



12 South Center Street
Bensenville, IL 60106

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VILLAGE BOARD

February 25, 2021

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Ms. Stephanie Marquez
1300 South Meridian Avenue, Suite 400
Oklahoma City, Oklahoma 73108

Re: February 24, 2021 FOIA Request

Dear Ms. Marquez:

I am pleased to help you with your February 24, 2021 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on February 24, 2021. You requested copies of the items indicated below:

"Please provide copies of any open/active zoning, building and fire code violations, certificates of occupancy, variances and/or special/conditional use permits, and a finalized site plan that you have on file for the property located at 321 West Irving Park Road."

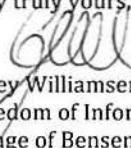
After a search of Village files, the following information was found responsive to your request:

- 1) Village of Bensenville Ordinance No. 79-2019. (11 pgs.)

These are all the records found 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. 73-2019

An Ordinance Granting Approval of Variations to Allow Reductions in Maximum Front and Corner Side Setbacks, An Increase in Maximum Driveway Width, and Relief from On-Site Pedestrian Circulation System Requirements at 321 West Irving Park Road

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 17th DAY OF DECEMBER 2019**

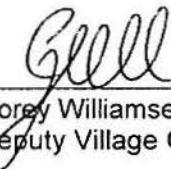
Published in pamphlet form by authority of the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois this 18th day of December, 2019

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. 73-2019 entitled an Ordinance Granting Approval of Variations to Allow Reductions in Maximum Front and Corner Side Setbacks, An Increase in Maximum Driveway Width, and Relief from On-Site Pedestrian Circulation System Requirements at 321 West Irving Park Road.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal on this 18th day of December, 2019.




Corey Williamsen
Deputy Village Clerk

**AN ORDINANCE GRANTING APPROVAL OF VARIATIONS TO ALLOW
REDUCTIONS IN MAXIMUM FRONT AND CORNER SIDE SETBACKS, AN
INCREASE IN MAXIMUM DRIVEWAY WIDTH, AND RELIEF FROM ON-SITE
PEDESTRIAN CIRCULATION SYSTEM REQUIREMENTS AT 321 WEST IRVING
PARK ROAD**

WHEREAS, 321 Irving Park, LLC (“Owner”) and Core Bensenville, LLC (“Applicant”) filed an application for Variations, Maximum Front Setback, Municipal Code Section 10 – 6 – 8 – 1; and Variations, Maximum Corner Side Setback, Municipal Code Section 10 – 6 – 8 – 1; and Variations, Maximum Driveway Width, Municipal Code Section 10 – 8 – 8 -1; and Variations, On-Site Pedestrian Circulation System, Municipal Code Section 10 – 8 – 7 – C of the Village of Bensenville Zoning Ordinance (“Zoning Ordinance”) for the property located at 321 West Irving Park 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 Variations sought by the Applicant was published in the Bensenville Independent on Thursday, November 14, 2019 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 Tuesday, December 3, 2019 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 Variations and, thereafter, voted unanimously (5-0) to recommend approval of the Variations and forwarded its recommendations, including the Staff Report and findings relative to the Variations to the Village President and Board of Trustees, which concurred in the recommendation made therein, as are attached hereto and incorporated herein by reference as Exhibit “B”; and

WHEREAS, the Village President and Board of Trustees have reviewed the matter herein and have determined that approval of the requested Variations as recommended by the

Community Development Commission to allow the Variations is consistent with the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Village 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 Variations sought, as allowed by the Zoning Ordinance, Sections 10 – 6 – 8 – 1, 10 – 8 – 8 – 1, and 10 – 8 – 7 – C as adopted by the Community Development Commission as shown in Exhibit “B” are hereby adopted by the Village President and Board of Trustees, the Board of Trustees finding that said Variations are proper and necessary.

SECTION THREE: That the Variations sought by the Owner/Applicant on the Subject Property are hereby approved with the following conditions:

- 1) A DuPage County Stormwater Management Certification shall be provided for this project as the total land disturbing activity exceeds 5,000 SF;
- 2) An Illinois Department of Transportation (IDOT) permit shall be required if work is proposed within IL-19 right-of-way;
- 3) All existing utilities shall be disconnected and capped at the main;
- 4) A 5-feet wide ADA complaint public sidewalk shall be provided along the Walnut St frontage of the site;
- 5) A 7-feet wide stamped concrete ADA complaint public sidewalk shall be provided along the IL-19 frontage of the site. This sidewalk shall match the opposite side of IL-19 and be installed directly adjacent to the existing north side IL-19 C&G;
- 6) A plat of consolidation may be required to combine the two existing lots;
- 7) 2 bicycle parking spaces shall be provided;
- 8) Applicant shall revise plans to meet Village standards for depth and width of parking spaces;
- 9) Root-mounted mechanical units shall be screened. Screening must equal the height of the tallest mechanical equipment installed on the roof of the building;
- 10) A minimum of one shade tree shall be provided per landscape island;

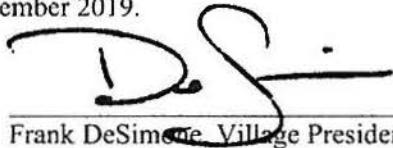
- 11) The trash enclosure be in line with buildings western façade rather than projecting out past the façade;
- 12) Stamped concrete walk shall continue east of the Irving Park Road curb cut;
- 13) Applicant shall provide tree sizes and reasons as to why mature trees are being removed on the property; and
- 14) Street trees shall be planted along Walnut Street.

SECTION FOUR: That all requirements of the Zoning Ordinance shall be applicable except as allowed by the Variations approved herein.

