



12 South Center Street
Bensenville, IL 60106

Office: 630.350.3404
Fax: 630.350.3438
www.bensenville.il.us

VILLAGE BOARD

September 29, 2017

President
Frank DeSimone

Board of Trustees
Rosa Carmona
Ann Franz
Agnieszka "Ammie" Jaworska
McLaren Loma
Nicholas Pencola Jr.
Armando Perez

Village Clerk
Nancy Quinn

Village Manager
Evan K. Summers

Ms. Sara Whittaker
1300 South Meridian Avenue, Suite 400
Oklahoma City, Oklahoma 73108

Re: September 28, 2017 Commercial FOIA Request

Dear Ms. Whittaker

I am pleased to help you with your September 28, 2017 Commercial Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on September 28, 2017. You requested copies of the items indicated below:

"Please provide copies of any open zoning, building and fire code violations on file, copies of any variance, special or conditional use permits granted and copies of certificate of occupancy/business licenses issued and a copy of the final approved site plan for 222 to 230 Sivert Court AKA 123 Sivert Court."

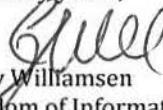
After a search of Village files, the following documents are enclosed to fulfill your request:

- 1) Village of Bensenville Business License No. 2312. (1 pg.)
- 2) Village of Bensenville Ordinance No. 21-2009. (18 pgs.)

These are all of the documents that can be discovered responsive to your request.

Do not hesitate to contact me if you have any questions or concerns in connection with this response.

Very truly yours,


Corey Williamsen
Freedom of Information Officer
Village of Bensenville



BENSENVILLE

WHERE OPPORTUNITY TAKES OFF

Thank you for purchasing your 2017 Business License

Watch for one of our Village Inspectors to visit you soon for your annual inspection.

CREATIVE WERKS, L. L. C.
222 SIVERT COURT
BENSENVILLE, IL 60106

"We are here to help"
----- Questions? -----
Call us at 630.350.3413

DISPLAY IN A PROMINENT
LOCATION

**VILLAGE OF BENSENVILLE
BUSINESS LICENSE**

LICENSE NUMBER
2312

20 **CREATIVE WERKS, L. L. C.** 17
222 SIVERT COURT
BENSENVILLE
COMMUNITY & ECONOMIC
DEVELOPMENT

Village President

Non-Transferable
Expiration date: 12/31/17

Director of Community and Economic
Development

For your records

**VILLAGE OF BENSENVILLE
BUSINESS LICENSE**

LICENSE NUMBER
2312

20 **CREATIVE WERKS, L. L. C.** 17
222 SIVERT COURT
BENSENVILLE
COMMUNITY & ECONOMIC
DEVELOPMENT

Village President

Non-Transferable
Expiration date: 12/31/17

Director of Community and Economic
Development

**VILLAGE OF BENSENVILLE
12 SOUTH CENTER STREET
BENSENVILLE, ILLINOIS 60106**

ORDINANCE NO. 21-2009

**An Ordinance Granting A Variance From A Certain Requirement of the Bensenville
Zoning Ordinance Mainfreight, Inc. – 123 Sivert Court.**

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 17th DAY OF March, 2009**

**Published in pamphlet form by authority of the President and Board of Trustees of the
Village of Bensenville, DuPage and Cook Counties, Illinois this 11th day of March 2009**

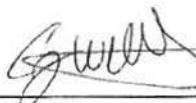
STATE OF ILLINOIS)

COUNTIES OF COOK) SS

AND DUPAGE)

I, Corey Williamsen, do hereby certify that I am the duly appointed Deputy Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois, and as such officer, I am the keeper of the records and files of said Village;

I do further certify that the foregoing constitutes a full, true and correct copies of the Village of Bensenville's Ordinance No.21-2009 entitled An Ordinance Granting a Variance from a Certain Requirement of the Bensenville Zoning Ordinance Mainfreight, Inc. – 123 Sivert Court. IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal this 18th day of March, 2009



