

COMMUNITY DEVELOPMENT COMMISSION
Village of Bensenville
VILLAGE HALL
June 19, 2017 6:30 PM

- I. Call Meeting to Order
- II. Roll Call and Quorum
- III. Pledge of Allegiance
- IV. Public Comment
- V. Approval of Minutes

June 5, 2017 Community Development Commission Minutes

VI. Action Items:

- 1. Consideration of a Conditional Use permit for the applicant ABW Automotive, located at 211 Beeline Drive Unit 11, Bensenville, IL.
- 2. Consideration of Variances for the construction of a 4-car garage for the applicant De Asti's Partners, located at 1410 W Irving Park Road.
- 3. Consideration of Variances for construction of a fence in the corner side yard for the applicant Fernando Lucero, located at 311 Diana Court.
- 4. Consideration of Variances for construction of a wall sign for the applicant Village of Bensenville, located at 735 East Jefferson Street.
- 5. Consideration of a Variance for the construction of a concrete pad for parking for the applicant Noelia Hernandez, located at 434 South Barron Street.
- 6. Consideration of a Variance for the construction of a shed (size) for the applicant Holy Trinity Ukrainian Orthodox Church, located at 1009 South Church Road.

VII. Report from Community and Economic Development

VIII. Adjournment

Any individual with a disability requiring a reasonable accommodation in order to participate in a Community Development Commission Meeting should contact the Village Clerk, Village of Bensenville, 12 S. Center Street, Bensenville, Illinois, 60106 (630-350-3404)

TYPE:Minutes**SUBMITTED BY:**Corey Williamsen**DEPARTMENT:**Village Clerk's Office**DATE:**June 20, 2017**DESCRIPTION:**June 5, 2017 Community Development Commission Minutes**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:****REQUEST:****SUMMARY:****RECOMMENDATION:****ATTACHMENTS:**

Description

Upload Date

Type

DRAFT_170605_CDC_Minutes**6/9/2017****Cover Memo****DRAFT_170605_CDC_Minutes_Exhibit_A****6/9/2017****Cover Memo**

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

June 5, 2017

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 6:40p.m.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Marcotte, Pisano, Rowe
Absent: Rodriguez, Tellez
A quorum was present.

STAFF PRESENT: K. Pozsgay, S. Viger, C. Williamsen,

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission Meeting of April 17, 2017 were presented.

Motion: Commissioner Rowe made a motion to approve the minutes as presented. Commissioner Pisano seconded the motion.

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2017-08
Petitioner: De Asti's Partners
Location: 1410 W. Irving Park Road
Request: Variances for construction of a 4-car garage.
- Height, Municipal Code Section 10 – 14 – 13A
- Location, Municipal Code Section 10 – 14 – 13B – 1c

Motion: Commissioner Rowe made a motion to open CDC Case No. 2017-08. Commissioner Pisano seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Marcotte, Pisano, Rowe
Absent: Rodriguez, Tellez
A quorum was present.

Chairman Moruzzi opened the Public Hearing at 6:43 p.m.

Chairman Moruzzi swore in Director of Community and Economic Development, Scott Viger and Village Planner, Kurtis Pozsgay.

Village Planner, Kurtis Pozsgay, was present and previously sworn in by Chairman Moruzzi. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on April 27, 2017. Mr. Pozsgay stated 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. Mr. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on April 25, 2017. Mr. Pozsgay stated on April 28, 2017 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. Mr. Pozsgay stated 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. Mr. Pozsgay stated the applicant is proposing to construct a 4-car detached garage to the rear of their multi-tenant commercial building. Mr. Pozsgay stated the garage is to the south of the vacated alley, partially built on existing parking area with an additional 8 feet built to the south into a current grassy area next to the railroad. Mr. Pozsgay stated the garage measures 42' x 26'. Mr. Pozsgay stated it encroaches into the required side yard by 6 inches at its west rear corner. Mr. Pozsgay stated the garage is roughly 18' tall, which exceeds the maximum mean height of 12'.

Motion: Commissioner Rowe made a motion to recess the case to allow the petitioner time to attend the meeting. Commissioner Pisano seconded the motion.

All were in favor. Motion carried.

Chairman Moruzzi recessed the case at 6:45 p.m.

Chairman Moruzzi called the case back to order at 8:21 p.m.

Motion: Commissioner Rowe made a motion to continue CDC Case No. 2017-08 until June 19, 2017. Commissioner Pisano seconded the motion.

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2017-09
Petitioner: John Tornabene
Location: 333 Diana Court
Request: Variances for construction of a 364 SF shed
- Size, Municipal Code Section 10 – 14 – 12B – 3
- Coverage, Municipal Code Section 10 – 5B – 4A – 4

Motion: Commissioner Rowe made a motion to open CDC Case No. 2017-09. Commissioner Pisano seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Marcotte, Pisano, Rowe
Absent: Rodriguez, Tellez
A quorum was present.

Chairman Moruzzi opened the Public Hearing at 6:46 p.m.

Village Planner, Kurtis Pozsgay, was present and previously sworn in by Chairman Moruzzi. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on May 18, 2017. Mr. Pozsgay stated 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. Mr. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on May 18, 2017. Mr. Pozsgay stated on May 19, 2017 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. Mr. Pozsgay stated 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. Mr. Pozsgay stated the applicant is proposing to construct a 364 square foot shed, replacing a 116.62 square foot shed. Mr. Pozsgay stated the maximum allowed shed size for his lot size (14,917.5 SF) is 120 square feet. Mr. Pozsgay stated the purpose of the shed is to store outdoor furniture, tools and lawn equipment, which is currently being stored in his attached garage.

Mr. John Tornabene was present and sworn in by Chairman Moruzzi. Mr. Tornabene stated he is seeking to construct a bigger shed on his property for storage. Mr. Tornabene stated the pool and deck that is shown in the aerial photograph of his property have already been removed. Mr. Tornabene stated the proposed shed will match the siding of his home.

Commissioner Rowe asked if the proposed shed would be heated. Mr. Tornabene stated the shed would not be heated.

Commissioner Pisano asked if water would run into the neighbor's property. Mr. Tornabene stated there should be no difference in water runoff from what is currently there.

Commissioner Pisano raised concern with the size of the proposed shed and the potential snowball effect that will take place. Mr. Tornabene stated the Commission would still continue to hear these on a case by case basis and that the proposed shed is necessary for this storage needs.

Public Comment:

Dave Majeski – 109 West Belmont Avenue

Mr. Majeski was present and sworn in by Chairman Moruzzi. Mr. Majeski stated he was approached by a neighbor that had seen the posting for the CDC hearing in the Bensenville Independent. Mr. Majeski stated there are currently five sheds being constructed on West Belmont Avenue and if the Commission were to approve the proposed shed, he believes a snowball effect would take place and the Commission would have no other choice to approve the sheds. Mr. Majeski suggested amending the Village Code to allow for everyone.

Commissioner Pisano asked how much coverage would remain on the property if approved. Mr. Tornabene stated with the pool and deck gone, there would be plenty of room on his property.

Commissioner Rowe asked how close the proposed shed would be to the house. Mr. Tornabene stated he did not have the exact measurements but the shed would basically be fourteen feet longer than the existing shed on site.

Mr. Pozsgay stated staff respectfully recommends the approval of the Findings of Fact for the proposed Variance for construction of a 364 SF shed 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.

Petitioner Statement:

We have removed a large pool in the backyard. We would like a larger shed area for storing outdoor furniture, tools and lawn equipment.

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.

Petitioner Statement:

The shed will alleviate unsightly lawn equipment laying in the yard. We would be able to use the attached garage to park cars instead of use as a shed.

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.

Petitioner Statement:

We had a large pool so this new shed would still be smaller now that the pool is removed.

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.

Petitioner Statement:

We believe the larger shed will alleviate the problem for parking and storage. It will improve the appearance of the back yard.

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.

Petitioner Statement:

This will simplify our living space, keep it orderly and pleasing to neighbors. It will improve our daily lives.

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.

Petitioner Statement:

In today's world, more equipment simplifies our lives but we just don't have space to store everything. It is necessary to have a shed to keep this equipment stored safely.

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.

Petitioner Statement:

The shed would be an improvement to the property and is a valuable space to store larger items that take up too much space to be stored in a small garage.

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.

Petitioner Statement:

Yes, we will build this shed in accordance with Bensenville Ordinances including this variance.

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.

Petitioner Statement:

The variance needed as listed in plat of survey and plans submitted.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the proposed variance with the following conditions:

1. The plans and aesthetics of the shed to be in substantial compliance with the plans submitted with this application.
2. Building material should be compatible with the main residential structure.
3. Pool shall remain removed due to lot coverage concerns.

Commissioner Pisano asked what the lot coverage is with the proposed shed. Mr. Pozsgay stated he does not have the exact measurements but with the removal of the pool; it's under 50%.

Commissioner Pisano asked if Staff was worried about a snowball effect. Mr. Pozsgay stated each petitioner would have to be treated on a case by case basis.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2017-09. Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: Moruzzi, Marcotte, Pisano, Rodriguez

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:10 p.m.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve Variances for construction of a 364 SF shed, Size, Municipal Code Section 10 – 14 – 12B – 3, Coverage, Municipal Code Section 10 – 5B – 4A – 4. Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Marcotte, Pisano, Rowe

Nays: Moruzzi

Motion carried.

Public Hearing: CDC Case Number 2017-10
Petitioner: James Ricker
Location: 21 East Pine Avenue
Request: Variance for construction of a porch on a non-conforming home.
Additions and Enlargements, Municipal Code Section 10 – 16 – 4C

Motion: Commissioner Rowe made a motion to open CDC Case No. 2017-10. Commissioner Pisano seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Marcotte, Pisano, Rowe
Absent: Rodriguez, Tellez
A quorum was present.

Chairman Moruzzi opened the Public Hearing at 7:12 p.m.

Village Planner, Kurtis Pozsgay, was present and previously sworn in by Chairman Moruzzi. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on May 18, 2017. Mr. Pozsgay stated 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. Mr. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on May 18, 2017. Mr. Pozsgay stated on May 19, 2017 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. Mr. Pozsgay stated 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. Mr. Pozsgay stated the applicant is proposing to replace a 120 square foot enclosed front porch with a new 240 square foot enclosed front porch. Mr. Pozsgay stated the building is currently nonconforming, built within the required side yard on the May Street side. Mr. Pozsgay stated any addition to a nonconforming residential property requires a variance. Mr. Pozsgay stated the larger enclosed front porch will be used as a sunroom and art space for his wife. Mr. Pozsgay stated the total building area will be roughly 1,560 square feet. Mr. Pozsgay stated the property is well below the 50% (6,098 SQFT.) threshold for lot coverage.

Mr. James Ricker was present and sworn in by Chairman Moruzzi. Mr. Ricker stated he was simply looking to improve his property and has no intentions of moving anytime soon.

Commissioner Rowe asked if the old porch was coming down. Mr. Ricker stated the old porch would be demolished.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak on behalf of the case. There were none.

Mr. Pozsgay stated staff respectfully recommends the approval of the Findings of Fact for the proposed Variance for construction of a porch on a non-conforming home 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: It's a family home built in 1920. Improvements will improve neighborhood.

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: Two senior citizens live here and desire to stay.

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: Special circumstances relate to the property, not any business or activity.

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: They did not result from any applications by applicant.

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: Just looking to add a little more room to our small home.

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: Without this small expansion, we may have to sell our home or possibly tear down.

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: Adding character with improved look including special order classic style windows and oak door.

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 in harmony with all planning documents. Want to blend into neighborhood and increase value for all.

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 only five additional feet to make the porch usable and improve the home.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the proposed variance with the following conditions:

1. The plans and aesthetics of the porch to be in substantial compliance with the plans submitted with this application.
2. Building material should be compatible with the main residential structure.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2017-10. Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: Moruzzi, Marcotte, Pisano, Rodriguez

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:19 p.m.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve Variance for construction of a porch on a non-conforming home, additions and Enlargements, Municipal Code Section 10 – 16 – 4C. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Moruzzi, Marcotte, Pisano, Rowe

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2017-11
Petitioner: OnTime Messenger Service, Inc.
Location: 1280 North Route 83
Request: Variances for installation of awnings/signage

- Number Permitted, Municipal Code Section 10 – 18 – 12b – 3
- Maximum Sign Area, Municipal Code Section 10 – 18 – 12c – 2
- Clearance, Municipal Code Section 10 – 18 – 12f – 2

Motion: Commissioner Rowe made a motion to open CDC Case No. 2017-11. Commissioner Marcotte seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Marcotte, Pisano, Rowe
Absent: Rodriguez, Tellez
A quorum was present.

