

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

July 11, 2011

CALL TO ORDER: The meeting was called to order at 7:00 p.m.

ROLL CALL : Upon roll call, the following Commissioners were present:
Rowe, Janowiak, Moruzzi, Ventura, Weldon
Absent: None
A quorum was present.

Motion: Commissioner Rowe made a motion to appoint Commissioner Moruzzi as Chairman Pro Tem. Commissioner Ventura seconded the motion.

Roll Call: Ayes: Rowe, Janowiak, Moruzzi, Ventura, Weldon

Nays: None

Motion carried.

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission of June 13, 2011 were presented.

Motion: Commissioner Ventura made a motion to approve the minutes as presented. Commissioner Janowiak seconded the motion.

Roll Call: Ayes: Rowe, Janowiak, Moruzzi, Ventura, Weldon

Nays: None

Motion carried.

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Public Hearing: CDC Case Number 2011-04
Petitioner: Lerny Devin
Location: 1108 S. York Road
Request: Conditional Use Permit to allow Motor Vehicle Repair; Miner

Motion: Village Staff stated this item will be continued until August 8, 2011.

All were in favor.

Motion carried.

Public Hearing: CDC Case Number 2011-06
Petitioner: Mary Ann & Jesse Medina
Location: 185 S. Church Road
Request: Variance; Shed Location

The Public Hearing was opened at 7:08 p.m. Mary Ann & Jesse Medina was present and sworn in as owners of 185 S. Church Road. The property is zoned as RS-5; single family. The shed is ten feet by seven and a half feet. The Village code requires a ten foot separation from structure to structure. The shed is adjacent to the garage. The Village received a complaint about the shed due to a similar request being denied. Back in 2009, Mr. and Mrs. Medina had their garage rebuilt. A former inspector gave Mr. and Mrs. Medina verbal permission to leave the shed as is. The public hearing notice was published in the Daily Herald on June 25, 2011. A notice was mailed to residents around the area on June 24, 2011. A public hearing notice was placed in the window of 185 S. Church Road. Mrs. Medina read a statement into the record attached to the minutes as exhibit A. Mrs. Medina also submitted the following exhibits to the Commissioners, also attached to the minutes:

Exhibit B – Satellite View of 185 S. Church Road

Exhibit C – A signed letter from the Garden Club of Bensenville showing their support.

Exhibit D – Petition signed by neighbors showing support to allow the shed to remain in place.

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Public Comment:

Dieter J. Holz 189 S. Church Road

Mr. Holz stated he has been neighbors with the Medinas since December 1969 and has never had any issues with them or the location of the shed. Mr. Holz showed his support to allow the shed to remain in place.

Chairman Pro Tem Moruzzi closed the public hearing at 7:35 p.m.

Motion:

Commissioner Weldon made a motion to approve the finding of facts for CDC Case Number 2011-06 as follows:

1. Special Circumstances: Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.

The proximity of the detached garage to the rear property line prohibits the required ten foot separation. The balance of the rear yard/garden is well maintained and is planed with a raised vegetable garden and various flower beds. Relocation of the garden shed away from the service area of the yard would impact the family's gardens.

2. Hardship Or Practical Difficulties: For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.

The physical layout of the rear yard and detached garage make it a practical hardship to meet the separation requirement.

3. Circumstances Relate To Property: The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.

While other properties in the Village have detached garages, the rear yard of the Medina home is substantially improved with a raised garden. Relocation of the raised garden is not practical.

4. Not Resulting From Applicant Action: The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

The special circumstances of this property are not believed to be caused through the actions of the current owners.

5. Preserve Rights Conferred By District: A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

Approval of the relief sought by the applicant would not confer any special privilege to this property that is ordinarily denied other properties in the RS – 5 High Density Single Family District.

6. Necessary For Use Of Property: The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

The property-owners are avid gardeners elimination of a sizeable portion of their rear garden for the relocation of the shed would in fact diminish their use and enjoyment of their property.

7. Not Alter Local Character: The granting of the variance will not alter the essential character of the locality nor substantially

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8. impair environmental quality, property values or public safety or welfare in the vicinity.

