

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

August 4, 2020

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 the July 7, 2020 were presented.

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

All were in favor. Motion carried.

Senior Village Planner, Kurtis Pozsgay and Village Planner, Kelsey Fawell, were present and sworn in by Chairman Rowe.

PUBLIC COMMENT: There was no Public Comment.

Public Hearing: CDC Case Number 2020-10
Petitioner: Anastasia Asimis Katsis
Location: 615 W. Green Street
Request: Variation, Maximum Impervious Coverage
Municipal Code Section 10 – 6 – 8 – 1
Variation, Maximum Driveway Width
Municipal Code Section 10 – 8 – 8 – 1
Variation, Paved Parking Area
Municipal Code Section 10 – 8 – 8 – G4

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2020-10. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2020-10 at 6:32 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on July 16, 2020. Ms. Fawell 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. Ms. Fawell stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on July 17, 2020. Ms. Fawell stated on July 17, 2020 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. Ms. Fawell 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.

Ms. Fawell stated the Petitioner is requesting the proposed variations in order to keep existing pavement improvements that were done without a permit.

Ms. Fawell stated the variations are needed due to the following:

- The improvements exceed the R-3 District's 50% maximum impervious lot coverage.
- The driveway exceeds the maximum driveway width of 10' for residential uses.
- Paved parking areas are only permitted in the rear yard adjacent to a detached garage, with an area of 10' by 20' per vehicle space. The Petitioner installed the area, which is not to Code's required dimensions, in the corner side yard adjacent to their attached garage.

Anastasia Asimis Katsis, owner of 615 West Green Street was present and sworn in by Chairman Rowe. Ms. Katsis stated she inherited the property from her elder father. Ms. Katsis stated she did not expect to inherit the property and was surprised when it happened. Ms. Katsis stated she has two daughters and a husband who all drive. Ms. Katsis stated the large driveway is needed to fit four cars on the property. Ms. Katsis stated the home floods during

rain events and she has had to replace the foundation several times. Ms. Katsis stated mudslides would occur on her driveway from the Public Right-of Way off Church Road. Ms. Katsis stated she currently resides in Skokie, Illinois and does not currently live in the home. Ms. Katsis stated her contractor did not inform her that there was a stop work order posted on the property and that the Village was mailing notices to her elder father and not her. Ms. Katsis stated her contractor would not let her come to the property because he was laying concrete. Ms. Katsis stated she thought the plans submitted to the Village included the driveway improvements and was unaware work was being done without a permit. Ms. Katsis stated there is a drainage installed in the driveway. Ms. Katsis stated she did not cut corners on the project and hired reliable engineers and architects. Ms. Katsis threatened the Commission to sell the property back to the old owners who did not maintain the property.

Commissioner Marcotte disagreed with the petitioner regarding her knowledge of the work being done without a permit. Commissioner Marcotte suggested the petitioner contact the contractor and file suit.

Ms. Fawell reviewed the Findings of Fact as presented in the Staff Report consisting of:

- 1) **Public Welfare:** The proposed Variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.

Applicant's Response: The general welfare of the public will not be endangered by the proposed variation. In fact, it will be more convenient as an additional parking will be provided for resident and there will be less cars on the street.

- 2) **Compatible with Surrounding Character:** The proposed Variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed Variation.

Applicant's Response: The proposed variation is compatible with the character of adjacent properties as an usable level outdoor patio area has been added similar to surrounding properties. Also, many of the surrounding properties have 2 car garages with equal width driveways. This property requires a min. of 2 parking spaces to make it attractive to

potential residents. The new driveway configuration allows for an additional outdoor parking space.

- 3) **Undue Hardship:** The proposed Variation alleviates an undue hardship created by the literal enforcement of this title.

Applicant's Response: The proposed variation allow for an additional parking space (required by Bensenville Zoning Ordinance) and some usable outdoor patio space not previously available do to site conditions.

- 4) **Unique Physical Attributes:** The proposed Variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

Applicant's Response: The proposed variation is necessary as only a 1 car attached garage was built. The property is almost a wetland in the rear, and virtually un-usable. By adding a patio in the rear, at least the future resident can enjoy some outdoor space.

- 5) **Minimum Deviation Needed:** The proposed Variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

Applicant's Response: The location and dimension of the paved area is the only location possible for the additional parking space. The garage location is already non-conforming in respect to the proximity to the principle building. The additional 13.1% over the allowable impervious coverage is a combination of the required driveway access and providing usable outdoor space as well as providing protection from water infiltration into the building along the east side of the building. Water has previously infiltrated the foundation along the east side of the building, filling the crawl space with water/moisture.

