



12 South Center Street  
Bensenville, IL 60106

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[www.bensenville.il.us](http://www.bensenville.il.us)

## VILLAGE BOARD

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June 8, 2021

Mr. Mark W. Daniel  
17W733 Butterfield Road, Suite F  
Oakbrook Terrace, Illinois 60181

Re: June 4, 2021 FOIA Request

Dear Mr. Daniel:

I am pleased to help you with your June 4, 2021 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on June 4, 2021. You requested copies of the items indicated below:

*"Please provide a copy of Bensenville Ordinance No. 32-2016 (Approved August 23, 2016) and any subsequent amendments to Ord. No. 32+-2016. Please provide any Ordinances with particular application to 940 County Line Road, PIN 03-24-406-041. Please provide violations notices for 900, 910, 920, 930, 940 S> County Line Since 1/1/2017."*

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

- 1) Village of Bensenville Ordinance No. 32-2016. (12 pgs.)
- 2) Village of Bensenville Ordinance No. 28-2018. (11 pgs.)
- 3) Village of Bensenville Inspection No. 49948. (1 pg.)
- 4) Village of Bensenville Inspection No. 66406. (1 pg.)
- 5) Village of Bensenville Inspection No. 67195. (1 pg.)
- 6) Village of Bensenville Inspection No. 83072. (2 pgs.)
- 7) Village of Bensenville Inspection No. 83073. (1 pg.)
- 8) Village of Bensenville Inspection No. 68607. (1 pg.)

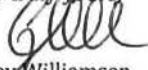
These are all the records found responsive to your request.

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 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 the 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  
12 S. CENTER STREET  
BENSENVILLE, ILLINOIS 60106**

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**Ordinance No. 32-2016**

**An Ordinance Granting Approval of a Planned Unit Development for  
Property Commonly Known as 900-930 County Line Road, Bensenville, Illinois**

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**ADOPTED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF BENSENVILLE  
THIS 23rd DAY OF AUGUST, 2016**

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of  
Bensenville, DuPage and Cook Counties, Illinois this 24th day of August 2016

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. 32-2016 entitled an Ordinance Granting Approval of a Planned Unit Development for Property Commonly Known as 900-930 County Line Road, Bensenville, Illinois.

INWITNESS WHEREOF, I have hereunto affixed my official hand and seal on this  
24th day of August, 2016.



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

**ORDINANCE NO. 32-2016**

**AN ORDINANCE GRANTING APPROVAL OF A PLANNED UNIT DEVELOPMENT  
FOR PROPERTIES COMMONLY KNOWN AS  
900-930 COUNTY LINE ROAD, BENSENVILLE, ILLINOIS**

**WHEREAS**, MTR, LLC ("Owner/Applicant") has filed an application seeking the approval of a Planned Unit Development pursuant to Chapter 10 of *The Village of Bensenville Zoning Ordinance* ("Zoning Ordinance") to: (1) allow for a truck facility; (2) outdoor storage not to exceed 25% of the Lot Area (Section 10-9A-3); and outdoor sales display (Section 10-11-2(C)); and in relation to such requests to allow for exception within the Planned Unit Development at the properties commonly known as 900-930 County Line Road, Bensenville, Illinois, and legally described in Exhibit "A," attached hereto and incorporated herein by reference (the "Subject Property"); and

**WHEREAS**, a copy of said Application for the Subject Property being on file in the Community and Economic Development Department; and

**WHEREAS**, Notice of Public Hearing with respect to the Planned Unit Development and zoning allowances sought by Owner/ Applicant was published in The Bensenville Independent Newspaper on June 23, 2016, and the zoning notice for the Subject Property was posted at the Subject Property, and personal 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 on July 11, 2016, all as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, the Community Development Commission, after the Public Hearing was conducted, made Findings of Fact that the Planned Unit Development sought by the Owner/ Applicant meets the requirements and approval criteria under Chapter 10 of the Zoning Ordinance, as set out in the Staff Report, and voted 6 to 0 (one vacant position) to approve the Application, subject to conditions as recommended by Staff, said findings of fact and recommended conditions being attached hereto and incorporated herein by reference as Exhibit "B;" and

**WHEREAS**, the Community Development Commission forwarded its recommendation, including its Findings of Fact, to the Village Board's Community and Economic Development

Committee which heard the matter on August 16, 2016 and approved the Application for the Planned Unit Development, with the conditions as suggested by the Community Development Commission; and

**WHEREAS,** the Community and Economic Development Committee forwarded its recommendation to the President and Board of Trustees on August 23, 2016; and

**WHEREAS,** the President and Board of Village Trustees have considered the matter herein and have determined that the record established at the Public Hearing before the Community Development Commission supports the approval of the Application for the Planned Unit Development, and that the conditions proposed by the Community Development Commission are warranted.

