

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

February 6, 2018

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, Ciula, Moruzzi, King
Absent: Czarnecki, Marcotte, Rodriguez
A quorum was present.

STAFF PRESENT: K. Pozsgay, C. Williamsen,

JOURNAL OF

PROCEEDINGS: The minutes of the Special Community Development Commission Meeting of January 30, 2018 were presented.

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

All were in favor. Motion carried.

PUBLIC

COMMENT: There was no Public Comment

Public Hearing: CDC Case Number 2017-31

Petitioner: Professional Permits (Amita Health)

Location: 1240 IL Route 83

Request: Variances, Signage (number permitted and maximum sign area)
Municipal Code Sections 10 – 18 – 12A – 3b – 2 and
10 – 18 – 12A – 3c – 2

Motion: Commissioner Moruzzi made a motion to open CDC Case No. 2017-31. Commissioner Kings seconded the motion.

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

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

Chairman Rowe swore in 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 January 18, 2018. 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 January 18, 2018. Mr. Pozsgay stated on January 18, 2018 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 Petitioner is seeking variances to install signage on their office building. Mr. Pozsgay stated the office has a new name and is replacing old signage for Alexian Brothers Medical Group. Mr. Pozsgay stated the code allows one (1)-wall signs maximum per business, while they are proposing two. Mr. Pozsgay stated they are also over the allowed maximum sign area of 1.5 sq. ft. per one linear foot of building frontage. Mr. Pozsgay stated they would be allowed 57 sq. ft. and are proposing 68.5 sq. ft.

Mr. Gary Potts of Professional Permits, representing Amita Health, was present and sworn in by Chairman Rowe. Mr. Potts provided a brief overview of the plan and stated this was a simple project that has been completed in Bensenville before.

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 requested variances 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, fully described in the written findings, exist that are peculiar to the property for which the Variance is sought and that do not apply generally to other properties in the same zoning district. And these circumstances are not of so general or recurrent a nature as to make it reasonably practical to provide a general amendment to this Ordinance to cover them. This is due to the fact that the wall signage is obscured by median landscaping for Northbound traffic.

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: For reasons set forth in the findings, the literal application of the provisions of this Ordinance would result in unnecessary and undue hardship or practical difficulties for the applicant, as distinguished from mere inconvenience. The literal application of this Ordinance would cause an undue hardship because the facility is an Immediate Care facility providing quick and immediate access to healthcare and the signage needs to be legible to be effective.

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 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 the present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business, or financial circumstances of any party with interest in the property. The special circumstance is due to the topography of Busse Road and the landscaping in the median.

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 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 Ordinance 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. Amita Health did not install the landscaping in the median and therefore did not create the motorist issues with sign visibility.

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 for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. The sign size and location is the effective size and placement to provide effective motorist wayfinding.

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 a Variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a Variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property. The variance is necessary not only for the property owner but also for those motorists who are in need of immediate care for medical issues.

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 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. The variance will not impair environmental quality or property values and will increase public safety and welfare in the vicinity by providing legible signage.

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 a Variance will be in harmony with the general purpose and intent of this Ordinance and of the General Development Plan and other applicable adopted plans of the Village of Bensenville, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof. The granting of the variance will be in harmony with the general purpose and intent of this ordinance, as there are certain situations that require variances to provide for safe and effective motorist wayfinding and provide timely and potentially life-saving information to the citizens within the Village.

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 applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property. The requested relief is the minimum variance needed to provide for safe and effective motorist wayfinding in the Village for those traveling Busse Rd.

Mr. Pozsgay stated Staff recommends the approval of the findings of fact as they appear above and therefor recommend approval of the requests with the following condition:

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

There were no questions from the Commissioners.

Motion: Commissioner King made a motion to close CDC Case No. 2017-31. Commissioner Moruzzi seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:36 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2017-31 as presented by Staff and to approve the variance for the number of signs permits (Municipal Code Sections 10 – 18 – 12A – 3b – 2) with Staff's recommendations. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Moruzzi made a combined motion to approve the Findings of Fact for CDC Case No. 2017-31 as presented by Staff and to approve the variance for the maximum sign area (Municipal Code Sections 10 – 18 – 12A – 3c – 2) with Staff's recommendations. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Public Hearing:

CDC Case Number 2017-32

Petitioner:

Nicholson Porter & List, Inc.

