



12 South Center Street
Bensenville, IL 60106

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VILLAGE BOARD

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July 9, 2018

Mr. Tim Dahlstrand
AES Due Diligence, Inc.
3000 Dundee Road, Suite 410
Northbrook, Illinois 60062

Re: July 3, 2018 FOIA Request

Dear Mr. Dahlstrand:

I am pleased to help you with your July 3, 2018 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on July 3, 2018. You requested copies of the items indicated below:

"Regarding 300-330 County Line Road – please see attached."

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

- 1) Village of Bensenville Certificate of Completion for Permit No. 7845. (1 pg.)
- 2) Village of Bensenville Certificate of Completion for Inspection No. 46570. (1 pg.)
- 3) Village of Bensenville Ordinance No. 8-2018. (11 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**

Ordinance No. 8-2018

**An Ordinance Granting Approval of Variances to Allow Reduction on Corner Side Yard,
Parking in Required Yard and Reduction of Parking Lot Screening at
300-330 County Line Road, Bensenville, Illinois**

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 27th DAY OF FEBRUARY 2018**

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Bensenville, DuPage and Cook Counties, Illinois this 28th day of February, 2018

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. 8-2018 entitled an Ordinance Granting Approval of Variances to Allow Reduction on Conner Side Yard, Parking in Required Yard and Reduction of Parking Lot Screening at 300-330 County Line Road, Bensenville, Illinois.

INWITNESS WHEREOF, I have hereunto affixed my official hand and seal on this
28th day of February, 2018.




Corey Williamsen
Deputy Village Clerk

ORDINANCE # 8-2018

**AN ORDINANCE GRANTING APPROVAL OF VARIANCES
TO ALLOW REDUCTION IN CORNER SIDE YARD, PARKING IN REQUIRED YARD
AND REDUCTION OF PARKING LOT SCREENING
AT 300-330 COUNTY LINE ROAD, BENSENVILLE, ILLINOIS**

WHEREAS, Chicago Title Land Trust #132475 ("Owner") and Nicolson Porter & List, Inc. ("Applicant") filed an application for Variances: Corner Side Yard, Municipal Code Section 10 – 9C – 4B; Parking in Required Front and Corner Side Yard, Municipal Code Section 10 – 9C – 4B; and Parking Lot Screening, Municipal Code Section 10 – 12 – 2B – 2 of the Village of Bensenville Zoning Ordinance ("Zoning Ordinance") for the property located at 300-330 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 Bensenville Independent on Thursday, January 18, 2018 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 February 6, 2018 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 agreed with the findings of fact submitted by Applicant recommending approval of the Variances and, thereafter, voted unanimously (4-0) to recommend approval of the Variances, and forwarded its recommendations, including the Staff Report and findings relative to the Variances to the Village Board Committee of the Whole, which concurred in the recommendation made therein, as are attached hereto and incorporated herein by reference as Exhibit "B"; and

WHEREAS, on February 20, 2018 the Village Board Committee of the Whole 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 the Variances is 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 Staff Report and Recommendation to approve the Variances sought, as allowed by the Zoning Ordinance, Sections 10 – 9C – 4B, 10 – 9C – 4B and 10 – 12 – 2B – 2 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 is proper and necessary.

SECTION THREE: That the Variances to allow a reduction in Corner Side Yard, Parking in Required Front and Corner Side Yard and a reduction in Parking Lot Screening as sought by the Applicant of the Subject Property is hereby granted.

SECTION FOUR: That the Variances sought by the Owner/Applicant on the Subject Property is hereby approved.

SECTION FIVE: That all requirements of the Zoning Ordinance shall be applicable except as allowed 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 27th day of February 2018.



Frank DeSisto, Village President

ATTEST:



Nancy Quinn, Village Clerk

AYES: Carmona, Franz, Jaworska, Perez

NAYES: None

ABSENT: Lomax, Panicola

Ordinance # 8 - 2018
Exhibit "A"

The Legal Description is as follows:

THAT PART OF LOTS 1, 2 AND 12, TAKEN AS A TRACT, IN GREEN AVENUE ACRES, A SUBDIVISION IN SECTIONS 13 AND 24, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH LIES EAST OF A LINE 213.8 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 12, AND WHICH LIES NORTH OF A LINE DRAWN PERPENDICULARLY TO THE EAST LINE OF SAID TRACT THROUGH A POINT ON SAID EAST LINE, 224.90 FEET SOUTH OF THE NORTHEAST CORNER THEREOF, EXCEPTING THEREFROM THE EAST 17 FEET CONVEYED TO THE COOK COUNTY HIGHWAY DEPARTMENT IN TRUSTEE'S DEED RECORDED JULY 28, 1992 AS DOCUMENT R92-143109 IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 300-330 County Line Road, Bensenville, IL 60106.

Ordinance # 8 - 2018

Exhibit "B"

Findings of Fact

Mr. Pozsgay reviewed the approval criteria for the proposed request 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.