Chairman Moruzzi opened the Public Hearing at 7:21 p.m.

Village Planner, Kurtis Pozsgay, was present and previously sworn in by Chairman Moruzzi. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on May 18, 2017. Mr. Pozsgay stated 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. Mr. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on May 18, 2017. Mr. Pozsgay stated on May 19, 2017 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. Mr. Pozsgay stated 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. Mr. Pozsgay stated the applicant is proposing to install one awning above the building's entrance and four (4) awnings above windows on the front elevation. Mr. Pozsgay stated each awning has the business name, which is not permitted by the Municipal Code of one sign per business.

Mr. Pozsgay stated the text (sign) on the awning above the entrance is roughly 75% of the overall awning size, which is greater than the allowed 66% maximum allowed in the Municipal Code. Mr. Pozsgay stated the awning above the entrance is also less than the required 8 feet clearance.

Mr. Dennis Oswald of OnTime Messaging Services, Inc. was present and sworn in by Chairman Moruzzi. Mr. Oswald stated he is looking to upgrade the building and let people know the business is there.

Commissioner Marcotte asked why the company logo was needed on each awning. Mr. Oswald stated the honest answer was that there was not a need for the company logo on the awnings but believes it will help his business be visible from the street.

Public Comment:

Elizabeth Carlinski – 1269 Spruce Avenue

Ms. Carlinski was present and sworn in by Chairman Moruzzi. Ms. Carlinski stated her property is behind the building and was supportive of the petitioners request. Ms. Carlinski asked if the petitioner planned to add awnings to the back of the business. Ms. Carlinski asked if the truck being parked behind the business was allowed or not. Ms. Carlinski asked if the business was required to build a taller fence on site.

Mr. Pozsgay stated if the petitioner wanted to add awnings to the back of the building, it would require another public hearing. Mr. Pozsgay stated Staff was unaware of the truck being parked on the property and would address the issue with the petitioner.

Mr. Oswald stated the Carlinski family has a beautiful fence on their property. Mr. Oswald stated the fence on his property was cut down to waste height and that there were currently no plans to replace or remove the fence on site. Mr. Oswald stated the truck parked in back was the owner of the building and it was parked on site for a few nights a month and currently is not on the property.

Mr. Pozsgay stated staff respectfully recommends the approval of the Findings of Fact for the proposed Variances for installation of awnings/signage 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.
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.
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.
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.
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.
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.
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.

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.
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 to Criteria: 4 Awnings with logo above front windows and one above front entrance are to provide beauty and visibility to the public.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the proposed variance with the following conditions:

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

Motion: Commissioner Rowe made a motion to close CDC Case No. 2017-11. Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Marcotte, Pisano, Rodriguez

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:34 p.m.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve Variances for installation of awnings/signage - Number Permitted, Municipal Code Section 10 – 18 – 12b – 3 - Maximum Sign Area, Municipal Code Section 10 – 18 – 12c – 2 - Clearance, Municipal Code Section 10 – 18 – 12f – 2. Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Marcotte, Pisano, Rowe

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2017-12
Petitioner: Brunner & Lay, Inc.
Location: 544 E. Pine Avenue
Request: Variances for construction of new warehouse and office building.

- Parking in Required Yard, Municipal Code Section 10 – 11 – 8A
- Curb Cut from 35' to 62', Municipal Code Section 10 – 11 – 8 – 2E – 1
- Maneuvering on or into public street, Municipal Code Section 10 – 11 – 12B

Motion: Commissioner Rowe made a motion to open CDC Case No. 2017-12. Commissioner Pisano seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Marcotte, Pisano, Rowe
Absent: Rodriguez, Tellez
A quorum was present.

Chairman Moruzzi opened the Public Hearing at 7:37 p.m.

Village Planner, Kurtis Pozsgay, was present and previously sworn in by Chairman Moruzzi. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on May 18, 2017. Mr. Pozsgay stated 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. Mr. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on May 18, 2017. Mr. Pozsgay stated on May 19, 2017 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. Mr. Pozsgay stated 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. Mr. Pozsgay stated Brunner & Lay, the owner / applicant is proposing to construct a 10,000 SF building, 1,376 SF of office and 8,796 SF of warehouse.

Mr. Pozsgay stated Brunner & Lay manufactures mining and construction tools. Mr. Pozsgay stated they will use this new space for distributing products to the area. Mr. Pozsgay stated they will resupply the warehouse with product from the manufacturing plant in Arkansas. Mr. Pozsgay stated they estimate about one supply truck per month making deliveries. The hours of operation will be from 7:30am to 4:00pm five days a week.

Mr. Marshall Subach of Hunt, Kaiser, Aranda & Subach Ltd. was present and sworn in by Chairman Moruzzi. Mr. Subach stated he was the attorney for the property owner. Mr. Subach submitted a photo of the property into the record. The photo has been attached to the minutes as "Exhibit A". Mr. Subach stated the proposed project consists of a 10,000 sq. warehouse and office building. Mr. Subach stated there will be 40% lot coverage which is less than normal. Mr. Subach stated Brunner & Lay has been a family owned business since 1882. Mr. Subach stated the proposed location will act as their distribution center seeing two-three customers a day. Mr. Subach stated hours of operation would be Monday – Friday from 7:30 a.m. – 4:00 p.m. Mr. Subach stated the proposed loading dock is away from Residential and that the back of the building will be facing Residential. Mr. Subach stated there would be one semi truck delivery a month at the site.

Commissioner Rowe asked what size semi would be making the deliveries. Mr. Subach stated there may be times that a 53' trailer is used but the majority of the time a 46' trailer would be making the deliveries.

Commissioner Pisano asked if there were plans for retention on site. Mr. Subach stated the retention will be along Evergreen Street.

Public Comment:

Michael Hermanson – 328 Evergreen Street

Mr. Hermanson was present and sworn in by Chairman Moruzzi. Mr. Hermanson stated he was fully in favor of the proposed project and wanted to ensure engineering will take place so water does not drain to his property.

Chris Turbine, Civil Engineer, was present and sworn in by Chairman Moruzzi. Mr. Turbine stated the south side will have a infrastructure basin that will sit lower than the proposed building. Mr. Turbine stated the flow would travel through a sewer line on Evergreen Street.

Mr. Pozsgay stated staff respectfully recommends the approval of the Findings of Fact for the proposed Variances for construction of new warehouse and office building 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: The special circumstances arise from the unique shape of the vacant lot being developed and the fact that the lot has frontage on both Pine Avenue and two parts of Evergreen Street. The proposed building was re-designed in order to fit the proposed new warehouse on the one (1) acre lot and to allow the building to be built per the construction budget. The design of the building also placed the dock door away from the residential properties that are to the west of the site.

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: Without the variance for the parking in the front yard and the ability to maneuver the trucks into the loading dock from Evergreen Street, the development will not move forward. The original design of the building was not feasible from a financial perspective. The larger curb cut on Evergreen is to allow trucks entering the space to minimize the number of maneuvers on Evergreen before backing into the dock. To the east, the property is heavy industrial user with no access to the property off Evergreen so there will be minimal disruption to the surrounding properties. In addition, all of the existing industrial properties along Evergreen to the south of this parcel require truck maneuvering on Evergreen to enter their respective docks.

3. **Circumstances Relate to Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.

Response: The special circumstances only relate to the physical characteristics, specifically, the size of the property in relation to the proposed development.

4. **Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

Response: The requested variance is not a result of any action taken by the Petitioner but due to the unique character of the existing vacant land. In the event the Village of Bensenville wants future quality developments of its existing remaining vacant parcels, the Village needs to be flexible in granting such variance requests.

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

Response: The variances are necessary to enjoy substantial property right and to allow for the improvement of the property with the proposed new industrial building.

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 granting of the variances is necessary to allow the development to go forward. The property is zoned I-2 and the highest and best use of the property is for industrial development. Without the variances, the applicant will be deprived of reasonable use and enjoyment of the property as well as any 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: Granting the variance will not alter the character of the surrounding properties. As stated above all the existing businesses that have truck deliveries along Evergreen require similar such street maneuvering. In addition, the development will take a long time vacant parcel and improve it and the tax base with a new warehouse facility.

8. **Consistent with Title and Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

Response: The granting of the ordinance is in harmony with the general purpose of the ordinance as well as part of the statutes purpose of the Village to attract new development and new business into Bensenville.

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

Response: The variances requested are the minimum variance required for the development. The building was re-designed and rotated to best fit the lot dimensions while satisfying the operational needs of the Petitioner.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the proposed variances with the following conditions:

1. The plans and aesthetics of the development to be in substantial compliance with the plans dated 01.17.17 by Norman J Toberman and Associates submitted with this application.
2. A Plat of consolidation shall be required.
3. Final signage plan shall be in compliance with the Municipal Code and be subject to staff review upon final permitting.
4. The final landscape plan shall be in compliance with the Municipal Code and subject to staff review upon final permitting.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2017-12. Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: Moruzzi, Marcotte, Pisano, Rodriguez

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:53 p.m.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve Variances for construction of new warehouse and office building.

- Parking in Required Yard, Municipal Code Section 10 – 11 – 8A
- Curb Cut from 35' to 62', Municipal Code Section 10 – 11 – 8 – 2E – 1
- Maneuvering on or into public street, Municipal Code Section 10 – 11 – 12B

Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Moruzzi, Marcotte, Pisano, Rowe

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2017-13

Petitioner: Village of Bensenville

Request: A Text Amendments to the Village Code to amend the C-2 Highway Commercial Zoning District, moving Dry cleaner and laundry drop off stations and laundromats, and Liquor stores (package goods only) from Municipal Code Section 10 – 7B – 2 Allowable Uses to Municipal Code Section 10 – 7B – 3 Conditional Uses.

Motion: Commissioner Rowe made a motion to open CDC Case No. 2017-13. Commissioner Pisano seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Marcotte, Pisano, Rowe
Absent: Rodriguez, Tellez
A quorum was present.

Chairman Moruzzi opened the Public Hearing at 7:56 p.m.

Village Planner, Kurtis Pozsgay, was present and previously sworn in by Chairman Moruzzi. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on May 18, 2017. Mr. Pozsgay stated 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. Mr. Pozsgay stated The Village of Bensenville has embarked on a rewrite of our Zoning Ordinance. . Mr. Pozsgay stated as we reviewed the existing Ordinance it became apparent that several uses permitted by right in the C – 2 Highway Commercial District may need a closer look. . Mr. Pozsgay stated Staff has identified Dry cleaner and laundry drop off stations & laundromats, and Liquor stores (package goods only). Mr. Pozsgay stated the proposal is to reclassify these uses as Conditional Uses.

Public Comment:

Marshall Subach of Hunt, Kaiser, Aranda & Subach Ltd.

Mr. Subach was previously sworn in by Chairman Moruzzi. Mr. Subach stated he represents a dry cleaner interested in moving into Bensenville. Mr. Subach stated he understands the Village's take on the situation but asked the Commission to adopt the proposed ordinance once Staff had fully laid out the details such as distance between businesses and water surcharges for operation.

Mr. Pozsgay stated Staff recommends approval of the proposed Text Amendment to regulate Dry cleaner and laundry drop off stations and laundromats and Liquor Stores (Package Goods Only) as Conditional Uses in the C – 2 Highway Commercial District.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2017-13. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Moruzzi, Marcotte, Pisano, Rodriguez

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:53 p.m.

Motion: Commissioner Rowe made a motion to approve the proposed text amendment as presented. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Moruzzi, Marcotte, Pisano, Rowe

Nays: None

All were in favor. Motion carried.

Report from Community Development

Mr. Pozsgay reviewed both recent CDC cases along with upcoming cases.

Mr. Pozsgay announced CDC meetings will be on the first Tuesday of the month at 6:30 p.m. beginning August 1, 2017.

