

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

December 4, 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, Czarnecki, Rodriguez
Absent: King, Marcotte, Wasowicz
A quorum was present.

STAFF PRESENT: K. Pozsgay, C. Williamsen

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of November 6, 2018 were presented.

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

PUBLIC COMMENT: There was no Public Comment.

Public Hearing: CDC Case Number 2018-21
Petitioner: Eileen Censotti and Elaine Carzoli
Location: 217 South Center Street
Request: Variance, Parking Pad
Municipal Code Section 10-11-7-1

Motion: Commissioner Rodriguez made a motion to open CDC Case No. 2018-21. Commissioner Ciula seconded the motion.

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

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

Village Planner, Kurtis Pozsgay, was present and sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on November 15, 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 November 17, 2018. Mr. Pozsgay stated on November 17, 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 Petitioners are applying for a Variance to install a parking pad at the rear of their property off of the alley. Mr. Pozsgay stated code allows "one driveway and one curb cut or vehicular entrance onto a street or alley shall be permitted per lot, except as provided herein." Mr. Pozsgay stated a lot "may have two (2) points of access provided the following conditions are met: a. Both accesses are from an improved, paved public right of way; and b. Access from the street leads to legal parking in the rear yard." Mr. Pozsgay stated the driveway will not go through to the rear parking pad. There is no garage on the lot.

Ms. Eileen Censotti was present and sworn in by Chairman Rowe. Ms. Censotti stated they have lived at the home for 25+ years. Ms. Censotti stated there has never been a garage on site since they have owned the property. Ms. Censotti stated there seems to have been a one-car garage on site at one point in time. Ms. Censotti stated when family comes in from out of town, there is nowhere for them to park overnight. Ms. Censotti stated her and her partner are on a fixed income as both are retired. Ms. Censotti stated they have zero intentions of moving. Ms. Censotti stated it is too expensive to build a garage on site.

Commissioner Rodriguez asked if the front driveway would still be used. Ms. Censotti stated the front driveway would still be used and they promise not to build a garage.

Commissioner Ciula asked what type of material will be used for the proposed parking pad. Ms. Censotti stated they were undecided but would use whatever code requires.

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: The special circumstances peculiar to the property for which the variance is sought is that the property currently has only one, short, narrow driveway going from the street to the front of the house. There is just enough room for two cars to be parked: one in front of the other. Currently, there is no garage and no other driveway or parking structure on the property).

We have lived in the house since 1992. When out of town guests came to visit, we've always parked one car in the front driveway and one car in the back by the alley. However, in fall 2017, we installed a backyard fence with a gate that opens to the back alley. We applied for a permit to build a single car, stand-alone parking pad. The permit was denied, however, because the current village code does not allow it. It turns out that in order to build a parking pad, we would either have to, 1: extend the current driveway along the side of our house and through the back of our yard to the alley, where it would attach to the new parking pad, or 2: build a garage in our back yard. Both options are too expensive as we are retired seniors living on a fixed income.

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 first hardship to the owners is due to the fact that the current driveway is not long or wide enough for out of state family members and friends to park their car (a third car) when staying with us to visit. For example, this past summer, one of the owner's daughter came to stay for 2 weeks. We had to park one of our cars at a brother's house in Wood Dale so the daughter could park her car in our driveway. It was extremely inconvenient. The same situation will happen again at Thanksgiving and at Christmas. There is also a sister who lives in Wisconsin, and would like to come stay with us for a few days from time to time, but there is nowhere for her to park in our current driveway.

The second hardship is financial. Both owners are retired and living on fixed incomes. We cannot afford the cost of adding a garage or adding a longer driveway and a parking pad.

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 stated above relate only to the physical character of the property. They do not concern any business or financial activity, either now or in the future. We only intend to use the parking pad for non-business, non-financial purposes.

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. The applicants have not and will not authorize or proceed with construction, or development requiring any Variance, permit, certificate, or approval hereunder prior to its approval.

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: Approval to this Variance application does not deny other owners in the same zoning district any rights they do not now have. Therefore, approval of this application does not confer any special privileges over other property owners in the same zoning district. A Variance is necessary for the applicant to enjoy a substantial property right of parking space for a third car in order for family and friends to come visit from out of state, and stay overnight with us in 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: The granting of this Variance is necessary because without it, the owners will not be able to host out of state family members and friends overnight when they come visit. It is not for the purposes of any financial gain or economic return. We are retired, we own the home, and we have lived in this house together for 25 years. One owner is a life-long Bensenville resident, who purchased the home in 1993. The other owner has lived in the Bensenville home since 1995. In other words, both are long-term residents of Bensenville who are in the home to stay with no plans on moving.

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 installation of a parking pad will not alter the current local character in any way. It will be for one car, and it will be inside the fence gate that opens to the alley for exit and entry. The building materials and dimensions will conform to the village code.

8. **Consistent with Title and Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

Response: The granting of the Variance for a parking pad does not conflict with the purpose and intent of the Village Ordinance. Neither does it conflict with the General Development Plan nor other applicable adopted plans by the Village. It also does not 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 request is for a single-car, stand-alone parking pad with access to the back alley.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variance for Eileen Censotti with the following conditions:

1. Complete plans shall be provided.
2. Parking pad must meet all current building code standards.
3. The front driveway and curbcut must be removed if and when a garage is built on the lot.

There were no questions from the Commission.

Motion: Commissioner Rodriguez made a motion to close CDC Case No. 2018-21. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, Rodriguez

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:45 p.m.

