

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

August 6, 2024

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

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

JOURNAL OF

PROCEEDINGS: The minutes of the Community Development Commission Meeting of the June 4, 2024 were presented.

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

All were in favor. Motion carried.

Director of Community and Economic Development, Kurtis Pozsgay and Village Planner, Kevin Quinn were present and sworn in by Chairman Rowe.

PUBLIC

COMMENT: **Mark Ruchti – 17W080 Oak Lane, Bensenville, Illinois 60106**
Mr. Ruchti addressed the Community Development Commission with his strong opposition to the Transwestern Development of Oakdale Woods Subdivision.

Public Hearing: CDC Case Number 2024-17
Petitioner: Casey's Retail Company
Location: 1225 Devon Avenue
Request: Variation, Monument Sign Location
Municipal Code Section 10-10-5-8a
Variation, Monument Sign Size
Municipal Code Section 10-10-5-8c
Variation, Wall Sign Quantity
Municipal Code Section 10-10-5-11b-1

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2024-17. Commissioner Chambers seconded the motion.

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

Chairman Rowe opened CDC Case No. 2024-17 at 6:35 p.m.

Village Planner, Kevin Quinn, was present and sworn in by Chairman Rowe. Mr. Quinn stated a Legal Notice was published in the Bensenville Independent on July 18, 2024. Mr. Quinn 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. Quinn stated Village personnel posted one Notice of Public Hearing sign on the property, visible from the public way on July 17, 2024. Mr. Quinn stated on July 17, 2024 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 3000' of the property in question. Mr. Quinn 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. Quinn stated the Petitioner, Casey's Retail Company, is seeking approval of three variances. Mr. Quinn stated the first variation is to allow a monument sign to be located less than 5 feet from the front and corner side lot lines. Mr. Quinn stated the second variation is to allow their proposed 14-foot monument sign to exceed the maximum height of 8 feet. Mr. Quinn stated their third variation request is to allow more than one wall sign per street frontage. A similar wall sign variation request was granted in 2023. The two properties are in a C-2 Commercial District.

Mr. Eric Tracey, representative on behalf of Casey's Retail Company, was present and sworn in by Chairman Rowe. Mr. Tracey stated the property is adding a kitchen to the premise and due to a new food service moving in, new signage is required. Mr. Tracey provided an overview of the proposed signage.

Commissioner Wasowicz asked if the sightline is an issue because of the crosswalk. Mr. Tracy stated the proposed signage is before the crosswalk and there would be no sightline issues.

Public Comment

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

Mr. Quinn reviewed the approval standards for proposed variances:

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 from the prohibition of a taller monument sign will not endanger the health, safety, comfort, convenience, and general welfare of the public. The petitioner will remove the three pole signs currently on the property and merely replace with one monument sign rather than having one monument sign on each frontage.

The proposed variation from the sign setback will not endanger the health, safety, comfort, convenience, and general welfare of the public. The petitioner is removing three existing signs that did not meet the setback requirements and is replacing with one sign.

The proposed variation from the required one wall sign per street frontage will not endanger the health, safety, comfort, convenience, or general welfare of the public. The proposed wall signs do not add any obstructions to the public, and better serve the public convenience by displaying convenience store offerings.

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 and is similar to nearby c-store sites.

The proposed variation is compatible with the character of adjacent properties.

The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed site. Similar convenience stores in the area display multiple wall signs to serve customers.

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

Applicant's Response:

Literal enforcement of the requirement that the height of the monument sign be limited to 8-feet will create undue hardship. Motor fuel purchases are extremely price sensitive and the larger monument signs provide visibility when vehicles are stopped at the traffic signals.

Literal enforcement of the requirement will create an undue hardship that would not allow a sign to be placed on the critical area of the site. Creating a 5-foot setback would significantly alter the existing site and make the project not viable.

The proposed variation alleviates an undue hardship of altering standard design/layout of the proposed convenience store and provides better marketing of products available in the store.

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 to provide the best possible visibility to passing potential customers despite the large number of large trucks stopped at the intersection which would block visibility of the price. The existing layout of the site was not created by the applicant, but provides little room for monument signs on the property.

The proposed variation is necessary to provide the best possible visibility to passing potential customers. The existing layout of the site was not created by the applicant, but provides little room for signs on the property.