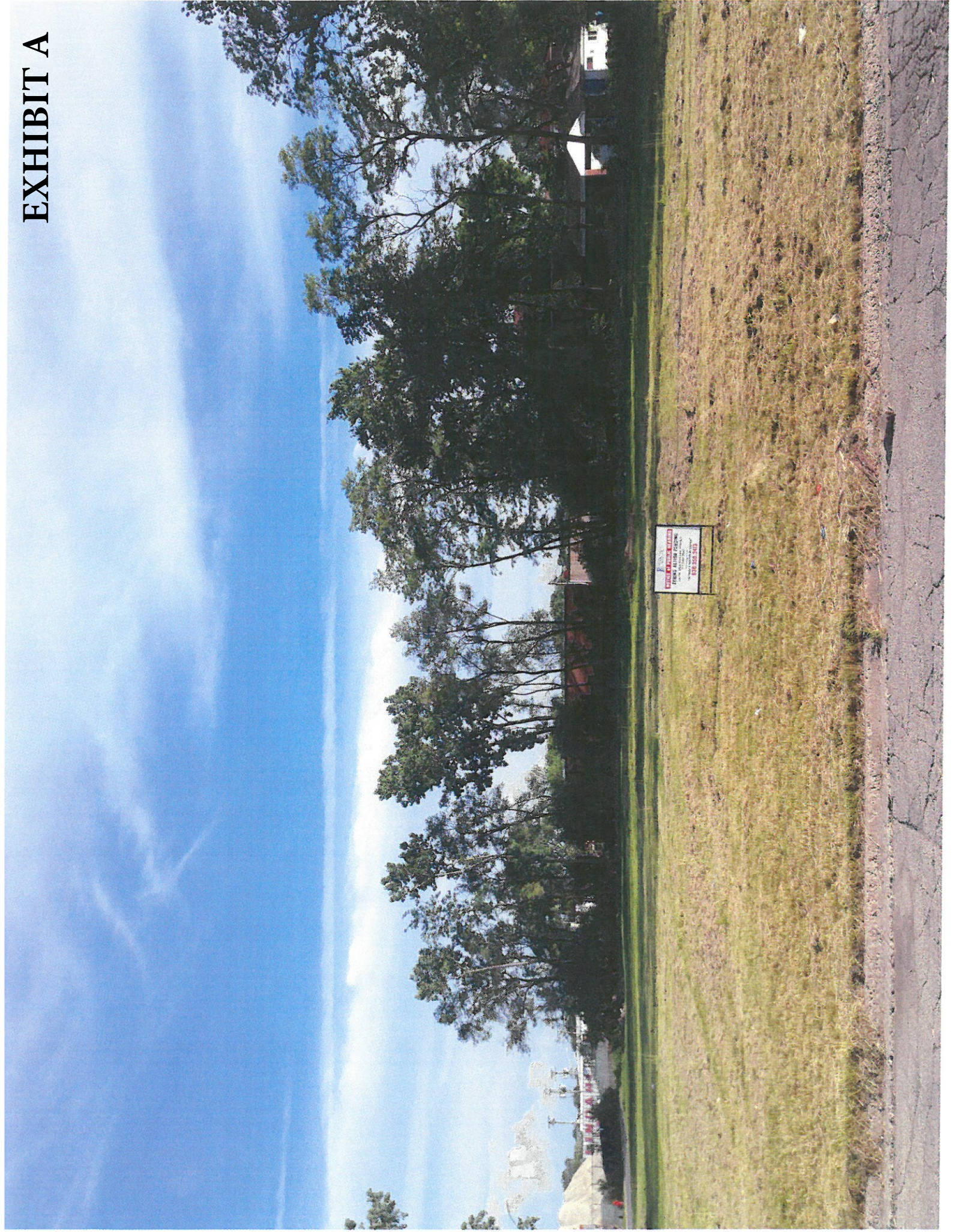
ADJOURNMENT:

There being no further business before the Community Development Commission, Commissioner Rowe made a motion to adjourn the meeting. Commissioner Marcotte seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 8:25 p.m.

EXHIBIT A



TYPE:Public Hearing**SUBMITTED BY:**K. Pozsgay**DEPARTMENT:**CED**DATE:**06.19.17**DESCRIPTION:**

Consideration of a Conditional Use permit for the applicant ABW Automotive, located at 211 Beeline Drive Unit 11, Bensenville, IL.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:☐*Financially Sound Village**Quality Customer Oriented Services**Safe and Beautiful Village*☐*Enrich the lives of Residents*

X

*Major Business/Corporate Center**Vibrant Major Corridors***REQUEST:**

Conditional Use Permit to allow Motor Vehicle Repair Major & Minor, Municipal Code Section 10 – 9B - 3

SUMMARY:

The applicant is requesting a conditional use permit to operate their motor vehicle repair shop. The space formerly had a conditional use permit granted solely to Tom's Truck Repair and was not transferable. The property in question is the multiple tenant industrial facility on the north side of Beeline Drive east of Meyer Road and is zoned I – 2 Light Industrial.

RECOMMENDATION:

Staff recommends the Denial of the above Findings of Fact and therefore the Denial of the Conditional Use Permit for ABW Automotive. If the Commission recommends approval, Staff recommends the following conditions:

1. The Conditional Use Permits be granted solely to ABW Automotive, Inc. 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, and
2. A copy of the Conditional Use Permit and associated variance must be kept on the premises of the establishment and be presented to any authorized Village official upon request, and
3. The property shall be developed and utilized in substantial conformance to the plans submitted as part of this application, and
4. There shall be no work performed on vehicles out of doors, all work to be conducted within the fully enclosed building.
5. The owner and applicant shall work with the Village staff to create a functioning property owners/business association to ensure the maintenance, upkeep and harmony of the property and businesses.
6. There shall be no outdoor trash corral. All trash to be kept inside the building.
7. There shall be no outdoor storage or overnight parking of tractors or trailers outside of the subject property.
8. There shall be no trailers left on-site.
9. The property owner and applicant will work with the Village in garnering support for the establishment of a mechanism that provides unified control of the overall property to ensure the proper.

ATTACHMENTS:

Description

Upload Date

Type

Aerial and Zoning Map	3/14/2017	Backup Material
Legal Notice	3/14/2017	Backup Material
Application	3/14/2017	Backup Material
Staff Report	3/14/2017	Backup Material



Village of Bensenville

211 W Beeline Unit 11



Village of Bensenville

Zoning Map



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

NOTICE IS HEREBY GIVEN that on Monday, March 20, 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. 2017 – 04 to consider a request for:

Conditional Use Permit to allow Motor Vehicle Repair Major & Minor,
Municipal Code Section 10 – 9B - 3

211 Beeline Drive Unit 11 is in an 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 is as follows:

PARCEL 1:

THE NORTH 30.04 FEET OF THAT PART OF THE WEST 234.18 FEET OF LOT 3 LYING SOUTH OF A LINE DRAWN AT RIGHT ANGLES TO THE WEST LINE THEREOF, THROUGH A POINT 390.42 FEET NORTH OF THE SOUTHWEST CORNER 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 A PLAT THEREOF RECORDED OCTOBER 17, 1934 AS DOCUMENT 350561, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS AS CREATED IN THE DECLARATION OF EASEMENTS MADE BY THE GLENVIEW STATE BANK, A BANKING CORPORATION OF ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED APRIL 3, 1972 AND KNOWN AS TRUST NO. 830 AND RECORDED DECEMBER 5, 1972 AS DOCUMENT R72-74496, OVER, UNDER AND UPON THE FOLLOWING LEGALLY DESCRIBED PROPERTY: THE WEST 30.0 FEET AND THE EAST 30.0 FEET OF THE WEST 234.18 FEET OF LOT 3, EXCEPT THE NORTH 536.59 FEET THEREOF, AND EXCEPT THE SOUTH 33.0 FEET THEREOF IN MOHAWK ACRES, AS SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO A PLAT THEREOF RECORDED OCTOBER 17, 1934 AS DOCUMENT 350561, IN DUPAGE COUNTY, ILLINOIS

ALSO:

THE SOUTH 20.0 FEET OF THE NORTH 536.59 FEET OF THE EAST 174.18 FEET OF THE WEST 204.18 FEET OF LOT 3, 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 A PLAT THEREOF RECORDED OCTOBER 17, 1934 AS DOCUMENT 350561 IN DUPAGE COUNTY, ILLINOIS

Commonly known as 211 Beeline Drive Unit 11 Bensenville, IL 60106.

Anthony Oddo of OS 639 Summit Avenue, Villa Park, IL 60181 is the owner and ABW Automotive, 1890 Harvest Ln, Glendale Heights, IL 60139 the applicant for the subject property for this CDC Case No. 2017 - 04 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 March 20, 2017 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
March 2, 2017**

For Office Use Only

Date of Submission: _____

MUNIS Account #: _____

CDC Case #: _____

2017-04

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 211 BeeLine Dr unit 11 Bensenville IL 60106

Property Index Number(s) (PIN): 03-11-401-023

A. PROPERTY OWNER:

Anthony Oddo

Name

Corporation (if applicable)

03639 Summit Ave

Street

Village Park

City

IL

State

60181

Zip Code

Anthony Oddo

Contact Person

630.768.0976

Telephone Number & Email Address

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

Property Owner Signature: A. Oddo

Date: 2/2/17

B. APPLICANT:

☐ Check box if same as owner

Marcin Walczyk

Name

ABW Automotive inc

Corporation (if applicable)

1890 Harvest Ln

Street

Glen Dale Hts

City

IL

State

60139

Zip Code

630-956-2292 Marcin Walczyk

Contact Person

630-956-2292

Telephone Number & Email Address

Marcin Wal 1992@yahoo.com

Relationship of Applicant to subject property

Applicant Signature: Marcin Walczyk

Date: 1/30/17

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)

Auto Repair

D. PROJECT DATA:

1. General description of the site: Multi-tenant Industrial
2. Acreage of the site: 2.6 Building Size (if applicable): ~ 47,200 SF
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>I 2</u>	<u>Industrial</u>	<u>Bensenville</u>
North:	<u>I 2</u>	<u>"</u>	<u>"</u>
South:	<u>I 2</u>	<u>"</u>	<u>"</u>
East:	<u>I 2</u>	<u>"</u>	<u>"</u>
West:	<u>I 2</u>	<u>"</u>	<u>"</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:

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."



STAFF REPORT

HEARING DATE: March 20, 2017
CASE #: 2017 – 04
PROPERTY: 211 Beeline Drive Unit 11
PROPERTY OWNER: Anthony Oddo
APPLICANT: ABW Automotive
SITE SIZE: 2.6 Acres
BUILDING SIZE: 47,200 SF; 7,082 SF unit
PIN NUMBER: 03-11-401-023
ZONING: I – 2 Light Industrial District
REQUEST: Conditional Use Permit to allow Motor Vehicle Repair Major & Minor, Municipal Code Section 10 – 9B - 3

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday March 2, 2017. 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 March 3, 2017.
3. On Friday March 3, 2017 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 is requesting a conditional use permit to operate their auto repair shop. The space formerly had a conditional use permit granted solely to Tom's Truck Repair and was not transferable. The property in question is the multiple tenant industrial facility on the north side of Beeline drive east of Meyer Road and is zoned I – 2 Light Industrial.

SURROUNDING LAND USES:

	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 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:

There are two bills outstanding as of 03/07/17. The account is under “CURRENT OCCUPANT.”

Police:

The issue that comes up at the property is where do they park their customers’ vehicles. They should have a plan for that as well as their own cars. Not sure if they are working on trucks or not. In the past, we had problems with trucks parking landing gear down on Beeline.

Engineering and Public Works:

Public Works: No Comments

Engineering: Per 8-6-15, a triple basin is required. It should discharge to the sanitary.

Community & Economic Development:

Economic Development:

- 1) Total base tax on this unit is just over \$7,000 of which the Village received \$680 in 2015.
- 2) The property contributed \$0.13 to TIF 12 in 2015.
- 3) A vacancy exemption would reduce taxes.

Code Compliance:

- 1) we do not have a business license application for the new tenant yet
- 2) the driveway requires replacement
- 3) the exterior of the building is in need of scrape and paint
- 4) some interior walls and ceiling tiles require repair
- 5) the EXIT lights and EM lights require replacement
- 6) fire extinguishers are out of date
- 7) some minor electrical work is required

Building: Permit is required for the basin installation. Detailed drawings of the installation shall be submitted with the application.

Planning:

- 1) The property in question is located at the center of a multi-tenant industrial building, just north of Beeline Drive and west of Meyer Road.
- 2) The property, and surrounding area, is a solidly Industrial in the Northern Business District.
- 3) The Future Land Use map shows this area as Industrial.
- 4) From CEDS:
 - a. Building is less than 60,000 SF.

