



12 South Center Street
Bensenville, IL 60106

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June 23, 2023

Mr. Marshall Subach
1035 South York Road
Bensenville, Illinois 60106

Re: June 23, 2023 FOIA Request

Dear Mr. Subach:

I am pleased to help you with your June 23, 2023 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on June 23, 2023. You requested copies of the items indicated below:

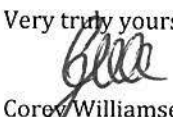
"Copies of all staff reports and zoning approvals including special use permits and conditional use permits for 211 Beeline Drive Unit 1 PIN 03-11-402-033."

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

- 1) Village of Bensenville Staff Report for CDC Case #2013-14. (8 pgs.)
- 2) Village of Bensenville Ordinance No. 50-2013. (8 pgs.)

These are all the records found responsive to your request.

Very truly yours,


Corey Williamsen
Freedom of Information Officer
Village of Bensenville



VILLAGE OF BENSENVILLE FREEDOM OF INFORMATION ACT REQUEST FORM

TO: COREY WILLIAMSEN

Freedom of Information Officer
Village of Bensenville
12 S. Center Street
Bensenville, IL 60106

FROM:

Name Marshall Subach

Address 1035 S. York Road
Bensenville, IL 60106

Phone (630)860-7800

E-Mail mjsubach@7800law.com

13627

TITLES OR DESCRIPTION OF RECORDS REQUESTED (Please Include Date of Birth and Case Number for Police Records):

Copies of all staff reports and zoning approvals including special use permits and conditional use permits for 211 Beeline Drive Unit 1
with PIN 03-11-402-033

☐ THIS REQUEST IS FOR A COMMERCIAL PURPOSE (You must state whether your request is for a commercial purpose. A request is for a "commercial purpose" if all or any part of the information will be used in any form for sale, resale, or solicitation or advertisement for sales or services. Failure to disclose whether a request is for a commercial purpose is a prosecutable violation of FOIA.)

Would like your request delivered via: ☒ E-Mail ☐ U.S. Mail ☐ Pick-Up*

*Pick-Up is available by appointment at Village Hall Monday thru Friday, between 8:00 a.m. - 5:00 p.m.

I understand that any payment need be received before any documents are copied and/or mailed.

Date

6/23/2023

Signature

All FOIA responses are posted on the Village's website. Name and address of the requestor will be made public.

The first fifty (50) pages of the request are free. The fee charge is fifteen (15) cents after the first fifty (50) pages.

Unless otherwise notified, your request for public records will be compiled within five (5) working days.

Unless otherwise notified, any request for commercial purposes will be compiled within twenty-one (21) days working days.

COREY WILLIAMSEN, FREEDOM OF INFORMATION OFFICER

Telephone: (630) 350-3404 Facsimile: (630) 350-3438

E-mail Address: FOIArequest@bensenville.il.us

6/23/23

Date Request
Received

6/30/23

Date Response
Due

7/10/23

Date Extended
Response Due

\$0-

Total Charges

6/23/23

Date Documents
Copied or Inspected

Received by Employee: _____



STAFF REPORT

HEARING DATE:	June 10, 2013
CASE #:	2013 - 14
PROPERTY:	211 Beeline Drive Unit #1
PROPERTY OWNER:	Anna Fiedoruk (Matejko Auto Service)
APPLICANT:	Anna Fiedoruk (Matejko Auto Service)
BUILDING SIZE:	3,150 SQFT (Unit #1)
SITE ACREAGE:	13,352 SQFT
PIN NUMBERS:	03 - 11 - 401 - 033
REQUEST:	Conditional Use Permit (CUP) to allow Motor Vehicle Repair Major & Minor in an existing I - 2 Light Industrial District Municipal Code Section 10 - 9B- 3

PUBLIC NOTICE:

1. A Legal Notice was published in the Daily Herald on Saturday May 25, 2013. 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 Friday May 24, 2013.
3. On Friday May 24, 2013 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.

