



12 South Center Street
Bensenville, IL 60106

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

VILLAGE BOARD

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Evan K. Summers

April 19, 2018

Ms. Haylie Dewbre
Planning & Zoning Resources
1300 South Meridian Avenue, Suite 400
Oklahoma City, Oklahoma 73108

Re: April 12, 2018 Commercial FOIA Request

Dear Ms. Dewbre:

I am pleased to help you with your April 12, 2018 Commercial Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on April 12, 2018. You requested copies of the items indicated below:

"Please provide copies of any open/active zoning, building, and fire code violations; variances and conditional/special use permit, certificates of occupancy; and approved site plan (excluding plumbing, grading, and mechanical) on file for the property located at 156 Beeline and 425 Meyer Road."

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

- 1) Village of Bensenville Correction Notice for Inspection No. 56000. (2 pgs.)
- 2) Village of Bensenville Correction Notice for Inspection No. 46879. (1 pg.)
- 3) Village of Bensenville Ordinance No. 29-2018. (16 pgs.)
- 4) Village of Bensenville Ordinance No. 51-2012. (13 pgs.)

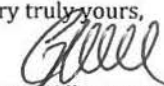
These are all of the documents that can be discovered responsive to your request.

Section 7(1)(b) of FOIA provided that "private information" is exempt from disclosure. "Private information" is defined in FOIA as, "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when complied without possibility of attribution to any person." 5ILCS 140/2(c-5). Consequently, certain unique identifiers have been redacted from the records being provided.

Pursuant to Section 9 of the FOIA, 5 ILCS 140/9, I am required to advise you that I, the undersigned Freedom of Information Officer, reviewed and made the foregoing determination to deny a portion of your FOIA Request as indicated. Should you believe that this Response constitutes an improper denial of your request, you may appeal such by filing a request for review within sixty (60) days of the date of this letter with the Public Access Counselor of the Illinois Attorney General's Office, Public Access Bureau, 500 South Second Street, Springfield, Illinois 62706; telephone 1-887-299-FOIA; e-mail: publicaccess@atg.state.il.us. You may also have a right of judicial review of the denial under Section 11 of FOIA, 5 ILCS 140/11.

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
INSPECTIONAL SERVICES
 12 South Center
 Bensenville, IL 60106
 630-350-3413 fax:630-350-3449

Type of Inspection: NON-RESIDENTIAL INSPECTION

CORRECTION NOTICE

Address: 156 BEELINE

Unit:

Business name:: AZAZ TRUCKING INC.

Phone: 847-957-0499

Business Owner: AZAZ TRUCKING INC.

Address: 156 BEELINE DRIVE BENSENVILLE, IL

Inspection Date: 1/4/2018 12:00:00AM

Inspector: LINDSAY LAYCOAX

<u>Checklist #</u>	<u>Violation</u>	<u>Violation comment</u>
090D	REPAIR HOLES IN WALL/CEILING	Replace all missing, cracked, broken drywall. , Replace all missing, cracked, broken and stained ceiling tiles.
120K	COVER ALL OPEN JUNCTION BOXES	Need to install install face plates on the front of all junction boxes showing exposed wires.
120R	WATER HEATER NEED TO BE BONDED	Water meter needs a bonding wire installed. This done by connecting 2 brass clamps with copper wire the same guage as the electrical service. One clamp on Village inlet line, wire jumping the meter and another clamp connecting domestic supply line.
130Z	OTHER	Triple basin drain system required when storing and type of motor vehical indoors.
150D	BATHROOM NEEDS EXHAUST FAN	All bathrooms are required to mechanical ventilation.
160E	EMERGENCY LIGHTING INOPERABLE	Repair/replace bathroom exhaust fan.
160G	EM/EXIT LIGHT BURNED OUT	Emergency Back-Up lights need to function as designed and illuminate upon testing.
160H	EM/EXIT LIGHT BURNED OUT	Exit Lights to be lit at all times and need to function as designed and illuminiate upon testing.
160H	NEED EMER. LIGHT BREAKER LOCK	Need to install a lock out on the Emergency Light breaker in the electrical panel to prevent anyone from turning it off.
160O	FLAME RESISTANT CABINET NEEDED	Gas cans stored inside should be placed inside a flame resistant cabinet. Gas cans in commercial building MUST be made of metal with vents (NO PLASTIC GAS CONTAINERS ALLOWED IN COMMERCIAL BUILDINGS!).
170E	NEED 2 OF EA. SPRINKLER HEADS	Replacement heads needeed
180K	VENDING LICENSE - ANNUALLY	All vending machines must be properly licenced in the Village of Bensenville.
190K	NEED CORRECT KEYS IN KEY BOX	A current key MUST be in the key lock box for Fire Department access.

