



12 South Center Street  
Bensenville, IL 60106  
Office: 630.350.3404  
Fax: 630.350.3438  
[www.bensenville.il.us](http://www.bensenville.il.us)

VILLAGE BOARD

May 2, 2018

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Ms. Raleigh Mann  
237 South Church Road  
Bensenville, Illinois 60106

Re: April 30, 2018 FOIA Request

Dear Ms. Mann:

I am pleased to help you with your April 30, 2018 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on May 1, 2018. You requested copies of the items indicated below:

*"All information, letter and any other correspondence, note, communications, etc. regarding 237 S. Church. Bensenville, IL from 2015 to present."*

Director of Public Works, Joseph Caracci, contacted you via phone on May 1, 2018 to clarify what type of records you were seeking. You informed him you were seeking records specifically for correspondences with respect to the apartment above the garage. You bought the house on 4/23. You had started to do some work on the house/apartment on 4/24 and were given a stop work order by the Village. The Village informed you that the apartment is not legal and no one can live there. You mentioned that the Village said it had multiple conversations and letters with previous owners. So that is what you are looking for.

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

- 1) Village of Bensenville Email conversation dated February 3, 2017 regarding 237 South Church Road. (2 pgs.)
- 2) Village of Bensenville Correction Notice for Inspection No. 48809. (1 pg.)

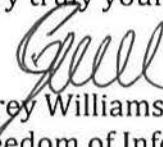
These are all of the documents that can be discovered responsive to your request.

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](mailto: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 Williamson  
Freedom of Information Officer  
Village of Bensenville

## Ron Herff

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**From:** Ron Herff  
**Sent:** Friday, February 3, 2017 8:18 AM  
**To:** 'gregory phillips'  
**Subject:** RE: 235 s Church, Bensenville. Il.

Mr. Phillips, what this means is that space above the garage located at 235 S Church may not be used as a rental property.

You stated the space above the garage has never been rented while you have owned the property.

**F. Discontinuation Or Abandonment:** If a nonconforming use is discontinued, or becomes vacant, and remains unoccupied for a continuous period of one hundred eighty (180) days, regardless of the intent to resume or not to terminate the use, such use shall be deemed to be abandoned and shall not be reestablished or resumed. Any subsequent use or occupancy of such land, building or structure shall comply with all regulations of the zoning district in which such land, building, or structure is located. The period of such discontinuance caused by government action, acts of God, or other acts without any contributing fault by the user, shall not be included in calculating the length of discontinuance for this section.

If you have any additional questions please feel free to give me a call.

Ron Herff  
Code Compliance Inspector  
Community & Economic Development

Village of Bensenville  
12 S Center Street  
Bensenville, IL 60106

Office: 630-594-1009  
Cell: 630-880-9622  
Fax: 630-350-3449

**From:** gregory phillips [mailto:[REDACTED](mailto:REDACTED)]  
**Sent:** Thursday, February 2, 2017 8:05 PM  
**To:** Ron Herff <[RHerff@bensenville.il.us](mailto:RHerff@bensenville.il.us)>  
**Subject:** Re: 235 s Church, Bensenville. Il.

Hi Ron,

I'm sorry, but I have no idea what the inspection report is saying. What am I in violation of? You said you were going to send me a list of what needed to be done to the apartment to get it up to code so it can be rented. That is not what this inspection document says.

Please advise.

Greg Phillips

On Thursday, February 2, 2017 5:01 PM, Ron Herff <[RHerff@bensenville.il.us](mailto:RHerff@bensenville.il.us)> wrote:

Mr. Phillips, attached is a copy of the inspection report for 235 S Church.

If you have any questions please give me a call.

Ron Herff  
Code Compliance Inspector  
Community & Economic Development

Village of Bensenville  
12 S Center Street  
Bensenville, IL 60106

Office: 630-594-1009  
Cell: 630-880-9622  
Fax: 630-350-3449



**VILLAGE OF BENSENVILLE  
INSPECTIONAL SERVICES**

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

Type of Inspection: **SINGLE FAMILY DWELLING**

**CORRECTION NOTICE**

Address: 235 CHURCH

Unit:

Business name: PHILLIPS, GREGORY

Phone: [REDACTED]

Business Owner: PHILLIPS, GREGORY

Address: [REDACTED]

Inspection Date: 02-02-17

Inspector: RON HERFF

Checklist # Violation  
005A ALLOWABLE USE

Violation comment  
10-16-3F. Discontinuation Or Abandonment:  
See Comments below.

**Additional Remarks/Comments:**

F. Discontinuation Or Abandonment: If a nonconforming use is discontinued, or becomes vacant, and remains unoccupied for a continuous period of one hundred eighty (180) days, regardless of the intent to resume or not to terminate the use, such use shall be deemed to be abandoned and shall not be reestablished or resumed. Any subsequent use or occupancy of such land, building or structure shall comply with all regulations of the zoning district in which such land, building, or structure is located. The period of such discontinuance caused by government action, acts of God, or other acts without any contributing fault by the user, shall not be included in calculating the length of discontinuance for this section.

**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.**

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: \_\_\_\_\_