

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

April 5, 2022

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, Czarnecki, King, Marcotte, Wasowicz
Absent: None
A quorum was present.

STAFF PRESENT: K. Pozsgay, N. Arquette, C. Williamsen

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of the February 1, 2022 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.

Acting Director of Community Development, Kurtis Pozsgay and Village Planner, Nick Arquette were present and sworn in by Chairman Rowe.

PUBLIC COMMENT: There was no Public Comment.

Public Hearing: CDC Case Number 2022-02
Petitioner: Michelle Mendez
Location: 422 E. Pine Avenue
Request: Variation, Interior Side Setback
Municipal Code Section 10-6-15

Motion: Commissioner King made a motion to open CDC Case No. 2022-02. Commissioner Marcotte seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Chambers, Ciula, Czarnecki, King, Marcotte, Wasowicz
Absent: None
A quorum was present.

Chairman Rowe opened CDC Case No. 2022-02 at 6:32 p.m.

Acting Director of Community and Economic Development, Kurtis Pozsgay was present and sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Daily Herald on March 17, 2022. 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 March 18, 2022. Mr. Pozsgay stated on March 18, 2022 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 construct a 213.38 Square Foot addition to their existing unit to increase the size of their unit. Mr. Pozsgay stated they are requesting a Variation for the Interior Side setback. Mr. Pozsgay stated the minimum interior side setback for buildings located in the R – 5 District is 10 feet. Mr. Pozsgay stated the proposed addition is 5 feet from the interior side property line.

Mr. Pozsgay stated Public Works did a site inspection and there are no Village utility issues with the proposed addition. Mr. Pozsgay stated there are ComEd lines nearby that the petitioner will need to get permission to construct.

Michelle Mendez, property owner was present and sworn in by Chairman Rowe. Ms. Mendez stated the reason for the addition is to add a family room in the unit.

There were no questions from the Commission.

Public Comment

Chairman Rowe asked if there were any members of the Public that would like to make comment. There were none.

Mr. Pozsgay reviewed the Findings of Fact for the proposed variance 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: Yes, the proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public. The proposed variation is consistent with other land use of the immediate vicinity of the property. Please see Proposed Site Plan included.

- 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: Yes, the proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation. Please see Proposed Site Plan, Proposed Floor Plan and Proposed Elevations included.

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

Applicant's Response: Yes, the proposed variation alleviates an undue hardship created by the literal enforcement of this title. Please see Proposed Site Plan included.

- 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 necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant. Please see Plat of Survey included.

- 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: Yes, the proposed variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property. Please see Proposed Site Plan & Proposed Floor Plan included.

- 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: Yes, the proposed variation is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village. Please see Proposed Site Plan.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation to allow a 5' interior side yard setbacks for 422 E. Pine Avenue with the following conditions:

- 1) The drainage cannot negatively impact the neighbors' property.
- 2) The applicant to work with ComEd on any electrical service issues.

There were no questions from the Commission.

Motion: Commissioner King made a motion to close CDC Case No. 2022-02. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-02 at 6:39 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of a Variation, Interior Side Setback, Municipal Code Section 10-6-15 with Staff's Recommendations. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2022-04
Petitioner: Subheiah Ghanimah
Location: 400 S. Ridgewood
Request: Final Plat of Subdivision
Municipal Code Section 11 – 3

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2022-04. Commissioner Marcotte seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Chambers, Ciula, Czarnecki, King, Marcotte, Wasowicz
Absent: None
A quorum was present.

Chairman Rowe opened CDC Case No. 2022-04 at 6:40 p.m.

Acting Director of Community and Economic Development, Kurtis Pozsgay was present and sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Daily Herald on March 17, 2022. 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 March 18, 2022. Mr. Pozsgay stated on March 18, 2022 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Pozsgay stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

Mr. Pozsgay stated the Petitioner is seeking a Final Plat of Subdivision in order to subdivide the parcel into two single-family lots. Mr. Pozsgay stated this project was approved last year for a preliminary plat of subdivision and zoning map amendment. Engineering has already reviewed the final plat. Mr. Pozsgay stated the main issue that came of the public hearing the first time around was flooding of the neighbors' property. Mr. Pozsgay stated this plat includes easements on each property for water collection/drainage.

Marshall Subach, Attorney for the property owner was present and sworn in by Chairman Rowe. Mr. Subach reviewed the final plat of subdivision and the retention plans on site.

There were no questions from the Commission.

Public Comment

Chairman Rowe asked if there were any members of the Public that would like to make comment. There were none.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Final Plat of Subdivision at 400 S Ridgewood as it meets the criteria for Municipal Code Section 11 - 3.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2022-04. Chairman Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-04 at 6:48 p.m.

Motion: Commissioner Chambers made a motion to approve a Final Plat of Subdivision, Municipal Code Section 11-3. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Meeting: CDC Case Number 2022-07
Petitioner: Steve Hugh
Location: 480-500 W. Irving Park Rd.
Request: Tax Increment Financing Request for 480-500 W Irving Park Rd

Motion: Commissioner Chambers made a motion to open CDC Case No. 2022-07. Commissioner Marcotte seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Chambers, Ciula, Czarnecki, King, Marcotte, Wasowicz
Absent: None
A quorum was present.

Chairman Rowe opened CDC Case No. 2022-07 at 6:50 p.m.

Acting Director of Community and Economic Development, Kurtis Pozsgay was present and sworn in by Chairman Rowe. Mr. Pozsgay stated the following in summary:

1. The applicant, Steve Hugh, is requesting TIF funds for redevelopment work at his property and proposed new location for his proposed new retail operations.
2. The TIF scope of work includes, but not limited to, architectural, site work, plumbing, electrical, demolition, masonry, roofing, carpentry, drywall, insulation, doors, painting, floors, HVAC, fire protection, signage and general conditions.
3. The total TIF eligible work being considered is \$1,815,896.
4. The project shows an approximately \$100,000 shortfall the first year.
5. The project would not move forward "but for" the TIF assistance.

Steve Hugh property owner was present. Mr. Hugh provided an overview of how he purchased the property and what his vision is moving forward.

There were no questions from the Commission.

Public Comment

Chairman Rowe asked if there were any members of the Public that would like to make comment. There were none.

Mr. Pozsgay stated it is the recommendation of staff that the requested TIF application of Steve Hugh be approved with the following stipulations.

1. Project participation by the TIF district of \$100,000 as determined by a redevelopment agreement.
2. Final Landscaping Plan to be approved by Community & Economic Development Director.
3. Final building design to be approved by Community & Economic Development Director with consideration given to closing overhead doors.
4. Final Site Plan to be approved by Community & Economic Development Director with consideration given to closing Irving Park Road curb cuts.

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2022-07. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-07 at 7:21 p.m.

Motion: Commissioner Wasowicz made a motion to approve a Tax Increment Financing Request for 480-500 W Irving Park Rd. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, Ciula, Czarnecki, 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 Wasowicz made a motion to adjourn the meeting. Commissioner Marcotte seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 7:25 p.m.

A handwritten signature in black ink, appearing to read 'Ronald Rowe', is written over a horizontal line.

Ronald Rowe, Chairman
Community Development Commission