Additional Remarks/Comments:

THOSE ITEMS LISTED ABOVE ARE VIOLATIONS OF BENSENVILLE'S ADOPTED VILLAGE CODE AND/OR PROPERTY MAINTENANCE CODE. THIS IS YOUR WRITTEN "CORRECTION NOTICE". FAILURE TO CORRECT THE ABOVE LISTED VIOLATIONS WITHIN THE PRESCRIBED TIME CAN RESULT IN A FINE OF UP TO \$750 PER VIOLATION, PER DAY.



VILLAGE OF BENSENVILLE
INSPECTIONAL SERVICES
12 South Center
Bensenville, IL 60106
630-350-3413 fax:630-350-3449

Type of Inspection: NON-RESIDENTIAL INSPECTION

CORRECTION NOTICE

Address: 156 BEELINE

Unit:

Business name:: AZAZ TRUCKING INC.

Phone: 847-957-0499

Business Owner: AZAZ TRUCKING INC.

Address: 156 BEELINE DRIVE BENSENVILLE, IL

Inspection Date: 1/4/2018 12:00:00AM

Inspector: LINDSAY LAYCOAX

You are hereby notified to remedy the conditions as stated above within days .

Neither this inspection nor any Certificate of Occupancy issued by the Village of Bensenville shall be considered a complete list of Code or Municipal Ordinances. Our inspection can be substantially limited by access available and stored items or furniture. Some occupancies may require inspections to be completed on individual systems such as heating appliances, roofing, structure or fire protection systems. If you have questions about this inspection, please call 630-350-3448.

DISCLAIMER: The Village of Bensenville does not warrant the condition of any property inspected and disclaims all liability for any claims arising out of the property or condition thereof.

Copy of this report received by/mailed to: _____

Inspector: _____ Date: _____



VILLAGE OF BENSENVILLE
INSPECTIONAL SERVICES
 12 South Center
 Bensenville, IL 60106
 630-350-3413 fax:630-350-3449

Type of Inspection: NON-RESIDENTIAL INSPECTION

CORRECTION NOTICE

Address: 425 Meyer Road

Unit:

Business name::

Phone: Joseph Cell [REDACTED]
 Office (847) 706-4037

Business Owner: Joseph Conroy (Property Manager)

Address: McNally Services (847) 726-9400

Inspection Date: 10/11/16

Inspector: LINDSAY LAYCOAX

Checklist #

190K

Violation

NEED CORRECT KEYS IN KEY BOX

Violation comment

A current key MUST be in the key lock box for Fire Department access. NEW KEY IN KEY BOX 10-18-16 lml

Additional Remarks/Comments:

THOSE ITEMS LISTED ABOVE ARE VIOLATIONS OF BENSENVILLE'S ADOPTED VILLAGE CODE AND/OR PROPERTY MAINTENANCE CODE. THIS IS YOUR WRITTEN "CORRECTION NOTICE". FAILURE TO CORRECT THE ABOVE LISTED VIOLATIONS WITHIN THE PRESCRIBED TIME CAN RESULT IN A FINE OF UP TO \$750 PER VIOLATION, PER DAY.

You are hereby notified to remedy the conditions as stated above within days from the date of this order. Appeal from this order may be made within 20 days from the above date of service. Direct such appeal for a hearing before the Bensenville Board of Appeals in writing through the Director of Inspectional Services, 12 South Center.

Neither this inspection nor any Certificate of Occupancy issued by the Village of Bensenville shall be considered a complete list of Code or Municipal Ordinances. Our inspection can be substantially limited by access available and stored items or furniture. Some occupancies may require inspections to be completed on individual systems such as heating appliances, roofing, structure or fire protection systems. If you have questions about this inspection, please call 630-350-3448.

DISCLAIMER: The Village of Bensenville does not warrant the condition of any property inspected and disclaims all liability for any claims arising out of the property or condition thereof.

Copy of this report received by/mailed to: _____

Inspector: _____

Date: _____

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

Ordinance No. 29-2012

An Ordinance Approving the Grant of a Conditional Use Permit to Allow Outdoor Storage for the Parking of Trucks and Trailers and an Associated Variance to Allow Said Outdoor Storage in the Actual Front Yard at 155-157 Beeline Drive, Bensenville, Illinois

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 22nd DAY OF May, 2012**

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Bensenville,
DuPage and Cook Counties, Illinois this 23rd day of May 2012

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. 29-2012 entitled an ordinance approving the grant of a conditional use permit to allow outdoor storage for the parking of trucks and trailers and an associated variance to allow said outdoor storage on the actual front yard at 155-157 Beeline Drive, Bensenville, Illinois.

INWITNESS WHEREOF, I have hereunto affixed my official hand and seal on this 23rd day of May, 2012.





