

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

July 2, 2019

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

STAFF PRESENT: K. Fawell, K. Pozsgay, C. Williamsen

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of June 4, 2019 were presented.

Motion: Commissioner Marcotte made a motion to approve the minutes as presented. Commissioner King seconded the motion.
All were in favor. Motion carried.
Senior Village Planner, Kurtis Pozsgay and Associate Planner, Kelsey Fawell were both present and sworn in by Chairman Rowe.

PUBLIC COMMENT: There was no Public Comment.

Continued Public Hearing: CDC Case Number 2019-09
Petitioner: Julian E. Ramirez
Location: 647 John Street
Request: Preliminary & Final Plat of Subdivision
Municipal Code Section 11 – 3

Motion: Commissioner Wasowicz made a motion to re-open CDC Case No. 2019-09. Commissioner Marcotte seconded the motion.
Chairman Rowe re-opened CDC Case No. 2019-09 at 6:32 p.m.

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

Rowe, King, Marcotte, Wasowicz

Absent: Ciula, Czarnecki, Rodriguez

A quorum was present.

Senior 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 April 11, 2019. 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 April 11, 2019. Mr. Pozsgay stated on April 11, 2019 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 647 John St. into two single-family lots. Mr. Pozsgay stated currently there is a single-family home on the lot. Mr. Pozsgay stated the petitioner supplied a plat which shows a current lot width of 120 feet and a lot area of 42,000 SF. Mr. Pozsgay stated this makes a subdivision possible as the minimum lot width and area required are 60 feet and 7,500 SF, respectively. Mr. Pozsgay stated if approved, the Petitioner plans to build a home on the new lot.

Mr. Julian Ramirez, property owner, was present and sworn in by Chairman Rowe. Mr. Ramirez stated his family is expanding and plans to build a bigger house on the property and allow his parents to move into the current home on the property.

Commissioner Wasowicz asked what type of house Mr. Ramirez plans on constructing. Mr. Ramirez stated it would be bigger than what is currently on site but has no formal plans at this time.

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 as stated in Municipal Code Section 11-3.

Mr. Pozsgay stated Staff recommends approval of the request.

There were no questions from the Commission.

Motion: Commissioner King made a motion to close CDC Case No. 2019-09. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:37 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact for CDC Case No. 2019-09 as presented by Staff and to approve the subdivision request as presented. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Continued

Public Hearing: CDC Case Number 2019-11

Petitioner: Manuel Aldama

Location: 420 West Green Street

Request: Variance, Fence in Corner Side Yard
Municipal Code Section 10 – 7 – 4C – 7

Motion: Commissioner Wasowicz made a motion to re-open CDC Case No. 2019-11. Commissioner Marcotte seconded the motion.

Chairman Rowe re-opened CDC Case No. 2019-11 at 6:39 p.m.

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

Senior 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 May 16, 2019.

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 May 17, 2019. Mr. Pozsgay stated on May 17, 2019 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 Variance to put a 6-foot fence in their corner side yard. Mr. Pozsgay stated the family has a young child and has concerns about safety.

Mr. Manuel Aldama , property owner, was present and sworn in by Chairman Rowe. Mr. Aldama stated he purchased the home seventeen years ago. Mr. Aldama stated they used to have a chain link fence installed and his intention is to replace the fence as it was prior to when he took it down. Mr. Aldama stated he has a five year old son that he wants to enjoy his yard in safety.

Commissioner Marcotte asked what type of fence Mr. Aldama was planning on putting up. Mr. Aldama stated he was planning on putting up a five foot white vinyl fence with a foot of lattice.

Commissioner Wasowicz asked if the tree on site would be in the way. Mr. Aldama stated the old fence was not an issue. Mr. Aldama stated there would be about a foot separation from the tree and fence.

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.

Applicant's Response: My property once had a safety/privacy fence on the property line, but I took it down to replace it and when I applied for my permit I was told that the code had changed and I could no longer replace it and I could apply for a variance. After a few years and with a young child now in my family I have chosen to apply for a variance.

- 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.