SUMMARY:

The property in question is zoned I -2 Light Industrial District and is improved with a multiple tenant industrial building. The application is for Unit #1 in the 14 Unit building. Unit # 1 had been home to an Auto Body

Repair Shop which vacated the space some time ago. The prior user did not appear to have a Conditional Use Permit. The applicant has acquired the property and is now seeking the requisite Conditional Use Permit.

SURROUNDING LAND USE:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	I - 2	Industrial	Industrial	Village of Bensenville
North	I - 2	Industrial	Industrial	Village of Bensenville
South	I - 2	Industrial	Industrial	Village of Bensenville
East	I - 2	Industrial	Industrial	Village of Bensenville
West	I - 2	Industrial	Industrial	Village of Bensenville

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

- | | |
|-------------------------------------|------------------------------------|
| <input checked="" 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. No comment.

Police:

1. Concern regarding the parking of inoperable vehicles.
2. There does not appear to be any screened area to prevent the viewing of towed vehicles from the street.

Public Works / Engineering:

1. To properly handle mechanical repairs, I'd say Village code 8-6-15 applies in this case, a grease, oil and sand interceptor will be required.

Community & Economic Development:

Economic Development

1. The property in question is located within our TIF 12.

2. The unit has been vacant since Capital Auto Body ceased operations. Filling one of our vacant industrial spaces is generally seen as a positive.
3. As in all cases it will be important to maintain the property and landscape to assist in proper community aesthetic.

Code Compliance

1. A fire alarm system is required.
2. The on-site parking arrangement is far from ideal as trucks are currently parked all around the building area. This limits the accessibility of a fire apparatus and the ability to ladder the property.
3. The fire lane to the north side of the building is almost never clear and the addition of another truck repair business would bring an additional fire hazard to a non-sprinklered building.
4. Staff recommends the building owners form a condo association board.

Building:

1. As this use has been previously abandoned, the current building code will apply. Several major issues will need to be addressed.
2. A triple basin grease separator will need to be installed, if not already in place, within the repair area. All floor drains will need to be connected to this basin.
3. A fire alarm system, connected to the Village's dispatch panel via radio, will need to be installed if not already in place.
4. A 4" gas curb separation will need to be provided between the office and the shop area to prevent any vapors from travelling into the offices. To meet the intent of the accessibility code, an accessible ramp will need to be installed to navigate the new curb.
5. The bathroom will need to have mechanical ventilation (exhaust fan) if not already in place.
6. The repair garage will be required to have mechanical ventilation that is tied into a carbon monoxide detector system, which will automatically activate upon high levels of CO, as required in the 2006 International Mechanical Code. A makeup air vent will need to be tied into the system as well.
7. The mixing room door and wall construction will be verified by inspectors in the field to assure proper rating and sealing capabilities.

8. The existing spray booth will be verified in field by inspectors to assure proper listings with Underwriters Laboratory, and that sprinkler heads are properly located within the painting structure. If no sprinklers are present, up to 10 heads can be tapped off of the domestic water service. No building sprinkler system will be required.
9. Any mechanical, plumbing, electrical, or structural work planned for the project will require a building permit. Permit submittals will require full architectural, structural, mechanical, electrical, and plumbing drawings. A full building review will be completed upon permit submittal.
10. A business license will need to be applied for, but cannot be issued prior to the approval of a conditional use permit. The initial business license inspection may uncover more specific issues within the building that may need to be addressed by the applicant.

Planning

1. The property in question falls within the I – 2 Light Industrial District.
2. This multiple tenant building is not under common ownership. This lack of "control" seems to have caused some maintenance issues in the past.
3. Outdoor storage and parking of vehicles has also been a significant issue.
4. Recently the Village Board denied a Conditional Use Permit request for truck repair in Unit #3.
5. The "crowding" of the site was a major factor in the decision.
6. Should this request move forward, the repair of trucks should be prohibited.
7. There shall be no work performed out of doors.
8. There shall be no outdoor storage of any kind.
9. The submitted floor plan indicates space for up to five service bays/areas plus a paint booth. At 2 parking spaces per service bay that would require 12 parking spaces on site. The site currently has only four spaces.
10. Additional spaces shall be striped in the east side of the building.
11. There shall be a reduction in the number of service bays / areas within the unit as there is not sufficient parking on-site.
12. There are a number of car and truck repair shops in the site's multiple tenant building as well as in the immediate area around the property in question. The following motor

vehicle repair businesses are licensed by the Village currently in 211 Beeline:

Rich's Drive Service
Y-Not Auto Body
POM Truck Repair
Turbo Express
Tom's Mobile Truck Repair

13. Each "tier" of land running in the east – west direction is individually owned and the individual owners are responsible for the maintenance of only their small portion of the overall site.