Corey Williamsen
Deputy Village Clerk

ORDINANCE NO. 29-2012

**AN ORDINANCE APPROVING THE GRANT OF A CONDITIONAL USE PERMIT
TO ALLOW OUTDOOR STORAGE FOR THE PARKING OF TRUCKS AND TRAILERS
AND AN ASSOCIATED VARIANCE TO ALLOW SAID OUTDOOR STORAGE
IN THE ACTUAL FRONT YARD AT 155-157 BEELINE DRIVE,
BENSENVILLE, ILLINOIS**

WHEREAS, John Morowa ("Owner") and VIP Transportation Tow ("Applicant"), filed an application seeking a conditional use permit to allow the Applicant to provide outdoor storage for the parking of trucks and trailers in the C-4 Regional Destination PUD Commercial District pursuant to Sections 10-7C-2 of *The Village of Bensenville Zoning Ordinance* ("Zoning Ordinance"), and for a variance to allow said outdoor storage to occur in the actual front yard, pursuant to Section 10-9B-4 of the Zoning Ordinance at property commonly known as 155-157 Beeline Drive, Bensenville, as legally described in Exhibit "A," attached hereto and incorporated herein by reference (the "Subject Property"), a copy of said application being on file in the Community and Economic Development Department; and

WHEREAS, outdoor storage is allowed in the C-4 Regional Destination PUD Commercial District, pursuant to Ordinance No. 42-2011, wherein the Village Board authorized uses permitted or conditional in the I-2 Light Industrial Zoning District to be considered for permit as conditional use in the C-4 Regional Destination PUD Commercial District through July 1, 2021 so long as all requirements for permit as a conditional use are met; and

WHEREAS, outdoor storage, as an accessory use, of trucks and trailers is allowed as a conditional use in the I-2 Light Industrial District as long as the outdoor storage occupies no more than twenty five percent (25%) of the lot area; and

WHEREAS, outdoor storage is not permitted in the actual front yard, therefore a variance for such use is required in conjunction with the conditional use permit; and

WHEREAS, Notice of Public Hearing with respect to the conditional use permit and variance sought by the Owner and Applicant was published in the Daily Herald Newspaper in the Village of Bensenville, and notice of the hearing was provided 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 at a Special Meeting held on April 23, 2012 as required by the statutes of the State of Illinois and the ordinances of the Village, and after hearing

the application, made the findings of facts as to the requested conditional use permit and variance as set forth in Exhibit "B," attached hereto and incorporated herein by reference; and

WHEREAS, upon said findings of facts, the Community Development Commission voted 7 – 0 to approve the application and to grant the conditional use permit to allow outdoor storage of trucks and trailers at the Subject Property, and further, approved the requested variance to allow outdoor storage in the actual front yard, subject to the conditions as recommended in the staff report as well as on the condition the barbed wire fencing on the Subject Property be removed; and

WHEREAS, the Community Development Commission forwarded its recommendation to approve the application to the Village Board's Community and Economic Development Committee which concurred in the recommendation to approve the application with additional conditions to those recommended; and

WHEREAS, 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 on May 22, 2012; and

WHEREAS, the President and Board of Village Trustees considered the matter and determined, based on its consideration, that the requested conditional use permit and associated variance should be granted, allowing the relief requested, finding that it is consistent with the Zoning Ordinance and the orderly and harmonious development of the Village.

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 C-4 Regional Destination PUD Commercial District which zoning classification shall remain in effect subject to the original conditional use permit granted by adoption of Ordinance No. 42-2011, and the conditional use permit and variance as granted herein.

SECTION THREE: That the findings of fact for approval of a conditional use permit and variance having been made and adopted by the Community Development Commission, they

are now hereby adopted by the President and Board of Trustees for approval of the conditional use permit and variance referenced herein.

SECTION FOUR: That pursuant to Section 10-7C-2 of the Zoning Ordinance, the application for a conditional use permit is hereby granted to allow VIP Transportation Tow to provide outdoor storage of trucks and trailers at the Subject Property, as an accessory use in conjunction with its use of the Subject Property, and, additionally, pursuant to Section 10-9B-4 of the Zoning Ordinance, approval of the requested variance is granted to allow said outdoor storage in the actual front yard, which approval of both subject to the following conditions: (1) the conditional use permit shall only be applicable during the tenancy of VIP Transportation Tow, which permit shall be transferred only after a review by the Community Development Commission and approval of the Village Board; in the event of the sale or lease of the Subject Property, the new lessee/owner shall appear before a public meeting of the Community Development Commission, and the Community and Economic Development Department staff shall review the request and in the sole discretion of the Community Development Commission shall either (a) recommend that the Village Board approve the transfer of the conditional use permit to the new lessee/owner, or (b) if determination is made that the new lessee/owner contemplates a change in use which is inconsistent with the conditional use permit, the new lessee/owner shall be required to petition for a public hearing before the Community Development Commission for a new conditional use permit; (2) within twelve (12) months of approval of this Ordinance the asphalt paving on the Subject Property shall be removed and replaced and appropriate striping shall be added, permits for which must be issued prior to November 22, 2012; (3) to guarantee removal and replacement of the asphalt lot within the time set forth herein, the Owner shall provide a surety bond to the Village in the amount of \$30,000.00 within fourteen (14) days of approval of this Ordinance; (4) the existing fence shall be replaced in-kind in compliance with all Zoning Ordinance provisions relative to fencing; (5) the paved area shall be screened in accordance with the requirements set forth in the Zoning Ordinance; (6) the outdoor storage use granted herein shall cease on July 01, 2021; and (7) existing barbed wire fencing shall be removed.