Approval of the relief sought will not alter the essential character of the neighborhood. The shed at its current location is all but hidden except from the most proximate neighbors.

9. Consistent With Title And Plan: The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

Granting of the requested variance will be in harmony with the general purpose and intent of the Village of Bensenville's plans.

10. Minimum Variance Needed: The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

Commissioner Ventura seconded the motion.

Roll Call: Ayes: Rowe, Janowiak, Moruzzi, Ventura, Weldon

Nays: None

Motion carried

Motion: Commissioner Rowe made a motion to approve CDC Case Number 2011-06. Commissioner Janowiak seconded the motion.

Roll Call: Ayes: Rowe, Janowiak, Moruzzi, Ventura, Weldon

Nays: None

Motion carried

Report from Community Development:

Mr. Viger reviewed both recent Village Board actions and prior CDC cases along with upcoming cases.

ADJOURNMENT:

There being no further business before the Community Development Commission, Commissioner Rowe made a motion to adjourn the meeting. Commissioner Janowiak seconded the motion.

All were in favor
Motion carried.
The meeting was adjourned at 7:50 p.m.

Chairman Pro Tem
Community Development Commission

I am Mary Ann Medina. My husband Jesse and I own the property at 185 South Church Road, where we have lived since December, 1969. We are requesting a variance for the location of a storage shed on our property. This is very important to us, so please be patient and hear me out.

We had an old storage shed, potting shed and garage (which was falling off its foundation), torn down in 2009, and a new garage (the same size as the old one) put up. An inspector came out to talk with us about the placement of a new shed. He looked over the area behind the garage, and agreed with us that this was "dead space" and totally unusable for anything but a shed, due to the shade both from a Black Walnut tree to the east and the garage to the west. He said, and I quote, "Once the final inspection is completed, go ahead and put the shed there. It won't be in anyone's way, and it will make the area look better than it does now." Nothing was said about a need for a permit. So we thought we had an OK to place the shed there, and we proceeded to do so.

As to the approval criteria for variances, I will expand on the data we presented to the CDC:

1. Special Circumstances

The corner of our property in which the shed is now located is unusually configured, due to the irregularly shaped utility easement. It is nearly hidden from view. It is specific to our property and is not so recurrent of a nature as to require a general Ordinance amendment.

2. Hardship or Practical Difficulties.

To be required to now move the shed from its current location would cause a great undue hardship on us. We are both in our 70s. Our yard is planted with perennials, annuals and shrubs in raised beds which are bordered by retaining wall blocks 2 to 3 deep. Our raised vegetable garden is bordered by the same blocks 4 to 5 deep. I counted the blocks around the vegetable garden, and there are approximately 80 of them in that area alone. I was told by a Village employee that these retaining wall blocks weigh approximately 20 pounds each. The current site of the shed is the ONLY spot in our yard which is **not** fully landscaped. Therefore, it is the optimum place to locate the shed. If we are required to move it, in order to place it somewhere else in the yard, we would have to dig up a great number of perennials, move the retaining wall blocks outlining the gardens, tear up sod and our vegetable garden along with the 80 + blocks surrounding it, level out the area for the new location, and, once the shed is moved, we would have to relocate and replant the perennials, etc. and put the retaining wall blocks back into place. Our current annuals would be lost to us, as would our vegetable garden, as these do not transplant successfully, for example, lettuce, basil, tomatoes, beets, green peppers, herbs, zucchini, etc. The physical aspect of all this hard labor would be detrimental to our health. This would be much more than a mere inconvenience – it would create a serious strain on our physical health and well-being and be extremely difficult for us. Digging up the plants, some of which have been in place for over 25 years (such as lilies, hosta, and peonies), moving the retaining wall blocks, rototilling new beds and lining them with the blocks, and putting all the plants back into the ground, along with the laborious task of emptying the shed of all our gardening and snow removal equipment, bags of fertilizer, etc. currently in it, and then leveling a new site, physically moving the shed and replacing its contents would be more strenuous on us than you can possibly imagine. We would also have to move and relocate approximately 10 to 15 2-foot

square patio blocks which we use as a walkway to get equipment to and from the shed. This would be another heavy job for us to complete.