Applicant's Response:

Safety

We now have a 5-year-old child and want to create a play area with swings and a small pool. The front portion of our yard is mainly driveway with the rear section being mainly grass, ideal for a play area. Since the play area is in the rear section of the yard, our child can be out of our view so a fence would create a safer environment for my son since he will not be able to walk out into the street. There is also the danger of people with bad intentions and/or potentially aggressive animals that will not be able to walk into the yard allowing my son to be in a safe zone.

Theft Prevention

We have had multiple thefts occur in our yard along with multiple counts of vandalism (many reported to police). A fence would minimize the possibility for such acts from taking place.

View and Privacy

The homes behind my home are in a cul-de-sac and my backyard is in their front yard. A child's play area would create an awkward situation for my neighbors and myself since they will have to look at the play area throughout the entire year. Our neighbors in the cul-de-sac have nicely decorated yards and I intend to place a nice decorative fence as my contribution to maintaining a nice looking neighborhood.

- 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.

Applicant's Response: We are applying for a variance for a few of the reasons listed above and because we once had a fence on our property line. We do not feel this will create any negative effects to our neighborhood or neighbors.

- 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.

Applicant's Response: We have not put up a fence so our application for a variance is a request.

- 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.

Applicant's Response: There are many corner homes in Bensenville with corner lots. I've witnessed many new ones constructed within the last few years since my original fence permit was denied. I would also like to have this privilege since it would improve our quality of lives and of our neighbors lives since this will keep my child's play area out of their view and since I am planning on placing a decorative fence I would also contribute to adding a nice view to our neighborhood.

- 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.

Applicant's Response: All homeowners should have a right to a fence in their yard especially if it does not create a safety issue to the people who live on or around the property. A fence will not only improve safety for the adults and children who live on the property but will also serve as a visual of where the property lines are. This allows neighbors to understand and respect each other's land.

- 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.

Applicant's Response: Since Bensenville has many homes with fences including corner lots this fence will not alter the local character. In my opinion the fence will add character to my home and neighborhood since it will be a new fence and not a standard wooden fence. I plan to go with a stylish white vinyl fence which will cosmetically improve my home's appearance and my neighborhood's appearance.

- 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.

Applicant's Response: Since many corner lots have a fence and I once had one, I do not believe that my variance request is a serious inconsistency with the ordinance.

- 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.

Applicant's Response: I would like to respectfully request the variance be allowed up to my property line. My property line is approximately 10' from the street so it will not create any safety issues with traffic or safety to anyone who wants to walk along the side of my home.

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

- 1) Fence to the rear of the garage must be built a minimum of five feet from property line. Due to limited remaining yard and the tree at the rear of the property, consideration should be made to keep fence in line with side of garage; and
- 2) Fence in front of the garage can go in the same location of the current chain length fence; and
- 3) Fence must be no more than 5 feet of solid material, with the remaining made of lattice.

Mr. Aldama asked if there was any compromise on the proposed five-foot setback requirement. Mr. Aldama asked for two or two in a half foot setback. Chairman Rowe explained this was a request that the Commission has seen a lot and has always been consistent on a five-foot setback requirement.

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2019-11. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:59 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2019-11 as presented by Staff and to approve the variance request as presented. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2019-14

Petitioner: Blessing Properties, LLC

Location: 610 N. York Road

Request: Variance, Pole Sign

Municipal Code Section 10 – 7 – 7

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2019-14. Commissioner King seconded the motion.

Chairman Rowe opened CDC Case No. 2019-14 at 7:01 p.m.

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

Rowe, King, Marcotte, Wasowicz

Absent: Ciula, Czarnecki, Rodriguez

A quorum was present.

Senior 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 13, 2019. 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 14, 2019. Mr. Pozsgay stated on June 14, 2019 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 requesting a Variance to allow a pole sign on their property. Mr. Pozsgay stated the pole sign has existed on the property for a number of years and currently advertises a business that has not occupied the space for over ten years. Mr. Pozsgay stated the Petitioner plans to remove the business name and update the sign's panel to advertise the address. Mr. Pozsgay stated pole signs have been prohibited in the Village since at least 1999.