SECTION FIVE: That all requirements of the Zoning Ordinance shall be applicable except as allowed by the original conditional use permit and the approvals granted under this Ordinance.

SECTION SIX: That the terms and conditions set forth herein are deemed a fundamental element of the relief granted under the Ordinance.

SECTION SEVEN: 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 EIGHT: That 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 22nd day of May, 2012.



Frank Soto, Village President

ATTEST:



Susan Janowiak, Village Clerk

AYES: BARTLETT, JARECKI, O'CONNELL, PECONIO, RIDDER

NAYES: WESSELER

ABSENT: NONE

LEGAL NOTICE/PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Special Meeting of the Community Development Commission of the Village of Bensenville, DuPage and Cook Counties, will be held on Monday, April 23, 2012 at 6:30 P.M., at which a Public Hearing will be held to review case No. 2012 - 05 to consider a request for a Conditional Use Permit to allow "Outdoor Storage" (Municipal Code Section 10 - 7C - 2) and a Variance to allow Outdoor Storage in the Actual Front Yard (Municipal Code Section 10 - 9B - 4) at 155 - 157 Beeline Drive in a C - 4 Regional Destination Commercial PUD District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville.

The Legal Description is as follows:

PARCEL 1:

LOT 2 IN SCHRODER'S SUBDIVISION OF LOTS 1 AND 2 IN R.D. DEAN'S ASSESSMENT PLAT OF PART OF LOT 3 IN MOHAWK ACRES, A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO A PLAT OF SAID SCHRODER'S SUBDIVISION RECORDED NOVEMBER 20, 1961 AS DOCUMENT NO. R61 - 30877, IN DUPAGE COUNTY, ILLINOIS

PARCEL 2:

LOT 3 IN R. D. DEAN'S ASSESSMENT PLAT (RECORDED ON SEPTEMBER 12, 1951 AS DOCUMENT NO. 833831, IN DUPAGE COUNTY) OF LOT 3 OF MOHAWK ACRES, A SUBDIVISION IN THE SOUTHEAST ¼ OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 17, 1934 AS DOCUMENT NO. 35081, IN DUPAGE COUNTY, ILLINOIS

Commonly known as 155 - 157 Beeline Drive, Bensenville, IL 60106

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Bensenville should contact the Village Clerk, Village of Bensenville, 12 S. Center St., Bensenville, Illinois 60106, (630) 766-8200, at least three (3) days in advance of the meeting.

The petitioner's application and supporting documentation may be examined by any interested parties in the office of the Community and Economic Development Department, Monday through Friday, in the Village Hall, 12 S. 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 and Economic Development Department through April 23, 2012 until
5:00 P.M.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE DAILY HERALD,
April 7, 2012**



COMMUNITY DEVELOPMENT COMMISSION

STAFF REPORT

HEARING DATE: April 23, 2012
CASE #: 2012 -05
PROPERTY: 155 – 157 Beeline drive
PROPERTY OWNER: John Morawa
APPLICANT: VIP Transportation
ACREAGE: 0.78 Acres
PIN NUMBERS: 03 - 11 – 402 – 031
REQUEST: Conditional Use Permit and Variance to allow Outdoor Storage in the actual front yard of a property within an existing C – 4 Regional Destination PUD Commercial District

SURROUNDING LAND USE:

	Zoning	Land Use	Jurisdiction
Site	C – 4	Vacant	Village of Bensenville
North	C – 4	Industrial	Village of Bensenville
South	C – 4	Industrial	Village of Bensenville
East	C – 4	Vacant Industrial	Village of Bensenville
West	C - 4	Office /Industrial	Village of Bensenville

SUMMARY:

The property in question is zoned C – 4 Regional Destination PUD Commercial. The property is improved with a masonry building in the northeast corner of the site. The eastern half (approximately) of the property in question is fenced and paved; the western portion is not fenced nor is it paved. The applicant wishes operate their business from the existing masonry building on the site and park their car carrier trucks on a refurbished paved area on the eastern portion of the property in question. The Code allows accessory Outdoor Storage as a Conditional Use but prohibits the Outdoor Storage to be in the Actual Front Yard.