As I stated earlier, we are senior citizens, we **each** have had two total knee replacements. Jesse had a slight stroke in 2007, and I was hospitalized twice in 2010 because of symptoms of heart attacks and/or TIAs. I honestly fear that an undertaking of this magnitude would cause us to have serious health consequences.

To hire someone to do the job would be cost-prohibitive and we just couldn't afford it. So, either doing the job ourselves and taking a chance on injuring our health, or having a contractor do it at a great expense to us would be out of the question.

3. Circumstances Relate to Property.

The soil upon which the shed now sits is not conducive to a vegetable garden or flower beds, due to the fact that:

a. There is a huge Black Walnut tree directly in front of our shed in the easement area to the east of our lot line. Some plants will not grow within the reach of the Black Walnut tree roots, which produce a substance toxic to plants. This substance has a negative effect on neighboring trees, vegetables, and plants. You can verify this by checking Rodale's Landscape Problem Solver, page 28, or 10,000 Garden Questions, edited by M. Dietz, page 997. I have these books with me if you would like to check it out. Therefore, we would not be able to relocate our perennial gardens or have a vegetable garden in this space, not only due to the toxic nature of the tree roots, but also because the area gets very little sunlight in the morning and practically none in the afternoon, due to the tree and the garage, thus rendering the space useless for anything but a shed.

b. The site on which the shed now sits was basically used as a dumping ground when the new garage was built. All sorts of debris – glass, nails, stones, bits of concrete and wood, etc. can be found in the soil. Even if the area was able to support a garden (which it isn't, due to the shade issue), it would be a tremendous job to clear out all of the trash which the builder tossed there. We have a very small plot directly to the south of the shed, and I am still finding rusty nails, glass, etc. when I try to weed this area.

4. Not Resulting from Applicant Action

We placed the shed in its current location as we were led to believe by a Village Inspector in 2009 that it would be OK to do so.

5. Preserves Rights Conferred by District

The variance would not confer a special privilege denied to other properties – it would just allow us to have full use of our property, to which we feel we are entitled.

6. Necessary Use of Property

The granting of a variance is necessary in our opinion because without it we would be deprived of reasonable use and full enjoyment of our yard.

7. Not Alter Local Character

The granting of the variance will have no detrimental effect on the neighborhood; it will not negatively impact property values, public safety or welfare in the vicinity. Our yard is attractive – possibly one of the better maintained in all of Bensenville. The area where the shed is now located is landscaped as best as we could. It is by no means an eyesore. Contrary to a negative impact, it has a positive impact on the neighboring areas as it is clean, well maintained, and brightens up an otherwise totally useless space.

8. Consistent with the Ordinance and Plan

If a variance is granted, it will not serve in effect to substantially invalidate or nullify any part of the General Development Plan, as it would be **specifically** for 185 South Church, and **not** for the general area.

9. Minimum Variance Needed

If the variance request is approved, it will provide us the relief from undue hardship which moving the shed would cause, straining our physical well-being. It **would** allow us to fully enjoy our backyard, as having the shed in its current location enables us to further improve the rest of the yard.

Jesse and I have worked hard, trying to beautify our little corner of Bensenville. I spend an average of 20 to 30 hours a week during the summer working in our gardens. Jesse takes care of the lawn, evergreens and the bushes which edge our driveway. We would be very upset if all of our hard work maintaining our property were for naught. I sincerely hope and pray that you will grant the variance we request and allow the shed to remain where it is. Our neighbors can now look into our yard and have an impressive view of neat, colorful, well-kept gardens and lawn. It's a very nice shed, and I know that our neighbors to the north, south and east agree that the structure is in no way offensive to them. These immediate neighbors and other folks who live in town and who have seen our yard have shown their support for our request that the Board grant the variance in question by signing this petition which I will now give to you. There are approximately 60 signatures on the petition. I also have photos of our yard which I would like you to see, a satellite view showing how the Black Walnut tree shades most of the garage and the area in question , and a signed letter from the Officers of the Garden Club of Bensenville requesting the approval of our variance request . Also, some of our neighbors are in attendance at this meeting tonight to show their support for us. If any of you on the CDC or the Board would like to personally see our yard, please let us know beforehand so that we'll be home when you come to visit. Thank you for your time and compassionate consideration of our variance request.

