

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

July 3, 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, Marcotte, King, Wasowicz
Absent: Ciula, Czarnecki, Rodriguez
A quorum was present.

STAFF PRESENT: K. Pozsgay, C. Williamsen,

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of June 5, 2018 were presented.

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

All were in favor. Motion carried.

PUBLIC COMMENT: There was no Public Comment

Continued Public Hearing: CDC Case Number 2018-08
Petitioner: Thornton's, Inc.
Location: 601 N. IL Route 83
Request: A Conditional Use Permit Amendment to Ordinance Ord. No. 53A-2012 to allow for the construction of two additional truck fueling stations, and Variance, stacking; Municipal Code Section 10 – 11 – 11.

Motion: Commissioner Marcotte made a motion to re-open CDC Case No. 2018-08. Commissioner Wasowicz seconded the motion.

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

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

Chairman Rowe swore in Village Planner, Kurtis Pozsgay.

Motion: Commissioner King made a motion to continue CDC Case No, 2018-08 until August 7, 2018. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Marcotte, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2018-14
Petitioner: Ismail Tchatalbashev
Location: 121 E. Pine Ave.
Request: Preliminary & Final Plat of Subdivision into two single-family lots; Municipal Code Section 11 – 3 and; Variance, Rear Yard Setback; Municipal Code Section 10 – 5E – 4.

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2018-14. Commissioner King seconded the motion.

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

Chairman Rowe opened the Public Hearing at 6:34 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 June 14, 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 June 15, 2018. Mr. Pozsgay stated on June 15, 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 would like to subdivide his lot at northwest corner of E Pine Ave and Rose St. Mr. Pozsgay stated the Petitioner supplied a plat that says the current lot is 12,000 SF, making a subdivision possible, as the minimum lot required is 6,000 SF. Mr. Pozsgay stated if approved, the Petitioner plans to build two new homes on the lots. Mr. Pozsgay stated he would also like a variance to reduce the rear yard setback on the new northern-most parcel.

Mr. Lev Izakson, Architect, was present and sworn in by Chairman Rowe. Mr. Izakson submitted a revised site plan to the Commission. The revised site plan has been attached to the minutes as "Exhibit A". Mr. Izakson stated the revised plans meet Village Code.

Commissioner Marcotte asked how big each home would be. Mr. Izakson stated each home would be approximately 1,800 sq. ft.

Commissioner Marcotte asked what type of home would be constructed. Mr. Izakson stated plans have not been made that far in advance.

Commissioner Wasowicz raised concern with the proposed site plan. Commissioner Wasowicz stated corner side yards are unique in Bensenville and designed for a purpose. Mr. Wasowicz stated cramming two homes on one lot is not ideal for the characteristic of the area.

Public Comment:

Chairman Rowe asked if there was any member of the Public that would like to speak on behalf of the case.

Sue Ricker – 21 E. Pine Ave.

Ms. Ricker was present and sworn in by Chairman Rowe. Ms. Ricker asked the Commission to continue this case to allow concerned Resident to state their case. Ms. Ricker stated the property currently sits higher than any other property on the block. Ms. Ricker states as a result, other properties flood. Ms. Ricker stated if two home are built on the lot, flooding would worsen in the area.

Saul & Vanesa Corral – 238 Rose Street

Mr. and Mrs. Corral were both present and sworn in by Chairman Rowe. Mr. Corral stated they were present objecting to the proposed plan. Mr. Corral stated the property is currently being rented and believes there is an overcrowding issue. Mr. Corral stated there is an illegal business being operated out of the garage which caused a fire on the property. Mr. Corral stated the fire damaged his property and that he is currently in small claims with the property owner. Mr. Corral stated he feared if the plans were approved, the situation would worsen and more renters would move into Bensenville.

Mr. Izakson stated it was his understanding that the property owner's plan is to build the two homes and sell them, not rent them.

Mr. Pozsgay reviewed the approval criteria for the proposed Preliminary & Final Plat of Subdivision into two single-family lots request consisting of:

1. 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; or

Applicant Response: Requested subdivision is compatible with existing use and Zoning classification: Single Family Residential RS-5 District.

2. Supported By Trend Of Development: The trend of development in the general area since the original zoning was established supports the proposed classification; or

Applicant Response: Proposed subdivision is consistent with the intent of zoning of existing single-family detached residential neighborhood with densities not exceeding (7.3) dwelling units per acre. The minimum site area is limited to 6,000 sf, the subdivided proposed site area for each of two lots is 6,000 sf.