The proposed variation is necessary due to the store being on an existing corner lot, with limited space for additional product marketing signs. The additional wall signs meet the needs of the applicant while not obstructing any public use of the site.

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 represents the minimum deviation from the regulations.

The proposed variation represents the minimum deviation from the regulations.

The proposed variation represents the minimum deviation from the regulations, with two signs proposed on the building front (east side), and no signs proposed on the sides of the building.

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 variance is consistent with the intent of the Comprehensive Plan to "Create incentives to encourage rehabilitation of older properties/sites." This variation will allow the rehabilitation and updating of an older property while maintaining as much existing infrastructure as possible which makes the project more feasible.

The proposed variance is consistent with the intent of the Comprehensive Plan to "Create incentives to encourage rehabilitation of older properties/sites." This variation will allow the rehabilitation and updating of an older property while maintaining as much existing

infrastructure as possible which makes the project more feasible.

The proposed variance is consistent with the intent of the Comprehensive Plan to "Create incentives to encourage rehabilitation of older properties/sites." This variation will allow the rehabilitation and updating of an older property and provide aesthetically pleasing building facade and signage.

Mr. Quinn stated:

1. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Monument Sign Location at 1225 Devon with the following conditions:
 - a. The proposed monument sign must be setback at least 5' from any Village-owned watermain.
 - b. All prior approval standards from Ordinance No. 18-2023 must be upheld.
2. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Monument Sign Size at 1225 Devon with the following conditions:
 - a. The proposed monument sign must match the designs submitted to CED drawn by J. Clark of Casey's on 4.23.24.
3. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Wall Sign Quantity at 1225 Devon with the following conditions:
 - a. The proposed wall signs must match the designs submitted to CED drawn by J. Clark of Casey's on 4.23.24.

There were no questions from the commission.

Motion: Commissioner Rott made a motion to close CDC Case No. 2024-17. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2024-17 at 6:45 p.m.

Motion: Commissioner Rott made a motion to approve Variation, Monument Sign Location; Municipal Code Section 10-10-5-8a with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, Marcotte, Rott, Wasowicz

Nays:

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve Variation, Monument Sign Size; Municipal Code Section 10-10-5-8a with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, Marcotte, Rott, Wasowicz

Nays:

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve Variation, Monument Sign Quantity; Municipal Code Section 10-10-5-11b-1 with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, Marcotte, Rott, Wasowicz

Nays:

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2024-18
Petitioner: Kate Conneely & Erik Tiefenthal
Location: 201 Rose Street
Request: Variation, Fence in the Corner Side Yard
Municipal Code Section 10 – 7 – 4C – 7a

Motion: Commissioner Rott made a motion to open CDC Case No. 2024-18. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe opened CDC Case No. 2024-18 at 6:48 p.m.

Village Planner, Kevin Quinn, was present and sworn in by Chairman Rowe. Mr. Quinn stated a Legal Notice was published in the Bensenville Independent on July 18, 2024. Mr. Quinn 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. Quinn stated Village personnel posted one Notice of Public Hearing sign on the property, visible from the public way on July 17, 2024. Mr. Quinn stated on July 17, 2024 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 3000' of the property in question. Mr. Quinn 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. Quinn stated the Petitioners, Kate Conneely & Erik Tiefenthal, are seeking approval of a variance in order to construct a fence in the corner side yard of their property. Mr. Quinn stated the proposed fence would be a 6-foot white vinyl fence. It would be 5 feet of solid white vinyl with an additional foot of white lattice on top. It will extend 11 feet north from the building façade before turning east and running 98 feet parallel to Rose Street. Mr. Quinn stated it will be set back 1.5 feet from the sidewalk. Mr. Quinn stated after running along Rose Street, the fence will turn 30 feet south before concluding in a gate next to the garage. Mr. Quinn stated the proposed fence location impacts the property's driveway sight vision triangle. This replaces an existing, smaller fence in the same location.

Mr. Erik Tiefenthal, property owner, was present and sworn in by Chairman Rowe. Mr. Tiefenthal reviewed the proposed plans for the fence.

Mr. Pozsgay explained Staff met with the applicants to address the length of the fence and the triangle sightline on the property.

There were no questions from the Commissioners.

Public Comment

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

Mr. Quinn reviewed the approval standards for proposed variance:

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.

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.

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.

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.

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.

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.