- b. Building is built before 1979.
 - c. Ceiling height is between 14'-20'.
 - d. Land Value/Total Value is less than 40%.
- 5) Lot requirements for motor vehicle repair, major:
- Gross Weight of Vehicles Serviced / Minimum Lot Size Required
 - Under 8,000 pounds / 1/2 acre
 - 8,000 pounds and more / 1 acre
- 6) Outdoor storage is a separate conditional use, not applied for here.
- 7) Customer parking has been an issue. This CUP would allow for work on tractors, which sometimes causes parking issues with trailers, as well as, tractors.
- 8) Staff has major concerns with proposed use. Due to major and minor work being allowed on trucks, there is limited room for customer parking. Changes to the Ordinance were made to reduce the instances of this.
- 9) A CUP was previously approved at this unit for Tom's Truck Repair. The conditions of the CUP (O-6 2012) were not completely followed.
- 10) A CUP for Major and Minor Motor Vehicle Repair was denied for unit 3 at this location in 2012.

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. The Applicant has provided 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.

Applicant's Response:

- 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:

- 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:

- 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:

- 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:

- 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:

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

RECOMMENDATIONS:

Staff recommends the Denial of the above Findings of Fact and therefore the Denial of the Conditional Use Permit for ABW Automotive. If the Commission recommends approval, Staff recommends the following conditions:

1. The Conditional Use Permits be granted solely to ABW Automotive, Inc. 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, and
2. A copy of the Conditional Use Permit and associated variance must be kept on the premises of the establishment and be presented to any authorized Village official upon request, and
3. The property shall be developed and utilized in substantial conformance to the plans submitted as part of this application, and
4. There shall be no work performed on vehicles out of doors, all work to be conducted within the fully enclosed building.

5. The owner and applicant shall work with the Village staff to create a functioning property owners/business association to ensure the maintenance, upkeep and harmony of the property and businesses.
6. There shall be no outdoor trash corral. All trash to be kept inside the building.
7. There shall be no outdoor storage or overnight parking of tractors or trailers outside of the subject property.
8. There shall be no trailers left on-site.
9. The property owner and applicant will work with the Village in garnering support for the establishment of a mechanism that provides unified control of the overall property to ensure the proper.

Respectfully Submitted,
Department of Community
& Economic Development

TYPE:Public Hearing**SUBMITTED BY:**Kurtis R Pozsgay**DEPARTMENT:**CED**DATE:**06.19.17**DESCRIPTION:**

Consideration of Variances for the construction of a 4-car garage for the applicant De Asti's Partners, located at 1410 W Irving Park Road.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**☐*Financially Sound Village**Quality Customer Oriented Services**Safe and Beautiful Village*☐*Enrich the lives of Residents**Major Business/Corporate Center*☒ *Vibrant Major Corridors***REQUEST:**

Variances for construction of a 4-car garage.

- Height, Municipal Code Section 10 – 14 – 13A
- Location, Municipal Code Section 10 – 14 – 13B – 1c

SUMMARY:

The applicant is proposing to construct a 4-car detached garage to the rear of their multi-tenant commercial building. The garage is to the south of the vacated alley, partially built on existing parking area with an additional 8 feet built to the south into a current grassy area next to the railroad. The garage measures 42' x 26'. It encroaches into the required side yard by 6 inches at its west rear corner. The garage is roughly 18' tall, which exceeds the maximum mean height of 12'.

RECOMMENDATION:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variances for De Asti's Partners with the following conditions:

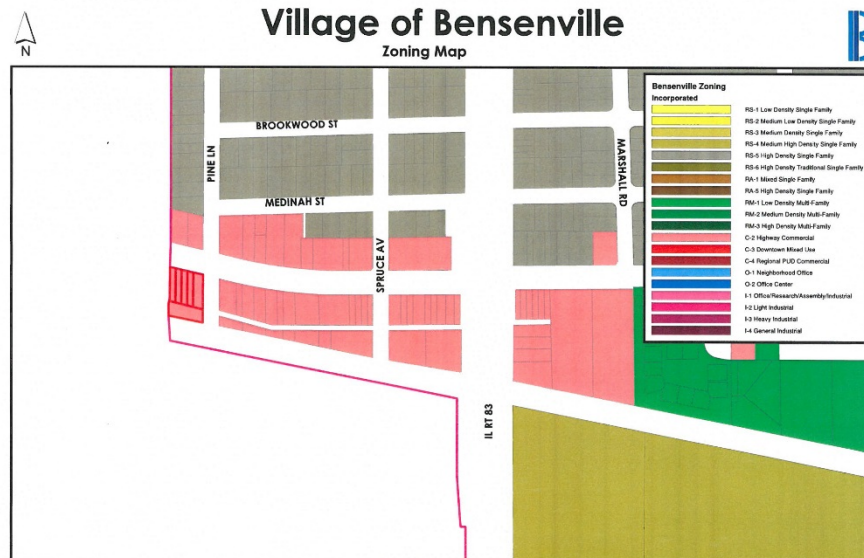
1. The plans and aesthetics of the garage to be in substantial compliance with the plans submitted with this application.
2. Building material should match as closely as possible the main commercial structure.
3. Contractors should maintain clearance of the railroad right of way during construction.

ATTACHMENTS:

Description	Upload Date	Type
Aerial & Zoning Maps	5/31/2017	Backup Material
Legal Notice	5/31/2017	Backup Material
Staff Report	5/31/2017	Executive Summary
Plans	5/31/2017	Backup Material

CDC#2017 - 07

1410 West Irving Park Road
Asti Deli
Variances; Garage



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

NOTICE IS HEREBY GIVEN that on Monday, May 15, 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. 2017 – 08 to consider a request for:

Variances for construction of a 4-car garage:

- Height, Municipal Code Section 10 – 14 – 13A
- Location, Municipal Code Section 10 – 14 – 13B – 1c

1410 West Irving Park Road is in a C – 2 Highway Commercial District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville, IL.

The Legal Description is as follows:

LOTS 1, 2, 3, 4, 5 AND 13 IN BLOCK 48 IN THE FIRST ADDITION TO PERCY WILSON'S IRVING PARK MANOR, BEING A SUBDIVISION IN SECTIONS 10, 11, 14 AND 15, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED MAY 7, 1926 AS DOCUMENT 213044, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 1410 West Irving Park Road, Bensenville, IL 60106.

De Asti's Partners, 123 North Central Street, Wood Dale, IL 60191 is the owner and applicant for the subject property for this CDC Case No. 2017 - 08 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 May 15, 2017 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
April 27, 2017**



STAFF REPORT

HEARING DATE: May 15, 2017
CASE #: 2017 – 08
PROPERTY: 1410 W. Irving Park Road
PROPERTY OWNER: De Asti's Partners
APPLICANT: Same
SITE SIZE: .64 acres
BUILDING SIZE: 1,092 SF
PIN NUMBERS: 03-15-215-015, 016, 017, 018, 019, and 020
ZONING: C – 2 Highway Commercial
REQUEST: Variances for construction of a 4-car garage.
- Height, Municipal Code Section 10 – 14 – 13A
- Location, Municipal Code Section 10 – 14 – 13B – 1c

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday April 27, 2017. 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 April 25, 2017.
3. On Friday April 28, 2017, 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 is proposing to construct a 4-car detached garage to the rear of their multi-tenant commercial building. The garage is to the south of the vacated alley, partially built on existing parking area with an additional 8 feet built to the south into a current grassy area next to the railroad. The garage measures 42' x 26'. It encroaches into the required side yard by 6 inches at its west rear corner. The garage is roughly 18' tall, which exceeds the maximum mean height of 12'.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	C – 2	Commercial	Local Commercial	Village of Bensenville
North	C – 2	Commercial	Local Commercial	Village of Bensenville
South	RR/R - G	Railroad/Residential	Moderate Density Single Family	City of Wood Dale
East	C – 2	Commercial	Local Commercial	Village of Bensenville
West	C – 3/I - 1	Commercial/Industrial	General Business	City of Wood Dale

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input 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 type="checkbox"/>	Major Business/Corporate Center
<input checked="" type="checkbox"/>	Vibrant Major Corridors

Finance:

No issues from finance.

Police:

No police issues.

Engineering and Public Works:

- 1) The garage is not encroaching into the Railroad ROW.
- 2) They do not need any stormwater permits. All the drainage goes to southeast and appears to be maintained with the proposed construction.
- 3) No other comments as long as they stay out of the Railroad ROW during construction.

Community & Economic Development:

Economic Development:

No comments

Code Compliance:

No comments.

Building:

No comments that cannot be addressed at permitting.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Local Commercial” for this property.
- 2) The garage is detached, and does not affect the multi-tenant commercial development.
- 3) The garage is being built south of the alley/drive.
- 4) Approximately 336 SF of pervious area will become impervious.
- 5) The garage encroaches into the required side yard by 6 inches at the west rear corner.
- 6) The garage is 18 feet tall as measured to the mean of the roof as defined by Code (12 foot maximum allowed) to allow for parking of commercial trucks.
- 7) Some concerns over loss of parking for employees. It is unlikely any customers utilize the space, but employees may be forced to park in customer spots.
- 8) Split-face block should be similar material to main commercial building.

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.
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.
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.
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.
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.
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.
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.
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.
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 to Approval Criteria:

Pursuant to Bensenville Municipal Code Section 10-3-3.B Approval Criteria for Variances, we at Asti Deli, 1410 Irving Park Road, Bensenville, IL 60106 are applying for a zoning variance for our property in order for us to construct a 3 car garage behind our existing facility. We are seeking a 4-foot height variance (to go up to 12 feet) from the existing norm of 8 feet. This additional height will allow for the secure garaging of our company delivery vans and equipment. This request does not alter in any way the character of the surrounding properties nor can it be readily evidenced from the main (Irving Park Road) street.

As a long-term Bensenville restaurant establishment, we are hoping for your favorable consideration of this request and stand ready to answer any additional questions you may have concerning this matter.

Variances Approval Criteria	Meets Criteria	
	<i>Yes</i>	<i>No</i>
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 De Asti's Partners with the following conditions:

1. The plans and aesthetics of the garage to be in substantial compliance with the plans submitted with this application.
2. Building material should match as closely as possible the main commercial structure.
3. Contractors should maintain clearance of the railroad right of way during construction.

Respectfully Submitted,
Department of Community
& Economic Development

GENERAL NOTES:

1. CONSTRUCTION FENCING: PROVIDE AND MAINTAIN A 3'-0" HIGH CONSTRUCTION FENCE DURING NON-WORKING HOURS THAT WILL ENCLOSE ALL OPEN EXCAVATIONS UNTIL FOUNDATION IS BACK FILLED AND FIRST FLOOR DECK IS COMPLETED. PROVIDE AND MAINTAIN A 3'-0" HIGH FENCE ALONG THE FULL LENGTH OR INTERIOR SIDE YARDS UNTIL EXTERIOR CONSTRUCTION IS COMPLETED.
2. ALL DUMPPERS, STRUCTURES, OR CONTAINERS SHALL BE COVERED AT ALL TIMES WHEN NO WORK IS BEING PERFORMED ON THE PROPERTY THAT IS THE SUBJECT OR THE PERMIT.
3. ALL WORK SHALL BE PERFORMED IN A WORKMANLIKE MANNER IN ACCORDANCE WITH LOCAL, STATE, AND NATIONAL CODES AND ORDINANCES.
4. ALL PHASES OF CONSTRUCTION TO COMPLY WITH APPLICABLE BUILDING CODES AND ORDINANCES.
5. NO WORK SHALL BE CONSIDERED ACCEPTED UNTIL A FINAL PAYMENT IS MADE AND A WRITTEN RELEASE IS ISSUED TO THE CONTRACTOR BY THE OWNER AND/OR THE ARCHITECT TO ITS AFFECT.
6. THE SUB-CONTRACTOR IS RESPONSIBLE FOR ITS PERFORMANCE UP TO ONE (1) YEAR FROM THE TIME OF ITS COMPLETION, AND TO CORRECT ANY DEFECTS OF THE SUB-CONTRACTOR'S PERFORMANCE.
7. WHILE EVERY ATTEMPT HAS BEEN MADE IN THE PREPARATION OF THIS PLAN TO AVOID MISTAKES, THE MAKER CANNOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR ON THE JOB MUST CHECK ALL DIMENSIONS AND DETAILS AND MUST BE RESPONSIBLE FOR SAME.
8. THE AIA GENERAL CONDITIONS 1989 EDITION DOCUMENT A 201 SHALL BE CONSIDERED AS PART OF THIS CONTRACT. A COPY CAN BE PROVIDED BY THE ARCHITECT IF REQUIRED. THE ARTICLE #13 ON ARBITRATION SHALL BE DELETED.
9. DO NOT SCALE DRAWINGS. DIMENSIONS GOVERN. LARGE SCALE DETAILS GOVERN OVER SMALL SCALE.
10. CONTRACTORS SHALL VERIFY ALL DIMENSIONS AND CONDITIONS SHOWN ON DRAWINGS AT THE JOB SITE AND SHALL NOTIFY AFA, LTD. OF ANY DISCREPANCIES, OMISSIONS AND/OR CONFLICTS BEFORE PROCEEDING WITH THE JOB.
11. PRIOR TO SUBMITTING BID, CONTRACTOR SHALL VISIT THE SITE TO EXAMINE THE EXISTING CONDITIONS. ANY DISCREPANCIES ARE TO BE POINTED OUT PRIOR TO SUBMITTING BID OR SHALL BE NOTED IN THE BID FORMS. NO PLEA OF IGNORANCE OF EXISTING CONDITIONS SHALL JUSTIFY REQUESTS FOR ADDITIONAL FUNDS.
12. PLANS AND SPECIFICATIONS ARE INTENDED TO BE COMPLIMENTARY. ANY WORK EXHIBITED IN EITHER OF THEM, WHETHER IN THE OTHER OR NOT, IS TO BE EXECUTED ACCORDING TO THE TRUE INTENT AND MEANING THEREOF THE SAME AS IF SET FORTH IN ALL. PROVIDED, HOWEVER, THAT SHOULD ANY LAW, ORDINANCE OR REGULATION OF STATE, COUNTY OR CITY IN WHICH THE WORK IS TO BE DONE BE IN VIOLATION OF THE REQUIREMENTS OF SUCH LAWS, ORDINANCES OR REGULATIONS SHALL PREVAIL AND SHALL BE COMPLIED WITH BY CONTRACTOR AS A PART OF HIS WORK CALLED FOR AND NO EXTRA COMPENSATION SHALL BE ALLOWED THEREFOR.

