

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

April 6, 2021

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, M. Patel*, K. Pozsgay, C. Williamsen

**Attended the meeting via electronic means*

JOURNAL OF

PROCEEDINGS: The minutes of the Community Development Commission Meeting of the March 2, 2021 were presented.

Motion: Commissioner Wasowicz 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 Village Planner, Kelsey Fawell, were present and sworn in by Chairman Rowe.

PUBLIC

COMMENT: There was no Public Comment.

Public Hearing: CDC Case Number 2021-04

Petitioner: Guy Filippelli

Location: 601 Diana Court

Request: Variation, Maximum Shed Size

Municipal Code Section 10 – 7 – 4C – 21b

Motion: Commissioner Wasowicz made a motion to re-open CDC Case No. 2021-04. Commissioner King 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 re-opened CDC Case No. 2021-04 at 6:34 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 March 18, 2021. 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 March 17, 2021. Ms. Fawell stated on March 15, 2021 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 above Variation to allow a 624 SF shed (12' high) on the subject property, whereas Code restricts the maximum area to 120 SF. Ms. Fawell stated the structure – which, as indicated by the Petitioner, has been incorrectly identified as a garage on the attached application – has been existing on the parcel for a number of years, but recently suffered extensive damage in a fire, resulting in the need to raze the structure in order to build anew.

Ms. Fawell stated per Section 10-5-4E of the Zoning Code, in the event a legal nonconforming structure is damaged or destroyed to the extent of 50% of its replacement value, the structure may not be repaired unless it adheres to the zoning district's requirements.

Guy Filippelli, property owner, was present and sworn in by Chairman Rowe. Mr. Filippelli stated he would like his request withdrawn. Mr. Filippelli asked if he decides to build a shed in the future, does he need to complete the same process.

Ms. Fawell stated she would reach out to Mr. Filippelli to discuss permitting for a future shed when the time occurs.

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.

Chairman Rowe asked the petitioner if he would like to withdraw his case. Mr. Filippelli stated yes.

There were no questions from the Commissioners.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2021-04. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-04 at 6:39 p.m.

Motion: Commissioner King made a motion to withdraw CDC Case No. 2021-04. 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 2021-05

Petitioner: Subheiah Ghanimah

Location: 400 S. Ridgewood

Request: Zoning Map Amendment R-1 → R-3

Municipal Code Section 10 – 3 – 6

Preliminary and Final Plat of Subdivision

Municipal Code Section 11 – 3

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2021-05. Commissioner King 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. 2021-05 at 6:40 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 March 18, 2021. 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 March 17, 2021. Ms. Fawell stated on March 15, 2021 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 seeking a Zoning Map Amendment to rezone the 19,200 SF subject property from R-1 Single-Unit Dwelling District to R-3 Single-Unit Dwelling District. Ms. Fawell stated this request is in conjunction with the requested Plat of Subdivision in order to subdivide the parcel into two single-family lots. Ms. Fawell stated should the rezoning be approved, the proposed lots would adhere to the bulk requirements of R-3 District. Ms. Fawell stated the proposed lots have widths of 60 feet and areas of 9,600 SF. Ms. Fawell stated the minimum lot width and area required in the R-3 District are 50 feet and 6,000 SF, respectively.

Village of Bensenville Assistant Public Works Director, Mehul Patel was present and sworn in by Chairman Rowe. Mr. Patel stated the Village of Bensenville follows the DuPage County Storm Water Ordinance. Mr. Patel stated the Village is aware of flooding in the area and believes the requirements in the ordinance will cover potential flooding; all drawings will be reviewed once plans are submitted.

Marshall J. Subach of Hunt & Subach, Ltd. was present and sworn in by Chairman Rowe. Mr. Subach stated he was the attorney for the petitioner. Mr. Subach stated the petitioner is a long time Bensenville Resident. Mr. Subach stated if approved, the first house build would be for her daughter. Mr. Subach stated all necessary requirements will be met. Mr. Subach reviewed the findings of fact for the proposed case.