14. Ingress – Egress easement is recorded to grant free access to the units and their properties.

15. Staff has worked with some of the owners in the past in an attempt to enhance the site. To a limited extent this effort was successful however there is more to do. The yellow striping was an attempt to delineate each owner's property and parking areas. Staff believes that the long term viability of this property depends in part on the unified control of the overall site.

16. The decision makers should consider the question of how many repair facilities in one multiple tenant building are appropriate. The number of such facilities exacerbates the unkempt environment of the site.

17. It is unclear as to how many vehicles the applicant will have for repairs. The applicant has indicated up to 5 vehicles could be parked within the building at any one time (not including the spray booth). Staff has concerns that vehicles could potentially be left outside after hours.

18. Four parking spaces are designated for use by the applicant on the subject property. Due to the history of parking congestion and excessive parking issues found within the 211 Beeline Drive complex, granting a parking variance could potentially increase the issue.

19. The required parking for the site would be 10 spaces as 5 "service bays" are indicated on the inside of the subject property.

20. Staff has concerns that adequate parking will not be available for both the employees working in addition to the customers bringing vehicles to the site.

21. It is the staff's understanding that the property was in foreclosure and the purchaser was unable to acquire the site conditioned on receiving proper entitlements/zoning.

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.

The addition of another motor vehicle repair business limited to passenger vehicles will not increase the traffic congestion found on-site to levels not otherwise typical of permitted uses in the District. The Unit was previously occupied by a similar motor vehicle repair operation.

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.

There should not be environmental nuisances uncharacteristic of other I -2 uses and as work will be done indoors negative air and waste disposal nuisances are mitigated; however, any influx in truck traffic and storage would be an environmental nuisance to the surrounding tenants. With the use limited to passenger vehicles (no trucks) there should not be any negative environmental effects.

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 is zoned I -2 Light Industrial. The proposed use should be in harmony with the businesses in the 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.

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 as the business is located in an industrial area, 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.

Motor Vehicle Repair both Major & Minor will be in harmony with the surrounding business and industrial uses.

Conditional Use Approval Criteria	Meets Criteria	
	Yes	No
1. Traffic	X	
2. Environmental Nuisance	X	
3. Neighborhood Character	X	
4. Public Services and Facilities	X	
5. Public Necessity	X	
6. Other Factors	X	

Staff finds all Approval Criteria have been met.

RECOMMENDATIONS:

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

1. The Conditional Use Permit Amendment be granted solely to Anna Fiedoruk (Matejko Auto Service) 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. A six month review before the CDC and Village Board is required to ensure adequate compliance with the conditions enumerated below.
3. No work shall be performed out of doors.
4. There shall be no outdoor storage of vehicles.
5. All building, engineering and code compliance staff comments shall be promptly complied with.
6. There shall be a reduction in the number of service bays/areas so that the on-site parking meets the Municipal Code.
7. Additional parking spaces shall be provided on the east / rear of the property.

Respectfully Submitted,
Department of Community
& Economic Development

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

Ordinance No. 50-2013

**An Ordinance Approving the Grant of a Conditional Use Permit to Allow Motor Vehicle
Repair (Major & Minor) at 211 Beeline Drive, Unit #1, Bensenville, Illinois**

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 20th DAY OF August, 2013**

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Bensenville, DuPage and Cook Counties, Illinois this 21st day of August 2013

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. 50-2013 entitled an ordinance approving the grant of a conditional use permit to allow motor vehicle repair (major & minor) at 211 Beeline Drive, Unit #1, Bensenville, Illinois.

INWITNESS WHEREOF, I have hereunto affixed my official hand and seal on this
21st day of August, 2013.