13. THIS SECTION OF THE GENERAL NOTES SHALL BE CONSIDERED A PART OF THE GENERAL SPECIFICATIONS AND DRAWINGS.
14. ALL PERMITS WILL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
15. ALL WORK SHALL BE DONE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES AND ORDINANCES OF THE CITY OF BENSenville
16. MATERIALS AS SPECIFIED ON DRAWINGS SHALL BE USED. SUBSTITUTIONS OF MATERIALS WILL NOT BE ALLOWED WITHOUT THE WRITTEN CONSENT OF THE OWNER OR ARCHITECT.
17. EACH CONTRACTOR IS TO CLEAN UP DEBRIS INSIDE AND OUTSIDE THE BUILDING SITE WHICH HAS BEEN CAUSED BY HIS WORK.
18. EMERGENCY EGRESS OPENING: EVERY SLEEPING ROOM SHALL HAVE AT LEAST ONE OPERABLE WINDOW OR EXTERIOR DOOR APPROVED FOR EMERGENCY EGRESS OR RESCUE. THE UNITS MUST BE OPERABLE FROM THE INSIDE TO A FULL CLEAR OPENING WITHOUT THE USE OF SEPARATE TOOLS. WHERE WINDOWS ARE PROVIDED AS A MEAN OF EGRESS OR RESCUE THEY SHALL HAVE A SILL HEIGHT OF NOT MORE THAN 44 INCHES ABOVE THE FLOOR.

ALL EGRESS OR RESCUE WINDOWS FROM SLEEPING ROOMS MUST HAVE A MINIMUM NET CLEAR OPENING OF 5.7 SQUARE FEET. THE MINIMUM NET CLEAR OPENING HEIGHT DIMENSION SHALL BE 24 INCHES. THE MINIMUM NET CLEAR OPENING WIDTH DIMENSION SHALL BE 20 INCHES.

EXCEPTION: GRADE FLOOR WINDOW MAY HAVE A MINIMUM NET CLEAR OPENING OF 5 SQUARE FEET.

EXCAVATION AND CONCRETE:

1. THE EXCAVATION CONTRACTOR SHALL PROVIDE PUMPING WHERE NECESSARY FOR COMPLETION OF HIS WORK UPON COMPLETION OF EXCAVATION. THE CONCRETE CONTRACTOR SHALL BE RESPONSIBLE FOR PUMPING NECESSARY TO THE WORK.
2. THE CONCRETE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION WITH THE GENERAL CONTRACTOR FOR THE PLACING OF ALL SLEEVES IN THE CONCRETE WALLS FOR TELEPHONES, PLUMBING, ELECTRICAL, AND MECHANICAL TRADES.
3. THE GENERAL CONTRACTOR SHALL PROVIDE HEATER WHERE REQUIRED TO MAINTAIN PROPER CURE TEMPERATURE OF WORK POURED IN 30 DEGREE OR BELOW WEATHER. USE OF ADDITIVES IS NOT ALLOWED.
4. THE CONCRETE CONTRACTOR SHALL APPLY ONE COAT MEMBRANE DAMPPROOFING AT ALL CRAWL SPACE AND BASEMENT WALLS.
5. SITE EXCAVATING SHALL BE IN ACCORDANCE WITH A LICENSED SOIL ENGINEER AND BE APPROVED BY THE MUNICIPALITY.
6. ALL FOOTING TO BE ON UNDISTURBED SOIL OF 3000 PSF MIN. THE BOTTOM OF ALL FOOTINGS SHALL EXTEND A MINIMUM OF 4'0" BELOW TOP OF FINISHED GRADE OR AS SHOWN ON THE DRAWINGS. ALL FOOTINGS SHALL BE A MINIMUM OF 12" THICK AND THE WIDTH SHALL EXTEND AT LEAST 6" ON EACH SIDE OF FOUNDATION WALL.
7. ALL CONCRETE CONSTRUCTION SHALL COMPLY WITH ACI 318-TI, "BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE", AND ASTM C80. ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI AT 28 DAYS. POUR ALL CONCRETE USING WALLS MONOLITHICALLY WITH FOUNDATION WALLS. ALL CONCRETE SHALL BE 6 BAG MIX.
8. USE 1/2" A307 BOLT TO TIE COLUMNS WITH TIE BEAMS. ALL STEEL BEAM POCKETS MORTARED FULL. ALL STEEL COLUMNS BEARING ON FOUNDATION WALLS SHALL HAVE A STRUCTURAL STEEL BASE PLATE WELDED TO THE COLUMN AND ANCHOR BOLTED TO THE CONCRETE. ALL COLUMN 4 BEAM, STRUCTURAL STEEL CONNECTIONS SHALL BE SECURELY FASTENED WITH STRUCTURAL BOLTS AND WASHERS, TIGHTENED.
9. PROVIDE A CONTINUOUS UNLAMINATED WOOD SILL FOR FRAME CONSTRUCTION. SECURED TO THE TOP OF FOUNDATION WALL WITH WASHERS AND NUTS ON THE ANCHOR BOLTS. USE 1/2" DIA. ANCHOR BOLTS x 1'-0" LONG AT 4'-0" O.C. AND 1'-0" FROM EACH CORNER, BOTH DIRECTIONS-2 BOLTS MIN. EMBED MIN OF 1" INTO CONCRETE.
10. PROVIDE GRANULAR FILL MATERIAL COMPACTED TO A DENSITY OF 90% MINIMUM DENSITY ACCORDING TO ASTM SPECIFICATION D 1557-10 95% RELATIVE DENSITY ACCORDING TO ASTM SPECIFICATION D 2049-69

MASONRY:

1. CONCRETE MASONRY UNITS SHALL CONFORM TO THE STANDARD SPECIFICATIONS FOR HOLLOW LOAD BEARING CONCRETE MASONRY UNITS-ASTM C 90 WITH MOISTURE CONTENT NOT EXCEEDING 50% OF TOTAL ABSORPTION.
2. PROVIDE CUT STONE SILLS AT WINDOWS, DOOR AND FIREPLACE CHIMNEY UNLESS OTHERWISE NOTED ON PLANS AT MASONRY AREAS.
3. PROVIDE STEEL LINTELS ABOVE ALL MASONRY OPENINGS AS NOTED BELOW OR AS CALLED FOR ON PLANS.
4. MASON CONTRACTOR SHALL CLEAN ALL EXPOSED MASONRY OF ALL MORTAR DROPPINGS AND OTHER DEBRIS AS SOON AS IS PRACTICAL.
5. BEAM POCKETS SHALL BE MORTARED IN SOLID.
6. PROVIDE 2oz COPPER FLASHING UNDER ALL TOW-LOCK SILLS AND WALL CAPS.
7. PROVIDE COPPER FLASHING AT ROOF /BRICK INTERSECTION, CHIMNEY FLASHING AND ANY EXPOSED INTERSECTION VISIBLE ON BUILDING ELEVATIONS.
8. ESTIMATE VENEER FACE BRICK AT 1300.00 PER M² TON FOR STONE, DELIVERED. CUTSTONE SILL SHALL BE STANDARD BUFF OOLITIC LIME-STONE WITH SMOOTH MACHINE FINISH BRICK WORK TO BE LAID UP IN RUNNING BOND, SECURED PROPERLY TO FRAME WALL WITH CORROSION MAX 2.67lbs OF BRICK PER TIE. RESISTANT METAL TIES EVERY 6TH COURSE (NAILING TIES TO SHEATHING WILL NOT BE PERMITTED). BRICK TIES SHALL BE HECKMANN BLDG. ADJUSTABLE VENEER ANCHORS # TIES 915-C # 316. PROVIDE 30P FELT BASE FLASHING WITH WEETHOLES # 4'-0" O.C. # ALL BRICKS VENEER WALLS. EXTEND FLASHING UP 12" MORTAR TYPE N. CONCRETE BLOCKS TO BE LAID IN RUNNING BOND PATTERN. GROUT SOLID UNDER ALL CONCENTRATED LOADS.
9. MASON CONTRACTOR TO BE RESPONSIBLE FOR ALL PRE-CAUTIONARY STEPS REQUIRED TO PROTECT MASONRY WORK FROM WEATHER CONDITIONS.
10. FIREPLACE CHIMNEYS AND FURNACE FLUES 2'-0" MINIMUM ABOVE ANY ROOF PORTION WITHIN 15'-0" HORIZONTALLY.
11. FIREPLACE HEARTHS 18" IN WIDTH FROM BRICK FACE AND 12" WIDER ON EACH SIDE OF FIREPLACE OPENING.
12. FLASH OVER EXTERIOR DOOR ALL WINDOWS, ETC.
13. TOPS OF ALL CHIMNEY FLUES ~~MUST BE FITTED~~ WITH CHIMNEY CAPS (SPARK ARRESTORS)

NOTE THE TOTAL AGGREGATE SHALL BE EQUAL TO NOT LESS THAN 2 1/2" AND NOT MORE THAN 3 1/4" TIME THE SUM OF THE VOLUMES OF THE CEMENT AND LIME USED.

