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January 9, 2018

Mr. Michael Ryan  
9501 West Devon Avenue #300  
Rosemont, Illinois 60018

Re: January 8, 2018 FOIA Request

Dear Mr. Ryan:

I am pleased to help you with your January 8, 2018 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on January 8, 2018. You requested copies of the items indicated below:

*"All ordinances and resolutions passed by the Village Board for the property at 340 County Line Rd. Bensenville, IL for the time period January 1, 2013 through January 1, 2018."*

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

- 1) Village of Bensenville Ordinance No. 53-2014. (12 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

**VILLAGE OF BENSENVILLE  
12 S. CENTER STREET  
BENSENVILLE, ILLINOIS 60106**

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**Ordinance No. 53-2014**

**An Ordinance Granting Approval of Variances to Allow an Increase in Building Height to 42 Feet and a Reduction in Loading Dock Width to 12 Feet for the Property Commonly Identified as 340 County Line Road, Bensenville, Illinois**

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**ADOPTED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF BENSENVILLE  
THIS 28th DAY OF OCTOBER, 2014**

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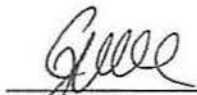
Published in pamphlet form by authority of the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois this 29<sup>th</sup> day of October 2014

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 copy of Ordinance No. 53-2014 entitled an Ordinance Granting Approval of Variances to Allow an Increase in Building Height to 42 Feet and a Reduction in Loading Dock Width to 12 Feet for the Property Commonly Identified as 340 County Line Road, Bensenville, Illinois.

INWITNESS WHEREOF, I have hereunto affixed my official hand and seal on this 29th day of October, 2014.



  
\_\_\_\_\_  
Corey Williamsen  
Deputy Village Clerk

**ORDINANCE # 53-2014**

**AN ORDINANCE GRANTING APPROVAL OF VARIANCES  
TO ALLOW AN INCREASE IN BUILDING HEIGHT TO 42 FEET AND A REDUCTION  
IN LOADING DOCK WIDTH TO 12 FEET FOR THE PROPERTY COMMONLY  
IDENTIFIED AS 340 COUNTY LINE ROAD, BENSENVILLE, ILLINOIS**

**WHEREAS**, Bensenville 1, LLC ("Owner /Applicant"), filed an application for approval of variances to allow an increase in building height from 32 feet to 42 feet and a reduction in loading dock width from 14 feet to 12 feet as set forth in Sections 10-9C-4 and 10 – 11 – 12 of the Village of Bensenville Zoning Ordinance ("Zoning Ordinance") for the property located at 340 County Line Road, Bensenville, as legally described in Exhibit "A," attached hereto and incorporated herein by reference (the "Subject Property"), a copy of said application being contained on file in the Community and Economic Development Department; and

**WHEREAS**, Notice of Public Hearing with respect to the variances sought by the Applicant was published in the Daily Herald on August 30, 2014 by the Village of Bensenville, and notice was also given via posting of a Public Hearing Sign on the Subject Property and via First Class mail to taxpayers of record within 250 feet of the Subject Property, all as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing on September 15, 2014 as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, after hearing the application, the Community Development Commission approved the findings of fact submitted by Village Staff recommending approval of the variances and, thereafter, voted unanimously (6-0) to recommend approval of the increased building height and loading dock width variances, and forwarded its recommendations, including the Staff Report and findings relative to the variations to the Community and Economic Development Committee, which concurred in the recommendation made therein, as are attached hereto and incorporated herein by reference as Exhibit "B"; and

**WHEREAS**, on October 21, 2014 the Community and Economic Development Committee then forwarded its recommendation, along with that of the Community Development Commission, to the President and Board of Trustees; and

**WHEREAS,** the President and Board of Village Trustees have reviewed the matter herein and have determined that approval of the requested variances as recommended by the Community Development Commission to allow an increase in building height and a reduction in loading dock width are consistent with the Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

**SECTION ONE:** That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

**SECTION TWO:** That the Subject Property is currently zoned under the Zoning Ordinance as I-3 Heavy Industrial District, which zoning classification shall remain in effect subject to the variances granted herein.

**SECTION THREE:** That the Staff Report and Recommendation to approve the variances sought, as allowed by the Zoning Ordinance, Sections 10-9C-4 and 10 – 11 – 12, as adopted by the Community Development Commission as shown in Exhibit “B” is hereby adopted by the President and Board of Trustees, the Board of Trustees finding that said variances are proper and necessary.

**SECTION FOUR:** That the variances sought by the Owner/Applicant to allow an increase in the building height and a reduction of the loading dock width of the Subject Property is hereby granted subject to the following condition:

- (1) The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans dated 08.15.2014 by The Jenkins Group.

**SECTION FIVE:** That all requirements of the Zoning Ordinance shall be applicable except as varied by the variances granted herein.

**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 28th day of October, 2014.



Frank Soto, Village President

ATTEST:

  
Ilsa Rivera-Trujillo, Village Clerk

AYES: Bartlett, Janowiak, Jarecki, O'Connell, Ridder, Wesseler

NAYES: None

ABSENT: None

**Ordinance # 53 - 2014**  
**Exhibit "A"**

The Legal Description of the property is as follows:

**PARCEL 1:**

LOT 2 IN AMSTED ASSESSMENT PLAT, BEING A RESUBDIVISION OF LOTS 1, 2, 3, 4, 6, 7, 12 AND 13 IN GREEN AVENUE ACRES, IN PART OF THE NORTHEAST ¼ OF SECTION 24, AND PART OF THE SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID ASSESSMENT PLAT THEREOF RECORDED JANUARY 19, 1988 AS DOCUMENT R88-5977, IN DUPAGE COUNTY, ILLINOIS.