Mr. Quinn stated:

1. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Fence in the Corner Side Yard at 201 Rose Street with the following conditions:
 - a. Fence shall be 5-foot white vinyl with an additional foot of lattice, for a total of 6 feet, similar to the sample provided by the applicant.
 - b. The fence will be set back 1.5 feet from the sidewalk, as indicated in plans.
 - c. The fence will not extend past the front façade on the northern side of the property. It shall not extend west past the existing fence's position.
 - d. The fence will not violate the sight vision triangle on the eastern portion of the plans, as discussed with the property owner's and applicants on 7.22.24. It shall not cross into the area ten feet west of the intersection of the driveway and sidewalk or into the area ten feet south of the intersection of the driveway and sidewalk.
 - e. If, in the future, the property owners decide to remove the driveway and curb cut from Wood St leading to the garage and instead access the garage and/or parking pad through the alley, they will be able to extend their fence into the site vision triable area without the need to submit an application to the Community Development Commission as long as all other fence standards are upheld.

There were no questions from the commission.

Motion: Commissioner Rott made a motion to close CDC Case No. 2024-18. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2024-18 at 6:55 p.m.

Motion: Commissioner Rott made a motion to approve Variation, Fence in the Corner Side Yard, Municipal Code Section 10-7-4C-7a with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, Marcotte, Rott, Wasowicz

Nays:

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2024-19
Petitioner: Bridgeway of Bensenville
Location: 303 East Washington Street
Request: Variation, Fence Height
Municipal Code Section 10 – 7 – 4C – 7b - 1

Motion: Commissioner Rott made a motion to open CDC Case No. 2024-19. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe opened CDC Case No. 2024-19 at 6:57 p.m.

Village Planner, Kevin Quinn, was present and sworn in by Chairman Rowe. Mr. Quinn stated a Legal Notice was published in the Bensenville Independent on July 18, 2024. Mr. Quinn 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. Quinn stated Village personnel posted one Notice of Public Hearing sign on the property, visible from the public way on July 17, 2024. Mr. Quinn stated on July 17, 2024 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 3000' of the property in question. Mr. Quinn 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. Quinn stated the Petitioner, Bridgeway of Bensenville, is seeking approval of a variance to build an 8-foot fence in the interior of their property. Mr. Quinn stated the Municipal Code limits the height of fences in residential districts to 6 feet. Mr. Quinn stated the property is within an R-6 Multiple-Unit Dwelling District. Mr. Quinn stated the purpose of this fence is to enclose the outdoor patio portion of the dementia care unit.

Mr. Abe Langsner and Shloimy Langsner, of Bridgeway of Bensenville, were both present and sworn in by Chairman Rowe. Mr. Langsner stated they have recently received a grant from the State of Illinois and will be expanding their services to provide for those with dementia. Mr. Langsner stated the proposed fence would allow patients to explore outside with being contained in a closed area since they are always monitored.

Commissioner Marcotte asked if the State of Illinois was requiring the eight-foot proposed fence height. Mr. Langsner stated that the State of Illinois has not had any input in the fence height or design and this was all discussed in-house.

Public Comment

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

Mr. Quinn reviewed the approval standards for proposed variance:

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

Applicant's Response: The 8' fence will be for the safety of the residents in the facility's Memory Care unit. This fence will not affect 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: The fence is not visible to the residents to the east. The facility is within the larger elder community CCRC campus which is 32 acres. There are no neighbors in the immediate vicinity.

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

Applicant's Response: This will provide for enhanced safety and security for our Dementia Care residents that will be utilizing our enclosed courtyard.

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: Health and Family Services requires a secure outdoor area for the Dementia Care residents. The proposed variance will provide this requirement.

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: Zoning ordinance 10-7-4: Accessory Structures and Uses specifies that the maximum height of a fence shall be 6'. The proposed variation to the 8' fence height for the security of the residents represents the minimum deviation from the regulations of 6'.

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: (Zoning Ordinance 10-7-4: Accessory Structures and Uses) The proposed variation illustrates a 2-foot height increase from the Village policy regarding fence height.

Mr. Quinn stated:

1. Staff recommends the Denial of the Findings of Fact and therefore the Denial of the Variation, Fence in the Corner Side Yard at 303 E Washington St with the following conditions:
 - a. Should the CDC or Village Board recommend approval, staff recommends the following conditions:
 - i. Fence shall be 8-foot black wrought iron, as shown in the plans prepared by Legat Architects prepared on 5.20.2024.