Mr. Mark Baumhart, Real Estate Broker for owner was present and sworn in by Chairman Rowe. Mr. Baumhart stated the property was zoned C-4 and had a sunset provision on it until 2021 or 2022. Mr. Baumhart stated the building has been on and off vacant for years and is currently being occupied. Mr. Baumhart stated he does not understand the hardship the sign causes because of the electrical poles that run across the sight currently.

Commissioner Marcotte suggested removing the pole sign, since non have been allowed in the Village since 1999 and updating the sign to something more currant within the Village's standards. Mr. Baumhart stated every interested tenant that views the property, loves the pole sign.

Commissioner Wasowicz asked how the updated sign would help find a tenant for the property. Mr. Baumhart stated it would highlight the address better for someone to find the property. Mr. Baumhart stated the main reason the property is vacant on and off is because of flooding. Commissioner Wasowicz suggested fixing the flooding issue so the building can be occupied on a consistent basis. Mr. Baumhart stated he has met with the Village regarding the issue and that the issue comes from a county sewer and nothing can be done.

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 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.

Applicant's Response: 610 N. York has unique exposure for an industrial property on a major artery. The opportunity for a future tenant to utilize the existing sign and capture the additional exposure and create identity for a company can be easily accomplished with this sign.

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.

Applicant's Response: This property has been either vacant or partially occupied for several years. There is a combination of reasons for this including:

C-4 zoning – tenants were not willing to commit to a long-term lease because the C-4 Zoning is scheduled to expire circa 2021. The owner was successful rezoning the property to I-2 about in the 4th quarter 2016. Prior to 2016, several tenants declined interest because a business license for an industrial tenant could not be guaranteed after the text amendment allowing I-2 Uses expires.

This property suffers from flooding during heavy rains. During heavy storms, the docks will hold water and access to the docks is not available until the water recedes. Village Staff has been helpful to identify the problem; however there is no solution since the storm water drainage on York Road is not under Bensenville jurisdiction.

Securing a 150,000 SF tenant is very competitive in the O'Hare market – we will find a tenant that will be willing to assign added value to 610 and the exposure on York Road. Providing the opportunity for prominent signage will contribute to the success of securing a long-term tenant.

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.

Applicant's Response: Allowing the sign to remain and with the owner's commitment to replace the panels and paint the pole will have no adverse impact on the property or the surrounding properties. Presently the approach to the Property either from the North or South on York Road has multiple electrical poles on York Road and cell towers immediately south at 600 N. York Road. Both the cell towers and multiple electrical poles are much larger and higher than the existing sign. Please see attached

photos. Since there are so many existing poles & antennas higher and larger than the monument sign, allowing it to remain will have no impact on the area.

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.

Applicant's Response: The sign has been installed for at least 30 years+. To the best of the petitioner's knowledge, there have been no complaints from any Village resident or nearby business about this sign. Furthermore, interested tenants express interest to use the sign to display their company name.

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.

Applicant's Response: Maintaining this sign will provide the owner with a very attractive unique feature that will help attract a new tenant to the property. Since this property has some issues that cannot be resolved (i.e. flooding), the opportunity for a tenant to locate their business at this location with the excellent exposure on York Road.

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.

Applicant's Response: Continuing to keep this sign at the property will contribute to the future success of leasing the property. Once a long-term tenant is secured, they will seek approval to install new sign panels with appropriate text to identify the property.

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.

Applicant's Response: Allowing the sign to remain and with the owners commitment to upgrade the sign will not alter the character of the property or the adjoining properties. Once improved, this will enhance the character of the property.

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.

Applicant's Response: Yes, this request is consistent with the Ordinance and 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.

Applicant's Response: We are requesting this pole sign to remain and is the only variance requested in this petition.

Mr. Pozsgay stated Staff recommends the Denial of the above Findings of Fact and therefore the Denial of the Variance to allow a pole sign on the property.

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2019-14. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:20 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2019-14 as presented by Staff and to approve the variance request as presented. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, King, Marcotte, Wasowicz

All were in favor. Motion failed.