Corey Williamsen
Deputy Village Clerk

ORDINANCE NO. 50-2013

**AN ORDINANCE APPROVING THE GRANT OF A CONDITIONAL USE PERMIT
TO ALLOW MOTOR VEHICLE REPAIR (MAJOR & MINOR) AT
211 BEELINE DRIVE, UNIT #1, BENSENVILLE, ILLINOIS**

WHEREAS, Anna Fiedoruk ("Owner") and Matejko Auto Service ("Applicant"), filed an application seeking a conditional use permit to allow the Applicant to conduct Motor Vehicle Repair (Major & Minor) in the I-2 Light Industrial District pursuant to Section 10-9B-3 of *The Village of Bensenville Zoning Ordinance* ("Zoning Ordinance") at property commonly known as 211 Beeline Drive, Unit #1, 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 conditional use permit sought by the Owner and Applicant was published in the Daily Herald on May 24, 2013 in the Village of Bensenville, and notice was also given via posting of a Public Hearing Sign on the property and via U.S. 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 on June 10, 2013 and June 24, 2013 as required by the statutes of the State of Illinois and the ordinances of the Village, and after hearing the application, adopted the findings of facts suggested by Staff 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 unanimously to approve the application for conditional use permit to allow Motor Vehicle Repair (Major & Minor) 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; 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 August 20, 2013; and

WHEREAS, the President and Board of Village Trustees considered the matter and determined, based on its consideration, that the permit 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 application for a conditional use permit to allow Anna Fiedoruk (Matejko Auto Service) to conduct Motor Vehicle Repair (Major & Minor) 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 amendment be granted solely to Anna Fiedoruk (Matejko Auto Service) and 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 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 condition use permit, (2) a six month review before the CDC and Village Board is required to ensure adequate compliance with the conditions enumerated below, (3) no work shall be performed out of doors, (4) there shall be no outdoor storage of vehicles, (5) all building, engineering and code compliance staff comments shall be promptly complied with, (6) there shall be a reduction in the number of service bays/areas so that the on-site parking meets the Municipal Code, and (7) additional parking spaces shall be provided on the east/rear of the Subject Property.

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 20th day August, 2013.



Frank Soto, Village President

ATTEST:


Ilsa Rivera-Trujillo, Village Clerk

AYES: BARTLETT, JANOWIAK, JARECKI, O'CONNELL, RIDDER, WESSELER

NAYES: NONE

ABSENT: NONE

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Ordinance # 50 - 2013

Exhibit "A"

The Legal Description of the property is as follows:

Parcel One: The west 234.18 feet lying south of a line drawn at right angles to the west line thereof, through a point 90.02 feet north of the southwest corner thereof of Lot 3 (Except the south 33 feet thereof) 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 the Plat thereof Recorded October 17, 1934 as Document 35061, in DuPage County , Illinois.

Parcel Two Easement for the benefit of Parcel 1 for ingress and egress as set in the Declaration Recorded as Document R72 – 74496 and shown in the Plat of Subdivision aforesaid in Du Page County, Illinois

Commonly known as 211 West Beeline Drive Unit #1, Bensenville, Illinois.

Permanent Index Number: 03 – 11 – 401 – 033

Ordinance # 50 - 2013

Exhibit "B"

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. **The addition of another motor vehicle repair business limited to passenger vehicles will not increase the traffic congestion found on-site to levels not otherwise typical of permitted uses in the District. The Unit was previously occupied by a similar motor vehicle repair operation.**
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. **There should not be environmental nuisances uncharacteristic of other I -2 uses and as work will be done indoors negative air and waste disposal nuisances are mitigated; however, any influx in truck traffic and storage would be an environmental nuisance to the surrounding tenants. With the use limited to passenger vehicles (no trucks) there should not be any negative environmental effects.**
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 is zoned I -2 Light Industrial. The proposed use should be in harmony with the businesses in the 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. **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 as the business is located in an industrial area, 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. **Motor Vehicle Repair both Major & Minor will be in harmony with the surrounding business and industrial uses.**

Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, Caira, Pisano, Rodriguez, Rowe, Weldon

Nays: None

All were in favor. Motion carried.