

**Village
Board**

Trustees

Rosa Carmona

Frank DeSimone

Agnieszka "Annie"

Jaworska

David Majeski

Martin O'Connell III

Henry Wesseler

Village Clerk

Ilsa Rivera-Trujillo

Village Manager

Evan K. Summers



**Village of Bensenville, Illinois
VILLAGE BOARD
COMMUNITY AND ECONOMIC DEVELOPMENT
COMMITTEE MEETING
AGENDA
6:15 PM February 21, 2017
Or Immediately Following the Public Safety
Committee Meeting**

Call to Order

Roll Call

Public Comment (3 Minutes per person with a 30 minute meeting limitation)

Approval of Minutes:

January 17, 2017 Community and Economic Development Committee Minutes

ACTION ITEMS

1. Consideration of an Ordinance Approving a Variance for a Monument Sign for the Applicant South Water Signs, Located at 1230 Mark Street, Bensenville, IL
2. Consideration of an Ordinance Approving Fence Variances for Applicant, Lois Phelan at 457 S Church Road, Bensenville, IL

INFORMATIONAL ITEMS

Adjournment

TYPE:Minutes**SUBMITTED BY:**Corey Williamsen**DEPARTMENT:**Village Clerk's Office**DATE:**February 21, 2017**DESCRIPTION:**January 17, 2017 Community and Economic Development Committee Minutes.**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:****COMMITTEE ACTION:****DATE:****BACKGROUND:****KEY ISSUES:****ALTERNATIVES:****RECOMMENDATION:****BUDGET IMPACT:****ACTION REQUIRED:****ATTACHMENTS:**

Description

Upload Date

Type

DRAFT_170117_CED**2/15/2017****Cover Memo**

**Village of Bensenville
Village Board Room
12 South Center Street
Bensenville, Illinois 60106
Counties of DuPage and Cook**

**MINUTES OF THE COMMUNITY & ECONOMIC DEVELOPMENT
COMMITTEE MEETING
January 17, 2017**

CALL TO ORDER: Chairman O'Connell called the meeting to order at 6:05 p.m.

PRESENT: Upon roll call by Deputy Village Clerk, Corey Williamsen, the following Board Members were present:

Chairman O'Connell, Carmona, DeSimone, Jaworska, Majeski, Wessler

Absent: None

Village Clerk, Ilsa Rivera-Trujillo, was also present.

A quorum was present.

Staff Present: E. Summers, J. Caracci, F. Kosman, M. Martella, S. Viger, C. Williamsen

Public Comment: There was no public comment.

Approval of Minutes: The November 15, 2016 Community & Economic Development Committee minutes were presented.

Motion: Chairman O'Connell made a motion to approve the minutes as presented. Trustee Jaworska seconded the motion.

All were in favor. Motion carried.

**INFORMATIONAL
ITEMS:**

Bella's Bistro

Market:

Mr. Rocky Bhalla, owner of Bella's bistro Market presented to the Committee a business plan for his vision to open at 471 West Irving Park Road. Village Manager, Evan Summers, stated he met with Mr. Bhalla and that Bella's Bistro Market has agreed not advertise video gaming in the windows of the establishment. *Consensus from the Committee directed Staff to draft an ordinance creating a liquor license for Bella's Bistro Market's business plan for action at the Village Board Meeting on January 24, 2017.*

120 W. Green St.: Trustee Wessler asked for an update regarding the restaurant project taking place at 120 W. Green Street. Mr. Viger stated work has begun and Staff continues to address the roofing issues with the tenant and will have a future memo for the Village Board.

600 Eagle Dr.: Mr. Summers provided the Committee with an update regarding the interest in the leasing on 600 Eagle Drive. Trustee DeSimone indicated he visited the neighbors adjacent to the property and they were not in favor of the proposal. Trustee DeSimone asked if the operation would be twenty-four hours; if trucks would be idling; and how close would the truck be parked to the proposed wall? Mr. Summers stated he would ask the potential tenant. Trustee Wessler suggested a Neighborhood Meeting between the potential tenants and the Residents in the area. Mr. Summers stated he would inquire.

118 E. Green St.: Trustee Wessler asked for an update regarding the vacant building at 118 E. Green St. Mr. Viger stated he has made contact with the property owner and that progress is slowly being made.

ADJOURNMENT: Chairman O'Connell made a motion to adjourn the meeting. Trustee Majeski seconded the motion.

All were in favor. Motion carried.

Chairman O'Connell adjourned the meeting at 6:54 p.m.

Corey Williamsen
Deputy Village Clerk

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville this _____ day February 2017.

TYPE:Ordinance**SUBMITTED BY:**K. Pozsgay**DEPARTMENT:**CED**DATE:**02-21-17**DESCRIPTION:**

Consideration of an Ordinance Approving a Variance for a Monument Sign for the Applicant South Water Signs, Located at 1230 Mark Street, Bensenville, IL

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>	Financially Sound Village	<input type="checkbox"/>	Enrich the lives of Residents
<input type="checkbox"/>	Quality Customer Oriented Services	<input type="checkbox"/>	Major Business/Corporate Center
<input checked="" type="checkbox"/>	Safe and Beautiful Village	<input checked="" type="checkbox"/>	Vibrant Major Corridors

COMMITTEE ACTION:**DATE:**

02-21-17

BACKGROUND:

1. The applicant, South Water Signs, is installing signage at the new MB Financial site.
2. They are moving into a multi-tenant space that already has a professional directory monument sign on site.
3. The site is allowed one monument sign per code.
4. The existing monument sign is on the middle portion of the site, while the proposed sign is on the eastern portion.

KEY ISSUES:

1. This is a unique situation as the bank has relocated into a low visibility inline space.
2. They are moving from a highly visible location at Mark and Route 83 (1050 N. IL Route 83).

ALTERNATIVES:

Discretion of the Committee.

RECOMMENDATION:

1. The staff respectfully recommends that the variance be approved.
2. At the 01.16.17 Public Hearing the Community Development Commission voted unanimously to recommend approval of the variance.
3. There were no members of the public wishing to be heard.