Satellite View of My House

Note: This free street level "Find My House" service is available for addresses in the USA, Canada, France, Germany, Italy, Spain, Japan, Australia, and New Zealand. Additional countries will be added as Google Maps launches in other countries.

Example USA entry: 1234 MyStreet, MyCity, MyState Zipcode
185 South Church Road, Bensenville, IL 60106

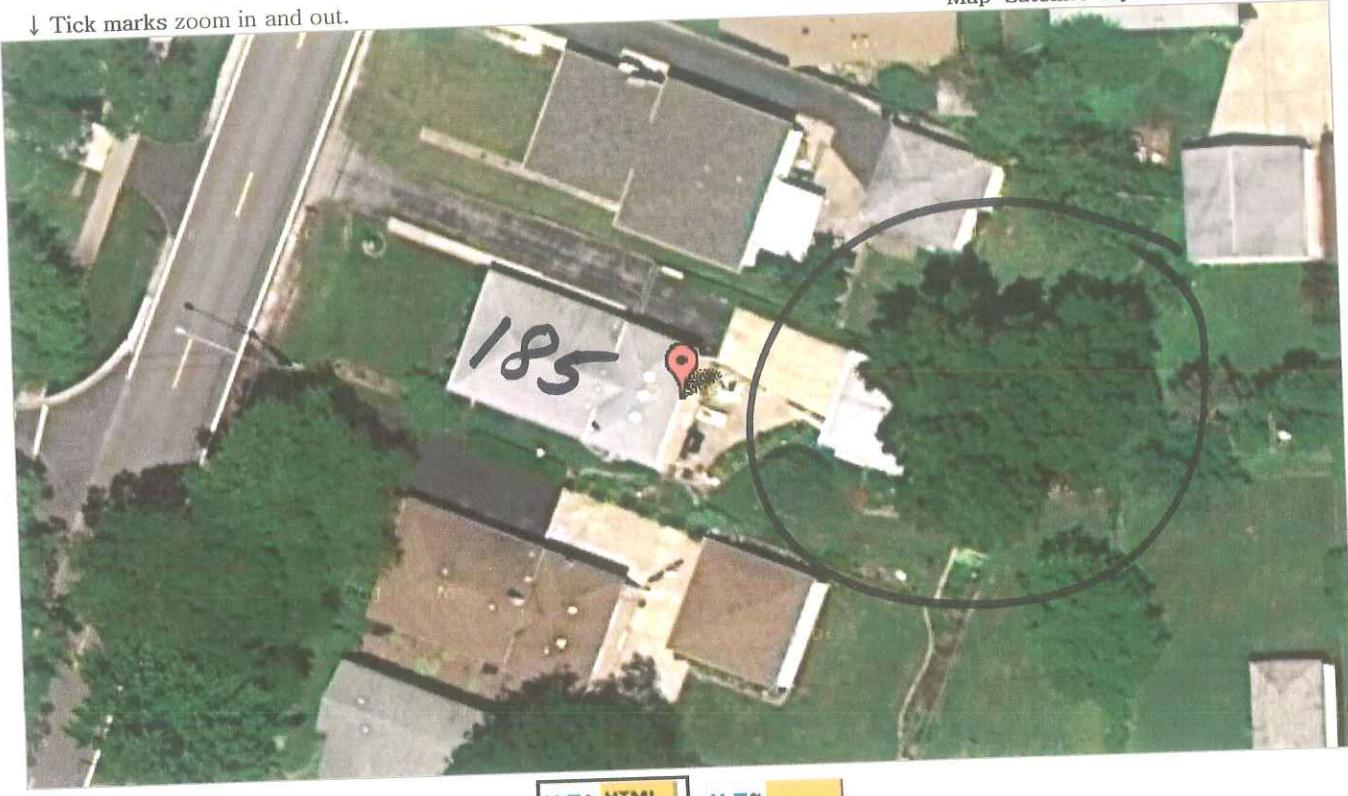
Go!