**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 a Planned Unit Development to (1) allow for a truck facility; (2) outdoor storage not to exceed 25% of the Lot Area (Section 10-9A-3); and outdoor sales display (Section 10-11-2(C)); and in relation to such requests to allow for exception within the Planned Unit Development at the properties commonly known as 900-930 County Line Road, Bensenville, Illinois, is hereby granted with the following conditions:

1. The Conditional Use Permit be granted solely to MTR, LLC., and an entity in which MTR, LLC and/or its owners are more than 50% owners and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board to confirm that an operator other than the class mentioned above is capable of operating within the terms of the ordinance. 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 cannot meet the standards of the ordinance or 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 property shall be developed in substantial compliance with the plans submitted with the application, including:
  - a. Boundary & Topographic Survey & Demolition Plan, Preliminary Grading Plan and preliminary Site Utility Plan prepared by Ridgeline Consultants LLC. dated 04.11.16
  - b. Combined preliminary & Final Plan of Panned Unit development of MTR Plaza prepared by Ridgeline Consultants, LLC dated 04.11.16
  - c. Preliminary Landscape Plan prepared by Gary R. Weber Associates Inc. Architectural Plans prepared by Ray Fang & Associates dated 11.15.15 Last revised 06.16.16 dated 01.16.16 last revised 04.13.16 and to be finally revised according to resolution of the street trees concern if possible.
3. Street trees be provided in accordance with the Municipal Code which will be addressed with staff.
4. Cross access easement and operational agreement for and between Lots One and Two.
5. Applicant shall install or provide for the deposit with the Village of the expense of the Multi – Use path to be installed along County Line Road.
6. General hours of operation shall be 7:00 AM to 7:00 PM weekdays and 7:00 AM to 1:00 PM on Saturdays, closed Sundays.
7. Service bay doors shall be closed at all times that any operational repair or mechanical assembly activity occurs.
8. All operational repair or mechanical assembly activity shall occur indoors; no such activities are allowed out of doors.
9. Motion sensors shall be installed on the exterior lighting on Lot One.
10. A Declaration of Covenants shall be submitted to, reviewed and approved by the Village Attorney and staff.
11. A Phasing Plan for the Two Phases shall be submitted.

12. Relocate the exhaust fans from the west side of the building to the roof and cover them properly.
13. No idling of trucks on the western side of the property (shall only occur east of central fence line).
14. No truck safety test certification program.
15. Fence along the north property line extending to a point directly north of the east to the face of the Lot 1 building at a height of eight (8) feet (adjustable down to six (6) feet) according to north neighbor preference).
16. Fence on west lot line to be installed at ten (10) feet and MTR to reasonably cooperate with west neighbors on selection of trees.
17. Decorative fencing (straight line permitted) to be installed according to code where necessitated by detention basins.


**SECTION FOUR:** That all requirements of the Zoning Ordinance shall be applicable to the Subject Property except as modified by the Planned Unit Development.

**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:** 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 23rd day of August, 2016.

  
\_\_\_\_\_  
Frank Soto, Village President

ATTEST:   
\_\_\_\_\_  
Corey Williamsen, Deputy Village Clerk

AYES: Carmona, DeSimone, Jaworska, Majeski, O'Connell, Wesseler

NAYES: None

ABSENT: None

Ordinance # 32 - 2016

900 – 930 County Line Road

Exhibit "A" Legal Description

LOT 11, LOT 12, LOT 13 (EXCEPT THE EAST 17 FEET THEREOF), AND THE NORTH HALF OF LOT 14 (EXCEPT THE EAST 17 FEET THEREOF) IN BLOCK 3 IN BENSENVILLE FARMS, BEING A SUBDIVISION IN SECTION 24, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 7, 1923 AS DOCUMENT 171311, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 900 - 930 County Line Road, Bensenville, IL 60106