BUDGET IMPACT:

n/a

ACTION REQUIRED:

Consideration to approve an Ordinance approving a variance for a monument sign for the applicant South Water Signs, located at 1230 Mark Street, Bensenville, IL

ATTACHMENTS:

Description

Upload Date

Type

CDC Case #2016-29

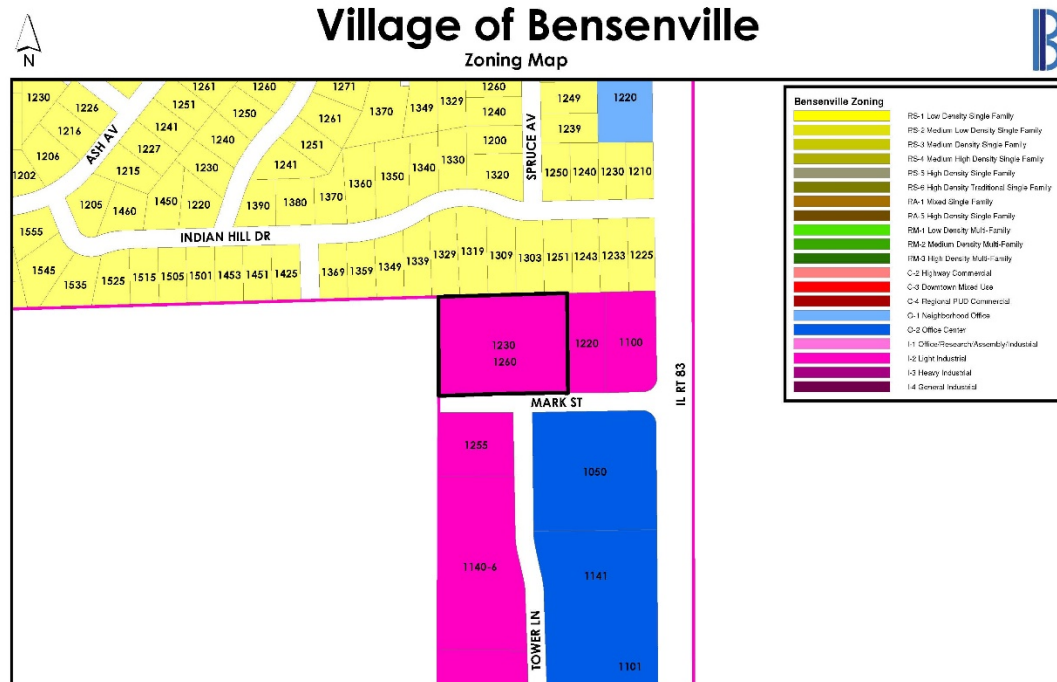
2/15/2017

Executive Summary

Public Hearing 1.16.17
CDC Case #2016-29
Village of Bensenville
1230 Mark Street
Variance for: Monument Sign

1. Aerial Photograph & Zoning Map of Subject Property
2. Legal Notice
3. Application
4. Staff Report & Exhibits
5. Plans





**LEGAL NOTICE/PUBLIC NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on Monday, January 16, 2017 at 6:30 P.M., the Community Development Commission of the Village of Bensenville, Du Page and Cook Counties, will hold a Public Hearing to review Case No. 2016 – 29 to consider a request for:

Variance: Monument Sign, Municipal Code Section 10 – 18 – 12A
– 3b – 1;

at 1230 Mark Street in an existing I – 2 Light Industrial district. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville, IL.

The Legal Description of the property is as follows:

LOT 1 AND 2 AND THE WEST 36.73 FEET OF LOT 3 IN THORNDALE BUSINESS PARK IN BENSENVILLE, ILLINOIS, A SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 1230 Mark Street, Bensenville, IL 60106

Gator Partners Investments of 1595 NE 163rd Street, North Miami Beach, FL 33162 is the owner and South Water Signs of 934 N Church Road, Elmhurst, IL 60126 the applicant for the subject property for this CDC Case No. 2016 - 29 and Public Hearing.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Bensenville should contact the Village Clerk, Village of Bensenville, 12 S. Center St., Bensenville, Illinois 60106, (630) 766-8200, at least three (3) days in advance of the meeting.

Applicant's application and supporting documentation may be examined by any interested parties in the office of the Community and Economic Development Department, Monday through Friday, in the Village Hall, 12 South Center Street, Bensenville, IL 60106. All interested parties may attend and will be heard at the Public Hearing. Written comments will be accepted by the Community and Economic Development Department through January 16, 2017 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT,
December 29, 2016**

For Office Use Only

Date of Submission: 10-31-16 MUNIS Account #: 6649 CDC Case #: 2016-29

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 1230 Mark Street Bensenville, IL

Property Index Number(s) (PIN): 03-03-205-013

A. PROPERTY OWNER:

Gator Partners Investments

Name

Corporation (if applicable)

1595 NE 163rd Street

Street

North Miami Beach FL 33162

City

State

Zip Code

Chris Kolbe 612-231-0130

Contact Person

Telephone Number & Email Address

If Owner is a Land Trust, list the names and addresses of the beneficiaries of the Trust.

Property Owner Signature: [Signature] Date: 11/7/2016

B. APPLICANT: ☐ Check box if same as owner

Lavette Pittman South Water Signs

Name

Corporation (if applicable)

934 N Church Road

Street

Elmhurst IL 60126

City

State

Zip Code

Lavette Pittman 630-607-6697 / LPittman@SouthWaterSigns.com

Contact Person

Telephone Number & Email Address

Signs Installer

Relationship of Applicant to subject property

Applicant Signature: [Signature] Date: 11/8/2016

C. ACTION REQUESTED (Check applicable):

- ☐ Annexation
- ☐ Conditional Use Permit
- ☐ Master Sign Plan
- ☐ Planned Unit Development**
- ☐ Plat of Subdivision
- ☐ Rezoning (Map Amendment)
- ☐ Site Plan Review
- ☐ Variance

*Item located within this application packet.