Corey Williamsen
Deputy Village Clerk

SEAL

ORDINANCE # 21-2009

**AN ORDINANCE GRANTING A VARIANCE
FROM A CERTAIN REQUIREMENT OF THE BENSENVILLE ZONING ORDINANCE
MAINFREIGHT, INC. – 123 SIVERT COURT**

WHEREAS, on or about November 7, 2008, American Sign and Lighting Co., on behalf of Mainfreight, Inc. (the “Applicant”), filed an application for variances from certain requirements of the Bensenville Zoning Ordinance (“Zoning Ordinance”) for the property commonly known as 123 Sivert Court, Bensenville, as legally described on Exhibit “A” attached hereto and incorporated herein (the “Subject Property”); a copy of said application is attached hereto as Exhibit “B” and incorporated herein by this reference; and,

WHEREAS, Notice of Public Hearing with respect to the requested variances was published on or about December 25, 2008, in the Bensenville Press, being a newspaper having general circulation within the Village of Bensenville (the “Village”), all as required by the statutes of the State of Illinois and the ordinances of the Village; a copy of said Notice is attached hereto as Exhibit “C” and incorporated herein by reference; and,

WHEREAS, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing on or about January 12, 2009, all as required by the statutes of the State of Illinois and the ordinances of the Village; and,

WHEREAS, the Community Development Commission forwarded its recommendations, including its Findings of Fact, to the President and Board of Trustees on or about January 12, 2009, a copy of which is attached hereto as Exhibit “D” and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, as follows:

SECTION ONE: That pursuant to Section 10-3-3 of the Zoning Ordinance, certain provisions thereof are hereby varied as follows:

That the maximum height for a wall sign as provided by Section 10-18-11(A)(2)(d)(2) of the Zoning Ordinance is hereby varied from twenty feet (20') above grade to twenty feet and four inches (20' 4") above grade.

SECTION TWO: That the requested variance from the requirements of Section 10-18-11(A)(2)(b)(2) regarding the number of wall signs is hereby denied upon the Applicant's withdrawal of said request.

SECTION THREE: That the recommendations and Findings of Fact of the Community Development Commission previously incorporated herein as Exhibit "D" be and the same are hereby adopted by the President and Board of Trustees as and for its Findings of Fact, and the President and Board of Trustees further find with respect to the variation granted herein:

1. Special circumstances, as more fully set forth in the exhibits hereto, exist that are peculiar to the Subject Property and that do not apply generally to other properties in the C-4 Zoning District, and that said circumstances are not of so general or recurrent in nature as to make it reasonable and practical to provide a general amendment to the Zoning Ordinance to cover them; and,
2. For reasons more fully set forth in the exhibits hereto, the literal application of the provisions of the Zoning Ordinance would result in unnecessary and undue hardship or practical difficulties for the Applicant as distinguished from mere inconvenience; and,
3. That said special circumstances and hardship relate only to the physical character of the Subject Property and the structure located thereon, and do not concern any business or activity that the present or prospective owner(s) or occupant(s) carries on therein, nor to the personal, business or financial circumstances of any party with an interest in the property; and,
4. That said special circumstances and practical difficulties and hardship have not resulted from any act, undertaken subsequent to the adoption of the Zoning Ordinance or any applicable amendment thereto, of the Applicant or of any other party with a present interest in the property; and,
5. Granting said variance is necessary for the Applicant to enjoy a substantial property right possessed by other properties in the C-4 Zoning District and does not confer a special privilege ordinarily denied to such other properties; and,
6. Granting said variance is necessary not because it will increase the Applicant's economic return, although it may have said effect, but because without a variance the Applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the Subject Property; and,

7. Granting said variance does not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity; and,
8. Granting said variance is in harmony with the general purpose and intent of the Zoning Ordinance and the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and do not serve in effect to substantially invalidate or nullify any part thereof; and,
9. That the variance granted herein is the minimum required to provide the Applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the Subject Property.