FOR PROJECT USE TYPE N MORTAR

FOR LVL USE : JOIST BEAM
CODE EVALUATION
ICC ES ESR-1387
G = 118,150
E = 1.9 x 10⁶
EM IN = 965,170
Fb = 2,600
Ft = 1555

PROPERTY SPECIFICATION FOR PRE PARED MORTAR			
MORTAR TYPE	MIN COMPRESSIVE STRENGTH PSI # 28	MIN WATER RETENTION	MAX AIR CONTENT %
M DAY	2500	75	12
S	1800	75	12
N	750	75	14
O	350	75	14

FACE BRICK TO MEET ASTM C 216 WITH A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSi

THE MASONRY TO HAVE NET AREA COMPRESSIVE STRENGTH FROM 1000 TO 3000 PSi

DESIGN LOADS:
FLOOR LL = 40 PSF
DL = 10 PSF
PART = 10 PSF
TL = 60 PSF

ROOF LL = 25 PSF
DL = 10 PSF
TL = 35 PSF

DECK PORCHES LL = 100 PSF
DL = 10 PSF
TL = 110 PSF

ALLOW SOIL BEARING PRESSURE P= 3,000 PSF (TO BE VERIFIED BY A QUALIFIED TESTING AGENCY)

MOISTURE AND THERMAL CONTROL:

1. ALL CONCEALING FLASHING SHALL BE A MINIMUM OF 26 GAUGE STEEL METAL. PROVIDE SHEET METAL BABY TIN VALLEY FLASHING.
2. BASE SILL AND FLASHING TO BE EQUAL TO 6 MIL VISQUEEN POLYETHYLENE FILM OR NERVASTRAL FLASHING OR EQUAL.
3. ALL EXTERIOR PERIMETER CAULKING SHALL BE WATER AND WEATHERTIGHT. ELASTIC CAULKING COMPOUND SHALL BE NON-STANDING POLYSULPHIDE, ACRYLIC, OR BUTYL.
4. INSULATION: (NEW CONSTRUCTION TO CONFORM W/ 2015 IECC)
a. PROVIDE WALL INSULATION WITH VAPOR BARRIER TO ROOM SIDE. (R-19 WALL INSULATION IN CHICAGO)
b. PROVIDE INSULATION AT CEILING WITH VAPOR BARRIER TO ROOM SIDE. AT CATHEDRAL CEILING, R-38 INSULATION WITH VAPOR BARRIER AT FLAT CEILING OR AS NOTED ON DRAWINGS. (R-49 INSUL.)
5. PROVIDE ALUMINUM DRIP CAPS OVER ALL DOOR AND WINDOW HEADS AND HORIZONTAL TRIM INCLUDING GARAGE AND PATIO DOORS. USE 4 MIL. PLOYETHELENE FLASHING AT ALL WINDOW AND DOOR JAMBS.
6. ALL WATER PIPING SHALL BE INSULATED IN AREAS WHERE IT IS SUBJECT TO FREEZING SUCH AS OUTSIDE WALLS AND ATTICS ON THE COLD SIDE ONLY. INSULATE PIPING PER IECC R403.42
7. PROVIDE GUTTERS AND DOWNSPOUTS WITH SPLASH BLOCKS.
8. PROVIDE TYVEK BEHIND ALUMINUM SIDING AND 15" BLDG FELT BEHIND BRICK AND STONE VENEERS.
9. ROOF SHINGLES TO BE MIN. 240P MIN. ASPHALT ON 15" FELT WITH 50P FELT ICE DAM. EXTEND MIN 24" BEYOND INSIDE FACE OF EXTERIOR WALLS.

CARPENTRY:

1. USE METAL CONNECTORS FOR CONNECTING JOISTS TO HEADERS. ("TECO" OR APPROVED EQUAL)
2. ALL WALLS TO HAVE 2" SOLID WOOD FIRESTOPPING AND ALL ELECTRICAL AND PLUMBING THROUGH FLOORS ARE TO HAVE SPACE SEALED OFF WITH APPROVED FIBERGLASS OR ROCKWOOL BATT INSULATION. FIRESTOP ALL FURRING PARTITIONS AND STUD WALLS AT BOTH FLOOR AND CEILING OF EACH FLOOR LEVEL AND AT JUNCTURE OF ROOF RAFTERS AND WALL.
3. INSTALL METAL SOFFIT VENTS ON ROOF VENTS AS SHOWN ON BUILDING ELEVATIONS/ WALL SECTIONS.
4. GABLES AND TRUSSES ARE TO BE SHEATHED IN 3/8" SHEATHING BY MANUFACTURER.
5. ALL CLOSETS MARKED LINEN AND PANTRY TO HAVE 5 SHELVES-ENTRY, WARDROBE, AND WALK-IN CLOSETS HAVE ONE HANGER BAR AND ONE SHELF.
6. JAMBS TO ALL CLOSETS AND OPENINGS WITHOUT FREHHING DOORS ARE TO HAVE DRYWALL CORNERS.
7. INSTALL 32"x32" ATTIC ACCESSSES AND FINISHED CEILING PANELS TO ALL ATTICS.
8. PROVIDE 5/8"TH DRYWALL UNDER STAIRWAY IN BASEMENT PER CITY CODE.
9. ALL EXTERIOR FRAMING SHALL BE 2x6 WITH R-19 INSUL PER CITY CODE
10. SILL PLATES ON CONCRETE SHALL BE PRESSURE TREATED AND SET IN SILL SEALER.
11. HEADER SCHEDULE FOR BEARING WALLS UNLESS OTHERWISE NOTED ON PLANS.
- SPANS LESS THAN 4' 2-2x6's
- SPANS 4'-6' 2-2x8's
- SPANS 6'-8' 2-2x10's TWO STORY
- SPANS 8'-10' 2-2x12's
- HEADERED JOISTS SPANNING GREATER THAN 6'-0" REQUIRE JOIST HANGERS. WHENEVER JOIST HANGERS ARE USED, THE JOIST HANGER SHALL BE IN PLACE BEFORE THE LUMBER IS SET, TO INSURE THAT OVERNAILING DOES NOT OCCUR.
12. PROVIDE 1/2" PLYWOOD SHEATHING UNLESS OTHERWISE NOTED
13. UNLESS NOTED ALL HEADERS 3'-0" AND GREATER IN LENGTH SHALL BE SUPPORTED BY DOUBLE 2x8s CRIPPLES.
14. ALL AREAS RECEIVING VINYL OR CERAMIC TILE EXCEPT BATHROOMS SHALL HAVE BASE AND SHOE.
15. ALL SOFFITS, CEILING OPENINGS, FLOOR OPENINGS AND STAIRS SHALL BE FIRESTOPPED ACCORDING TO LOCAL CODES.
16. ALL WOOD IN CONTACT WITH CONCRETE SHALL BE PRESSURE TREATED.
17. CAULK ALL EXTERIOR OPENINGS.
18. VENT CHUTES AT SOFFIT VENTS.

23. ALL LUMBER TO BE NEW DOUGLAS FIR SELECT STRUCTURAL F=1800 PSi. E=1800.000 MIN. OR WHITE PINE #2 STRUCTURAL GRADE F=1800 PSi. FLOOR JOISTS, WALL JOISTS, ROOF RAFTERS - E=1800.000 PSi. EXCEPT WHERE OTHERWISE NOTED.
30. ALL FRAMING SHALL BE DIMENSION LUMBER
31. ALL FRAMING 16" O.C. W/ BRIDGING # 8'-0" O.C.
32. ALL ROOF SHEATHING SHALL BE 5/8" SHEATHING PLYWOOD (PARTICLE WOOD NOT PERMITTED).

36. ROOF RAFTERS DESIGNED FOR 30 PSF LL.
37. FLOOR JOISTS DESIGNED FOR 40 PSF LL. STAIRS, LIVE LOAD = 100 P.S.F. ATTIC, LIVE LOAD = 20 P.S.F. WOOD DECK, LIVE LOAD = 60 P.S.F.

38. MIN. BEARING OF A WOOD JOIST ON WOOD IS 1 1/2". MIN. BEARING OF A WOOD JOIST ON CONCRETE IS 3"
- BORED HOLES SHALL NOT BE WITHIN 2" OF THE TOP OR BOTTOM OF JOISTS AND THEIR DIAMETER SHALL NOT EXCEED 1/3 THE DEPTH OF JOIST.

41. VENT ALL ATTIC SPACES WITH VENT AREA EQUAL TO 1/300 OF CEILING AREA.
42. ALL PARTITION DIMENSIONS ON PLAN SHEETS ARE FINISHED DIMENSIONS. FINISHED DIMENSIONS AT CRITICAL AREAS SUCH AS CLOSETS, BATHTUBS, ETC., MUST BE HELD.

DOORS AND WINDOWS:

1. EXTERIOR DOORS ARE TO BE EQUAL TO "FEASE" PREHHING DOORS WITH STANDARD WOOD FRAME. MANUFACTURER TO PROVIDE ALL HARDWARE INCLUDING LOCKS, WOOD SILL, METAL THRESHOLD AND WEATHERSTRIPPING. MATCH DOOR DESIGN SHOWN ON ELEVATIONS.
2. INTERIOR SOLID CORE DOORS SHALL BE RAISED PANEL OAK.
3. BI-FOLD DOORS SHALL BE RAISED PANEL OAK 6'-8"
4. PROVIDE TINTFERED GLASS IN ALL PATIO DOORS AND ENTRY SIDELIGHTS AND WHERE OTHERWISE REQUIRED BY CODES.
5. DOOR AND WINDOW PERFORMANCE SHALL BE AS SET FORTH BY MUNICIPAL ORDINANCE
6. GARAGE SERVICE DOOR (TO HOUSE) AND FRAME ASSEMBLY SHALL BE "B" LABEL 1 HR RATED AND BE PROVIDED WITH CLOSER, THRESHOLD, AND GASKETS.
7. APPROVED LABELED SAFETY GLAZING UNITS SHALL BE INSTALLED IN THE FOLLOWING APPLICABLE SPECIFIC HAZARDOUS LOCATIONS FOR PURPOSE OF GLAZING.
- a. GLAZING IN INGRESS AND EGRESS DOORS.
- b. GLAZING IN FLEXED AND SLIDING PANELS OF SLIDING TYPE DOORS.
- c. GLAZING IN STORM DOORS.
- d. GLAZING IN SHOWER AND BATHTUB DOORS AND ENCLOSURES.
- e. GLAZING WHOSE NEAREST VERTICAL EDGE IS WITHIN 12" OF A DOOR AND WHOSE BOTTOM EDGE IS BELOW THE TOP OF THE DOOR.
- f. GLAZING IN FIXED PANELS HAVING A GLAZED AREA IN EXCESS OF 9 SQUARE FEET WITH THE LOWEST EDGE LESS THAN 18" ABOVE THE FINISHED FLOOR LEVEL OR WALKING SURFACE WITHIN 36" OF SUCH GLAZING.

FINISHES:


1. INSTALL U.S. GYPSUM OR EQUAL S&W SYSTEM 5/8" TAPERED WALLBOARD WITH METAL CORNER BEADS. MACHINE TAPE ALL JOINTS. WALLBOARD SHALL BE ATTACHED ACCORDING TO MANUFACTURERS INSTRUCTIONS. PATCH ALL NAIL HEADS AND LEAVE SURFACE FREE FROM WAVES, PITS, AND BUCKLES. USE 5/8" FIRECODE WALLBOARD WHERE REQUIRED FOR FIRE RATING AND PROVIDE 1/2" WATER RESISTANT CEMENT BRO AT ALL BATHTUB AND SHOWER RECESSES.
2. PROVIDE 5/8" DRYWALL WHERE ROOF (RAFTERS OR TRUSS) SPACING EXCEEDS 16" O.C.
3. PROVIDE 5/8" O.C. FC. DRYWALL ON ALL GARAGE CEILINGS. (2 LAYERS WHEN LIVING AREA IS ABOVE)
4. DRYWALL SHEATHING BETWEEN GARAGE AND HOUSE SHALL BE INSTALLED TO BOTTOM OF ROOF
5. CERAMIC/STONE TILE FOR WALLS AND BASES SHALL BE GLAZED TILE. TILE APPLICATION SHALL BE BY ORGANIC MASTIC ADHESIVE FOR WALL. GROUT SHALL BE LATEX PORTLAND CEMENT. CAULK AROUND TUBS WITH SUITABLE CAULKING. CONFIRM WITH OWNER PREFERRED SPECIFICATIONS FOR FINISHES.
6. PAINTING:
a. INTERIOR WALLS TO HAVE TWO COATS FLAT LATEX PAINT.
b. ALL RISERS AND TREADS AT STAIRS TO BE CARPETED BY OTHER EXCEPT AS NOTED AND ALL STRINGERS ARE TO BE STAINED UNLESS OTHERWISE NOTED.
c. INTERIOR DOORS, WINDOWS AND TRIM TO BE 50M1-GL088 OR LATEX ENAMEL, TWO COATS, OR STAINED, SEALED, AND VARNISHED.
d. ALL EXTERIOR WOOD AND PLYWOOD SHALL BE STAINED OR PAINTED AS PER MANUFACTURERS INSTRUCTIONS.
7. ALL INTERIOR FINISHES SHALL HAVE A MINIMUM OF 'CLASS 1' FLAME SPREAD RATING.
8. ALL INTERIOR TRIM (EXCEPT FOR STAIR WAY ENCLOSURE 'CLASS 1') TO BE MINIMUM OF 'CLASS 3'.