**See staff for additional information on PUD requests

SUBMITTAL REQUIREMENTS (1 original & 1 copy of each):

- ☐ Affidavit of Ownership* (signed/notarized)
- ☐ Application*
- ☐ Approval Criteria
- ☐ Legal Description of Property
- ☒ Plat of Survey
- ☒ Site Plan
- ☒ Building Plans & Elevations
- ☐ Engineering Plans
- ☒ Landscape Plan
- ☒ Review Fee (Application Fee + Escrow)
- ☐ Escrow agreement and deposit*
- ☐ Digital Submission of all application materials (CD)

Brief Description of Request(s): (Submit separate sheet if necessary)

Fabricate & Install (1) New monument
for new branch.

D. PROJECT DATA:

1. General description of the site: _____
2. Acreage of the site: _____ Building Size (if applicable): _____
3. Is this property within the Village limits? (Check applicable below)
☒ Yes
☐ No, requesting annexation
☐ No, it is under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.
4. List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)
NONE
5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:		I2 - Industrial	
North:		R91 - Residential	
South:		O2 - Office	
East:		I2 - Industrial	
West:			

E. DEVELOPER'S STAFF (if applicable):

ARCHITECT

Name: _____

Telephone: N/A

Email: _____

ENGINEER:

Name: _____

Telephone: N/A

Email: _____

ATTORNEY

Name: _____

Telephone: N/A

Email: _____

OTHER

Name: _____

Telephone: N/A

Email: _____

F. APPROVAL CRITERIA:

The applicant must compose a letter describing how the request(s) specifically meets the individual criteria from the Approval Criteria. The CDC will be unable to recommend approval of a request without a response to the pertinent "Approval Criteria."



Bensenville
1230 Mark Street
Bensenville, IL 60106

Sign Type: Signage
Job Number #: 7018151
Drawing Name:
7018151-671_Mb Financial_Bensenville IL-Mark St.cdr

DATE/REVISIONS 11/07/16 PMF
02/02/17 PMF

SITE PLAN



934 N. Church Rd., Elmhurst, IL 60126



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AND MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT
WRITTEN PERMISSION FROM SOUTH WATER SIGNS, LLC.



Bensenville
1230 Mark Street
Bensenville, IL 60106

Sign Type:

Job Number #: 7018151

Drawing Name:

7018151-671_Mb Financial_Bensenville IL-Mark St.cdr

DATE/REVISIONS 06/02/16 PMF

06/14/16 PMF 07/27/16 PMF 08/18/16 PMF

10/19/16 PMF

STREETVIEW PHOTOS



934 N. Church Rd., Elmhurst, IL 60126



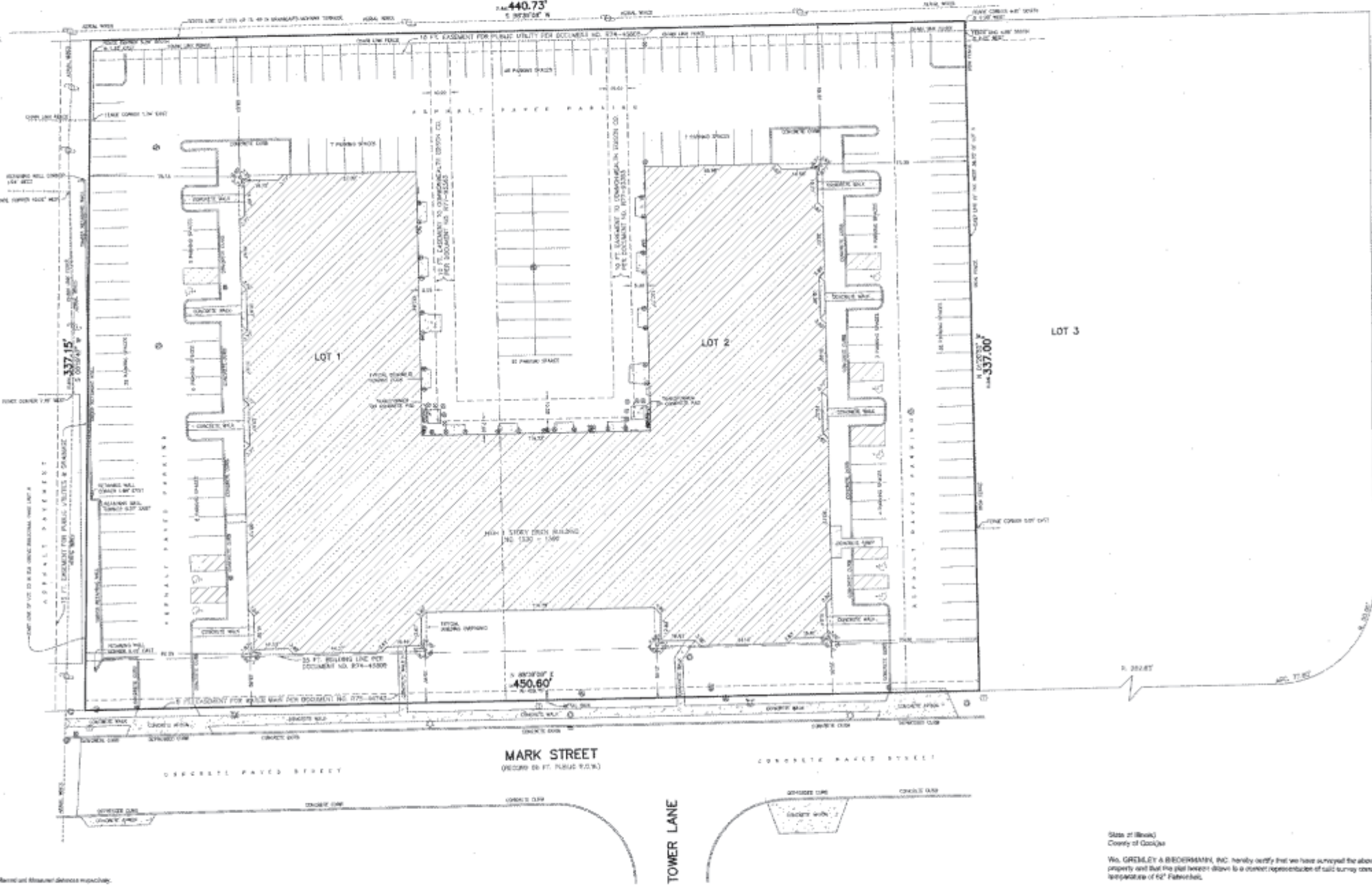
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AND MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT
WRITTEN PERMISSION FROM SOUTH WATER SIGNS, LLC.