Public Hearing: CDC Case Number 2019-15

Petitioner: Ewa Brzys

Location: 228 S. York Rd.

Request: Variance, Paved Parking Area

Municipal Code Section 10 – 8 – 8 – G

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2019-15. Commissioner King seconded the motion.

Chairman Rowe opened CDC Case No. 2019-15 at 7:22 p.m.

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

Senior 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 13, 2019. 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 14, 2019.

Mr. Pozsgay stated on June 14, 2019 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 requesting a Variance to allow a paved parking area in the rear yard accessed from the public alley. Mr. Pozsgay stated the Variance is needed due to an existing attached garage with a driveway off York Road. Mr. Pozsgay stated the petitioner has concerns with parking congestion on driveway. Mr. Pozsgay stated the attached Plat of Survey indicates a paved parking area of 20' by 25'. Mr. Pozsgay stated these dimensions are incorrect as Petitioner is requesting a paved parking area of 20' by 20' to meet the size allowed by Code. Mr. Pozsgay stated should the Variance be approved, the Petitioner has plans to reconstruct an existing patio and add a sidewalk and fence, which are shown on the Plat and are not subject to the Variance.

Ewa Brzys, property owner was present and sworn in by chairman Rowe. Ms. Brzys stated she has a four bedroom home. Ms. Brzys stated her driveway holds two cars and the one car garage is used for storage. Ms. Brzys stated she has two additional cars that need to be parked. Ms. Brzys stated the proposed pad would be constructed with concrete.

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 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.

Applicant's Response: The design of this property is peculiar in that it has no garage and/or parking spaces in the alley- severely limiting the parking space available. This does not generally apply to other properties within the zoning area, as they have garages and/or parking pads in the back of their houses (via the alley).

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.

Applicant's Response: To provide for additional parking space, we would need to build a garage in the background- an estimated fee of \$40,000, which would be an unnecessary and undue hardship. We would then need to get rid of our original garage (as we are not allowed to have two), which would incur an additional fee and renovation.

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.

Applicant's Response: There are particular hardships with this property relating to the dimensions of current physical character of the land. This house has a short driveway, which does not accommodate for additional cars. Likewise, the current soil conditions, as well as the hefty price, would not make it conducive to build a new garage in the backyard- it would also take up significant required grass space.

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.

Applicant's Response: The special circumstances and practical difficulties or hardships that are the basis for the variances have not resulted from any act undertaken subsequent to the adoption. We have not knowingly authorized or proceeded with construction or development requiring any variance, permit, certificate or 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.

Applicant's Response: This variance does not confer any special privileges as it gives us the same parking structure as neighbors within our zoning area. This variance will allow us to enjoy the same substantial property right as others within the zoning district (parking pad/garage in the backyard via alley entry).

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.

Applicant's Response: This variance will not increase our economic return, rather, without the variance, we will be deprived of reasonable use or enjoyment. It will not allow us to park an adequate amount of cars on our property, and it will severely reduce the property value of the home if our backyard space is decreased with the addition of a garage and re-planning of the home interior.

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.

Applicant's Response: The variance will not alter the character or impair environmental quality, property value, public safety or welfare in the vicinity- it will actually enhance all of these factors.

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.

Applicant's Response: The granting of this variance will be in harmony with the general purpose and intent of this ordinance (cars will no longer be parked on grass, but rather on approved parking pad). I will not substantially invalidate or nullify any part thereof, as we are following ALL additional rules which apply according to the ordinance.

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.

Applicant's Response: This variance is the minimum required to provide us with relief from undue hardship or practical difficulties. We are not requiring any additional variances to comply with this ordinance, nor are we receiving additional variances for relief from undue hardship.

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

1. The drainage shall be designed as such that it doesn't adversely impact neighboring properties; and
2. The paved sidewalk shall have minimum of 4-inches of concrete. The paved parking area shall have 6-inches of concrete; and
3. Paved parking area shall be located three feet or less from the rear lot line and at least 1 foot from the interior lot line; and
4. Paved parking area shall be 20' by 20' as permitted by Code.