ELECTRICAL:

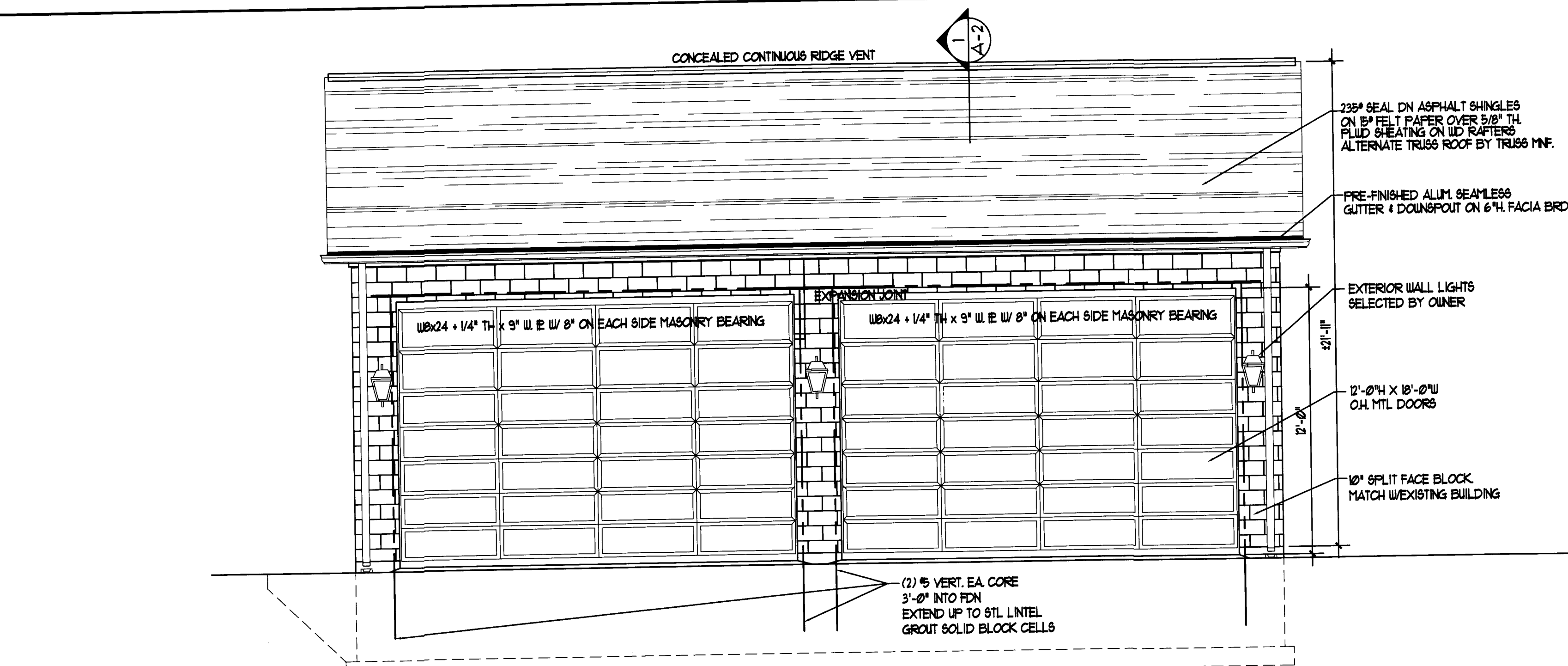
1. THE ELECTRICAL CONTRACTOR SHALL INCLUDE ALL NECESSARY LABOR, MATERIAL, AND EQUIPMENT FOR THE INSTALLATION OF A COMPLETE AND OPERABLE ELECTRICAL SYSTEM IN EACH UNITS.
2. THE ELECTRICAL CONTRACTOR SHALL INSTALL ALL WORK IN ACCORDANCE WITH ALL APPLICABLE STATE, LOCAL, AND NATIONAL CODES AND ORDINANCES.
3. THE ELECTRICAL CONTRACTOR SHALL PROVIDE COPPER WIRE THROUGHOUT, NO.1 AUG. MINIMUM LOW VOLTAGE SIGNAL SYSTEM SHALL BE MINIMUM 2 CONDUCTOR NO.18 IN CONDUIT WHERE REQUIRED BY LOCAL CODE.
4. THE ELECTRICAL CONTRACTOR SHALL PROVIDE MINIMUM 200 AMPERE 120/240 VOLT 1 PHASE 3 WIRE SERVICE.
5. DISTRIBUTION PANEL TO BE 200 AMPERE MCB WITH 20 POLE SPACES MINIMUM. PROVIDE BREAKERS AS REQUIRED.
6. THE ELECTRICAL CONTRACTOR SHALL PROVIDE ONE SWITCHED FIXTURE AT ALL ATTICS ABOVE THE ACCESS PANEL.
7. THE ELECTRICAL CONTRACTOR SHALL PROVIDE GROUND FAULT PROTECTED GROUND OUTLETS AT ALL BATHROOMS, SHOWER ROOMS, EXTERIOR OUTLETS, GARAGES, AND KITCHENS. SEPARATE RESETS SHALL BE PROVIDED AT EACH FLOOR AREA INTERIOR AND EXTERIOR (GARAGE) APPLICATIONS AS WELL AS KITCHENS SHALL BE CIRCUITED SEPARATELY.
8. THE ELECTRICAL CONTRACTOR SHALL PROVIDE DISCONNECTING MEANS AS REQUIRED BY CODE FOR FIXED APPLIANCE INCLUDING FURNACE AND GARAGE DISPOSAL.
9. ALL CLOSET LIGHTS SHALL BE MOUNTED ON THE CEILING ABOVE THE CLOSET DOOR AND BE A MINIMUM OF 18" AWAY FROM ALL SHELVING.
10. BATTERY BACK-UP SMOKE DETECTORS MUST BE 10V, AND WIRED SO THAT ACTIVATION OF ONE ALARM WILL ACTIVATE ALL ALARMS IN HOUSE.
11. ALL OUTLETS WITHIN 6'-0" ON ANY SINK, EXTERIOR, BASEMENT OR GARAGE OUTLET TO BE A GROUND FAULT INTERCEPTION TYPE.
12. BEDROOM ELECTRICAL OUTLETS TO BE ARC-FAULT CIRCUIT-INTERRUPTER PROTECTED PER SECTION 210-12
13. ALL CEILING BOXES TO BE FIRE RATED BOXES IN HABITABLE ROOMS AND MINIMUM 1 1/2" DEEP.
14. POWER TO THE SMOKE DETECTORS MUST BE FROM THE BUILDING WIRING WITH BATTERY BACK-UP.
15. FIRESTOP ALL CONCEALED DRAFT OPENINGS WITH 2" NOMINAL LUMBER
16. INSTALL 200 AMP SERVICE WITH CIRCUIT BREAKERS. KITCHEN AND LAUNDRY EACH TO HAVE 2-20 AMP. CIRCUITS MIN. FURNACE TO HAVE SEPARATE 15 AMP. CIRCUIT. SUMP PUMP TO HAVE 20 AMP. CIRCUIT.
17. SWITCHES AND GFCI RECEPTACLES SHALL BE LOCATED AT LEAST 5 FT. MEASURED HORIZONTALLY, FROM THE EDGE OF THE TUB, SHOWER, SPA OR HOT TUB. 2009 NEC 680-41. INSIDE OUTLETS MUST BE EVERY 12'-0" O.C. BEGINNING 6'-0" FROM ENTRY DOOR. ALL HALLWAYS MUST HAVE (MIN) ONE OUTLET AND ONE CEILING LIGHT CONTROLLED BY A WALL SWITCH AT OPPOSITE ENDS (SAME FOR STAIRWAYS).
18. ALL ELECTRICAL CONDUCTORS SHALL BE COPPER (ALUMINUM IS NOT PERMITTED).
19. A SMOKE DETECTOR IS REQUIRED ON EACH LEVEL OF A RESIDENCE INCLUDING THE BASEMENT.
20. PROVIDE A SMOKE DETECTOR AND A CARBON MONOXIDE DETECTOR WITHIN 15 FT. OF ANY BEDROOM.
21. RIGID GALVANIZED CONDUIT MUST BE USED IN, THROUGH OR UNDER ALL INTERIOR CONCRETE SLAB CONSTRUCTION AND THROUGH ALL FOUNDATION WALL PENETRATIONS.
22. EXTERIOR BELOW GROUND CONDUIT MAY BE RIGID GALVANIZED (MIN) 6" DEEP ELECTRICAL GRADE PLASTIC CONDUIT APPROVED FOR DIRECT BURIAL WITH A BARE GROUND CONDUCTOR (MIN) 18" DEEP OR TYPE "UF" CABLE WITH GROUND CONDUCTOR (MIN) 24" DEEP.
23. PROVIDE GROUND FAULT CIRCUIT PROTECTION FOR ALL: GARAGE, BATH-ROOM, AND EXTERIOR ELECTRICAL OUTLET. ALL WIRING INSTALLED PER LOCAL CODES AND ORDINANCES.
24. ALL ELECTRICAL MUST BE IN CONDUIT.
25. ALL OUTLETS, LIGHTS, FANS, ETC. IN BATHROOMS SHALL BE GFI.

LIABILITY INSURANCE:

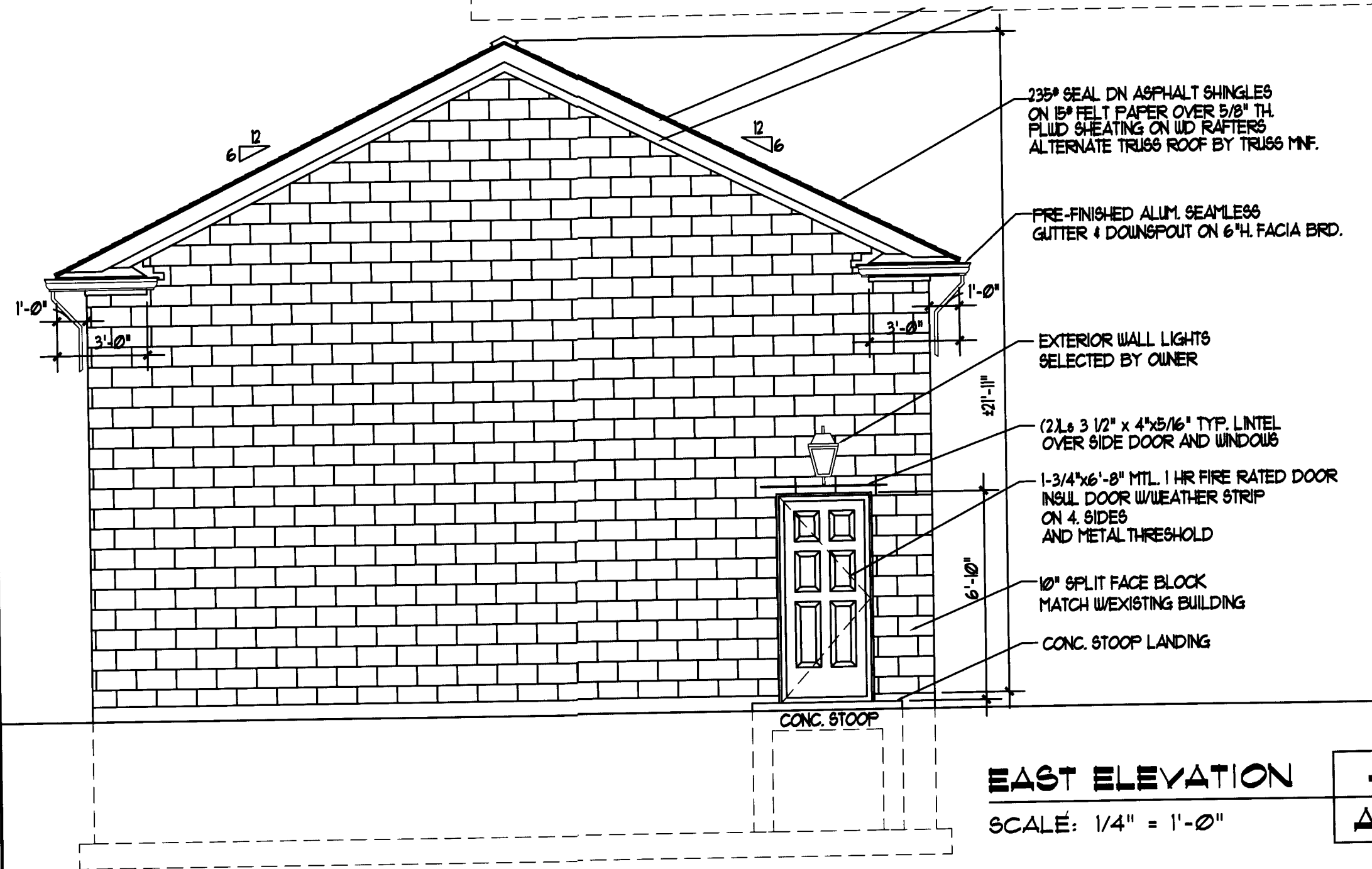
1. PROVIDE LIABILITY INSURANCE (HOLD HARMLESS AGREEMENT): THE CONTRACTOR SHALL MAINTAIN CONTRACTUAL LIABILITY INSURANCE TO COVER LIABILITY ASSUMED UNDER THE FOLLOWING AGREEMENT:
2. CONTRACTOR AND ANY SUB-CONTRACTOR SHALL INDEMNIFY AND SAVE HARMLESS ASTI-DELLI OWNER AND ANTONIO FANIZZA ASSOC. LTD., HEREINAFTER CALLED OWNER AND ARCHITECT AND THEIR PARTNERS, AGENTS AND EMPLOYEES AGAINST ANY LOSS, DAMAGE OR EXPENSE FOR WHICH THE OWNER AND ARCHITECT MAY BECOME LIABLE ON ACCOUNT OF BODILY INJURY INCLUDING DEATH, OR PROPERTY DAMAGE SUSTAINED BY ANYONE WHICH MAY ARISE OUT OF OR BE THE RESULT FROM THE OPERATIONS OR THE CONTRACTOR OR OF THOSE EMPLOYED BY: HIS AGENTS OR SERVANTS INCLUDING HIS SUB-CONTRACTOR, IN THE EXECUTION OF ANY WORK INCLUDED UNDER THIS CONTRACT. WHETHER OR NOT IT SHALL BE CLAIMED THAT THE INJURY OR DAMAGE WAS CAUSED THROUGH A NEGLIGENCE ACT OR OMISSION OF THE OWNER AND ARCHITECT, THEIR AGENTS, SERVANTS OR EMPLOYEES, OR BY ANY OTHER PERSONS WHO-SO-EVER, AND CONTRACTOR SHALL, AT HIS OWN EXPENSE, APPEAR, DEFEND, PAY ALL COSTS AND EXPENSE, INCLUDING ATTORNEY'S FEES AND PAY ALL ADJUDGMENTS IN CONNECTION WITH LIABILITY ASSUMED HERE UNDER.
3. THE FOLLOWING INDEMNIFICATION SHALL ALSO INCLUDE ALL LIABILITY OF THE OWNER, ARCHITECT AND OTHER MENTIONED PERSONS ARISING UNDER THE SO CALLED "STRUCTURAL WORK ACT" (CH. 48, SEC. 60-69, ILLIN OIS REVISED STATS).
4. EACH AND EVERY CONTRACTOR AND SUB-CONTRACTORS WHEN ACCEPTING CONTRACTUAL OBLIGATIONS FOR THIS PROJECT SHALL UNDERSTAND THAT A PREREQUISITE TO ANY OPERATION AT PROJECT WHETHER FILED WITH OWNER OR NOT, THAT THEY HAVE FILED AGREEMENT TO THE ABOVE ITEM, (HOLD HARMLESS AGREEMENT AND ITS SPECIFIC WORDING)