Like 1002 likes. [Sign Up](#) to see what your friends like.

↓ Tick marks zoom in and out.

Fizber Street View allows visitors to view and navigate street level imagery. It's almost like walking down the actual street!

Map-Satellite-Hybrid selects view.



As you can see from this view of 185 S. Church which I got off the Internet, the huge Black Walnut tree behind our property extends almost entirely over our garage and the area in question where our storage shed now stands, making the area unsuitable for a garden. The only thing this space is good for is to hold the shed.

*Garden Club of Bensenville**Bensenville, Illinois**Established May 2, 1949**Affiliated with the Garden Clubs of Illinois and The National Garden Clubs, Inc.*

July 6, 2011

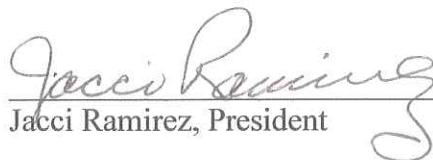
An Open Letter to the Village of Bensenville:

Mayor F. Soto,
Community Development Committee,
Community and Economic Development Committee, and
Village Trustees

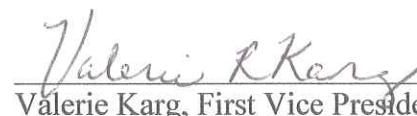
Mary Ann Medina has been a member in good standing in the Garden Club of Bensenville since 2000. She and her husband Jesse have worked tirelessly to improve and maintain their property at 185 South Church Road since they moved into our community in 1969.

It has come to our attention that they have been asked to move the storage/garden shed behind their new garage. To be required to do so would inflict a great hardship for them, as they are now seniors, both in age and in years of residence in Bensenville, having lived here for almost 42 years. The current location of the shed is the only spot in their entire yard which is not totally landscaped with perennials, annuals, and shrubs, making this site the most sensible place to have the shed. If they are required to move the shed, they would have to dig up and relocate several garden areas, which have been diligently cared for and improved over time. This would be extremely difficult for them, due to their age and physical health and well-being.

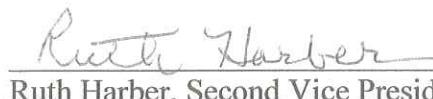
Two of the objects of our Club are development of the home grounds and cooperation in the beautification of the community. Mr. and Mrs. Medina have done just that. Their yard is well maintained and a joy to see. Therefore, we, the undersigned Officers of the Garden Club of Bensenville, hereby urge the CDC, CEDC, and Village Board of Trustees to grant their request for variance to keep their shed where it now stands. Thank you for your consideration in this matter.



Jacci Ramirez, President



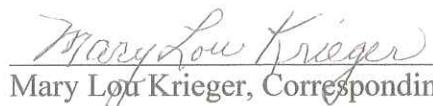
Valerie Karg, First Vice President



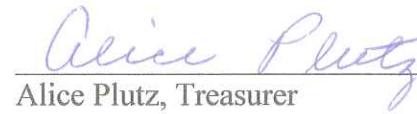
Ruth Harber, Second Vice President



Eleanor Leveen, Recording Secretary



Mary Lou Krieger, Corresponding Secretary



Alice Plutz, Treasurer

To the Village Board of Bensenville:

By my signature below, I hereby concur with the request of Mr. and Mrs. Jesse Medina that a variance be approved for the placing of a garden shed directly behind their garage located at 185 S. Church Road.