Public Comment

Henry Wesseler – 342 Briar Lane, Bensenville, Illinois

Mr. Wesseler was present and sworn in by Chairman Rowe. Mr. Wesseler stated he was in support of the proposed re-subdivision and looked forward to seeing the area developed.

Roman Kowal – 4N619 Ridgewood, Bensenville, Illinois

Mr. Kowal was present and sworn in by Chairman Rowe. Mr. Kowal stated he was opposed to the proposed re-subdivision and worried about increased flooding in the area.

Keith Kowalewski Jr. – 4N634 Ridgewood, Bensenville, Illinois

Mr. Kowalewski Jr. was present and sworn in by Chairman Rowe. Mr. Kowalewski Jr. stated he was opposed to the proposed re-subdivision and worried about increased flooding in the area.

Ms. Fawell reviewed the Findings of Fact for the proposed site plan review as presented in the Staff Report consisting of:

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

Applicant's Response: The proposed amendment to change the zoning from R1 to R3 will not endanger the health, safety, comfort, convenience and general welfare of the public. The subject property is surrounded single-family homes.

The granting of the rezoning will increase the value of the surrounding properties because it will allow each lot to be improved with a single family home and be occupied by future Bensenville residents. There is no adverse impact to health and safety to the surrounding properties and will actually improve the health and safety as the Village will be eliminating a vacant lot with an occupied and improved lot which are easier to maintain and will fit with the other single family homes in the area.

- 2) **Neighborhood Character:** The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment.

Applicant's Response: The proposed amendment is compatible with the existing character and zoning of the adjacent properties. All of the properties to the north are zoned R3. The properties to the south are unincorporated DuPage County and contain a wide mix of single-family homes. There is also some R3 zoning that already exists South of 2nd Ave and North of 3rd Ave. Adding two newly constructed homes on the 2 lots will be an improvement to the area and allow for a single family home that is harmonious with the existing housing in the area. Leaving the lot as a single lot will require the construction of a much larger house that will not fit in the area and be a "McMansion" that will be out of place for the area.

- 3) **Public Gain:** The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner.

Applicant's Response: The proposed amendment provides a gain to the public and the Village as the tax base of two new single-family homes will be greater than the tax base of the existing vacant lot. The hardship to the Petitioner's hardship is that she cannot get a reasonable rate of return on the property and will not be able to develop the lot with subdividing the lot to recover some of the cost without approval of the two lot subdivision. The Petitioner attempted to have the lots face 2nd Ave at the initial request when working with staff, but the cost for the Petitioner to run the water main between Briar Lane and Ridgewood along 2nd Ave is cost prohibitive.

- 4) **Community Need:** The proposed amendment addresses the community need for a specific use.

Applicant's Response: The proposed amendment addresses a need in the community to have Bensenville continue to expand and improve its housing stock and potentially have additional unincorporated properties annex into Bensenville, which will allow Bensenville to continue to expand its tax base and expand its corporate boundaries.

- 5) **Amendment Objective:** The proposed amendment corrects an error, adds clarification, or reflects a change in policy.

Applicant's Response: The proposed amendment adds clarification to the area that the Village of Bensenville is encouraging and making zoning changes to encourage and allow redevelopment of properties especially in the residential district.

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

Applicant's Response: The Comprehensive Plan provides that the Village should revisit regulations and administrative procedures to ensure that the Village does not impede the construction of residential housing. Bensenville's residential neighborhoods should retain their established character and intensity of use.

The Comprehensive Plan did not provide a recommendation for the specific residential zoning for the unincorporated area that is adjacent to the subject property. The Comprehensive Plan does provide that the housing stock is old compared to the county and region and that the Village should look to add higher quality new housing to attract a younger demographic. The Comprehensive Plan states that the Village should develop new housing in strategic locations in the Village to accommodate future demand and develop existing vacant land.