Ordinance # 32 - 2016

900 – 930 County Line Road

Exhibit "B" Findings of Fact

Motion: Commissioner Rowe made a motion to approve the findings of fact for the Planned Unit Development (Section 10-9A-3) to Allow for a Mitsubishi Fuso Truck Facility, Outdoor Storage Not to Exceed 25% of the Lot Area (Section 10-9A-3) and Outdoor Sales Display (Section 10-11-2(C)), and in Relation to Said Requests, for the Approval of Exception Within the Planned Unit Development. consisting of:

1. **Superior Design:** The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable regulations, and solely on this basis modifications to such regulations are warranted.
2. **Meet PUD Requirements:** The PUD meets the requirements for planned unit developments set forth in this Title, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.
3. **Consistent With Village Plan:** The PUD is generally consistent with the objectives of the Village general development plan as viewed in light of any changed conditions since its adoption.
4. **Public Welfare:** The PUD will not be detrimental to the public health, safety or general welfare.
5. **Compatible With Environs:** Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, seriously impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding property.
6. **Natural Features:** The design of the PUD is as consistent and practical with preservation of any natural features such as flood plains, wooded areas, natural drainageways or other areas of sensitive or valuable environmental character.
7. **Circulation:** Streets, sidewalks, pedestrian ways, bicycle paths and off-street parking and loading are provided as appropriate to planned land uses. They are adequate in location, size, capacity and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks and snow plows, as

appropriate, without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD or unduly interfering with the safety or capacity of adjacent streets.

8. **Open Spaces And Landscaping:** The quality and quantity of common open spaces or landscaping provided are consistent with the higher standards of design and amenity required of a PUD.
9. **Covenants:** Adequate provision has been made in the form of deed restrictions, homeowners or condominium associations or the like for:
  - a. The presentation and regular maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas and other common elements not to be dedicated to the Village or to another public body.
  - b. Such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD plan, such provision to be binding on all future ownerships.
10. **Public Services:** The land uses, intensities and phasing of the PUD are consistent with the anticipated ability of the Village, the school system and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools and other public facilities and services without placing undue burden on existing residents and businesses.
11. **Phasing:** Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed.

Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Pisano, Rowe, Rodriguez, Tellez, Lomax

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the Planned Unit Development (Section 10-9A-3) to Allow for a Mitsubishi Fuso Truck

Facility, Outdoor Storage Not to Exceed 25% of the Lot Area (Section 10-9A-3) and Outdoor Sales Display (Section 10-11-2(C)), and in Relation to Said Requests, for the Approval of Exception Within the Planned Unit Development with the following conditions:

1. The Conditional Use Permit be granted solely to MTR, LLC. 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 property shall be developed in substantial compliance with the plans submitted with the application, including:
  - a. Boundary & Topographic Survey & Demolition Plan, Preliminary Grading Plan and preliminary Site Utility Plan prepared by Ridgeline Consultants LLC. dated 04.11.16
  - b. Combined preliminary & Final Plan of Planned Unit development of MTR Plaza prepared by Ridgeline Consultants, LLC dated 04.11.16
  - c. Preliminary Landscape Plan prepared by Gary R. Weber Associates Inc. Architectural Plans prepared by Ray Fang & Associates dated 11.15.15 Last revised 06.16.16 dated 01.16.16 last revised 04.13.16
3. Street trees be provided in accordance with the Municipal Code.
4. Cross access easement agreement for and between Lots One and Two.
5. Applicant shall Multi – Use path shall be installed along County Line Road.
6. General hours of operation shall be 7:00 AM to 7:00 PM.
7. Service bay doors shall be closed at all times that operational repair or mechanical assembly activity occur.
8. All operational repair or mechanical assembly activity shall occur indoors; no such activities are allowed out of doors.
9. Motion sensors shall be installed on the exterior lighting on Lot One.
10. A Declaration of Covenants shall be submitted to, reviewed and approved by the Village Attorney and staff.

11. A Phasing Plan for the Two Phases shall be submitted.
12. Relocate the exhaust fans from the west side of the building to the roof and cover them properly.
13. No idling of trucks on the western side of the property.
14. No truck safety test lane.
15. Fence along the north property line extending to the east to the face of the building.
16. Fence on west lot line to be installed at ten (10) feet and MTR to reasonably cooperate with west neighbors on selection of trees.

Commissioner Pisano seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Pisano, Rowe, Rodriguez, Tellez, Lomax

Nays: None

All were in favor. Motion carried.