PUBLIC NOTICE:

1. A Legal Notice was published in the Daily Herald on Saturday April 7, 2012. 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.
2. Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on Thursday April 5, 2012.
3. On Thursday April 5, 2012 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. 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.

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>	Financially Sound Village
<input type="checkbox"/>	Quality Customer Oriented Services
<input type="checkbox"/>	Safe and Beautiful Village
<input type="checkbox"/>	Enrich the lives of Residents
<input checked="" type="checkbox"/>	Major Business/Corporate Center
<input type="checkbox"/>	Vibrant Major Corridors

Finance:

1. There is an unpaid Industrial Capital Recovery charge balance of approximately \$2,000 for this property.

Police:

1. No comments or concerns.

Engineering:

1. All outdoor storage and parking of vehicles shall be on an approved paved surface.
2. To allow this Conditional Use, a Stormwater Permit may be required, an onsite detention analysis may be required, drainage / Storm Water plan shall be reviewed by the Village or the Village's designee.

Public Works:

1. See Engineering comments above.

Community & Economic Development:Economic Development

1. The Village is always glad to have new business coming to town.

2. The property in question is currently underutilized and in need of some "clean up", having an operating business on site would be a positive.

Inspectional Services

1. No Fire Safety issues.

Building

1. Remove and replace the existing asphalt.
2. The replaced asphalt shall be striped for the parking of cars and trucks.
3. Provide handicapped accessible parking at a 1:25 ration and post the requisite signage.
4. Repair existing fence as needed.
5. Provide screening in accordance with Bensenville requirements.

Community Development

1. The unpaid balance identified in the Finance Department comments shall be resolved prior to this issue being placed on a Village board agenda. Municipal Code Section 8 – 7 – 8 states in part "Notwithstanding anything in this code to the contrary, no building permits, occupancy permits, zoning certificates, business licenses, or any other village issued permit or license of any kind or type shall be issued to any applicant therefor if such applicant is indebted to the village for any overdue bill or fee, including, but not limited to, any overdue bill for water and sewer services."
2. The property in question falls within the C – 4 regional Destination PUD Commercial District, which allows accessory outdoor storage as a Conditional Use with the caveat that if approved the use would cease by July 1, 2021.
3. The proposed use is of low intensity and the applicant states that they will have few trucks on the site. It is anticipated that there will be no more than three vehicle transport trucks on the property.
4. The Code would limit the area devoted to the accessory outdoor storage to 25% or less of the total site or 8,536 square feet. As the applicant shall have no more than three vehicle transport trucks the area will be below the 25% maximum.
5. There shall be no tow trucks and the property shall not be used as a vehicle storage or wrecker yard as that use is not permitted in the C – 4 District.

6. Property maintenance is a concern, the asphalt shall be removed and replaced, the fencing shall be repaired as needed and screening shall be installed.
7. All vehicles shall be on the approved paved surface and shall be behind the fence.
8. Any signage shall be subject to the sign requirements of the C - 4 Regional Destination PUD Commercial District.
9. In keeping with Village policy, we recommend that the Conditional Use Permit be granted solely to VIP Transportation Tow and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and / or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit.

The review and recommendation of the Variances should be determined by the "Approval Criteria" found in the Village's Zoning Ordinance.

APPROVAL CRITERIA FOR CONDITIONAL USES:

The Community Development Commission shall not recommend approval of the Conditional Use Permit without determining that the request meets the following approval criteria and making certain findings of fact. Staff has reviewed the request and recommends the following Findings of Fact:

1. Traffic: The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.

Staff does not foresee any negative impacts on traffic flow associated with the approval of this Conditional Use. There is a low number of vehicles associated with the proposed use.

2. Environmental Nuisance: The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other

adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district.

The storage of vehicle transport tractor trailers on a paved surface area will not create any environmental nuisances.

3. Neighborhood Character: The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized.

The property in question lies generally at the north side of Beeline Drive between York and Meyer Roads.

4. Use Of Public Services And Facilities: The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.

No significant increase in the utilization of the public utility systems is anticipated,

5. Public Necessity: The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community.

Staff believes that there is sufficient market demand for the proposed service.

6. Other Factors: The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location.

The appropriately screened ancillary outdoor storage of vehicle transport trucks on a paved surface will be in harmony with compatibility elements pertinent to the use as proposed.

APPROVAL CRITERIA FOR VARIANCES:

The Community Development Commission shall not recommend nor shall the Village Board grant a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

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 application has several special circumstances; the need for additional employee parking for an expanding local business on a narrow property, the business necessity to provide a working model of their product that is unfamiliar to many potential customers.

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 property does not present a suitable location other than towards the front of the site. The existing building sits near the rear set back line.

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.

The variance request is a function of the subdivision, original building placement on the site which make it impossible to meet the strict application of the Code relative to placement of the accessory outdoor storage.

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 and practical hardship are not a direct result of actions of the applicant.