Location:

300-330 County Line Road

Request:

Variance, Corner Side Yard, Municipal Code Section 10 – 9C – 4B; and Variance, Parking in Required Front and Corner Side Yard, Municipal Code Section 10 – 9C – 4B; and Variance, Parking Lot Screening, Municipal Code Section 10 – 12 – 2B – 2.

Motion: Commissioner Moruzzi made a motion to open CDC Case No. 2017-32. Commissioner King seconded the motion.

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

Rowe, Ciula, Moruzzi, King

Absent: Czarnecki , Marcotte, Rodriguez

A quorum was present.

Chairman Rowe opened the Public Hearing at 6:39 p.m.

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 January 18, 2018. 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 January 18, 2018. Mr. Pozsgay stated on January 18, 2018 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 Petitioner is seeking variances to reduce the required Corner side yard (East Green Street), Parking in the required yard and parking lot screening/landscaping along County Line Road due to the property taking for the Elgin - O'Hare Western Access Tollway. Mr. Pozsgay stated the Corner Side yard will go from 30' to 12'. Mr. Pozsgay stated a variance is needed for Parking in the Required Front Yard. Mr. Pozsgay stated parking Lot Screening (along County Line Road) will go from 8' to 0'.

Mr. Adam Stokes of Nicolson Porter & List, Inc. was present and sworn in by Chairman Rowe. Mr. Stokes stated this was pretty straight forth and needed to utilize the site. Mr. Stokes stated there would be no changes to the current business operation on site.

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: and corner side yards of this property along County Line Rd and Green St, respectively. This fee simple property take results in the existing building being over the 30-foot corner side yard setback along Green St and the existing parking being within the 30-foot corner side yard setback along Green St and the 30-foot front yard setback along County Line Rd.

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 building would need to be reconstructed in order to meet the 30-foot corner side yard setback from Green St. There would be over a 50% reduction in existing parking provided on the east side of the existing building in order to meet the 30-foot corner side yard setback along Green Street and the 30-foot front yard setback from County Line Rd.

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 building would need to be reconstructed in order to meet the 30-foot corner side yard setback from Green St. There would be over a 50% reduction in existing parking provided on the east side of the existing building in order to meet the 30-foot corner side yard setback along Green Street and the 30-foot front yard setback from County Line Rd.

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 Elgin-O'Hare Expressway project required a fee simple property take from the front and corner side yards of this property along County Line Rd and Green St, respectively. This fee simple property take results in the existing building being over the 30-foot corner side yard setback along Green St and the existing parking being within the 30-foot corner side yard setback along Green Street and the 30-foot front yard setback along County Line Rd.

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 existing industrial use of the property is being maintained and the existing zoning of the property is I-3 Heavy Industrial District.

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 building would need to be reconstructed in order to meet the 30-foot corner side yard setback from Green St. There would be over a 50% reduction in existing parking provided on the east side of the existing building in order to meet the 30-foot corner side yard setback along Green Street and the 30-foot front yard setback from County Line Rd.

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 existing industrial use of the property is being maintained and the existing zoning of the property is I-3 Heavy Industrial District.

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 existing industrial use of the property is being maintained and the existing zoning of the property is I-3 Heavy Industrial District.

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 30-foot corner side yard setback along Green St needs to be reduced to 12-feet to maintain the existing building location. The 30-foot corner side yard setback along Green Street and 30-foot front yard setback along County Line Rd needs to be reduced to 0-feet to maintain the existing parking.

Mr. Pozsgay stated Staff recommends the approval of the findings of fact as they appear above and therefor recommend approval of the requests.

There were no questions from the Commissioners.

Motion: Commissioner King made a motion to close CDC Case No. 2017-31. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:43 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2017-32 as presented by Staff and to approve the Variance request for Corner Side Yard (Municipal Code Section 10-9C-4B). Commissioner Moruzzi seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Moruzzi made a combined motion to approve the Findings of Fact for CDC Case No. 2017-32 as presented by Staff and to approve the Variance request for Parking in Required Front and Corner Side Yard (Municipal Code Section 10-9C-4B). Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Moruzzi made a combined motion to approve the Findings of Fact for CDC Case No. 2017-32 as presented by Staff and to approve the Variance request for Parking Lot Screening (Municipal Code Section 10-12-2B-2). Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2017-33
Petitioner: Ramallah School Cultural Center
Location: 640 County Line Road
Request: Conditional Use Permit, Cultural Center Municipal Code Section 10 – 9A 3; and Variance, Lot Width Municipal Code Section 10 – 9A – 4A – 2; and Variance, Parking in Required Front Yard Municipal Code Section 10 – 9A – 4B.