**PARCEL 2:**

LOT 5 IN GREEN AVENUE ACRES, BENSENVILLE, A SUBDIVISION IN SECTIONS 13 AND 24, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 23, 1947 AS DOCUMENT 523537, IN DUPAGE COUNTY, ILLINOIS.

**PARCEL 3:**

EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY EASEMENT RECORDED AS DOCUMENT R87-73548 FOR INGRESS AND EGRESS OVER THE SOUTH 30 FEET OF THE EAST 647.00 FEET OF THAT PART OF LOTS 1, 2, 12 AND 13, TAKEN AS A TRACT IN GREEN AVENUE ACRES, A SUBDIVISION IN SECTIONS 13 AND 24, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE LINE OF SAID TRACT THROUGH A POINT ON SAID EAST LINE 224.90 FEET SOUTH OF THE NORTHEAST CORNER THEREOF, SAID TRACT ALSO KNOWN AS LOT 1 IN AMSTED ASSESSMENT PLAT, AFORESAID, IN DUPAGE COUNTY, ILLINOIS.

**PARCEL 4:**

EASEMENT IN FAVOR OF PARCEL 1 AS CREATED BY AGREEMENT CONCERNING EASEMENTS DATED SEPTEMBER 14, 2005 AND RECORDED SEPTEMBER 27, 2005 AS DOCUMENT NUMBER 2005215667 MADE BY CHICAGO TITLE LAND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED JUNE 15, 2001 AND KNOWN AS TRUST NUMBER 1109867 AND LA SALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER TRUST AGREEMENT DATED NOVEMBER 19, 1986 AND KNOWN AS TRUST NUMBER 100623-05 FOR THE PURPOSE OF THE DISCHARGE AND RETENTION OF SURFACE STORM WATER RUN-OFF OVER, UPON AND ACROSS THE "DITCH EASEMENT AREA", AS DEFINED THEREIN.

Property commonly known as: 340 County Line Road, Bensenville, Illinois.

**Ordinance #53 - 2014**  
**Exhibit "B"**  
**Findings of Fact**

Motion: Commissioner Weldon made a motion to approve the findings of facts for the variance request for building height consisting of:

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.

*Building Height:* Special circumstances exist in that the height limitation is due to the residentially zoned property to the south. Although the property is zoned residentially, it is owned by the Village of Bensenville and used as an extension of the Redmond Recreational Park and is not being used for residential development.

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.

*Building Height:* Constructing the building to 32 feet in height would generate practical difficulties in the modern utilization of the property.

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.

*Building Height:* Special circumstances relate to the property in that the residentially zoned districts are used as an open park and not a single or multiple family dwelling. As the property in question is zoned I-3 Heavy Industrial, the hardship relates to the physical character of the buildings.



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.

*Building Height:* The special circumstance is in the required for the building height and loading docks for the trucks is not resultant from applicant action.

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.

*Building Height:* The request for additional building height and decreased loading dock width does not confer a special privilege ordinarily denied to other I-3 Heavy Industrial properties.

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.

*Building Height:* The variance to increase the building height is necessary for reasonable use based on market demand for 32 foot clear ceilings by warehouse and office uses.

7. **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.

*Building Height:* The proposed building height is similar to the character of the adjacent properties located within the I-3 Heavy Industrial District. Adjacent properties to the property in question have buildings which are similar in height.

8. **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.

*Building Height: The variances requested are consistent with the Title and general development plan.*

9. **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.

*Building Height: The minimum Variances have been requested.*  
Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Rowe, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the findings of facts for the variance request to reduce the required loading dock width consisting of:

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.
  - a. *Reduced Loading Dock Width:* The special circumstance is that the loading docks can be minimized without limiting maneuvers on site.
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.
  - a. *Reduced Loading Dock Width:* The literal application of the provisions of the Municipal Code corresponding to loading

dock width would result in practical difficulties in the ability of the businesses to operate with limited loading docks.

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.
  - a. *Reduced Loading Dock Width:* The special circumstances are that the drive aisle width has been expanded to allow for narrower maneuvers.
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.
  - a. *Reduced Loading Dock Width:* The special circumstance is in the required for the building height and loading docks for the trucks is not resultant from applicant action.
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.
  - a. *Reduced Loading Dock Width:* The request for additional building height and decreased loading dock width does not confer a special privilege ordinarily denied to other I-3 Heavy Industrial properties.
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.

- a. *Reduced Loading Dock Width:* The variance to decrease the loading dock width allows the applicant reasonable use and enjoyment of the property.
- 7. **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.
  - a. *Reduced Loading Dock Width:* The local character will not be altered with the two foot reduction of the loading dock width.
- 8. **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.
  - a. *Reduced Loading Dock Width:* The variances requested are consistent with the Title and general development plan.
- 9. **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.
  - a. *Reduced Loading Dock Width:* The minimum Variances have been requested.

Commissioner Rowe seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Caira, Janowiak, Rowe, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

CDC#2014 – 28

340 County Line Road

Bensenville 1, LLC

Variances for required Building Height and Loading Dock Width