SECTION FOUR: That the relief granted in Section One herein is expressly conditioned upon the Subject Property at all times being constructed, used, operated and maintained in accordance with all provisions of the Bensenville Village Code. The relief granted herein is further expressly conditioned on the Subject Property being at all times constructed, used, operated and maintained in accordance with the plan attached hereto as Exhibit "E", which is hereby incorporated herein by this reference. Failure to so comply may result in the revocation of the variances provided for herein.

SECTION FIVE: The terms and conditions set forth in this Ordinance are deemed to be a fundamental element of the relief granted herein, and are intended by the Village and the Applicant to run with the Subject Property and be binding upon any and all successors in interest to the Applicant.

SECTION SIX: That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

SECTION SEVEN: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, this 17th day of Mar., 2009.



John C. Geils, Village President

ATTEST:



Carole Crowe Mantia, Village Clerk

AYES: Adamowski, Johnson, Tralewski, Mandziara, Williams

NAYES: None

ABSENT: Medina

Ordinance # 21-2009

123 Sivert Court
Mainfreight, Inc.

Exhibits

- A. Legal Description
- B. Application
- C. Legal Notice
- D. Community Development Commission & Findings of Fact
- E. Plan

EXHIBIT A

LEGAL DESCRIPTION FOR

123 Sivert Ct.

THAT PART OF LOT 3 IN 1ST ADDITION TO KLEFSTAD'S BENSENVILLE INDUSTRIAL PARK IN THE EAST $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ SECTION 11, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 26, 1977 AS DOCUMENT R77-97746, LYING SOUTHERLY OF A LINE DRAWN PARALLEL WITH AND 333.00 FEET NORTH OF THE CENTER LINE OF SIVERT COURT AND LYING WESTERLY OF A LINE DRAWN PARALLEL WITH THE WEST LINE OF YORK ROAD SOUTHERLY FROM THE SOUTHWEST CORNER OF LOT 4 IN FLORENCE WOLFF'S ASSESSMENT PLAT OF PART OF SAID NORTHWEST $\frac{1}{4}$ OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

Oct. 14, 2008 11:20AM

No. 1424 P. 6

EXHIBIT B

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION FOR APPROVAL OF CONDITIONAL USE,
REZONING OR VARIANCE

Village of Bensenville Acct. #

Development Name: Mainfreight Date of Submission: 11/7/2008

A. OWNER:

Mainfreight / AMB Property Corp.

Name Corporation (if applicable)

123 Sievert Court

Street

Bensenville

IL

60106-1105

City

State

Zip Code

Sue Beattie

310-900-1974 x202

Contact Person

Telephone Number

If Owner is a Land Trust, the names and addresses of the beneficiaries of the Trust.

B. APPLICANT:

American Sign & Lighting

Name Corporation (if applicable)

123 King Street

Street

Eik Grove Village

IL

60007

City

State

Zip Code

Candace Wise

847-725-8000 ext. 104

Contact Person

Telephone Number

Sign Erector

Relationship of Applicant to subject property

Oct. 14, 2008 11:20AM

No. 1424 P. 8

E. PROJECT DATA:

1. Location: 123 Sivert Court, Bensenville, IL
2. Property Index Number(s) (PIN): 03-11-202-043
3. General description of the site: Site is industrial in nature used in the transportation of freight.
4. Existing zoning and land use of the site: C-1 Regional Pub Commercial
5. Acreage of the site: 4.12 acres
6. Character of surrounding area:

	Zoning	Existing Land Use	Jurisdiction
North:	<u>C-1</u>	<u>Vacant</u>	<u>Village of Bensenville</u>
East:	<u>C-1</u>	<u>Vacant</u>	"
South:	<u>C-1</u>	<u>Vacant</u>	"
West:	<u>I-2</u>	<u>Industrial</u>	"

7. List any controlling agreements (annexation agreements, Village Ordinances, site plans): #10-18-11.d.2

8. Response Letter. On a separate sheet of paper state why your request should be approved based on the applicable "Approval Criteria" as set forth in the attached Section 10-3-5 (Approval Criteria for zoning Map Amendment), Section 10-3-3-B (Approval Criteria for Variances) or Section 10-3-4-C (Approval Criteria for Conditional Uses).