Motion: Commissioner Moruzzi made a motion to open CDC Case No. 2017-33. Commissioner Ciula seconded the motion.

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

Chairman Rowe opened the Public Hearing at 6:46 p.m.

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 January 18, 2018. 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 January 18, 2018. Mr. Pozsgay stated on January 18, 2018 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 Petitioner is seeking a Conditional Use Permit to erect a "Cultural Center" in the I – 1 Office /Research/Assembly District. Mr. Pozsgay stated the Ramallah Community will use this property for providing educational classes, including teaching their children to speak, read and write in Arabic, as well as tutoring for children that need assistance in core curriculum classes at their school. Mr. Pozsgay stated they will host meetings, graduation celebrations, baptisms, luncheons for their elderly, Halloween, Christmas and Easter parties for the children. Mr. Pozsgay stated it will also allow them to continue their successful youth initiative of teaching traditional line dance classes, which is an enjoyable way of preserving their culture with their youth. Mr. Pozsgay stated the new development will require two variances. Minimum lot width for an I – 1 property is 150 feet. Mr. Pozsgay stated this property is 120 feet wide. Mr. Pozsgay stated the proposed development also puts 6 parking spaces within the required front yard.

Mr. Anthony Bonavolonta, Zoning Consultant was present and sworn in by Chairman Rowe. Mr. Bonavolonta stated Mr. Pozsgay covered the explanation of the site perfectly. Mr. Bonavolonta stated the Center is willing to work with the Village regarding the future installation of a bike path along County Line Road. Mr. Bonavolonta stated the Center fully agrees with the Staff report and recommendations as presented.

Commissioner King asked what the maximum number of people would be on site at one time.

Mr. Michael Mufarreh, representing the Center was present and sworn in by Chairman Rowe. Mr. Mufarreh stated the maximum amount of visitors on site would be 200 for their Christmas party.

Chairman Rowe asked how many times a week the site would be occupied. Mr. Mufarreh stated two to three times a week, all in the evening or weekend.

Commissioner Moruzzi asked if there will be outdoor events. Mr. Mufarreh stated they will never hold an outdoor event.

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 Conditional Use request 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.
Response: Traffic will not have much impact on County Line Road because we generally meet on weekends. And if we meet during the week it will be evenings after 6 o'clock.
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.

Response: No effect on Environment relating to Noise, Glare, Odor, Dust or Disposal. We are not industrial building, we are Cultural Center.

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.

Response: Our building will enhance the area. The development of the new building will improve the quality of the existing industrial area.

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.

Response: We will have very little impact on the existing utilities since we are there once or twice a week weekends or evenings.

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.

Response: We selected the site because of the location and it is easy access to our members that live in the village and the surrounding suburbs.

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.

Response: Our building use is in harmony and is compatible with other buildings and uses in the area. We will be paying our taxes just like any other building.

Mr. Pozsgay reviewed the approval criteria for the proposed variance requests 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 site is 120' wide and the minimum site width is 150'. The site cannot be enlarged and we have designed a structure that we believe fits well on the site. We have added more parking stalls than the required number to ensure that there are no issues in the parking. By doing this we encroached into the front yard setback. We have left 8.5' of landscape area between the parking & the property line so that adequate landscaping can be provided between parking & property line.

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 cannot change the size of the site and we would like to have a few more parking stalls than what is required. Ownership feels this is an ideal location for their center. There are no other sites in the area that meets the requirements of both cost & location so if not approved they would abandon this much anticipated center.

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 restraints to the size of the site, which is fixed and not alterable is the reason these 2 variations are needed to make the site usable.

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 know these variances are required to proceed any further in the development of this site.

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: As the site stands, it cannot be developed without these variations. We feel that development of this site adds to the surrounded sites and it will not change nor lessens the appearance of this area.

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: This property cannot be developed without these variations and the site will remain vacant.

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: Development of this site will not diminish the character of the area but will help improve the area.

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 these variances are approved it will not in any way interfere or change the intended use adopted by the Village of Bensenville in their Development 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: If these variances are approved this development can move ahead for approval and construction.

Mr. Pozsgay stated Staff recommends the approval of the findings of fact as they appear above and therefor recommend approval of the requests with the following conditions:

1. The Conditional Use Permit be granted solely to the Ramallah School Cultural Center 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 10-feet wide ADA complaint HMA bike path will be required along the County Line Road frontage of this development, and
3. Applicant will work with staff on final landscaping plan.

There were no questions from the Commissioners.