The Comprehensive Plan states that in order to accommodate future residential demands, the Village will need to be strategic about development on the few vacant and underutilized parcels in Bensenville.

The Comprehensive Plan goes on to provide that the Village should develop pre-annexation agreements for the residents in unincorporated land along IL-83.

The rezoning of the property from R1 to R3 satisfies all of those goals and directives of the Comprehensive Plan. There is no reason that the R3 zoning should not be expanded to all of the property south of 2nd Ave. all the way to 3rd Ave. and east to Ellis Street. This is not spot zoning.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Zoning Map Amendment from R-1 to R-3 at 400 South Ridgewood.

Ms. Fawell stated Staff recommends the Approval of the Preliminary Plat of Subdivision at 400 S Ridgewood, as it meets the criteria set forth in Municipal Code Section 11 – 3, with the following condition:

- 1) The Petitioner shall coordinate with the Village Engineering Department regarding required land improvements for Subdivisions (Municipal Code Section 11 – 5) during review of the Final Plat of Subdivision.

There were no further questions from the Commission.

Motion: Commissioner King made a motion to close CDC Case No. 2021-05. 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. 2021-05 at 7:05 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact and Approval of the Zoning Map Amendment from R-1 to R-3 at 400 South Ridgewood. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Preliminary Plat of Subdivision at 400 S Ridgewood. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2021-06
Petitioner: Subheiah Ghanimah
Location: 16W688 2nd Avenue
Request: Annexation
Zoning Map Amendment R-1 → R-3
Municipal Code Section 10 – 3 – 6
Preliminary and Final Plat of Subdivision
Municipal Code Section 11 – 3

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2021-06. Commissioner King 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. 2021-06 at 7:08 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 March 18, 2021. 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 March 17, 2021. Ms. Fawell stated on March 15, 2021 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 applying to annex the subject property into the Village. Under Village Ordinance, annexed properties are designated R-1 Single-Unit Dwelling District. Ms. Fawell stated the Petitioner is seeking a Zoning Map Amendment to rezone the 16,000 SF parcel to R-3 Single-Unit Dwelling District in order to subdivide the lots and eventually construct two single-family homes. Ms. Fawell stated should the rezoning be approved, the proposed lots would adhere to the bulk requirements of R-3 District.

Ms. Fawell stated the proposed lots have widths of 50 feet and areas of 8,000 SF. Ms. Fawell stated the minimum lot width and area required in the R-3 District are 50 feet and 6,000 SF, respectively.

Marshall J. Subach of Hunt & Subach, Ltd. was present and previously sworn in by Chairman Rowe. Mr. Subach stated this was the same request as the prior case, on the opposite side of the road.

Public Comment

Henry Wesseler – 342 Briar Lane, Bensenville, Illinois

Mr. Wesseler was present and previously sworn in by Chairman Rowe. Mr. Wesseler stated he was in support of the proposed re-subdivision and looked forward to seeing the area developed.

Paul De Michele – 17W275 Roddeck Lane, Bensenville, Illinois

Mr. De Michele was present and sworn in by Chairman Rowe. Mr. De Michele stated Fire District No. 1 had not received a certified letter indicating the petitioner was changing their services to Fire District No. 2. Ms. Fawell stated that would be a condition should this matter be approved by the Village Board.

Ms. Fawell reviewed the Findings of Fact for the proposed site plan review as presented in the Staff Report consisting of:

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

Applicant's Response: The proposed amendment to change the zoning from R1 to R3 will not endanger the health, safety, comfort, convenience and general welfare of the public. The subject property is surrounded by single-family homes. The granting of the rezoning will increase the value of the surrounding properties because it will allow each lot to be improved with a single family home and be occupied by future Bensenville residents. There is no adverse impact to health and safety to the surrounding properties and will actually improve the health and safety as the Village will be eliminating a vacant lot with an occupied and improved lot which are easier to maintain and will fit with the other single family homes in the area.