Oct. 14, 2008 11:20AM

C. ACTION REQUESTED (Check applicable):

Rezoning from _____ to _____

Conditional Use for _____

Variance for Ordinance 10-18-11 Section D #2
from 20 feet above grade to 20 feet four inches above grade

Any additional requests which are being processed with the rezoning, special use or variance (if requesting a preliminary/final planned unit development or subdivision plat use other form):

None

Is this development within the Village limits?

Yes _____ No, requesting annexation _____

Under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.

D. DEVELOPER'S STAFF:

Attorney: _____ Telephone Number: _____

Builder: _____ Telephone Number: _____

Developer: _____ Telephone Number: _____

Engineer: _____ Telephone Number: _____

AMERICAN SIGN FACTORY LLC

123 King Street Elk Grove Village, IL 60007 T 847.725.8000 F 847.725.8005	4811 W Woolworth Ave. Milwaukee, WI 53218 T 414.353.3666 F 414.353.6828
--	--

Variance Application Village of Bensenville Mainfreight

Mainfreight specializes in handling freight throughout the United States and the world. The building, with its multiple trucking docks, is constructed with this purpose in mind. The downward slope of the trucking docks prevents full visibility of the proposed signage at the standard twenty feet above grade. With the installation of the signage at 20' 4", complete visibility is attainable. In keeping with the spirit of this ordinance and the General Development Plan, Mainfreight elected to utilize a smaller letterset in order to maintain the aesthetics of the building as opposed to using the maximum allowable signage area. The additional height requested with this variance is the minimum amount needed to maintain the signage integrity and to attain reasonable visibility of the sign.

EXHIBIT C

LEGAL NOTICE/PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTE that on Monday, January 12, 2008 at 7:30 p.m., a Public Hearing for Case No. CDC011209-1 will be held by the Village of Bensenville's Community Development Commission at the Village Hall, 12 S. Center Street, Bensenville, IL, 60106 to consider Variances for two wall signs at 123 Sivert Ct. The legal Description is as follows:

THAT PART OF LOT 3 IN 1ST ADDITION TO KLEFSTAD'S BENSENVILLE INDUSTRIAL PARK IN THE EAST ½ OF THE NORTHEAST ¼ SECTION 11, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 26, 1977 AS DOCUMENT R77-97746, LYING SOUTHERLY OF A LINE DRAWN PARALLEL WITH AND 333.00 FEET NORTH OF THE CENTER LINE OF SIVERT COURT AND LYING WESTERLY OF A LINE DRAWN PARALLEL WITH THE WEST LINE OF YORK ROAD SOUTHERLY FROM THE SOUTHWEST CORNER OF LOT 4 IN FLORENCE WOLFF'S ASSESSMENT PLAT OF PART OF SAID NORTHWEST ¼ OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

The petitioner's application and all supporting documentation may be examined by any interested parties in the office of the Community Development Department, Monday through Friday, in the Village Hall, 12 South Center Street, Bensenville, IL 60106. All interested parties may attend and will be heard at the Public Hearing. Written comments will be accepted by the Community Development Department through January 12, 2009 until 5:00 p.m.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE PRESS,
DECEMBER 25, 2008**



EXHIBIT D

DATE: February 10, 2009

TO: James Johnson, Village Manager

FROM: Marcelyn Bunch, Village Planner

SUBJECT: Variance for a wall sign above 20' at
123 Sivert Ct., Case # CDC011209-1
(Municipal Ordinance, Section 10-18-11.A.2.d2)

PURPOSE:

The purpose of this memorandum is for the Board to consider a Variance a wall sign above 20' at 123 Sivert Ct.