Motion: Commissioner Rodriguez made a combined motion to approve the Findings of Fact for CDC Case No. 2018-21 as presented by Staff and to approve the request. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, Rodriguez

Nays: None

All were in favor. Motion carried.

**Connoted
Public Hearing:** CDC Case Number 2018-22
Petitioner: Schmid Tool & Engineering
Location: 1180 Industrial Drive
Request: Conditional Use Permit, Gunsmith shops, not including firing ranges, Municipal Code Section 10 – 9B – 3

Motion: Commissioner Rodriguez made a motion to re-open CDC Case No. 2018-22. Commissioner Ciula seconded the motion.

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

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

Village Planner, Kurtis Pozsgay, was present and sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on October 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 October 19, 2018. Mr. Pozsgay stated on October 19 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 applying for a Conditional Use Permit to operate a Gunsmith Shop. Mr. Pozsgay stated they are a machine shop that has a contract with the Federal government to produce the parts. Mr. Pozsgay stated they will not operate a retail operation. Mr. Pozsgay stated the FFL will be used in business-to-business transfers at the manufacturing level.

Mr. Eric Schmid was present and sworn in by Chairman Rowe. Mr. Schmid stated Staff covered the basis of the request and was able to answer any questions the Commission may have.

Commissioner Czarnecki asked if there were by any type of signage or advertisement outside of the building. Mr. Schmid stated there would be none.

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) **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: Traffic will be typical for the industrial district.

- 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: The use will have no adverse impact on neighbors.

- 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 use fits in with the surrounding industrial.

- 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: No additional public services or facilities will be required.

- 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: Without the conditional use requested, we will not be able to expand our business.

- 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: This is compatible with similar Conditional Use requests.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Conditional Use Permit for Schmid Tool & Engineering with the following conditions:

1. The Conditional Use Permit be granted solely to the Schmid Tool & Engineering 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;
2. No direct retail sales of completed firearms.

There were no questions from the Commission.

Motion: Commissioner Rodriguez made a motion to close CDC Case No. 2018-22. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, Rodriguez

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:51 p.m.

Motion: Commissioner Rodriguez made a combined motion to approve the Findings of Fact for CDC Case No. 2018-22 as presented by Staff and to approve the request. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, Rodriguez

Nays: None

All were in favor. Motion carried.

Public Hearing:

CDC Case Number 2018-26

Petitioner:

Bensenville Animal Hospital

Location:

1204 West Irving Park Road

Request:

Conditional Use Permit, Animal hospitals, kennels, pet grooming, and veterinary offices,
Municipal Code Section 10 – 7B – 3.

Motion: Commissioner Rodriguez made a motion to open CDC Case No. 2018-26. Commissioner Ciula seconded the motion.

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

Chairman Rowe opened the Public Hearing at 6:53 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 November 15, 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 November 17, 2018. Mr. Pozsgay stated on November 17, 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 for an Animal hospitals and veterinary offices at 1204 W Irving Park Rd. Mr. Pozsgay stated the applicant intends to purchase the property. Mr. Pozsgay stated they will be moving from their existing building at 1032 W Irving Park Rd. Mr. Pozsgay stated they intend to renovate the existing building, utilize the existing parking lot, and add new landscaping and signage.

Kelly Cronin was present and sworn in by Chairman Rowe. Ms. Cronin stated they would like to purchase the property and move their business down the street.

There were no questions from the Commission.

Public Comment:

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

Mr. Pozsgay reviewed the approval criteria for the proposed 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: **No high volume traffic is expected from the new location. No traffic impact will be felt.**

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: **Any 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 Allowed Uses in the district, have been minimized. Sound barriers will be utilized. All animals will be kept indoors for boarding and veterinary visits.**

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: **Neighborhood character will be improved as the building will be renovated and the surrounding lot landscaped.**

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: **No undue burdens will be placed upon existing developments in the area. Veterinary business will be non-impactful for nearby businesses or infrastructure.**

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: Veterinary businesses are of great public value. We will continue to provide veterinary services in Bensenville, IL.

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 use is in harmony with any other elements of compatibility pertinent in the judgment of the Board to the Conditional Use in its proposed location.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Conditional Use Permit for Bensenville Animal Hospital with the following conditions:

1. The Conditional Use Permit be granted solely to the Bensenville Animal Hospital and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants 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 occupant without amendment to the Conditional Use Permit, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Conditional Use Permit, the new occupant shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit;
2. Discontinuation or Abandonment of Use. If a legal nonconforming use is discontinued, or the structure that it occupies becomes vacant or remains unoccupied for a period of six consecutive months, such use shall be deemed abandoned and shall not be reestablished regardless of the intent to continue the use. Any period of discontinuance or abandonment caused by a government action or an act of nature shall not be included in the six-month period. Any subsequent use or occupancy of such land or structure shall meet the requirements of the zoning district in which the use is located.

3. Complete plans (building, landscaping, parking, and signage) shall be provided and approved by staff.
4. No outdoor kennels.

There were no questions from the Commission.

Motion: Commissioner Rodriguez made a motion to close CDC Case No. 2018-26. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, Rodriguez

Nays: None

All were in favor. Motion carried.

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

Motion: Commissioner Rodriguez made a combined motion to approve the Findings of Fact for CDC Case No. 2018-22 as presented by Staff and to approve the request. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, Rodriguez

Nays: None

All were in favor. Motion carried.

**Report from
Community
Development:**

Mr. Pozsgay provided an update regarding the Bensenville Zoning Ordinance Overlay Districts and Annexations. *No action was taken by the Commission.*

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

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

All were in favor. Motion carried.

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



Ronald Rowe, Chairman
Community Development Commission