GREMLEY & BIEDERMANN
A Division of
PLCS Corporation
Professional Land Surveyors
4509 North Elston Avenue, Chicago, IL 60630
Telephone: (773) 483-6100 Fax: (773) 283-4104 Email: INFO@PLCS-SURVEY.COM

Plat of Survey

LOTS 1 AND 2 AND THE WEST 36.73 FEET OF LOT 3 IN THORNDALE BUSINESS PARK IN BENSenville, ILLINOIS, A SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, CONTAINING 150,109 SQUARE FEET OR 3.45 ACRES MORE OR LESS.

- LEGEND**
- Stake
 - Stake
 - Water Main
 - Water Main Hole
 - Telephone Pedestal
 - Utility Pole
 - Electric Meter
 - Electric Light Pole
 - Sign Post
 - Sign Post
 - Unidentified Markers



PROJECT NO. 2016-22976-001	DATE 11/07/16
PROJECT NAME 1230 MARK STREET	DATE 11/07/16
GREMLEY & BIEDERMANN	
PLCS CORPORATION	
4509 NORTH ELSTON AVENUE, CHICAGO, IL 60630	
TELEPHONE (773) 483-6100 FAX (773) 283-4104 EMAIL INFO@PLCS-SURVEY.COM	
PROJECT NO. 2016-22976-001	DATE 11/07/16
PROJECT NAME 1230 MARK STREET	DATE 11/07/16
1 OF 1	

SURVEY NOTES:

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

2. THE SURVEY WAS MADE BY THE SURVEYOR OR HIS DEPUTY.

3. THE SURVEY WAS MADE ON THE 11TH DAY OF NOVEMBER, 2016.

4. THE SURVEY WAS MADE IN ACCORDANCE WITH THE ILLINOIS SURVEYING ACT.

5. THE SURVEY WAS MADE IN ACCORDANCE WITH THE ILLINOIS SURVEYING ACT.

6. THE SURVEY WAS MADE IN ACCORDANCE WITH THE ILLINOIS SURVEYING ACT.

7. THE SURVEY WAS MADE IN ACCORDANCE WITH THE ILLINOIS SURVEYING ACT.

8. THE SURVEY WAS MADE IN ACCORDANCE WITH THE ILLINOIS SURVEYING ACT.

9. THE SURVEY WAS MADE IN ACCORDANCE WITH THE ILLINOIS SURVEYING ACT.

10. THE SURVEY WAS MADE IN ACCORDANCE WITH THE ILLINOIS SURVEYING ACT.

State of Illinois
County of Cook

We, GREMLEY & BIEDERMANN, INC. hereby certify that we have surveyed the above described property and that this plat is a true and correct representation of said survey conducted in accordance with the laws of the State of Illinois.

Field measurements completed on December 1, 2016.

Signed on Sept. 14, 2016

By [Signature]

Professional Illinois Land Surveyor No. 123456

My license expires November 30, 2018

This professional service conforms to the current Illinois minimum standards for a boundary survey.



Bensenville
1230 Mark Street
Bensenville, IL 60106

Sign Type:
Job Number #: 7018151
Drawing Name:
7018151-671_Mb Financial_Bensenville IL-Mark St.cdr

NOTES:

Branch Upgrade 1.2

DATE/REVISIONS 11/07/16 PMF
02/02/17 PMF

EXISTING SIGN



934 N. Church Rd., Elmhurst, IL 60126



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ALL DESIGNS AT THE SOLE PROPERTY OF SOUTH WATER, LLC.
AND MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT
WRITTEN PERMISSION FROM SOUTH WATER SIGNS, LLC.

PLAT OF SURVEY - Bensenville IL



STAFF REPORT

HEARING DATE: January 16, 2017
CASE #: 2016 – 29
PROPERTY: 1230 Mark Street
PROPERTY OWNER: Gator Partners Investments
APPLICANT: South Water Signs (MB Financial)
SITE SIZE: 150,215 SF
BUILDING SIZE: 54,000 SF
PIN NUMBER: 03-03-205-013-0000
ZONING: I – 2 Light Industrial
REQUEST: Variance from:
Municipal Code Section 10 – 18 – 12A – 3b – 1, Monument Sign

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday December 29, 2016. 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 two Notice of Public Hearing signs on the property, visible from the public way on Tuesday December 27, 2016.
3. On Thursday December 22, 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 applicant, South Water Signs, is installing signage at the new MB Financial site. They are moving into a multi-tenant space that already has a professional directory monument sign on site. The site is allowed one monument sign per code. The existing monument sign is on the middle portion of the site, while the proposed sign is on the eastern portion.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	I – 2	Light Industrial	Regional Commercial	Village of Bensenville
North	RS – 1	Residential	Single Family	Village of Bensenville
South	I – 2	Light Industrial	Regional Commercial	Village of Bensenville
East	I – 2	Light Industrial	Regional Commercial	Village of Bensenville
West	I - 1	Industrial	Industrial	Elk Grove Village

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>	Financially Sound Village
<input type="checkbox"/>	Quality Customer Oriented Services
<input checked="" type="checkbox"/>	Safe and Beautiful Village
<input type="checkbox"/>	Enrich the lives of Residents
<input type="checkbox"/>	Major Business/Corporate Center
<input checked="" type="checkbox"/>	Vibrant Major Corridors

Finance:

No comments

Police:

No comments

Engineering and Public Works:

No comments

Community & Economic Development:

Economic Development

No comments

Code Compliance

MB proposed monument sign as shown on page 7, does not appear to be set back the required 5 feet from the property line.

