environmental quality, public safety or welfare in the vicinity. In may impact, positively, with the public and school community due to the enhanced imaging and information displayed.

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 the 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 be able to proceed with our plan to obtain a permit and begin installation without incurring additional costs.

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

1. The plans and aesthetics of the porch to be in substantial compliance with the plans submitted with this application.
2. Sign should be turned off/deactivated after 10pm, unless a special event is being held, at which point it should be deactivated immediately following event.
3. All other features of EMC shall conform to ordinance, particularly section 10-18-7C Sign Illumination.

There were no questions from the Commissioners.

Motion: Commissioner Moruzzi made a motion to close CDC Case No. 2017-22. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Moruzzi, Marcotte, Czarnecki, King

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:41 p.m.

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

ROLL CALL: Ayes: Rowe, Moruzzi, Marcotte, Czarnecki, King

Nays: None

All were in favor. Motion carried.

Report from Community

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

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 6:46 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