3. Consistent with Village Plans: The proposed classification is in harmony with objectives of the general development plan and other applicable Village plans as viewed in light of any changed conditions since their adoption.

Applicant Response: Requested subdivision is not detrimental to Village plan and is consistent with use and zoning intent of the neighborhood.

4. **Further Public Interest:** The proposed zoning classification promotes the public interest does not solely further the interest of the applicant.

Applicant Response: The proposed subdivision promotes the public interest It does not solely further the interest of the applicant but serves community by removing outdated 864 sf with detached garage structure built in 1927 and set condition for building two (2) single family houses.

5. **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 the anticipated date of issuance of a certificate of occupancy.

Applicant Response: Adequate services such as water supply, sewage disposal, fire protection, and street capacity are anticipated to be available to support proposed subdivision by anticipated date of issuance of a Certificate of Occupancy.

Staff Response: The corner lot does not meet the increased width standards in the code. The right of way is not wide enough according to the subdivision regulations.

Mr. Pozsgay reviewed the approval criteria for the proposed variance 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: This particular parcel facing Rose Street has the depth of 75 ft. Per Zoning Ordinance with the 30 ft front yard and 25 ft rear yard the overall depth of buildable footprint of the new building can only be 20 ft max. Adjacent corner lot facing Pine Street has interior side yard of only 6 ft abutting rear yard of property in question, and a corner yard of 10 ft along the Rose Street. All other neighboring properties facing Rose Street have standard depth of 150 ft and per Zoning Ordinance have rear yard of 25 ft facing alley and only 6 ft side yard setbacks. It is obviously that all owners in the area have opportunity to build wider houses, then the applicant.

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 new house on Rose street if following Zoning setback regulations will have a depth of (20) feet only. This will impose significant hardship for planning leaving areas and make it impossible to have attached garage with depth satisfying modern days criteria.

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 new property on Rose street will have the depth of 75 feet in oppose to other lots along the Rose Street, which all have depth of 150 feet. The adjacent property on Pine street on the other side will have an interior side yard setback of 6 feet abutting required 25 feet rear yard of new property on Rose street.

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 property in question satisfy requirements of the Zoning Ordinance. The seeking variance is only relating to (5) feet reduction of the rear yard setback for the lot on 242 Rose Street to offset the hardship of planning a single-family building on the 75 ft -deep lot in neighborhood of 150 ft deep properties.

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

Response: The Variance is necessary for applicant to enjoy the right to have a possibility to have the garage of 25 feet deep is deep to park same type of vehicles as most neighbors in this zoning district may park in their garages. The Applicant does not confer a special privilege ordinarily denied to such other properties.

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 Variance is necessary because without it the Applicant will be deprived of reasonable use or reasonable return from developing the property having insufficient depth of attached garage and width of the living areas.

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 new Variance if granted will not affect front and side yard setbacks, building height and overall floor area requirements for the zoning 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 Granting of Variance will be in harmony with the general purpose and intent of this Ordinance and of the General Development plan and with 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.

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 with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property because it will allow to build a 24 ft clear deep garage and to have 24 ft wide living space.

Staff Response: The applicant created the issue with the lot split. Staff does not feel the criteria is met for variance.

Mr. Pozsgay stated Staff recommends the Denial of the above Findings of Fact and therefore the Denial of the Plat of Subdivision and Variance for Ismail Tchatalbashev. Mr. Pozsgay stated should the Commission decide to approve, staff recommends the following condition:

1. The Final Plat of Subdivision be in substantial compliance with the one submitted by Nekola Survey, Inc. job no. 18-05-0906.

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2018-14. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Marcotte, King, Wasowicz

Nays: None

All were in favor. Motion carried.

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

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2018-14 as presented by Staff and to approve the Preliminary & Final Plat of Subdivision into two single-family lots and Variance, Rear Yard Setback. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, Marcotte, King, Wasowicz

Motion failed.

Public Hearing: CDC Case Number 2018-15

Petitioner: MTR

Location: 900-930 County Line Road

Request: An Amendment to Final Planned Unit Development, Municipal Code Section 10 – 10 including departures from Municipal Code to include: Conditional Use Permit, Electronic Message Center Sign, Municipal Code Section 10 – 18 – 6 - 1B; and Variance, Wall Signs Number Permitted, Municipal Code Section 10 – 18 – 12.