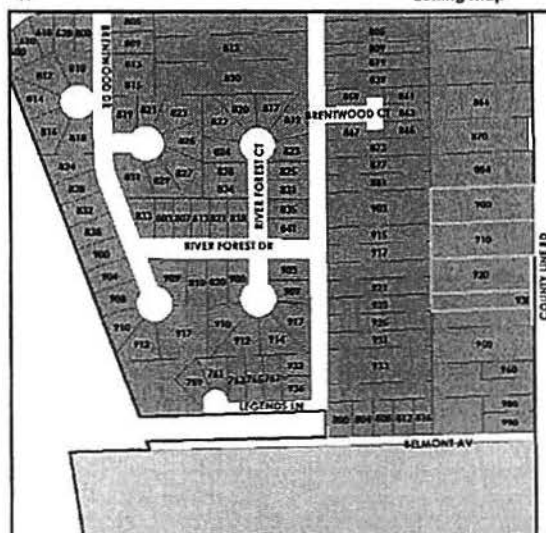
900 – 930 County Line Road  
MTR, LLC

## Village of Bensenville

B



## B

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

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**Ordinance No. 28-2018**

**An Ordinance Approving Conditional Use and Variance to Allow an Electronic  
Message Center Sign and Wall Signage for the Property Located at  
900-930 County Line Road, Bensenville, Illinois**

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**ADOPTED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF BENSENVILLE  
THIS 17<sup>th</sup> DAY OF JULY 2018**

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of  
Bensenville, DuPage and Cook Counties, Illinois this 17th day of July, 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. 28-2018 entitled an Ordinance Approving Conditional Use and Variance to Allow an Electronic Message Center Sign and Wall Signage for the Property Located at 900-930 County Line Road, Bensenville, Illinois.

INWITNESS WHEREOF, I have hereunto affixed my official hand and seal on this 18<sup>th</sup> day of July, 2018.



  
Corey Williamsen  
Deputy Village Clerk

**ORDINANCE #** 28-2018

**AN ORDINANCE APPROVING CONDITIONAL USE AND VARIANCE TO ALLOW  
AN ELECONTRONIC MESSAGE CENTER SIGN AND WALL SIGNAGE  
FOR THE PROPERTY LOCATED AT  
900-930 COUNTY LINE ROAD, BENSENVILLE, ILLINOIS**

**WHEREAS**, MTR LLC ("Owner") and ("Applicant"), filed an application for Conditional Use Permit, Electronic Message Center Sign, Municipal Code Section 10 – 18 – 6 – 1B and; Variance, Wall Signs Number Permitted, Municipal Code Section 10 – 18 – 12 of the Village of Bensenville Zoning Ordinance ("Zoning Ordinance") for the property located at 900-930 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 conditional use and variance sought by the Applicant was published in the Bensenville Independent on June 14, 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 July 3, 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 conditional use and variance and, thereafter, voted unanimously (4-0) to recommend approval of the conditional use and variance, and forwarded its recommendations, including the Staff Report and findings relative to the conditional use and variance 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 July 17, 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 conditional use and variance as recommended by the Community Development Commission to allow an electronic message center sign and wall signage 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 Subject Property is currently zoned under the Zoning Ordinance as I – 1 Office/Research/Assembly/Industrial District, which zoning classification shall remain in effect subject to the conditional use and variance approved herein.

**SECTION THREE:** That the Staff Report and Recommendation to approve the conditional use and variance sought, 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 the approval of said conditional use and variance are proper and necessary.

**SECTION FOUR:** That the conditional use and variance sought by the Applicant to allow an electronic message center sign and wall signage on the Subject Property is hereby approved subject to the following condition:

1. The plans and aesthetics of the sign to be in substantial compliance with the plans submitted by Monsibic Signs & Graphic dated 05.11.18.
2. All other features of EMC shall conform to ordinance, particularly section 10-18-7C Sign Illumination.

**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 17th day of July 2018.

  
\_\_\_\_\_  
Frank DeSimone, Village President

ATTEST:

  
\_\_\_\_\_  
Nancy Quinn, Village Clerk

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

NAYES: None

ABSENT: None

**Ordinance # 28 - 2018**

**Exhibit "A"**

**Legal Description**

The Legal Description is as follows:

LOT 11, LOT 12, LOT 13 (EXCEPT THE EAST 17 FEET THEREOF), AND THE NORTH HALF OF LOT 14 (EXCEPT THE EAST 17 FEET THEREOF) IN BLOCK 3 IN BENSENVILLE FARMS, BEING A SUBDIVISION IN SECTION 24, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 7, 1923 AS DOCUMENT 171311, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 900-930 County Line Road, Bensenville, DuPage County, Illinois (Permanent Index Nos. 03-24-406-037, -038, -072, -076).