- 6) **Consistent with Ordinance and Plan:** The proposed Variation is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: The proposed variation is consistent with the intent of the comprehensive plans in a couple of ways. The renovations and additional improvements promote the changing trends and attract a younger demographic. It

provides a safe and solid building foundation. The concrete along the foundation wall to the east prevents any future water infiltration, which could potentially cause health issues. The property provides 2 parking spaces for a family that has 2 working parents and makes it more attractive to live/rent. It also provides outdoor space for the future residents to enjoy and grow also making it more attractive to rent/live as well. These improvements/amenities only promote the Intent of the Comprehensive Plan by making the property more attractive and providing more amenities to a larger demographic.

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.

Ms. Fawell stated Staff recommends the denial of the above Findings of Fact and therefore the denial of the Variations at 615 W. Green Street. Ms. Fawell stated all existing improvements done without a permit must be removed.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2020-10. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2020-10 at 7:03 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact and Variation, Maximum Impervious Coverage. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, King, Marcotte, Wasowicz

Motion Failed.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact and Variation, Maximum Driveway Width. Chairman Rowe seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, King, Marcotte, Wasowicz

Motion Failed.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact and Variation, Paved Parking Area.
Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, King, Marcotte, Wasowicz

Motion Failed.

Public Hearing: CDC Case Number 2020-11
Petitioner: Maria Tess Siwa
Location: 620 W. Grove Avenue
Request: Variation, Fence in Front Yard
Municipal Code Section 10 – 7 – 4C – 7a

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2020-11. Chairman Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2020-11 at 7:06 p.m.

Village Planner, Kelsey Fawell was present and previously sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on July 16, 2020. Ms. Fawell 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. Ms. Fawell stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on July 17, 2020. Ms. Fawell stated on July 17, 2020 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. Ms. Fawell 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.

Ms. Fawell stated the Petitioner is requesting a Variation to erect a 6' vinyl privacy fence in the front yard to alleviate privacy and safety concerns.

Maria Tess Siwa, property owner was present and sworn in by Chairman Rowe. Ms. Siwa stated she was shocked that she needed to go through this process to get a fence since there are other fences in corner side yards in the area.

There were no questions from the Commission.

Ms. Fawell reviewed the Findings of Fact as presented in the Staff Report consisting of:

1. **Public Welfare:** The proposed Variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.

Applicant's Response: This is a Variation request to install a fence that will provide privacy and safety to a home. This will not pose a danger to health, safety, comfort, convenience, or general welfare of the public.

2. **Compatible with Surrounding Character:** The proposed Variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed Variation.

Applicant's Response: Today, there is a fence on the east side of the property. This is a partial fence only. The surrounding/adjacent properties do not have a fence. It is however typical to install a fence if you look at other properties in the immediate/same area. Proposed fence is a step up to the adjacent property and compatible to immediate area.

3. **Undue Hardship:** The proposed Variation alleviates an undue hardship created by the literal enforcement of this title.

Applicant's Response: Proposed fence does not create any undue hardship with the literal enforcement of title, only alleviates this property's hardship of being a corner lot with bedrooms facing the street, as well as alleviating safety concerns due to the layout of the site.

4. **Unique Physical Attributes:** The proposed Variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

Applicant's Response: Proposed west end fence Variation is necessary for multiple reasons: 1. Privacy for bedrooms; 2. Privacy for property on a very bust street (Church Road); 3. Safety to a very open, busy intersection; 4. Protection to a very open, busy intersection; 5. Provide aesthetic value to the property and neighborhood by creating balance.

5. **Minimum Deviation Needed:** The proposed Variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

Applicant's Response: Requested Variation does not pose an issue to property line or Title to said land. This improvement in long overdue and this is the minimum deviation for location I need in order to provide privacy for my property while allowing me access to a decent size of my outdoor property.

6. **Consistent with Ordinance and Plan:** The proposed Variation is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: Proposed Variation is consistent with Plan, Title, and any other land use policies.

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.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation at 620 W. Grove Avenue with the following conditions:

- 1) The Petitioner shall keep drainage flow in mind when installing the fence; and
- 2) The fence shall be 5 feet of solid material with 1 foot of lattice at the top.

Ms. Siwa asked why she is being required to have a foot of lattice at the top of her proposed fence. Ms. Siwa stated none of the fences in the area have lattice. Ms. Siwa stated she did not agree with that condition.

Mr. Pozsgay was present and previously sworn in by Chairman Rowe. Mr. Pozsgay stated the Village has required the foot of lattice for approvals of similar requests in the past two years. Mr. Pozsgay stated it was a condition the Police Chief would like implemented for the safety of Police Officers.

Ms. Siwa stated she did not agree with the proposed condition.

Motion: Commissioner King made a motion to close CDC Case No. 2020-11. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2020-11 at 7:21 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Variation, Fence in Front Yard with the conditions recommend by Staff. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Report from
Community
Development:**

Ms. Fawell 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 7:24 p.m.



Ronald Rowe, Chairman