

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

**MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION**

September 7, 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, Chambers, Ciula, King, Wasowicz  
Absent: Czarnecki, Marcotte  
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 August 3, 2021 were presented.

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

All were in favor. Motion carried.

The minutes of the Special Community Development Commission Meeting of the August 24, 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.

**Remanded**

**Public Hearing:** CDC Case Number 2021-21

**Petitioner:** Timothy Hengels

**Location:** 301 South Judson Street

**Request:** Variation, Paved Parking Area

Municipal Code Section 10 – 8 – 8.G – 4

**Motion:** Commissioner Chambers made a motion to re-open CDC Case No. 2021-21. Commissioner Wasowicz seconded the motion.

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

Rowe, Chambers, Ciula, King, Wasowicz

Absent: Czarnecki, Marcotte

A quorum was present.

Chairman Rowe re-opened CDC Case No. 2021-21 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 15, 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 July 15, 2021. Ms. Fawell stated on July 12, 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 Variation to allow a 21' by 23' paved parking area in the corner side yard. Ms. Fawell stated the proposed area is adjacent to the detached garage and will be accessed from the alley. Ms. Fawell stated the Zoning Ordinance only permits paved parking areas in the rear yard- the proposed falls into the corner side yard by approximately 5.5 feet.

Ms. Fawell stated the Zoning Ordinance also mandates that paved parking areas shall be 10' by 20' per vehicle space, with a maximum of two spaces per zoning lot, and must be located 1' from an interior lot line and 3' or less from a rear lot line.

Ms. Fawell stated the proposed area's depth includes the 3' maximum rear setback, but does exceed Code's maximum width of 20 feet.

Ms. Fawell stated this matter was referred back to the Community Development Commission by the Committee of the Whole to discuss the possibility of a tandem parking pad. Ms. Fawell stated after review, Village Staff is still recommending denial of the proposed tandem parking.

Timothy Hengels and Basia Lukaszczuk, property owners, were present and sworn in by Chairman Rowe. Mr. Hengels stated he agreed with Staff that they do not want the tandem parking either because it would take up the majority of their yard. Mr. Hengels proposed a new plan to the Commission. Mr. Hengels proposed a single car, 13 foot entrance that will allow for both vehicles to be parked outside of the site triangle area. Mr. Hengels stated he would leave the fence up along the alley to prevent access to the parking pad over the grass.

Commissioner Wasowicz asked that this matter be continued to allow the Commission time to review the new proposal. Mr. Pozsgay stated the proposed drawing the Commission was viewing would not change and asked the Commission to discuss this alternate option.

Chairman Rowe stated he was okay with the new proposal but wanted to add the following conditions to approval:

- Pavement shall be pitched to the east, so that runoff enters in the inlet in the alley directly adjacent;
- All landscape elements located in the sight triangle area shall be trimmed to a height no taller than 2.5 feet; and
- A landscape plan shall be reviewed and approved by the Zoning Administrator upon permit application submittal.

Mr. Hengels stated he was fine with the above mentioned conditions.

### **Public Comment**

#### **Diane Kotz - 302 Judson Street, Bensenville, Illinois 60106**

Ms. Kotz was present and sworn in by Chairman Rowe. Ms. Kotz spoke in favor of the proposed design.

Ms. Fawell reviewed the Findings of Fact for the proposed variance 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 proposed Variation (parking spaces) is very much needed for our family of 5 and our family's living situation. Currently, there are 2 adults that each have a vehicle. As of this year, our son, Vinny has obtained his permit. Within the year, he plans to obtain his driver's license thereby inching closer to a vehicle. We also have 2 additional children who will be driving in the near future, and they will also need parking spaces for their vehicles. Right now, the only parking space on our property is the detached garage which is only big enough for 2 vehicles. It is imperative that we create additional parking spaces for the children. Furthermore, Bensenville does not allow vehicles to be parked on the street between 2am to 6am, so we cannot leave the additional vehicles on the street each night. The proposed Variation to our property will not endanger the health, safety, comfort, convenience, nor 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:** Furthermore, it is very compatible with the character of adjacent properties and other properties within immediate vicinity of the proposed Variation. There are some houses that have parking spaces either side by side to the sidewalk or within 2 to 3 feet of the sidewalk on Memorial Street. There are many other properties in Bensenville that exhibit this same Variation. The parking spaces will be facing east and west to the alley and perpendicular to the sidewalk, but we do plan for it to be a few feet away from the sidewalk.

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

**Applicant's Response: The proposed Variation alleviates an undue hardship created by literal enforcement of the title.**

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: Yes, the proposed Variation is very much needed due to the unique physical attributes of the property which was not deliberately created by us, the applicants. When the property was bought, it only had a detached garage with 2 parking spaces. This worked well because only the 2 adults had vehicles, and there was only 1 child (3 years old at the time) in the family. Due to the properties "original physical attributes" it hinders the family's living situation and needs to be modified to the current state of affairs.**

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 proposed Variation does represent the minimum deviation from the regulations of the title necessary to accomplish the desired improvement to the 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: Lastly, the proposed Variation is consistent with the intent of the Comprehensive Plan, the title, and other land use policies of the Village.**

Ms. Fawell stated Staff recommends the Denial of the above Findings of Fact and therefore the Denial of the Variation for a Paved Parking Area at 301 Judson Street.

Ms. Fawell stated should the Commission approve the above request, Village Staff recommends the following conditions:

- The paved parking area shall be kept clear of the sight triangle area and constructed in accordance with plans dated 09.08.21;
- The area that falls within the sight triangle shall be maintained in a manner so as to inhibit vehicular access.

Chairman Rowe asked for the following conditions to be added for the approval criteria:

- Pavement shall be pitched to the east, so that runoff enters in the inlet in the alley directly adjacent;
- All landscape elements located in the sight triangle area shall be trimmed to a height no taller than 2.5 feet; and
- A landscape plan shall be reviewed and approved by the Zoning Administrator upon permit application submittal.

Chairman Rowe asked if the petitioner had any objections to the above requirements. Mr. Hengels stated he had no objections.

There were no further questions from the Commission.

Motion: Commissioner Chambers made a motion to close CDC Case No. 2021-21. Chairman Rowe seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-21 at 7:05 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of a Variation, Paved Parking Area, Municipal Code Section 10-8-8.G-4 with the above mentioned conditions of approval. Commissioner Chambers seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

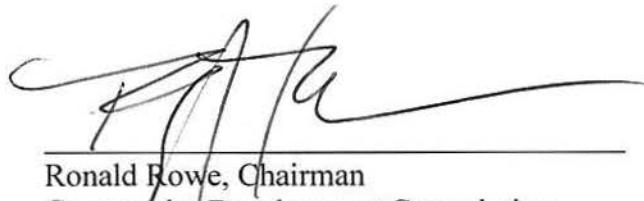
**Report from  
Community  
Development:**

Ms. Fawell reviewed both recent CDC cases along with upcoming cases.

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

All were in favor. Motion carried.

The meeting was adjourned at 7:09 p.m.

A handwritten signature in black ink, appearing to read "Ronald Rowe". The signature is fluid and cursive, with a long horizontal stroke at the end.

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Ronald Rowe, Chairman  
Community Development Commission