Motion: Commissioner King made a motion to close CDC Case No. 2017-33. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:54 p.m.

Motion: Commissioner Moruzzi made a combined motion to approve the Findings of Fact for CDC Case No. 2017-33 as presented by Staff and to approve the Conditional Use Permit for a Cultural Center (Municipal Code Section 10-9A-3). Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Moruzzi made a combined motion to approve the Findings of Fact for CDC Case No. 2017-33 as presented by Staff and to approve the Variance request for Lot Width (Municipal Code Section 10-9A-4A-2). Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Moruzzi made a combined motion to approve the Findings of Fact for CDC Case No. 2017-33 as presented by Staff and to approve the Variance request for Parking in Required Front Yard (Municipal Code Section 10-9A-4B). Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2018-01
Petitioner: Karolina Morawiec
Location: 210 Miner Street
Request: Variance, Porch in Front Yard setback Municipal Code Section 10 – 5E-4B; and Variance, Attached Structures Municipal Code Section 10 – 14 – 13 – 2a.

Motion: Commissioner Moruzzi made a motion to open CDC Case No. 2018-01. Commissioner King seconded the motion.

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

Chairman Rowe opened the Public Hearing at 6:57 p.m.

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 January 18, 2018. 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 January 18, 2018. Mr. Pozsgay stated on January 18, 2018 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 Petitioner is seeking a Variation to reduce the required front yard. Mr. Pozsgay stated the petitioner obtained a Building Permit to reroof the single-family residence but also erected a roofed front porch that was not permitted. Mr. Pozsgay stated upon inspection, the roofed front porch was detected and the need for the variation determined. Mr. Pozsgay stated in the RS – 5 District a 30' front yard is required. Mr. Pozsgay stated the unpermitted covered porch reduces the front yard to approximately 25'.

Ms. Karolina Morawiec was present and sworn in by Chairman Rowe. Ms. Morawiec stated she had her contractor perform the work and was unaware of the Village's requirements when constructing the porch.

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 variance requests 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: Property is few inches from property line and variance is needed for front porch that is attached to the principal structure. Due to the safety and esthetical issues, we built a wooden front porch over the concrete. The concrete part was completed and approved by the Village in 2016. Pictures attached.

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: During the rainy and snowy days, concrete part right outside the front door will get wet. The front porch will provide a convenient dry area for kicking off muddy boots, and closing umbrellas. It is better to stomp the snow and dirt off your shoes on the porch than on the interior floor.

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 variance because front porch attached to the principal structure is encroaching the required front yard 30 feet that is allowed by 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: Unfortunately, the front porch is already completed due to the misunderstanding with the Village. When we called, we were advised that the permit is not needed. Therefore, we only took the permit for re-roofing, gutters, soffit and fascia at that time.

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 many other properties (including our street) in Bensenville with front porch and we would like to reserve the same right to improve our living while residing in Bensenville. The porch also adds stunning curb appeal and charm to our home.

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 approving the variance, we would have to take the front porch down. In addition, we would not have a convenient dry area in front of the main door and the house will lose stunning curb appeal.

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 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.

Response: If the Variance is granted, it will not interfere with the General Development Plan and other applicable adopted plans of 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: Despite that the porch is already completed due to the misunderstanding, we will proceed with obtaining a permit.

Mr. Pozsgay stated Staff recommends the approval of the findings of fact as they appear above and therefor recommend approval of the requests with the following conditions:

1. Applicant must apply for, and receive, all appropriate building permits.
2. Applicant must fill out **APPLICATION FOR WATER/SEWER/RUBBISH SERVICE** and return signed.

There were no questions from the Commissioners.

Motion: Commissioner Moruzzi made a motion to close CDC Case No. 2018-01. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:02 p.m.

Motion: Commissioner Moruzzi made a combined motion to approve the Findings of Fact for CDC Case No. 2018-01 as presented by Staff and to approve the Variance request for Porch in Front Yard Setback (Municipal Code Section 10-5E-4B). Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2018-01 as presented by Staff and to approve the Variance request for Attached Structures (Municipal Code Section 10-14-13-2a). Commissioner Moruzzi seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2018-02
Petitioner: DSP Acquisitions
Location: 1055-65 Sesame Street / 491 Podlin Drive
Request: Variance, Truck Loading Dock Width, Municipal Code Section 10 – 11 12D – 1a; and Preliminary & Final Plat of Consolidation; and Site Plan Review.

Motion: Commissioner Moruzzi made a motion to open CDC Case No. 2018-02. Commissioner King seconded the motion.