Building

No comments

Planning

- 1) The property is located on the north side of Mark Street, west of IL-83.
- 2) The Future Land Use map has this designated as Regional Commercial.
- 3) This is the standard sign for MB Financial.
- 4) MB Financial is moving from a very visible location just down the street at IL-83.
- 5) This new inline location has low visibility from the street.
- 6) Monument sign is within size regulations.
- 7) Current on site monument sign is a multi-tenant sign located near center of building's street frontage.
- 8) Planning does not object to the sign if they adhere to the required vision triangle and 5-foot setback.

APPROVAL CRITERIA FOR VARIANCES:

The Community Development Commission shall not recommend nor shall the Village Board grant a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

- 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.

Applicant's Response: We are moving from a location with direct street view to a site that doesn't have as prominent of exposure. An MB Financial standard monument sign would provide more exposure to the street. The existing multi-tenant sign for the building does not allow for proper visual or directional for our business.

- 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: Without the installation of this standalone sign, it would cause for inconvenience to the local businesses looking to continue banking in the area. Long-term, employees would be able to provide proper directions to customers looking for the branch.

- 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: Due to the layout of the building, there is little visual to our business from the street. This sign would allow for us to direct traffic flow to the proper entrance.

- 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.

Applicant's Response: This special circumstance has not resulted from any act of MB Financial Bank nor any other party with an interest in the property.

- 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.

Applicant's Response: A variance for this sign is necessary for MB Financial Bank to enjoy a substantial property right possessed by other properties in the zoning area with comparison to business signage.

- 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.

Applicant's Response: Because our space within the building is set back from the street, the sign would allow for a proper visual from the street. Without it we would be deprived of comparable economic return from the previous location.

- 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.

Applicant's Response: A variance for this sign would not alter the essential character of the locality nor substantially impair environmental quality, property values, or public safety or welfare in the vicinity.

- 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.

Applicant's Response: A variance for this sign will not serve to substantially invalidate or nullify any part of the Ordinance of the General Development Plan or other plans of the Village of Bensenville. We wish to continue to provide services to local businesses and this sign would help in retaining the clientele.

- 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.

Applicant's Response: The requested sign would provide MB Financial Bank with relief from practical difficulties by maintaining flow from the existing location to our new location and would allow us reasonable use and enjoyment of the property.

Variances Approval Criteria	Meets Criteria	
	Yes	No
1. Special Circumstances	X	
2. Hardship	X	
3. Circumstances relate to the Property	X	
4. Not Resulting from Applicant Actions	X	
5. Preserve Rights Conferred By District	X	
6. Necessary for the Use of the Property	X	
7. Not Alter Local Character	X	
8. Consistent with Title and Plan	X	
9. Minimum Variance Needed	X	

RECOMMENDATIONS:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variances for South Water Signs with the following conditions.

1. The plans and aesthetics of the sign to be in substantial compliance with the plans submitted with this application

Respectfully Submitted,
Department of Community
& Economic Development

TYPE:Ordinance**SUBMITTED BY:**K. Pozsgay**DEPARTMENT:**CED**DATE:**02-21-17**DESCRIPTION:**

Consideration of an Ordinance Approving Fence Variances for Applicant, Lois Phelan at 457 S Church Road, Bensenville, IL

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Financially Sound Village
Quality Customer Oriented Services
Safe and Beautiful Village

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Enrich the lives of Residents
Major Business/Corporate Center
Vibrant Major Corridors

COMMITTEE ACTION:**DATE:**

02-21-17

BACKGROUND:

1. The applicant, Lois Phelan, is seeking to install a fenced in area in her corner side yard to provide safety on a busy intersection of two Collector Streets.
2. The area will also be a space to be able to let her dog out.
3. The home has two doors, both of which are on the southern (Jefferson Street) façade.
4. The fence is 3.5 foot high spaced wood white picketed. There will be 3 sections forming a square section around her front door and porch (the entrance is in the corner side yard).

KEY ISSUES:

1. Safety is a concern on this busy intersection of Jefferson Street and Church Road.
2. Lois Phelan recently had some health issues and is no longer able to walk her dog on a leash.
3. The fence as proposed does not impact the "Vision Clearance Triangle" at the street corner.

ALTERNATIVES:

Discretion of the Committee.

RECOMMENDATION:

1. The staff respectfully recommends that both variances be approved.
2. At the 02.21.17 Public Hearing the Community Development Commission voted unanimously to recommend approval of the variances.
3. There were no members of the public wishing to be heard.

BUDGET IMPACT:

n/a

ACTION REQUIRED:

Consideration of an Ordinance Authorizing the fence variances for Lois Phelan at 457 S. Church Road.

ATTACHMENTS:

Description

Upload Date

Type

CDC Case #2016-30**2/15/2017****Executive Summary**



BENSENVILLE

COMMUNITY DEVELOPMENT COMMISSION

Public Hearing 1.16.17
CDC Case #2016-30
Village of Bensenville
457 S Church Road
Variance for: Fence in Corner Side Yard