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 C – 4 Regional Destination PUD Commercial 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 variance if granted will allow the applicant a reasonable use 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.

Approval of the relief sought will not alter the essential character of the business and industrial neighborhood.

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.

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

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.

The staff believes that the variances sought are the minimum required.

RECOMMENDATIONS:

Staff recommends the approval of the above Findings of Fact and the Conditional Use Permit and Variance subject to the following conditions:

1. The Conditional Use Permit be granted solely to VIP Transportation Tow and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and / or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit.
2. The asphalt paving shall be removed and replaced and appropriate striping added.
3. The fence shall be repaired.
4. The paved area shall be screen in accordance with the Zoning ordinance requirements.
5. The use shall cease on 07.01.2021.

Respectfully Submitted,
Department of Community
& Economic Development

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

Ordinance No. 51-2012

**An Ordinance Approving the Grant of an Amendment to a Conditional Use Permit and
Associated Variances to Allow a Fence in the Actual Front Yard at
155-157 Beeline Drive, Bensenville, Illinois**

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 25th DAY OF September, 2012**


Published in pamphlet form by authority of the President and Board of Trustees of the Village of Bensenville,
DuPage and Cook Counties, Illinois this 26th day of September 2012

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. 51-2012 entitled an ordinance approving the grant of an amendment to a conditional use permit and associated variances to allow a fence in the actual front yard at 155-157 Beeline Drive, Bensenville, Illinois.

INWITNESS WHEREOF, I have hereunto affixed my official hand and seal on this 26th day of September, 2012.




Corey Williamsen
Deputy Village Clerk

ORDINANCE NO. 51-2012

**AN ORDINANCE APPROVING THE GRANT OF AN AMENDMENT TO A
CONDITIONAL USE PERMIT AND ASSOCIATED VARIANCES TO ALLOW A FENCE
IN THE ACTUAL FRONT YARD AT 155-157 BEELINE DRIVE,
BENSENVILLE, ILLINOIS**

WHEREAS, John Morawa ("Owner"), filed an application seeking an amendment to a conditional use permit to allow a change in the site plan set forth in the Conditional Use Permit approved by Ordinance No. 29-2012, and associated variances to allow construction of a fence in the actual front yard pursuant to Sections 10-14-11E and 10-14-13 of *The Village of Bensenville Zoning Ordinance* ("Zoning Ordinance") at property commonly known as 155-157 Beeline Drive, Bensenville, as legally described in Exhibit "A," attached hereto and incorporated herein by reference (the "Subject Property"), a copy of said application being on file in the Community and Economic Development Department; and

WHEREAS, Notice of Public Hearing with respect to the amendment to the conditional use permit and variances sought by the Owner was published in the Daily Herald on June 23, 2012, in the Village of Bensenville, and notice was also given via posting of a Public Hearing Sign on the property and via personal mail, 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 commencing on July 9, 2012 and continuing to August 13, 2012 and September 10, 2012 as required by the statutes of the State of Illinois and the ordinances of the Village, and after hearing the application, made the findings of facts as set forth in Exhibit "B," attached hereto and incorporated herein by reference; and

WHEREAS, upon said findings of facts, the Community Development Commission voted to approve the application for amendment to the conditional use permit and associated variances to allow construction of a fence in the actual front yard as requested at the Subject Property, subject to the conditions as recommended in the staff report; and

WHEREAS, the Community Development Commission forwarded its recommendation to approve the application to the Village Board's Community and Economic Development Committee which concurred in the recommendation to approve the application with modifications to the recommended conditions as follows: (1) The Conditional Use Permit and subsequent amendment

approved herein shall be granted solely to John Morowa and the tenant identified in Ordinance 29-2012 and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or subsequent lease of the Subject Property, the proprietors shall appear before a public meeting of the CDC, which shall review the request for transfer and in its sole discretion shall either recommend that the Village Board approve of the transfer of the lease and/or ownership to the proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC and for a new Conditional use Permit, (2) all conditions set forth in Ordinance No. 29-2012 will be met except as varied herein to allow the fence as shown in the revised site plan, and (3) the fence shall be landscaped in accordance with the Zoning Ordinance.

WHEREAS, 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 on September 25, 2012; and

WHEREAS, the President and Board of Village Trustees considered the matter and determined, based on its consideration, that the permit and variances should be granted with the conditions as set forth herein, allowing the relief requested, finding that it is consistent with the Zoning Ordinance and the orderly and harmonious development of the Village.