DISCUSSION:

Tom Valentine, the Vice-President of Northern Region of the USA, for Mainfreight, Inc. and Chris Wrobel, the account manager for American Sign, represented the applicant, Mainfreight, Inc. They are seeking a Variance for a wall sign above 20' at 20'4" on the East side of the building facing York.

Originally, Mainfreight wanted two wall signs; but Municipal Ordinance, Section #10-18-11.A.2.b.2 allows only one wall per street frontage. The applicant has since agreed to remove the wall sign on Sivert Ct. The two wall signs had originally been installed without permits. Mainfreight has also paid their past due sewer and water bill of \$57.34 and are current.

RECOMMENDATION:

The staff does not recommend approval to the Village President and the Board of Trustees for the Variance for one wall sign above 20' at 20'4".

MOTION:

Commissioner Wilhelm made motion to approve the Variance for one wall sign facing York Rd, provided the company remove the the other wall sign facing Sivert Ct.

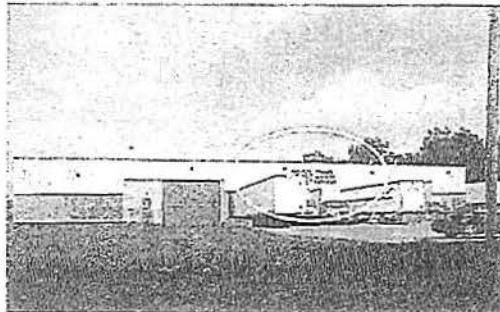
Commissioner Ramirez seconded the motion.

ROLL CALL:

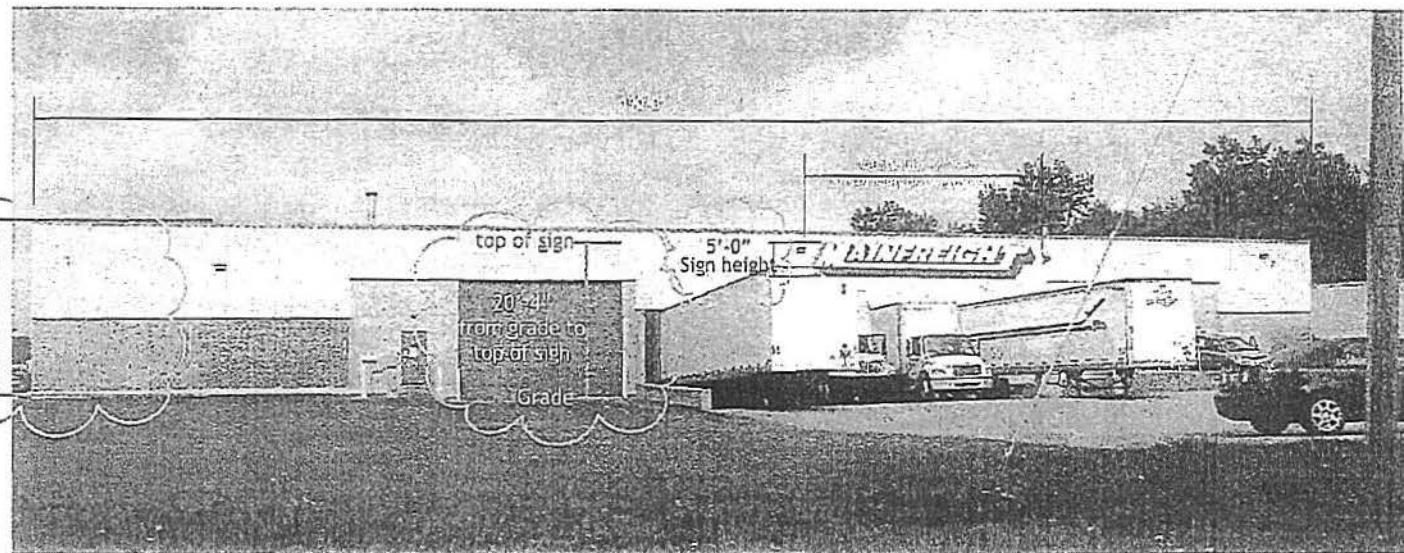
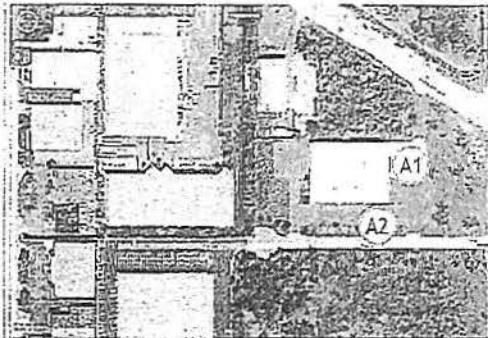
AYES: Gibbs, Ramirez, Wilhelm, McCutcheon, Markowski