**Ordinance # 28 - 2018**

**Exhibit "B"**

**Findings of Fact**

Mr. Pozsgay reviewed the approval criteria for the proposed conditional use request consisting of:

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.

**Applicant's Response: There will be no adverse impact.**

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.

**Applicant's Response: There will not be any environmental nuisance.**

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.

**Applicant's Response: The proposed use will fit harmoniously with the existing character on the existing sign. Will not have any adverse effects to the surrounding area.**

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.

**Applicant's Response: The proposed use will not put a strain or disproportionate strain on public services beyond what is normally provided for in an I-1 District.**

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.

**Applicant's Response: There is a need for the Village of Bensenville to keep its commercial properties occupied.**

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.

**Applicant's Response: The EMC sign will allow the business to draw new customers, increasing sales and tax to the Village.**

Mr. Pozsgay reviewed the approval criteria for the proposed variance 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: Fuso is the brand of trucks we sell. The two additional signs allow us to advertise our name and the truck brand we sell while also giving a the building a symmetrical look.**

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: Not having the additional signs for the truck brand could decrease sales, causing undue hardship.**

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: One wall sign would not effectively advertise our business.**

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: This is not resulting from our action.**

5. **Preserve Rights Conferred by District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

**Response: This variance would not confer special privilege.**

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 variance will allow reasonable economic return.**

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: It will not alter local character.**

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: It is consistent with the title and plan.**

9. **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

**Response: This is the minimum variance needed.**

Mr. Pozsgay stated Staff recommends the approval of the findings of fact as they appear above and therefor recommend approval of the request with the following conditions:

1. The plans and aesthetics of the sign to be in substantial compliance with the plans submitted by Monsibic Signs & Graphic dated 05.11.18.

2. All other features of EMC shall conform to ordinance, particularly section 10-18-7C Sign Illumination.

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2018-15. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:06 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2018-15 as presented by Staff and to approve the Amendment to Final Planned Unit Development and Conditional Use Permit, Electronic Message Center Sign. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Marcotte, King, 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. 2018-15 as presented by Staff and to approve the Variance, Wall Signs Number Permitted. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

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Ronald Rowe, Chairman  
Community Development Commission

CDC#2018 - 15

900-930 County Line Road  
MTR

Amendment to Planned Unit Development  
Conditional Use Permit; EMC and Variance; Wall Sign Number Permitted

## Village of Bensenville

900 S County Line Rd

B

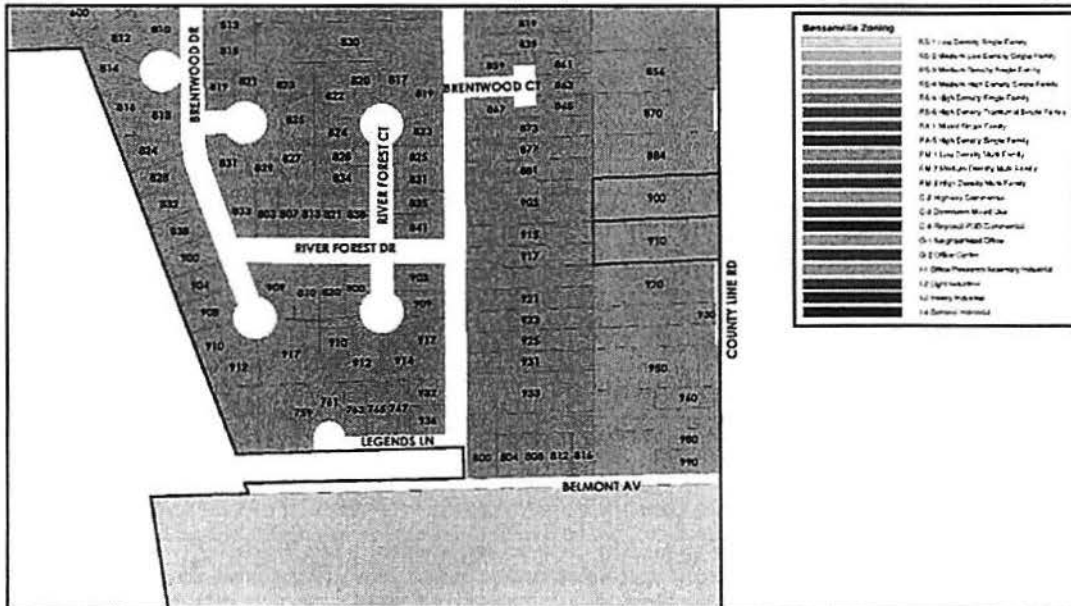


Date: 6/11/2018

## Village of Bensenville

Zoning Map

B





**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: 920 COUNTY LINE

Unit:

Business name:: MTR TRUCK CENTER, INC.