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2019-15. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:29 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact for CDC Case No. 2019-15 as presented by Staff and to approve the variance request with Staff's recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2019-17

Petitioner: Scholar's World Childcare & Learning Center, Inc.

Location: 227 W. Grand Ave.

Request: Variance, Master Sign Plan

Municipal Code Section 10 – 10 – 4

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2019-15. Commissioner King seconded the motion.

Chairman Rowe opened CDC Case No. 2019-16 at 7:30 p.m.

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

Senior 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 13, 2019.

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 14, 2019. Mr. Pozsgay stated on June 14, 2019 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 requesting a Variance to deviate from the Master Sign Plan designated for the properties located in the plaza at 207-227 W. Grand Ave. Mr. Pozsgay stated the Master Sign Plan requires all signs to consist of red, Arial, bold, individual letters with a maximum height of 24". Mr. Pozsgay stated the proposed sign is requesting relief from font style, color, height, and the requirement of individual letters. Mr. Pozsgay stated the bottom portion of the sign which reads, "CHILDCARE & LEARNING CENTER" is to be a box sign, while the remaining portions of the sign will be individual letters mounted on a raceway.

Dwight Simmons, business owner, was present and sworn in by Chairman Rowe. Mr. Simmons stated he is seeking a variance to allow his company logo and color scheme as it appears on their website and other location in East Dundee. Mr. Simmons shared a visual of what the proposed sign would look like if approved.

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 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.

Applicant's Response: We are seeking a Variance to the Master Sign Plan of Bensenville Grand Plaza. We have a pre-designed logo and sign which is critical for our brand as it is in our business plan to have multiple locations with name and image recognition.

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.

Applicant's Response: If we had to design a sign based on the Master Sign Plan it will harm our name and image recognition as stated above.

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.

Applicant's Response: Our request relates only to the physical character of the property we are leasing.

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.

Applicant's Response: We have not undertaken any action as of yet.

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.

Applicant's Response: Most units in Bensenville Grand Plaza have their own branded sign (likely grandfathered in) that does not conform to the Master Sign Plan. Thus, our proposed sign will not stand out in contrast to everyone else in the Plaza.

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.

Applicant's Response: As stated previously our proposed sign is necessary for our brand.

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.

Applicant's Response: Our sign will not alter the character of the Plaza. As stated above, many business signs in the Plaza are originals. Also, although our unit is part of the Plaza, it is in a stand-alone building unlike all the other units. Therefore there will be no continuity or harmony issues even if/when new replacement tenants come in and have to conform to the Master Sign Plan.

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.

Applicant's Response: Yes. We believe the granting of a Variance will be in harmony with the general purpose of the Ordinance and 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.

Applicant's Response: Yes.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variance for Scholar's World Childcare & Learning Center, Inc.

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2019-16. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:37 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2019-16 as presented by Staff and to approve the variance request. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2019-17

Petitioner: Norbert Piskorz

Location: 177 Henderson Street

Request: Variance, Porch in Interior Side Yard Setback
Municipal Code Section 10 – 6 – 22

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2019-17. Commissioner Wasowicz seconded the motion.

Chairman Rowe opened CDC Case No. 2019-17 at 7:39 p.m.

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

Motion: Commissioner Wasowicz made a motion to continued CDC Case No. 2019-17 until the next CDC Meeting scheduled for August 6, 2019. Commissioner Marcotte seconded the motion.

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

Nays: None

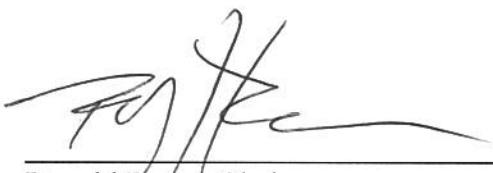
All were in favor. Motion carried.

**Report from
Community
Development:** Mr. Pozsgay reviewed both recent CDC cases along with upcoming cases.

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

All were in favor. Motion carried.

The meeting was adjourned at 7:42 p.m.



Ronald Rowe, Chairman
Community Development Commission