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 application for an amendment to the conditional use permit granted in Ordinance No. 29-2012 to allow a change in the site plan, and variances as required to allow the construction of a fence in the actual front yard at the Subject Property, in conjunction with its use of the Subject Property, is hereby granted, subject to the following conditions: (1) The Conditional Use Permit and subsequent amendment approved herein shall be granted solely to John Morowa and the tenant identified in Ordinance 29-2012 and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the

event of the sale or subsequent lease of the Subject Property, the proprietors shall appear before a public meeting of the CDC, which shall review the request for transfer and in its sole discretion shall either recommend that the Village Board approve of the transfer of the lease and/or ownership to the proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC and for a new Conditional use Permit, (2) all conditions set forth in Ordinance No. 29-2012 will be met except as varied herein to allow the fence as shown in the revised site plan, and (3) the fence shall be landscaped in accordance with the Zoning Ordinance.

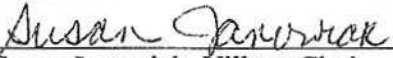
SECTION THREE: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, this 25th day of September, 2012.



Frank Soto, Village President

ATTEST:



Susan Janowiak, Village Clerk

AYES: BARTLETT, O'CONNELL, PECONIO, RIDDER, WESSELER

NAYES: JARECKI

ABSENT: NONE

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Ordinance # 51 -2012

Exhibit "A"

Legal Description

The Legal Description is as follows:

PARCEL 1:

LOT 2 IN SCHRODER'S SUBDIVISION OF LOTS 1 AND 2 IN R.D. DEAN'S ASSESSMENT PLAT OF PART OF LOT 3 IN MOHAWK ACRES, A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO A PLAT OF SAID SCHRODER'S SUBDIVISION RECORDED NOVEMBER 20, 1961 AS DOCUMENT NO. R61 – 30877, IN DUPAGE COUNTY, ILLINOIS

PARCEL 2:

LOT 3 IN R. D. DEAN'S ASSESSMENT PLAT (RECORDED ON SEPTEMBER 12, 1951 AS DOCUMENT NO. 833831, IN DUPAGE COUNTY) OF LOT 3 OF MOHAWK ACRES, A SUBDIVISION IN THE SOUTHEAST ¼ OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 17, 1934 AS DOCUMENT NO. 35081, IN DUPAGE COUNTY, ILLINOIS

Commonly known as 155 – 157 Beeline Drive, Bensenville, IL 60106

Ordinance # 51 -2012
Exhibit "B"

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

September 10, 2012

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 6:30 p.m.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Janowiak, Rowe, Pisano, Weldon
Absent: James, Ventura
A quorum was present.

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission of August 13, 2012 were presented.

Motion: Commissioner Pisano made a motion to approve the minutes as presented. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Village Attorney, Mary Dickson, reviewed the rules and process to the audience in attendance of the Public Hearings.

Village Attorney, Mary Dickson, swore in members of the audience under oath that planned to give testimony.

**Continued
Public Hearing:** CDC Case Number 2012-22
Petitioner: John Morawa
Location: 155-157 Beeline Drive
Request: Amendment to a Conditional Use Permit and Variance to Allow a Fence in the Actual Front Yard

Motion: Commissioner Weldon made a motion to re-open CDC Case No. 2012-22. Commissioner Janowiak seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:

Moruzzi, Janowiak, Rowe, Pisano, Weldon

Absent: James, Ventura

A quorum was present.

Chairman Moruzzi re-opened the Public Hearing for CDC Case Number 2012-22 at 6:34 p.m.

Commissioner James entered the meeting at 6:35 p.m.

Pete Gallagher and Annette Mumford were both present on behalf of Mr. Morawa and had been previously sworn in by Village Attorney, Mary Dickson. Director of Community & Economic Development, Scott Viger, gave a brief summary of past events for CDC Case Number 2012-22. Mr. Gallagher stated there is not a second driveway, nor has there ever been a plan for a second driveway. Mr. Gallagher submitted photos to the Commission. The photos are attached to the minutes as "Exhibit A". Mr. Gallagher addressed the fire wood that is currently stored outdoor. There were no questions from the Commissioners.

Chairman Moruzzi asked if there was any member of the Public that would like to speak on behalf of CDC Case Number 2012-22. There was none.

Director of Community and Economic Development, Scott Viger, reviewed the Village Staff Report and recommended approval with the following conditions:

1. The Conditional Use Permit and subsequent amendment be granted solely to John Morawa and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and / or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit.
2. All conditions existing in the Ordinance #29 – 2012 will be met.
3. Proposed fence be landscaped in accordance with the Zoning Ordinance.

Chairman Moruzzi asked Staff if the fire wood can be stored outside. Mr. Viger stated it would be treated as outdoor storage and recommended the

fire wood be removed. Chairman Moruzzi asked if the structure the wood is stored in is considered a permanent structure. Mr. Viger stated he would consider it as a structure and that it should follow requirements set forth in the Village Code.

Mr. Gallagher asked the Commissioner for suggestions of where Mr. Morawa should store the wood.

Motion: Commissioner Pisano made a motion to close CDC Case Number 2012-22. Commissioner Rowe seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Rowe, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing for CDC Case Number 2012-22 at 6:50 p.m.