1. Aerial Photograph & Zoning Map of Subject Property
2. Legal Notice
3. Application
4. Staff Report & Exhibits
5. Plans



CDC#2016 – 30

457 S Church Street

Lois Phelan

Variance; Fence in Corner Side Yard



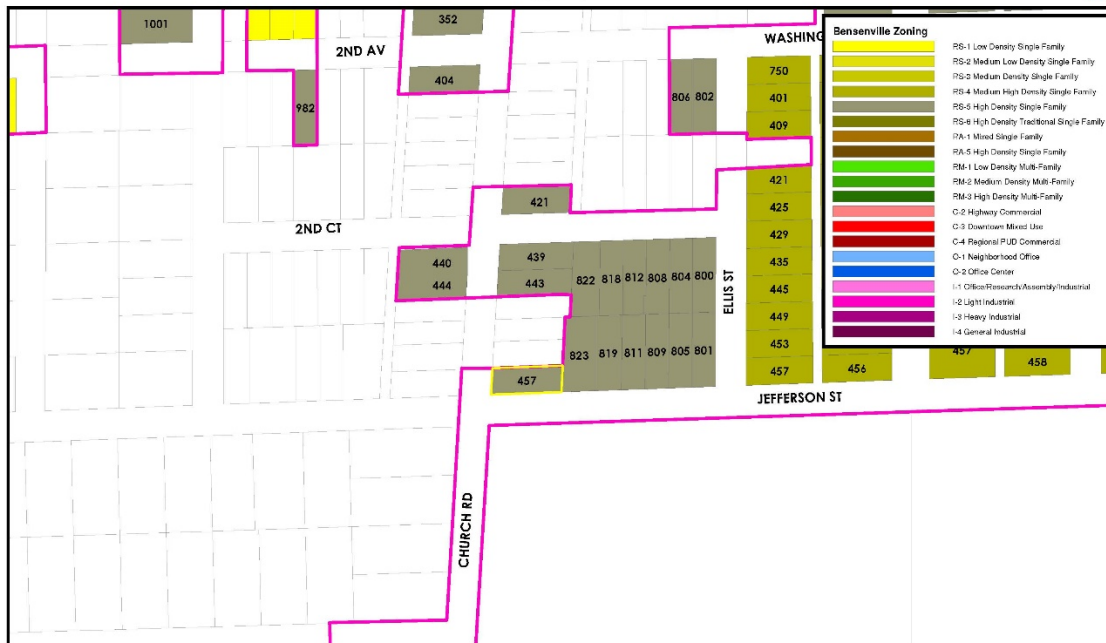
Village of Bensenville

457 S Church Rd



Village of Bensenville

Zoning Map



**LEGAL NOTICE/PUBLIC NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on Monday, January 16, 2017 at 6:30 P.M., the Community Development Commission of the Village of Bensenville, Du Page and Cook Counties, will hold a Public Hearing to review Case No. 2016 – 30 to consider a request for:

Variances: Fence Corner Side Yard, Municipal Code Sections 10 –
14 – 11.

at 457 South Church Road in an existing RS – 5 High Density Single Family district. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville, IL.

The Legal Description of the property is as follows:

OF LOT 58 IN VOLK BROTHERS FIRST ADDITION TO EDGEWOOD IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1926 AS DOCUMENT 213085 IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 457 South Church Road, Bensenville, IL 60106

Lois Phelan of 457 South Church Road, Bensenville, IL 60106 is the owner and applicant for the subject property for this CDC Case No. 2016 - 30 and Public Hearing.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Bensenville should contact the Village Clerk, Village of Bensenville, 12 S. Center St., Bensenville, Illinois 60106, (630) 766-8200, at least three (3) days in advance of the meeting.

Applicant's application and supporting documentation may be examined by any interested parties in the office of the Community and Economic Development Department, Monday through Friday, in the Village Hall, 12 South Center Street, Bensenville, IL 60106. All interested parties may attend and will be heard at the Public Hearing. Written comments will be accepted by the Community and Economic Development Department through January 16, 2017 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT,
December 29, 2016**

For Office Use Only		
Date of Submission: 12-5-16	MUNIS Account #: 6688	CDC Case #: 2016-30

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 457 S Church RS-5

Property Index Number(s) (PIN): 03-23-114-006-0000

A. OWNER:

Name: Lois Phelan Corporation (if applicable): _____

Street: 457 S Church Rd

City: Bensenville IL State: 630 Zip Code: 60106

Contact Person: Bryan Phelan Telephone Number & Email Address: 630 849 7271 BPhelan926@gmail.com

If Owner is a Land Trust, list the names and addresses of the beneficiaries of the Trust.

Owner Signature: _____ Date: 11/24/16

B. APPLICANT:

☒ Check box if same as owner

Name: Lois Phelan Corporation (if applicable): _____

Street: _____

City: _____ State: _____ Zip Code: _____

Contact Person: _____ Telephone Number & Email Address: _____

Relationship of Applicant to subject property

Applicant Signature: Lois Phelan Date: 11/24/16

C. ACTION REQUESTED (Check applicable):

- ☐ Annexation
- ☐ Conditional Use Permit
- ☐ Master Sign Plan
- ☐ Planned Unit Development*
- ☐ Plat of Subdivision
- ☐ Rezoning (Map Amendment)
- ☐ Site Plan Review
- ☒ Variance

*See staff for additional information on PUD requests

**Item located within this application packet.

SUBMITTAL REQUIREMENTS (1 original & 1 copy of each):

- ☒ Affidavit of Ownership** (signed/notarized)
- ☒ Application**
- ☒ Approval Criteria
- ☒ Legal Description of Property ✓
- ☒ Plat of Survey ✓
- ☐ Site Plan
- ☐ Building Plans & Elevations
- ☐ Engineering Plans
- ☐ Landscape Plan
- ☒ Review Fee (Application Fee + Escrow)
- ☒ Escrow agreement and deposit**
- ☐ Digital Submission of all application materials (CD)

Brief Description of Request(s): (Submit separate sheet if necessary)

Fence to let dog out in. White picketed

D. PROJECT DATA:

1. General description of the site: Residential, corner Church + Jefferson

2. Acreage of the site: less than an acre Building Size (if applicable): one story

3. Is this property within the Village limits? (Check applicable below)

☒ Yes

☐ No, requesting annexation

☐ No, it is under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.