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

Chairman Rowe opened the Public Hearing at 7:05 p.m.

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 January 18, 2018. 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 January 18, 2018. Mr. Pozsgay stated on January 18, 2018 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 Petitioner is proposing to purchase the vacant lots at the end of Podlin Dr. and consolidate with 1055-65 Sesame St. Mr. Pozsgay stated they will demolish the existing building and construct an 116,294 SF industrial facility. Mr. Pozsgay stated they need a Variation to reduce the loading dock width from 14 ft. to 12 ft. Mr. Pozsgay stated a Plat of Consolidation and Site Plan Review including architecture is also sought.

Mr. Howard Wedren of DSP Acquisitions, LLC was present and sworn in by Chairman Rowe. Mr. Wedren stated they are developing a 116,296 SF facility on two sites that will be consolidated. Mr. Wedren stated the variance request for dock width is to compete with the Chicagoland market.

Chairman Rowe shared concern with the proposed dock width. Mr. Wedren stated there will be plenty of room on site for trucks to have a turning radius that will allow them to fit within the proposed docks.

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 requests 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: Two (2) similar industrial buildings have recently been developed in Bensenville that were granted variances on the loading dock stall width. One building is the Geib Industries building at 901 E Jefferson Street, and the other is the Liberty building currently being developed at 350 N York Road. Both of these buildings are conventional warehouse/distribution centers, similar to our proposed building, with 12' wide truck dock stall widths.

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: A 14' wide truck loading stall is not practical for a couple of different reasons. First, the maximum width of a precast panel is 12'. If a panel is over 12' wide, the truck transporting that panel must apply for and receive special road permits to transport the panel to the site. If the loading stall width were to be 14', our precast panels along the dock side of the building would have to be 14' wide, and thus cause issues with permitting the panel transportation. Second, the Chicagoland industry standard truck stall width is 12'. This allows for the maximization of the number of dock positions that will fit along the length of the building, and provides the most flexibility for the tenant's dock position needs.

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: This variance relates directly to the dimensions of the truck stall width on the building.

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 applicant has not yet taken any action as it relates to the matter at hand. Construction of the facility has not begun.

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: As stated above, the (2) other industrial developments above have 12' wide truck stalls. As such, the granting of this variance will not result in this property having 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: This variance is necessary because an industrial building containing truck dock stalls that are 14' wide is not marketable. All industrial facilities in the Chicagoland area have truck stall widths of 12'.

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: This variance has no impact on environmental quality, property values, public safety, or public welfare.

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: Granting this variance will not disrupt the intent of the Village Ordinance in any way, as no other section of the code relates to the truck stall width.

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: Since a 12' wide truck stall is industry standard, it is the minimum required variance in order to provide this property with relief from undue hardship and/or practical difficulties.

Mr. Pozsgay stated Staff recommends the approval of the findings of fact as they appear above and therefor recommend approval of the requests with the following conditions:

1. The site plan, floor plan and elevations be in substantial compliance of the plans dated 10.30.17 by GMA Architects; and
2. Final detention calculations shall be prepared as required by the DuPage County Stormwater and Floodplain Ordinance (DCSFO effective April 2013) and submitted to the Village for approval; and
3. Work with Village engineers on plan for water and sewer connections; and
4. An ADA compliant public sidewalk will be required along the entire frontage of the site on Sesame St. The kink in the sidewalk will need to be straightened; and
5. The final signage plan shall be subject to staff review upon final permitting; and
6. The final landscape plan shall be subject to staff review upon final permitting.
7. Work with staff on the final architecture plan.

There were no questions from the Commissioners.

Motion: Commissioner Moruzzi made a motion to close CDC Case No. 2018-02. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:10 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2018-02 as presented by Staff and to approve the Variance request for Truck Loading Dock Width (Municipal Code Section 10-11-12D). Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Moruzzi made a combined motion to approve the Findings of Fact for CDC Case No. 2018-02 as presented by Staff and to approve the Preliminary & Final Plat of Consolidation and Site Plan Review. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

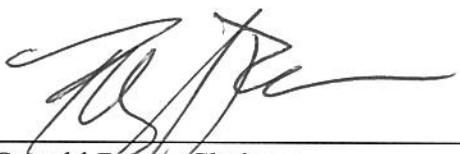
Report from Community

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

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

All were in favor. Motion carried.

The meeting was adjourned at 7:15 p.m.



Ronald Rowe, Chairman
Community Development Commission