Name	Address	Date	
Storm Angelopoulos	184 S. CHURCH	5-28-11	BENS.
Jeannie Angelopoulos	184 S. Church Rd.	5-28-11	BENS.
Angelo Angelopoulos	184 S. Church Rd.	5-28-11	BENS.
Peter Poskoff	193 S. CHURCH RD	5-30-11	BENS.
Doreen B Poskoff	193 S. Church Rd.	5-30-11	BENS.
Tom Chidz	180 S. Church rd	5-30-11	BENS.
Josieva A. Benneff	188 S. Church Rd.	5-30-11	BENS.
Miguel Sanchez	181 S. church Rd	5-30-11	BENS.
Rosa Sanchez	181 S. church Rd	5-30-11	BENS.
Erzy R. Hoh	189 S. Church Rd,	5-30-11	BENS.
Dwight Hoh	189 S. Church Rd	5/30/11	BENS.
Alice Plutz	1051 So. Center St	5-31-11	BENS.
Jessi Ramirez	445 S. Judson, Bnille	5-31-11	BENS.
Christina Paulus	17091 White Pine	5-31-11	BENS.
Valerie Karg	223 S. Church Roade	5-31-11	BENS.
Mary Lou Kriger	934 W Irving Park	5-31-11	BENS.
Edna S. Jensen	42268 Ridgewood	5-31-11	BENS.
Ruth Barber	232 Judson	5/31/11	BENS.

To the Village Board of Bensenville:

By my signature below, I hereby concur with the request of Mr. and Mrs. Jesse Medina that a variance be approved for the placing of a garden shed directly behind their garage located at 185 S. Church Road.

Name	Address	Date
Victor Sanderson	629 W. Wood St.	6/1/11
Provene Sanderson	SAME	6-1-11
Gloria Schultz	527 W. Green	6-2-11
Meynell Lomax	162 S. Church Bens	6-2-11
Daniel Lomax	162 S. Church Rd Bensenville	6-2-11
Erta Lied	11 W. Ocean St Bensenville	6-2-11
Nancy Bndt	402 S. Judson, B'ville	6-2-11
Jackie Cruz	206 Judson Bensenville	6-3-11
Phyllis Mitchell	620 S. York Rd "	6-3-11
Patmen Maropus	205 Judson	6-3-11
Say A. Garcia	450 W. WASHINGTON	6-4-11
Joseph Lypch	527 W. GREEN ST	6-4-11
Daniel Nel	532 W. Green St	6/4/11
Chris Medina	17W050 Woodlawn Ave Bensenville	6-6-11
Quan LeKuaz	17W078 Woodlawn Bens	6-7-11
Richard A. King	" " "	6-7-11
Robert M.	17W050 Woodlawn Ave, Bensenville	6-7-11
Jean Elg	17W 145 Woodlawn Av	6/18-11

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To the Village Board of Bensenville:

By my signature below, I hereby concur with the request of Mr. and Mrs. Jesse Medina that a variance be approved for the placing of a garden shed directly behind their garage located at 185 S. Church Road.

Name	Address	Date
Maria Villegas Juan	192. S. Church Rd. Bensenville Ill.	6/21/11
Cintia Perez	1035 S. Center St. Bensenville IL 60106	6/21/11
John Baader	724 W. Green St. Bensenville 60106	6/23/11
Diana Fransen	185 S. Rose St. Bens. 60106	6/23/11
Richard Paulish	402 S. Judson Ben. 60106	6/23/11
Barbara Wansung	946 Dolores Dr. 60106	6/23/11
Sam Nigura	125 E. Memorial 60106	6/23/11
Virginia Thomas	124 E. Memorial 60106	6/23/11
Luis H. Weber	119 E. Memorial 60106	6/23/11
Steve Pawels	196 S. Church Rd 60106	6-25-11
ipown Pawels	196 S. Church Rd 60106	6-25-11
Manuel Sandoval	620 W. Wood	6-27-11
Migra Caponego	201 Miner St.	6-27-11
Wie Mockman	201 Miner St	6-27-11
Stu	329 S. Walnut	6-28-11
Paul & Edna Kaz	329 S. Walnut	6/28/11
Colby, Chitte	1050 S. Center	6-28-11
Markie N. Jaksiki	630 McLean Av.	6/28/11

To the Village Board of Bensenville:

By my signature below, I hereby concur with the request of Mr. and Mrs. Jesse Medina that a variance be approved for the placing of a garden shed directly behind their garage located at 185 S. Church Road.