Commissioner Weldon asked what Staff's position is on the firewood that is stored outdoors. Mr. Viger stated Staff recommends removal of the firewood.

Motion: Commissioner Pisano made a motion to approve the Finding of Facts for CDC Case Number 2012-22 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. The variances requested are special circumstances in that the poor condition of the current fence requires the replacement. The removal of the existing fence and replacement in the front yard of the site is due to the special development of the subject property in locating the main building in the northeast corner making the majority of the property the front yard.
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. If the variances are not approved, the applicant would experience unnecessary and undue hardship

in the utilization of the subject property due to the necessity of policing the unfenced area for fly-dumping.

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. The variance requested is to accommodate a special circumstance in that the development of the site created a front yard occupying a large portion of the subject property.
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 and practical hardship are not a direct result of actions of the applicant. The existing building location in the northeast corner created a front yard occupying a large portion of the subject property.
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 C – 4 Regional Destination PUD Commercial 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 variance if granted will allow the applicant a reasonable use of the property otherwise left unused.
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. Approval of the relief sought will not alter the essential character of the business and industrial neighborhood.
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. Granting of the requested variance will be in harmony with the general purpose and intent of the Village of Bensenville's plans.

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. The staff believes that the variances sought are the minimum required.

Commissioner Rowe seconded the motion.

Roll Call: Ayes: James, Janowiak, Rowe, Pisano

Nays: Moruzzi, Weldon

Motion carried.

Motion: Commissioner Pisano made a motion to approve the requested amendment to the conditional use permit with Staff's recommendations for CDC Case Number 2012-22. Commissioner Janowiak seconded the motion.

Roll Call: Ayes: James, Janowiak, Rowe, Pisano, Weldon

Nays: Moruzzi

Motion carried.

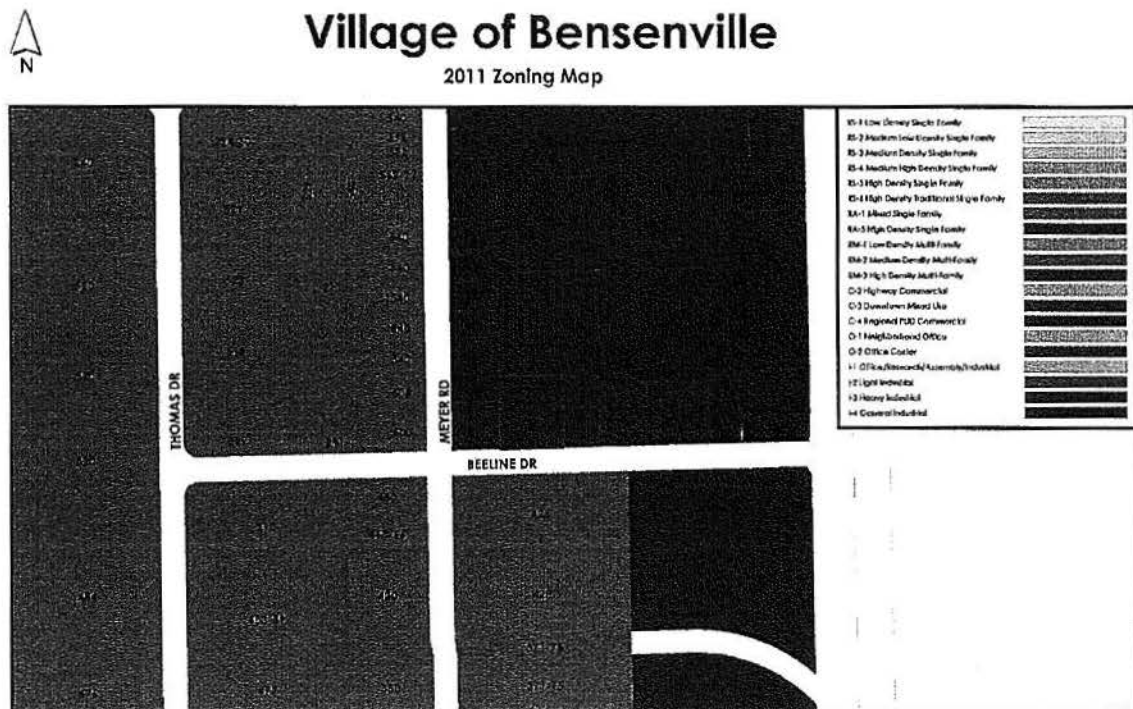
Motion: Commissioner Pisano made a motion to approve the variances requested for CDC Case Number 2012-22. Commissioner Janowiak seconded the motion.

Roll Call: Ayes: James, Janowiak, Rowe, Pisano, Weldon

Nays: Moruzzi

Motion carried.

Mike Moruzzi, Chairman
Community Development Commission





SEP - 7 2012

COMMUNITY DEVELOPMENT
1:00 pm