Response: and corner side yards of this property along County Line Rd and Green St, respectively. This fee simple property take results in the existing building being over the 30-foot corner side yard setback along Green St and the existing parking being within the 30-foot corner side yard setback along Green St and the 30-foot front yard setback along County Line Rd.

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.

Response: The building would need to be reconstructed in order to meet the 30-foot corner side yard setback from Green St. There would be over a 50% reduction in existing parking provided on the east side of the existing building in order to meet the 30-foot corner side yard setback along Green Street and the 30-foot front yard setback from County Line Rd.

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.

Response: The building would need to be reconstructed in order to meet the 30-foot corner side yard setback from Green St. There would be over a 50% reduction in existing parking provided on the east side of the existing building in order to meet the 30-foot corner

side yard setback along Green Street and the 30-foot front yard setback from County Line Rd.

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.

Response: The Elgin-O'Hare Expressway project required a fee simple property take from the front and corner side yards of this property along County Line Rd and Green St, respectively. This fee simple property take results in the existing building being over the 30-foot corner side yard setback along Green St and the existing parking being within the 30-foot corner side yard setback along Green Street and the 30-foot front yard setback along County Line Rd.

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.

Response: The existing industrial use of the property is being maintained and the existing zoning of the property is I-3 Heavy Industrial 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.

Response: The building would need to be reconstructed in order to meet the 30-foot corner side yard setback from Green St. There would be over a 50% reduction in existing parking provided on the east side of the existing building in order to meet the 30-foot corner side yard setback along Green Street and the 30-foot front yard setback from County Line Rd.

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.

Response: The existing industrial use of the property is being maintained and the existing zoning of the property is I-3 Heavy Industrial District.

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.

Response: The existing industrial use of the property is being maintained and the existing zoning of the property is I-3 Heavy Industrial District.

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.

Response: The 30-foot corner side yard setback along Green St needs to be reduced to 12-feet to maintain the existing building location. The 30-foot corner side yard setback along Green Street and 30-foot front yard setback along County Line Rd needs to be reduced to 0-feet to maintain the existing parking.

Mr. Pozsgay stated Staff recommends the approval of the findings of fact as they appear above and therefor recommend approval of the requests.

There were no questions from the Commissioners.

Motion: Commissioner King made a motion to close CDC Case No. 2017-31. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:43 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2017-32 as presented by Staff and to approve the Variance request for Corner Side Yard (Municipal Code Section 10-9C-4B). Commissioner Moruzzi seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Moruzzi made a combined motion to approve the Findings of Fact for CDC Case No. 2017-32 as presented by Staff and to approve the Variance request for Parking in Required Front and Corner Side Yard (Municipal Code Section 10-9C-4B). Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Moruzzi made a combined motion to approve the Findings of Fact for CDC Case No. 2017-32 as presented by Staff and to approve the Variance request for Parking Lot Screening (Municipal Code Section 10-12-2B-2). Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Moruzzi, King

Nays: None

All were in favor. Motion carried.

Ronald Rowe, Chairman
Community Development Commission

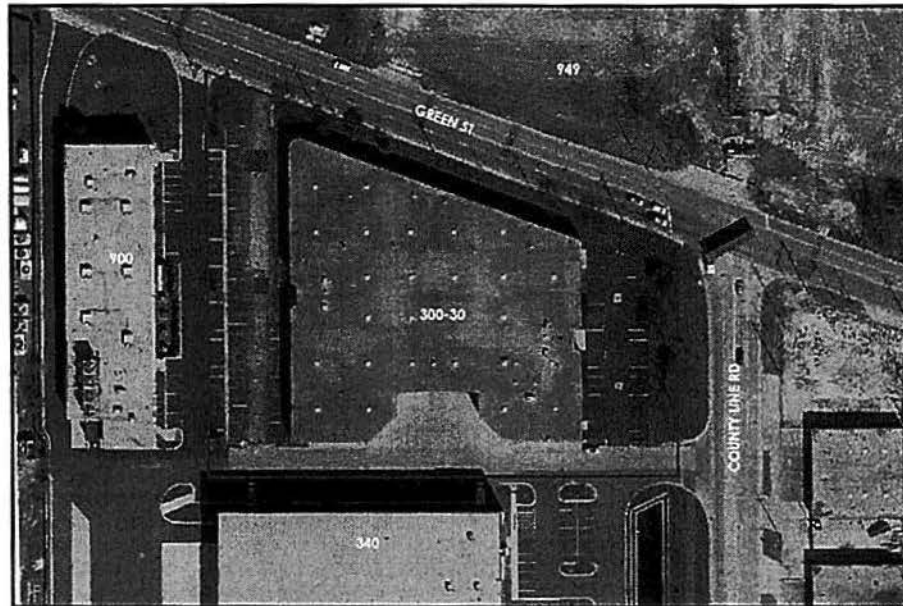
CDC#2017 - 32

300 - 330 County Line Road
Chicago Land Trust #132475 / Adam C. Stokes (Agent)
Variances; Front and Corner Side Yard Reductions



Village of Bensenville

300-330 S County Line Rd



Date: 1/3/2018



Village of Bensenville

Zoning Map