4. List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)

5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	<u>RS-5</u>	<u>single family</u>	<u>Bensenville</u>
North:	<u>R-4</u>	<u>single family</u>	
East:	<u>RS-5</u>	<u>single family</u>	<u>Bensenville</u>
South:	<u>R-1</u>	<u>White Pines Golf Course</u>	
West:	<u>R-4</u>	<u>single family</u>	

E. DEVELOPER'S STAFF (if applicable):

ARCHITECT

Name: _____

Telephone: _____

Email: _____

ENGINEER:

Name: _____

Telephone: _____

Email: _____

ATTORNEY

Name: _____

Telephone: _____

Email: _____

OTHER

Name: _____

Telephone: _____

Email: _____

F. APPROVAL CRITERIA:

1. Select the "Approval Criteria" from the list(s) found on the pg. 6 – 7 pertaining to the applicant's request(s).
2. The applicant must compose a letter describing how the request(s) specifically meets the individual criteria from the list. The CDC will be unable to recommend approval of a request without a response to the pertinent "Approval Criteria."

SPARTAN FENCE COMPANY

Gregory Voulgaris

Office: 630.238.9498

Email: spartanfenceco@comcast.net

www.spartanfences.com

Sold To: Bryan B Pheasant 2606 Mer Date: 2/2/16
Address: 457 So. Church Tel: (630) 849 1271
Location: Benerville Fax: ()

SPECIFICATIONS

Total Height: 42" Total Footage: 111

Style Fence: space picket fence
wood

ALL POSTS SET IN CONCRETE

WOOD

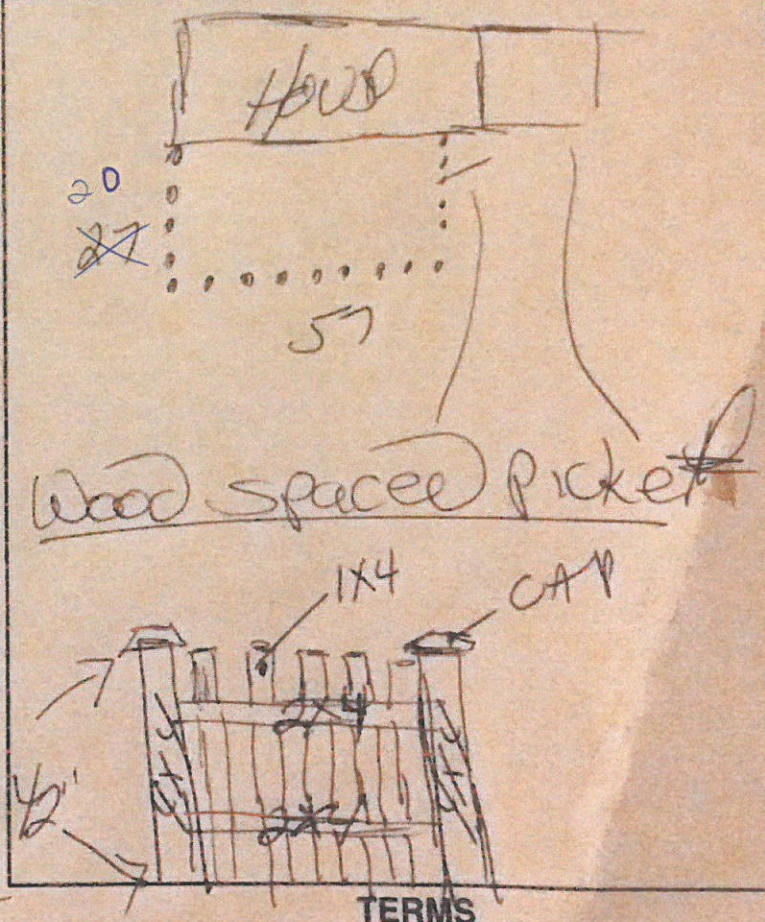
4x4 Terminal Post
2x4 Line Post
1x4 Rail
Pickets
Gate Frame
Caps
Gauge

CHAIN LINK

NOTES

111 Feet 42" high
space picket
fence
TR 10x4
TR 2x4 rail
cedar pickets
1 gate

SKETCH



TOTAL:

1900.00

**Terms: 50% Down &
Balance Due Upon Completion**

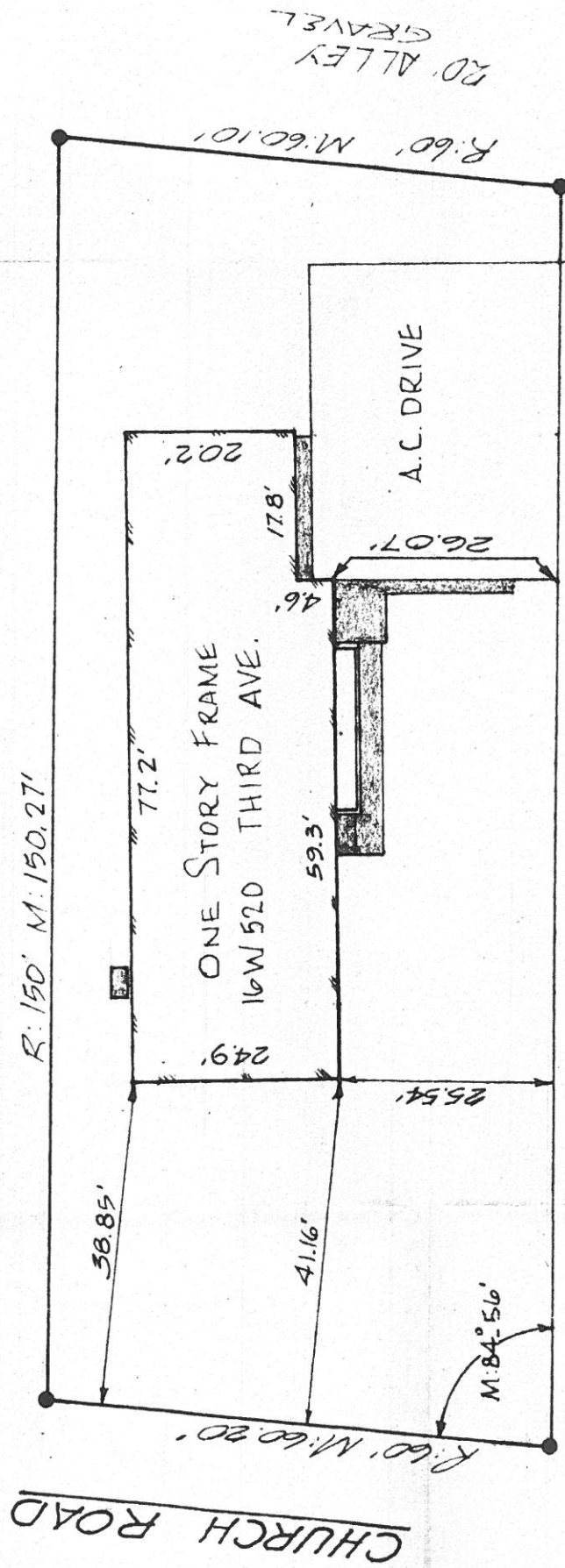
TERMS

Fully Bonded and Insured
Fence lines must be clear
All posts set in concrete
Lifetime Warranty on labor
3 Year Warranty on material
Owner secures permit

Prices good for 15 days
Dirt removal extra
Not responsible for hitting
unmarked cables and pipes
Owner identifies property lines
No landscape material hauled

PLAT OF SURVEY

Of Lot 58 in Volk Brothers First Addition to Edgewood in the Northwest quarter of Section 23, Township 40 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded May 7, 1926 as Document 213085 in Du Page County, Illinois.





STAFF REPORT

HEARING DATE: January 16, 2017
CASE #: 2016 – 30
PROPERTY: 457 South Church Road
PROPERTY OWNER: Lois Phelan
APPLICANT: Lois Phelan
SITE SIZE: 8,590 SF
BUILDING SIZE: 2,285 SF
PIN NUMBER: 03-23-114-006-0000
ZONING: I – 2 Light Industrial
REQUEST: Variances from:
Municipal Code Sections 10 – 14 – 11, Fence in Corner Side Yard

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday December 29, 2016. 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 two Notice of Public Hearing signs on the property, visible from the public way on Tuesday December 27, 2016.
3. On Thursday December 22, 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 applicant, Lois Phelan, is seeking to install a fenced in area in her corner side yard in order to be able to let her dog out. The fence is spaced wood white picketed. There will be 3 sections forming a square section around her front door and porch (the entrance is in the corner side yard).

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	RS - 5	Residential	Single Family	Village of Bensenville
North		Residential	Single Family	Addison Township
South		WPGC	Open Space	Unincorporated
East	RS - 5	Residential	Single Family	Village of Bensenville
West		Residential	Single Family	Addison Township

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>	Financially Sound Village
<input type="checkbox"/>	Quality Customer Oriented Services
<input checked="" type="checkbox"/>	Safe and Beautiful Village
<input checked="" type="checkbox"/>	Enrich the lives of Residents
<input type="checkbox"/>	Major Business/Corporate Center
<input type="checkbox"/>	Vibrant Major Corridors

Finance:

No comments

Police:

Possible issue with bike path

Planning confirmed that the bike path is on Church and the fence is along Jefferson. No part of the fence will interfere with any bike path site distance requirements.

Engineering and Public Works:

No comments

Community & Economic Development:

Economic Development

No comments

Code Compliance

No comments

Building

No comments

Planning

- 1) The property is located on the northeast side of Jefferson Street and Church Road.
- 2) The Future Land Use map has this designated as Single Family Residential.
- 3) The home's only two entrances are on Jefferson, the corner side yard.
- 4) The original estimate had the fence extending 27 feet from the home, which went beyond the property line. The applicant acknowledged the mistake and brought it in 7 feet.
- 5) The 3.5-foot white picket fence should not have a negative impact on the neighborhood.

APPROVAL CRITERIA FOR VARIANCES:

The Community Development Commission shall not recommend nor shall the Village Board grant a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

- 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.

Applicant's Response: It's a corner lot on Jefferson and Church that we would like to install a small decorative white picket fence.

- 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: Lois Phelan is 84 years old. Has lived on this property since 1977. She suffered a stroke on 9/8/16. The stroke occurred at her job, at the Bensenville Library where she has worked since 2000. Lois has a dog. She can no longer physically put the dog on a chain or leash to let the dog out. There is no back door to let the dog out, only two front doors that face Jefferson. A fence in the front of the house would ease her burden and keep the dog safe.

- 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: A wooden picket fence shouldn't interfere with neighbor's views or cause obstructions. Eight properties on Jefferson have fences.

- 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.

Applicant's Response: No action has been taken, no construction.

- 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.

Applicant's Response: Eight properties on Jefferson have fences. We are not sure which properties are incorporated. The house on Jefferson and Judson has a nice white picket fence. We would like the same.

- 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.

Applicant's Response: There are no rear doors which make it possible to put the fence in the rear yard.

- 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.

Applicant's Response: The granting of the variance shouldn't alter the essential character of the locality. It will only enhance the property in our opinion.

- 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.

Applicant's Response: The granting of the variance will be in harmony with the general purpose and intent of the village in our opinion.

- 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.

Applicant's Response: The variance would ease a hardship for Lois Phelan. She can no longer handle her dog appropriately. A fenced in yard for a dog seems like a reasonable request. Eight properties on Jefferson have fences already.

Variances Approval Criteria	Meets Criteria	
	Yes	No
1. Special Circumstances	X	
2. Hardship	X	
3. Circumstances relate to the Property	X	
4. Not Resulting from Applicant Actions	X	
5. Preserve Rights Conferred By District	X	
6. Necessary for the Use of the Property	X	
7. Not Alter Local Character	X	
8. Consistent with Title and Plan	X	
9. Minimum Variance Needed	X	

RECOMMENDATIONS:

Staff recommends the approval of the above Findings of Fact and therefore the approval of the Variance for the fence within the corner side yard location with the following conditions:

1. The fence must be installed at least 5 feet off the Jefferson property line.
2. The fence cannot extend west of the home.
3. The plans and aesthetics of the fence to be in substantial compliance of the revised plans submitted with this application.

Respectfully Submitted,
Department of Community
& Economic Development