Phone: 630.238.3380

Business Owner: LOYA, EDUARDO

Address: 920 S COUNTY LINE ROAD BENSENVILLE, IL

Inspection Date: 3/22/2017

Inspector: DON TESSLER

<u>Checklist #</u>	<u>Violation</u>	<u>Violation comment</u>
030F	PARKING LOT NEEDS STRIPING	Front parking lot needs to be restripped.
030I	TRUCKING PARKING	No over night truck parking front of building area.
120I	REMOVE ALL EXTENSION CORDS	Remove extension cord locker room.
160F	FIRE EXTINGUISHERS NEEDED	Need one 10lbs ABC fire extinguisher with current tag mounted by kitchen area
160P	FLAMMABLES IMPROPERLY STORED	need to chain all tanks outside to wall.

**Additional Remarks/Comments:**

Reinspection 4-24-17

Reinspection 49949 created on 03/22/2017  
by 6523dtes

**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 30 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**  
**INSPECTIONAL SERVICES**  
 12 South Center  
 Bensenville, IL 60106  
 630-350-3413 fax:630-350-3449

Type of Inspection: NON-RESIDENTIAL INSPECTION

**CORRECTION NOTICE**

Address: 920 COUNTY LINE

Unit:

Business name:: MTR TRUCK CENTER, INC.

Phone: 630.238.3380

Business Owner: LOYA, EDUARDO

Address: 920 S COUNTY LINE ROAD BENSENVILLE, IL

Inspection Date: 4/10/2019

Inspector: DON TESSLER

<u>Checklist #</u>	<u>Violation</u>	<u>Violation comment</u>
0001	IMPROPER DISPLAY OF ADDRESS	The 910 Building needs a front address, min. 6" numbers seen from the street.
090D	REPAIR HOLES IN WALL/CEILING	Replace all missing ceiling tiles. 910 building
120G	NEED ACCESS TO ELECTRIC PANEL	Need to keep 36" clear around all electrical panels.
160M	EXTINGUISHERS DISCHARGED	Fire extinguisher 2nd floorpart storage needs recharged.
160P	FLAMMABLES IMPROPERLY STORED	Proprane tanks outside rear of building improperly stored, need cage and away from Exit door.
175F	NO STOARGE IN BAR-JOIST	Remove all storage in bar-joist, keep storage 24" below ceiling
175G	NO STORAGE ON STAIRS	No storage on stairs keep cleared.

**Additional Remarks/Comments:**

Re-inspection date 5-13-2019

Reinspection 66407 created on 04/10/2019 by 6523dtes

**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.**

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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: 920 COUNTY LINE

Unit:

Business name:: MTR TRUCK CENTER, INC.

Phone: 630.238.3380

Business Owner: LOYA, EDUARDO

Address: 920 S COUNTY LINE ROAD BENSENVILLE, IL

Inspection Date: 05/13/19

Inspector: DON TESSLER

<u>Checklist #</u>	<u>Violation</u>	<u>Violation comment</u>
0001	IMPROPER DISPLAY OF ADDRESS	The 910 Building needs a front address, min. 6" numbers seen from the street.
090D	REPAIR HOLES IN WALL/CEILING	Replace all missing ceiling tiles. 910 building
120G	NEED ACCESS TO ELECTRIC PANEL	Need to keep 36" clear around all electrical panels.
160M	EXTINGUISHERS DISCHARGED	Fire extinguisher 2nd floorpart storage needs recharged.
160P	FLAMMABLES IMPROPERLY STORED	Propane tanks outside rear of building improperly stored, need cage and away from Exit door.
175F	NO STOARGE IN BAR-JOIST	Remove all storage in bar-joist, keep storage 24" below ceiling
175G	NO STORAGE ON STAIRS	No storage on stairs keep cleared.

**Additional Remarks/Comments:**

Created from inspection 66407 on 05/13/2019 by 6523dtes

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

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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: 920 COUNTY LINE

Unit:

Business name:: MTR TRUCK CENTER, INC.