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2018-15. Commissioner King seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Marcotte, King, Wasowicz
Absent: Ciula, Czarnecki, 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 June 14, 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 June 15, 2018. Mr. Pozsgay stated on June 15, 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 would like to amend their previously approved PUD to include deviations from the code for signage, to include: an Electronic Message Center Sign and three (3) wall signs. Mr. Pozsgay stated Electronic Message Center signs are conditional uses. Mr. Pozsgay stated code only allows one wall sign per business frontage. Mr. Pozsgay stated the applicant would like to install an additional two.

Mr. Kevin Wong, of Monsibic Signs and Graphics, and Mr. Eduardo Loya, owner of MTR were present and sworn in by Chairman Rowe. Mr. Wong reviewed the proposed plans with the Commission.

Commissioner Marcotte asked what the reasoning was for the amount of proposed wall signs. Mr. Loya stated it was required by the dealership.

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.

Applicant's Response: There will be no adverse impact.

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

Applicant's Response: There will not be any environmental nuisance.

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

Applicant's Response: The proposed use will fit harmoniously with the existing character on the existing sign. Will not have any adverse effects to the surrounding 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.

Applicant's Response: The proposed use will not put a strain or disproportionate strain on public services beyond what is normally provided for in an I-1 District.

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

Applicant's Response: There is a need for the Village of Bensenville to keep its commercial properties occupied.

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

Applicant's Response: The EMC sign will allow the business to draw new customers, increasing sales and tax to the Village.

Mr. Pozsgay reviewed the approval criteria for the proposed variance request consisting of:

10. **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: Fuso is the brand of trucks we sell. The two additional signs allow us to advertise our name and the truck brand we sell while also giving a the building a symmetrical look.

11. **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: Not having the additional signs for the truck brand could decrease sales, causing undue hardship.

12. **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: One wall sign would not effectively advertise our business.

13. **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: This is not resulting from our action.

14. **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: This variance would not confer special privilege.

15. **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 variance will allow reasonable economic return.

16. **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: It will not alter local character.

17. **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: It is consistent with the title and plan.

18. **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

Response: This is the minimum variance needed.

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

1. The plans and aesthetics of the sign to be in substantial compliance with the plans submitted by Monsibic Signs & Graphic dated 05.11.18.
2. All other features of EMC shall conform to ordinance, particularly section 10-18-7C Sign Illumination.

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2018-15. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Marcotte, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:06 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2018-15 as presented by Staff and to approve the Amendment to Final Planned Unit Development and Conditional Use Permit, Electronic Message Center Sign. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Marcotte, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2018-15 as presented by Staff and to approve the Variance, Wall Signs Number Permitted. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Marcotte, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Report from Community

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

Mr. Pozsgay stated the Village has redesigned its façade improvement program and will not require the Commissions input. Mr. Pozsgay presented a submittal from Joey C's located at 18 South Addison Street. There were no objections from the Commission.

Mr. Pozsgay stated there was a need for a special workshop with CMAP and will be sending dates to the Commission once received.