2. **Neighborhood Character:** The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment.

Applicant's Response: The proposed amendment is compatible with the existing character and zoning of the adjacent properties. All of the properties to the North are zoned R3. All of the properties to the West and East are also zoned R3. Adding two newly constructed homes on the 2 lots will be an improvement to the area and allow for a single family home that is harmonious with the existing housing in the area.

3. **Public Gain:** The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner.

Applicant's Response: The proposed amendment provides a gain to the public and the Village as the tax base of two new single-family homes will be greater than the tax base of the existing vacant lot. The annexation of the property will allow the Village of Bensenville to collect real estate taxes and water and sewer charges from the property. The Petitioner's hardship is that she cannot get a reasonable rate of return on the property and will not be able to develop the lot without subdividing the lot to recover some of the cost without the two-lot subdivision. The Petitioner attempted to have the lots face 2nd Ave at the initial request when working with staff, but the cost for the Petitioner to run the water main between Briar Lane and Ridgewood along 2nd Ave is cost prohibitive.

4. **Community Need:** The proposed amendment addresses the community need for a specific use.

Applicant's Response: The proposed amendment addresses a need in the community to have Bensenville continue to expand and improve its housing stock and have an unincorporated property annex into Bensenville, which will allow Bensenville to continue to expand its tax base and expand its corporate boundaries.

5. **Amendment Objective:** The proposed amendment corrects an error, adds clarification, or reflects a change in policy.

Applicant's Response: The proposed amendment adds clarification to the area that the Village of Bensenville is encouraging and making zoning changes to encourage and allow redevelopment of properties especially in the residential district.

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

Applicant's Response: The Comprehensive Plan provides that the Village should revisit regulations and administrative procedures to ensure that the Village does not impede the construction of residential housing. Bensenville's residential neighborhoods should retain their established character and intensity of use.

The Comprehensive Plan did not provide a recommendation for the specific residential zoning for the unincorporated area that is adjacent to the subject property. The Comprehensive Plan does provide that the housing stock is old compared to the county and region and that the Village should look to add higher quality new housing to attract a younger demographic. The Comprehensive Plan states that the Village should develop new housing in strategic locations in the Village to accommodate future demand and develop existing vacant land.

The Comprehensive Plan states that in order to accommodate future residential demands, the Village will need to be strategic about development on the few vacant and underutilized parcels in Bensenville.

The Comprehensive Plan goes on to provide that the Village should develop pre-annexation agreements for the residents in unincorporated land along IL-83.

The rezoning of the property from R-1 to R-3 satisfies all of those goals and directives of the Comprehensive Plan. There is no reason that the R-3 zoning should not be expanded to all of the property south of 2nd Ave. all the

way to 3rd Ave. and east to Ellis Street. This is not spot zoning.

Ms. Fawell stated Staff recommends the Approval of Annexation request at 16W688 2nd Avenue.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Zoning Map Amendment from R-1 to R-3 at 16W688 2nd Avenue.

Ms. Fawell stated Staff recommends the Approval of the Preliminary Plat of Subdivision at 16W688 2nd Avenue, as it meets the criteria set forth in Municipal Code Section 11 – 3, with the following condition:

- 1) The Petitioner shall coordinate with the Village Engineering Department regarding required land improvements for Subdivisions (Municipal Code Section 11 – 5) during review of the Final Plat of Subdivision; and
- 2) Upon annexation, the subject property will be addressed under the Village address system; and
- 3) The property owner shall seek annexation of the property to the Bensenville Fire Protection District #2.

There were no further questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2021-06. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-06 at 7:15 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of the Zoning Map Amendment from R-1 to R-3 at 16W688 2nd Avenue. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Plat of Subdivision at 16W688 2nd Avenue. 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 Wasowicz made a motion to adjourn the meeting. Commissioner King seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 7:17 p.m.



Ronald Rowe, Chairman
Community Development Commission