SECTION FIVE: 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.

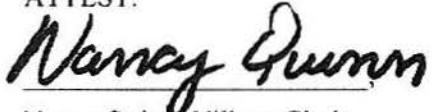
SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the Village President and Board of Trustees of the Village of Bensenville, this 17th day of December 2019.



Frank DeSimone, Village President

ATTEST:



Nancy Quinn

Nancy Quinn, Village Clerk

AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYES: None

ABSENT: None

Ordinance # 73 - 2019

Exhibit "A"

The Legal Description is as follows:

LOT 8 AND 9 IN IRVING HI-LANDS, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 15, 1947 AS DOCUMENT 519121, DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS 321 WEST IRVING PARK ROAD IN BENSENVILLE, IL 60106.

Ordinance # 73 - 2019

Exhibit "B"

Findings of Fact

- 1) **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the Variations 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.

Applicant's Response: Successful retail establishments require customer parking located immediately adjacent to the main entry points to the business. Due to the building dimensions and layout of an O'Reilly Auto Parts store, moving the building to meet the maximum setbacks would result in some of the parking being located in the rear of the building, most of the parking along the side and very few spaces located adjacent to the front door. This parking arrangement would be detrimental to the long-term viability of this operation. This request to keep the customer parking in the front of the building is a special circumstance applicable to this use and not necessary for all uses in the district. A restaurant or some of the other uses permitted in the C-2 zoning district could tolerate parking in the rear of the building and still have long-term viability.

- 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.

Applicant's Response: The application of the maximum building setback would severely limit the customer parking available in front of the building and would make operating the facility as a viable retail establishment difficult. A limit of a single row of parking in front of the building would have the same effect.

- 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.

Applicant's Response: The request for relief is specific to the physical character of the O'Reilly Auto Parts building and the need for customer parking in front of the building. The narrow width of the property severely limits the amount of parking immediately

adjacent the front door should the development be limited to a single row in the front yard.

- 4) **Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the Variations 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 Variations, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

Applicant's Response: The difficulty presented by the maximum setback requirement and single row of parking requirement is not the result of any act of the applicant or of any party with a present interest in the property.

- 5) **Preserve Rights Conferred by District:** A Variations 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.

Applicant's Response: This variance is necessary for the applicant to develop a viable retail establishment at this location. Granting the variance will not confer a special privilege ordinarily denied to such other properties as it would appear that similar variances were granted for the property to the west across Walnut Street and for the property to the south on the opposite side of Irving Park Road.

- 6) **Necessary for Use of Property:** The grant of a Variations is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a Variations the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

Applicant's Response: The granting of the variance would permit customer parking to be located near the entrance to the facility. This variance is necessary for the property to be developed for the intended use.

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

Applicant's Response: The granting of the variance will not alter the essential character of the locality. There are other properties in the vicinity that have setbacks exceeding the 60' maximum and the proposed development will blend well with these other retail developments.

- 8) **Consistent with Title and Plan:** The granting of a Variations 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.

Applicant's Response: The development that the granting of this variance would facilitate is in line with the desires of the Bensenville Comprehensive Plan, specifically the desire to redevelop underutilized parcels in the Mid-Town/Irving Park Road Corridor.

- 9) **Minimum Variations Needed:** The Variations 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.

Applicant's Response: The variance requested is the minimum needed to locate appropriate parking immediately adjacent to the front door of the proposed facility. The requested relief will allow for the necessary perimeter landscaping, head in the parking adjacent Irvin Park Rd, a drive aisle and head-in parking adjacent the face of the building.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variances to allow the construction of an O'Reilly Auto Parts store with the following conditions:

- 1) A DuPage County Stormwater Management Certification shall be provided for this project as the total land disturbing activity exceeds 5,000 SF;
 - 2) An Illinois Department of Transportation (IDOT) permit shall be required if work is proposed within IL-19 right-of-way;
 - 3) All existing utilities shall be disconnected and capped at the main;
 - 4) A 5-feet wide ADA complaint public sidewalk shall be provided along the Walnut St frontage of the site;
 - 5) A 7-feet wide stamped concrete ADA complaint public sidewalk shall be provided along the IL-19 frontage of the site. This sidewalk shall match the opposite side of IL-19 and be installed directly adjacent to the existing north side IL-19 C&G;
 - 6) A plat of consolidation may be required to combine the two existing lots;

- 7) 2 bicycle parking spaces shall be provided;
- 8) Applicant shall revise plans to meet Village standards for depth and width of parking spaces;
- 9) Root-mounted mechanical units shall be screened. Screening must equal the height of the tallest mechanical equipment installed on the roof of the building;
- 10) A minimum of one shade tree shall be provided per landscape island;
- 11) The trash enclosure be in line with buildings western façade rather than projecting out past the façade;
- 12) Stamped concrete walk shall continue east of the Irving Park Road curb cut;
- 13) Applicant shall provide tree sizes and reasons as to why mature trees are being removed on the property; and
- 14) Street trees shall be planted along Walnut Street.

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2019-23. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Czarnecki, King, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:51 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact for CDC Case No. 2019-23 as presented by Staff and to approve the variance request, Maximum Front Setback. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Czarnecki, King, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2019-23 as presented by Staff and to approve the variance request, Maximum Corner Side Setback. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Czarnecki, King, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2019-23 as presented by Staff and to approve the variance request, Maximum Driveway Width. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Czarnecki, King, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2019-23 as presented by Staff and to approve the variance request, On-Site Pedestrian Circulation System. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Czarnecki, King, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

Ronald Rowe, Chairman
Community Development Commission