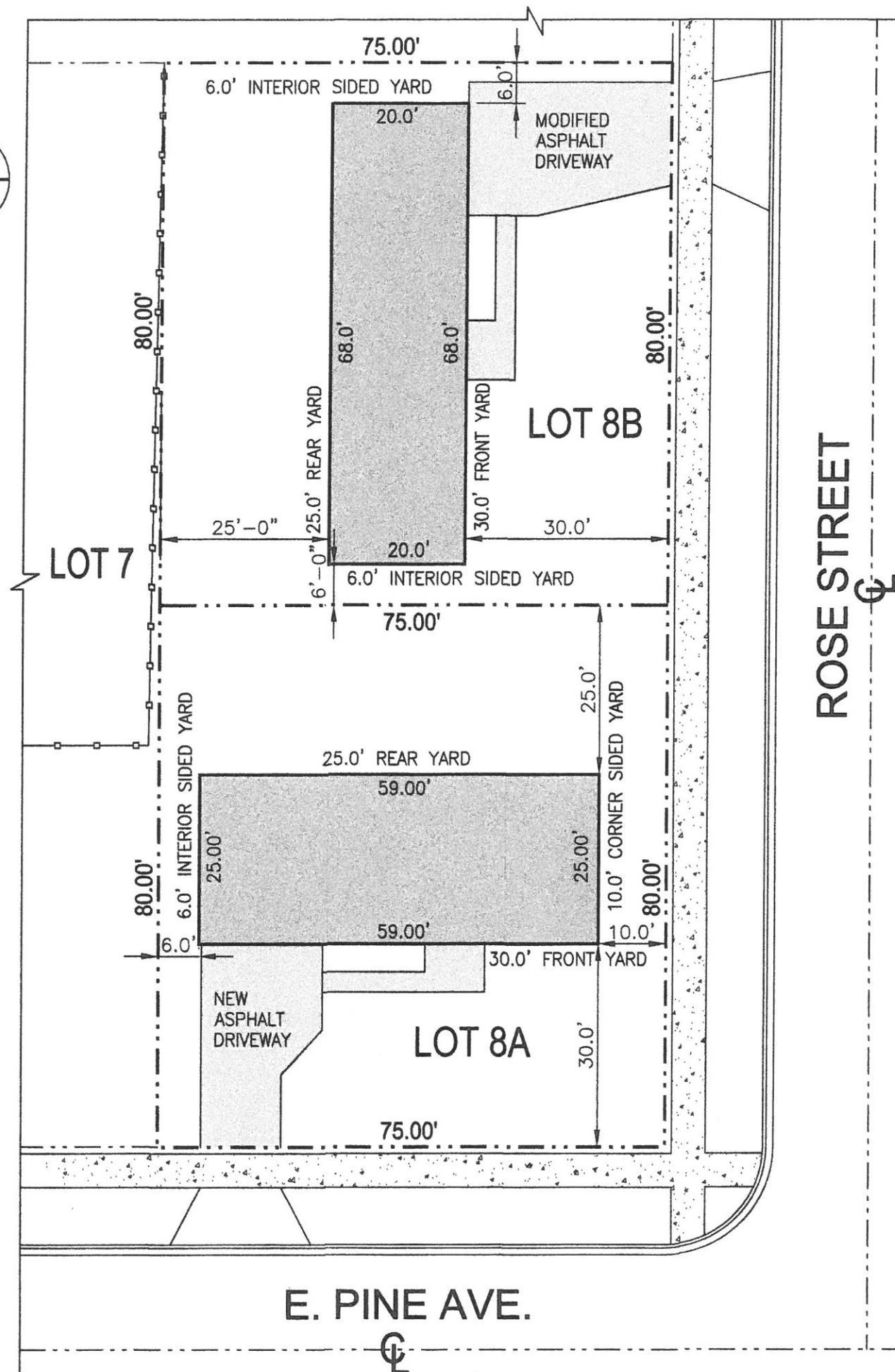
ADJOURNMENT: There being no further business before the Community Development Commission, Commissioner Marcotte made a motion to adjourn the meeting. Commissioner King seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 7:20 p.m.

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

Ronald Rowe, Chairman
Community Development Commission



SINGLE FAMILY HOUSING LOT SUBDIVISION

121 E. PINE AVENUE BENSENVILLE, IL

LEVEL

Level Enterprises, LLC.
ARCHITECTS
PLANNERS
INTERIOR DESIGNERS

LICENSE NO.
184.007461-0001
001.019875

28738 BUTTERFLY COURT
LAKE BLUFF, ILLINOIS 60044
PHONE (847) 510-1473
FAX (847) 515-5756

ZONING INFORMATION

ITEM	REQUIRED	EXISTING	PROPOSED	
			LOT 8A	LOT 8B
ZONING DISTRICT	RS-5	RS-5	RS-5	RS-5
LOT AREA	6,000 SF	12,000 SF	6,000 SF	6,000 SF
MINIMUM LOT WIDTH	50'	75'	75'	80'
MAXIMUM BUILDING HEIGHT	32'	27'	32'	32'
LOT COVERAGE	50 %	23.5 %	2,039 SF =34.0 %	2,014 SF =33.6 %
MIN. FLOOR AREA GROSS	1,140 SF	864 SF	1,800 SF (TBD)	1,800 SF (TBD)
FRONT YARD DEPTH	30'	31.1'	30'	30'
INTERIOR SIDE YARD WIDTH	6'	9.4'	6'	6'
CORNER SIDE YARD WIDTH	10'	41.4'	10'	N/A
REAR YARD DEPTH	25'	92.7'	25'	25'

SINGLE FAMILY HOUSING LOT SUBDIVISION

121 E. PINE AVENUE BENSENVILLE, IL

SITE PLAN - PROPOSED SUBDIVISION

1

PROPOSED SITE PLAN

SCALE: 1"=20'-0"

ISSUED FOR DATE

VILLAGE REVIEW 04.09.2018

CDC REVIEW 05.09.2018

SHEET

A-02

04.06.2018