Phone: 630.238.3380

Business Owner: LOYA, EDUARDO

Address: 920 S COUNTY LINE ROAD BENSENVILLE, IL

Inspection Date: 5/4/2021 1

Inspector: DON TESSLER

<u>Checklist #</u>	<u>Violation</u>	<u>Violation comment</u>
005	SPRAY BOOTH	No spray painting inside building without an approved spray booth, permit required for this work.
005A	FIRE LANE	Fire Dept. need access around both building, a fire lane to fit a fire truck around the building. need to organize storage of trucks to obtain this.
005B	PRIVATE FIRE HYDRANT TESTED	The yellow private fire hydrant needs current annual inspection, test, and certified per NFPA 25.
160E	EMERGENCY LIGHTING INOPERABLE	Repair/replace all non-working emergency light units, both buildings
160F	FIRE EXTINGUISHERS DISCHARGED	Service the discharge fire extinguisher (920)
160G	EM/EXIT LIGHT BURNED OUT	Repair/replace all burned out Exit signs, (910)
170B	SPRINKLER HEADS BLOCKED	Storage to high on shelves in Parts room, blocking fire sprinklers (910)
170C	SPRINKLER RISER BLOCKED	No storage around fire sprinkler controls. need 36" clear space around riser. (910)
170H	STORAGE 18 IN. FROM SPRINKLERS	
180B	EXTINGUISHERS - ANNUALLY	Fire extinguishers need a current annual inspection, tested, and tagged (910)
180L	ELEVATOR INSP. BI - ANNUALLY	Need a current Elevator inspection, cert.

**Additional Remarks/Comments:**

Re-inspection 06/07/21

Reinspection 83073 created on 05/04/2021 by 6523dtes

**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.**

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**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: 920 COUNTY LINE

Unit:

Business name:: MTR TRUCK CENTER, INC.

Phone: 630.238.3380

Business Owner: LOYA, EDUARDO

Address: 920 S COUNTY LINE ROAD BENSENVILLE, IL

Inspection Date: 5/4/2021 1

Inspector: DON TESSLER

Copy of this report received by/mailed to: \_\_\_\_\_ E-mailed 05/04/2021

Inspector: Donald Tessler Date: 05/04/2021



**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: 920 COUNTY LINE

Unit:

Business name:: MTR TRUCK CENTER, INC.

Phone: 630.238.3380

Business Owner: LOYA, EDUARDO

Address: 920 S COUNTY LINE ROAD BENSENVILLE, IL

Inspection Date: 6/7/2021 1

Inspector: DON TESSLER

<u>Checklist #</u>	<u>Violation</u>	<u>Violation comment</u>
005B	PRIVATE FIRE HYDRANT TESTED	The yellow private fire hydrant needs current annual inspection, test, and certified per NFPA 25.
160E	EMERGENCY LIGHTING INOPERABLE	Repair/replace all non-working emergency light units, both buildings
180L	ELEVATOR INSP. BI - ANNUALLY	Need a current Elevator inspection, cert.

**Additional Remarks/Comments:**

Created from inspection 83072 on 05/04/2021 by 6523dtes

Reinspection 84900 created on 06/07/2021 by 6523dtes

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You are hereby notified to remedy the conditions as stated above within 15 days.

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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: CORRECTION NOTICE

**CORRECTION NOTICE**

Address: 940 COUNTY LINE

Unit:

Business name::

Phone:

Property Owner: PICICCO, NICOLINA

Address: [REDACTED]

Inspection Date: 7-5-19

Inspector: LOUIS CZERWIN

<u>Checklist #</u>	<u>Violation</u>	<u>Violation comment</u>
015A	VACANT LAND NEEDS CLEANING	diliapidated fencing, old metal objects and any garbage need to be removed.
020C	PRUNE TREES, BUSHES OR SHRUBS	trees and bushes need to be cut back entirely from the front right of way. Additionally all trees and brush under 3 inches in diameter shall be cut and removed from the property. braches and sticks on the ground shall be raked up and removed.

**Additional Remarks/Comments:**

Reinspection 68608 created on 07/05/2019 by 6523lcze

**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.**

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Copy of this report received by/mailed to: \_\_\_\_\_ sent via usps

Inspector: Louie Czerwin \_\_\_\_\_ Date: 7/5/19 \_\_\_\_\_