NAYS: Kalogeresis

MOTION CARRIED.



Remove existing sign patch and paint and install new sign.



survey does not show actual dimensions between the light fixtures
Additional survey proposed by the production assistant.

EXHIBIT E


SIGNS & SERVICES
COMPANY, INC.
COMMERCIAL & INDUSTRIAL

SIGN A FRONT ELEVATION A1 Scale: NTS

10980 Boatman Ave.
Stanton, California 90680
T 1-800-743-6942
F 714-781-2451
signsandservicesco.com
President Member of
SEGD   

Representative:
David Terrack
Date: Designer:
8/13/08 Teresa Culbertson
Drawing:
08-573

Revision:
▲ 9/26/08 TC
▲ 10/21/08 TC
▲

Production
Drawing

Project:
MAINFREIGHT
123 Sievert Ct. • Bensenville, IL 60106-1105

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PG. 2 of 63

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

January 12, 2009

CALL TO ORDER: The meeting was called to order at 7:30pm

ROLL CALL : Upon roll call, the following Commissioners were present:
Gibbs, Ramirez, Wilhelm, McCutcheon, Markowski, Kalogeresis
A quorum was present.

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission of December 8, 2008 were presented.

Motion: Commissioner McCutcheon made a motion to approve the minutes, as amended. Commissioner Kalogeresis seconded the motion.
All were in favor.
Motion carried.

Public Hearing: CDC Case Number 011209-1
Petitioner: Thomas Valentine, Chris Wrobel
Location: 123 Sivert Ct.
Request: Variances for more than one wall sign per street frontage and a wall sign above 20'.

Mr. Valentine and Mr. Wrobel, representing Mainfreight, were present and sworn in by Chairman Markowski. Mr. Wrobel informed the board that the signs are currently installed at 20' 4" and is aware of the village ordinance of 20'. The reason the extra four inches is needed is visibility. The truck docks are directly below the sign and the size of the trucks interfere with visibility.

Commissioner Markowski indicated that the signs were put up without a permit. Mr. Wrobel confirmed that the permit was applied for on 9/17/08 and denied on 9/22/08. Due to pressure from the customer, the signs were put up on 9/29/08. There are two signs currently installed, one facing York Rd. and one facing Sivert Ct.

Mr. Valentine informed the board that the company is aware of the issue. They understand the signs were not installed properly and are willing to work to resolve the issue.

Mr. Viger reminded the board there is a monument sign on Sivert and Mr. Valentine confirmed it.

MOTION: Commissioner Wilhelm made motion to approve the Variance for one wall sign facing York Rd, provided the company remove the wall sign facing Sivert Ct.

Commissioner Ramirez seconded the motion.

ROLL CALL: AYES: Gibbs, Ramirez, Wilhelm, McCutcheon, Markowski
NAYS: Kalogeresis
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 Ramirez made a motion to adjourn the meeting. Commissioner Kalogeresis seconded the motion.

All were in favor
Motion carried.
The meeting was adjourned at 8:51pm

Chairman
Community Development Commission