2. Applicant not to receive any permits until all accounts have been paid.

There were no questions from the commission.

Motion: Commissioner Rott made a motion to close CDC Case No. 2024-19. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2024-19 at 7:10 p.m.

Motion: Commissioner Rott made a motion to approve Variation, Fence Height, Municipal Code Section 10-7-4C-7b-1 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Chambers, Rott

Nays: Rowe, Marcotte, Wasowicz

Motion Failed.

Public Hearing: CDC Case Number 2024-20
Petitioner: Jonathan & Claudia Leclercg
Location: 141 Foley Street
Request: Variation, Fence in the Corner Side Yard
Municipal Code Section 10 – 7 – 4C – 7a

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2024-20. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe opened CDC Case No. 2024-20 at 7:12 p.m.

Village Planner, Kevin Quinn, was present and sworn in by Chairman Rowe. Mr. Quinn stated a Legal Notice was published in the Bensenville Independent on July 18, 2024. Mr. Quinn 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. Quinn stated Village personnel posted one Notice of Public Hearing sign on the property, visible from the public way on July 17, 2024. Mr. Quinn stated on July 17, 2024 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 3000' of the property in question. Mr. Quinn 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. Quinn stated the Petitioners, Jonathan & Claudia Leclercg, are seeking approval of a variance in order to construct a fence in the corner side yard of their property. Mr. Quinn stated the proposed fence would be a 6-foot white vinyl fence. It would be 5 feet of solid white vinyl with an additional foot of white lattice on top. Mr. Quinn stated the proposed fence would run 8 feet south of the house before turning east and running 81 feet parallel to Grove Ave. After doing so, it would turn 1 foot north. Mr. Quinn stated the applicants have been informed that the area they are proposing to construct their fence in contains a utility easement. Mr. Quinn stated the proposed fence location does not impact the north adjacent property's driveway sight vision triangle.

Mr. Jonathan Leclercg and Mrs. Claudia Leclercg, property owners, were both present and sworn in by Chairman Rowe. Mr. Leclercg reviewed the proposed plans for the fence. Mr. Leclercg stated his original plan was just to connect to his neighbors fence with the same design but he is being told he needs to construct his fence with one foot of lattice and asked how his neighbor doesn't have to comply with the same rules.

Commissioner Chambers questioned why the neighbor doesn't have a foot of lattice on their fence. Mr. Pozsgay stated the neighbors fence was approved a while ago when the village was not requiring the foot of lattice.

Commissioner Wasowicz asked the petitioner if they understood since the powerlines are located above the proposed fence, should ComEd need to remove the fence, the owners would be responsible for the costs associated. Mr. Leclercg stated he was aware.

Mr. Leclercg raised concerns with flooding in the rear of his property that consumes around the electrical boxes. Mr. Pozsgay stated staff reviewed his concerns and determined this is a Home Owners Association issue and would meet with Mr. Leclercg regarding this issue.

Public Comment

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

Mr. Quinn reviewed the approval standards for proposed variance:

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 will not endanger the health, safety, comfort, convenience, and 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: The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.

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 the literal enforcement of this 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: The proposed variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

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 represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject 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: The proposed variation is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Mr. Quinn stated:

1. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Fence in the Corner Side Yard at 141 Foley Street with the following conditions:
 - a. Fence shall be 5-foot white vinyl with an additional foot of lattice, for a total of 6 feet, similar to the sample provided by the applicant.
 - b. Fence shall be setback 2 feet from the property line, as shown in plans prepared by First Fence on 5.6.2024.

There were no questions from the commission.

Motion: Commissioner Rott made a motion to close CDC Case No. 2024-20. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2024-20 at 7:25 p.m.

Motion: Commissioner Marotte made a motion to approve Variation, Fence in the Corner Side Yard, Municipal Code Section 10-7-4C-7a with Staff's Recommendations. Commissioner Rott seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, Marcotte, Rott, Wasowicz

Nays:

All were in favor. Motion carried

Public Hearing: CDC Case Number 2024-21

Petitioner: Rocio Olvera

Location: 1347 Irving Park Road

Request: Site Plan Review

Municipal Code Section 10 – 3 – 2

Variation, Maximum Corner Side Setback

Municipal Code Section 10 – 6 – 18 – 1

Variation, Off-Street Parking Requirements

Municipal Code Section 10 – 8 – 2 – 1

Variation, Compact Spaces

Municipal Code Section 10 – 8 – 6A – 2

Variation, Parking Design Standards; C-2 District Standards

Municipal Code Section 10 – 8 – 6L

Variation, Driveway Quantity

Municipal Code Section 10 – 8 – 8B

Variation, Maximum Driveway Length

Municipal Code Section 10 – 8 – 8 – 1

Variation, Driveway Apron Width

Municipal Code Section 10 – 8 – 8F – 2

Variation, Tree Canopy Coverage

Municipal Code Section 10 – 9 – 5A

Variation, Parking Lot Interior Landscaping Island Size

Municipal Code Section 10 – 9 – 5C – 2

Variation, Minimum Buffer Yard

Municipal Code Section 10 – 9 – 6B – 2

Variation, Buffer Yard Landscape Elements

Municipal Code Section 10 – 9 – 6B – 3

Variation, Refuse Area Location

Municipal Code Section 10 – 9 – 7B – 1

Motion: Commissioner Rott made a motion to open CDC Case No. 2024-21. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe opened CDC Case No. 2024-21 at 7:29 p.m.

Village Planner, Kevin Quinn, was present and sworn in by Chairman Rowe. Mr. Quinn stated a Legal Notice was published in the Bensenville Independent on July 18, 2024. Mr. Quinn 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. Quinn stated Village personnel posted one Notice of Public Hearing sign on the property, visible from the public way on July 17, 2024. Mr. Quinn stated on July 17, 2024 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 3000' of the property in question. Mr. Quinn 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. Quinn stated the Petitioner, Primavera School (represented by Rocio Olvera), is seeking approval of site plan review and 12 variances. Mr. Quinn stated the first is to increase the maximum corner side setback from 60 feet to 72 feet. Mr. Quinn stated the second is to reduce the number of required off-street parking spaces from 20 to 19. Mr. Quinn stated the third is to increase the maximum allowable amount of compact parking spaces from 25 percent of total parking spaces to 50 percent of total parking spaces. Mr. Quinn stated the fourth is to allow two parking rows in the corner side yard. Currently, the municipal code allows for one row of parking in the corner side yard in the C-2 District. Mr. Quinn stated the fifth variance is to increase the allowable number of driveways. Mr. Quinn stated the site is allowed one by right, and the petitioner is requesting a second. Lots with 150 feet or more street frontage are allowed two driveways per frontage. Mr. Quinn stated the lot currently has 140 feet of street frontage on the Pine Avenue side, where the driveways are proposed. Mr. Quinn stated the sixth variance request is to increase the maximum driveway width from 12 feet to 15.5 feet. Mr. Quinn stated the seventh is to increase the maximum driveway apron width. Mr. Quinn stated the eighth variance request is to lower the tree canopy coverage requirements.

Mr. Quinn stated standards mandate 40% coverage of parking lot hardscape. Mr. Quinn stated due to site constraints, the petitioner appears unable to meet this requirement. Mr. Quinn stated the ninth is to lower the minimum parking lot interior landscape island size from 100 square feet to 90 square feet. Mr. Quinn stated the northwest landscape island does not meet the 100 square foot minimum. Mr. Quinn stated the tenth variance request is to reduce the minimum buffer yard requirement from 10 feet to 2 feet. Mr. Quinn stated due to the structure of the parking lot, the amount of buffer yard feasible is variable. Mr. Quinn stated 2 feet is the shortest distance. Mr. Quinn stated the eleventh variance request is to remove the buffer yard landscaping requirements. Mr. Quinn stated the eastern portion of the buffer yard has landscaping where feasible, but the western portion does not. Mr. Quinn stated the western portion does have a fence. Mr. Quinn stated the twelfth variance request is to locate the refuse area in the corner side yard, as opposed to the rear yard or interior side yard as required by code.

Ms. Rocio Olvera, applicant, were both present and sworn in by Chairman Rowe.

Public Comment

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

Mr. Quinn stated Staff recommends a continuance of Findings in order to provide due diligence in reviewing updated submittal information.

There were no questions from the commission.

Motion: Commissioner Marcotte made a motion to continue CDC Case No. 2024-21 until September 3, 2024. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

**Report from
Community**

Development:

Mr. Quinn 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 7:35 p.m.

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

Ronald Rowe, Chairman
Community Development Commission