ANTONIO FANIZZA ASSOC. LTD	
ARCHITECTS	2363 LECHNER LANE DEER PLAINS, ILLINOIS 60006 TEL: (847) 823-5664 FAX: (847) 823-1664 Email: antoniofanizza@comcast.net
© 2010 ANTONIO FANIZZA ASSOC. LTD. THESE DRAWINGS AND SPECIFICATIONS ARE PROPERTY OF ANTONIO FANIZZA ASSOC. LTD. THEY ARE PREPARED FOR USE ON THIS SPECIFIC SITE AND FOR A SPECIFIC DATE AND SHALL NOT BE COPIED, OR REPRODUCED IN ANY FORM OR BY ANY MEANS, WITHOUT WRITTEN AUTHORIZATION. UNAUTHORIZED USE IS NOT ALLOWED. IF IT IS FURTHER ANNOUNCED PRICE OF DRAWINGS USE, ALL FEES HAVE BEEN PAID IN FULL. FAILURE TO DO SO, THE USER WILL BE RESPONSIBLE FOR ALL COURT COST AND LITIAL FEES.	
NO.	REVISION
	
EXPIRES 11-30-_____	
SIGNATURE _____	
DRAWING NAME: SPECIFICATIONS	PROJECT NAME: NEW 4-CARS GARAGE FOR "ASTI-DELI" 1400 W IRVING PARK RD, BENSenville IL 60006
released to const	
job no. 1663	
scale AS SHOWN	
date 11.30.2016	
drawn by AB	
checked by AF	
sheet	

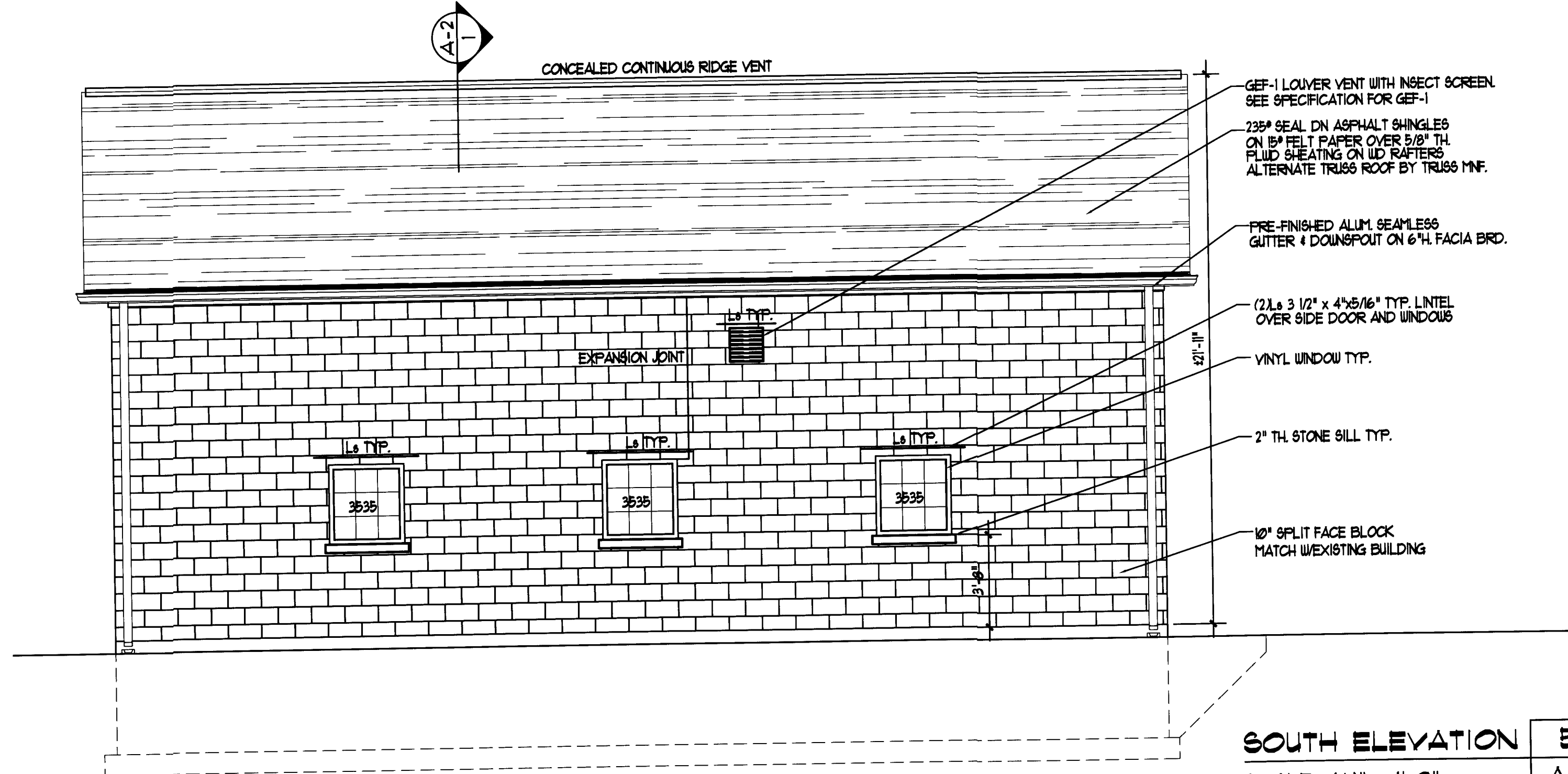
T-2



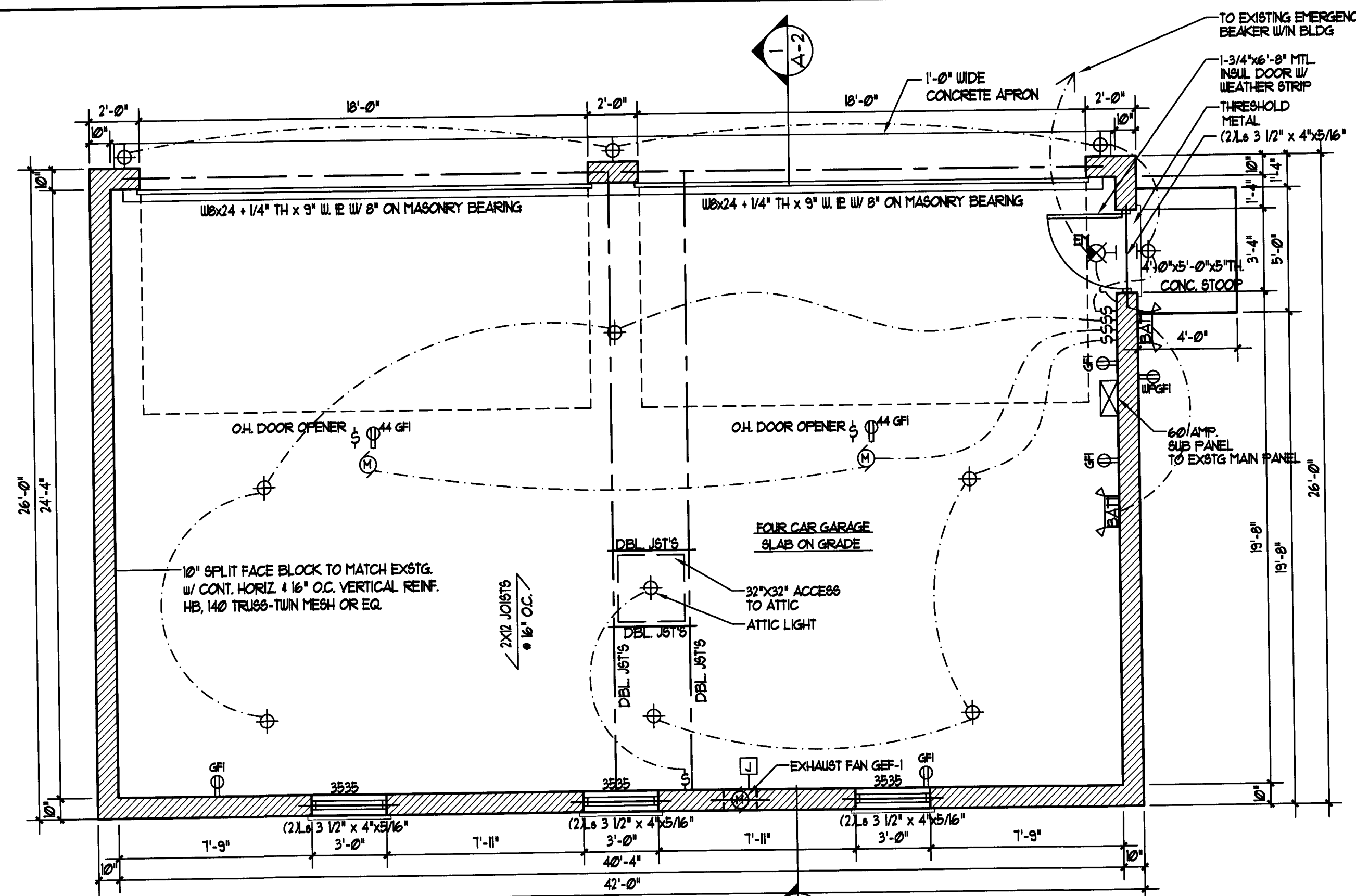
NORTH ELEVATION 3
SCALE: 1/4" = 1'-0" A-1



EAST ELEVATION 4
SCALE: 1/4" = 1'-0" A-1

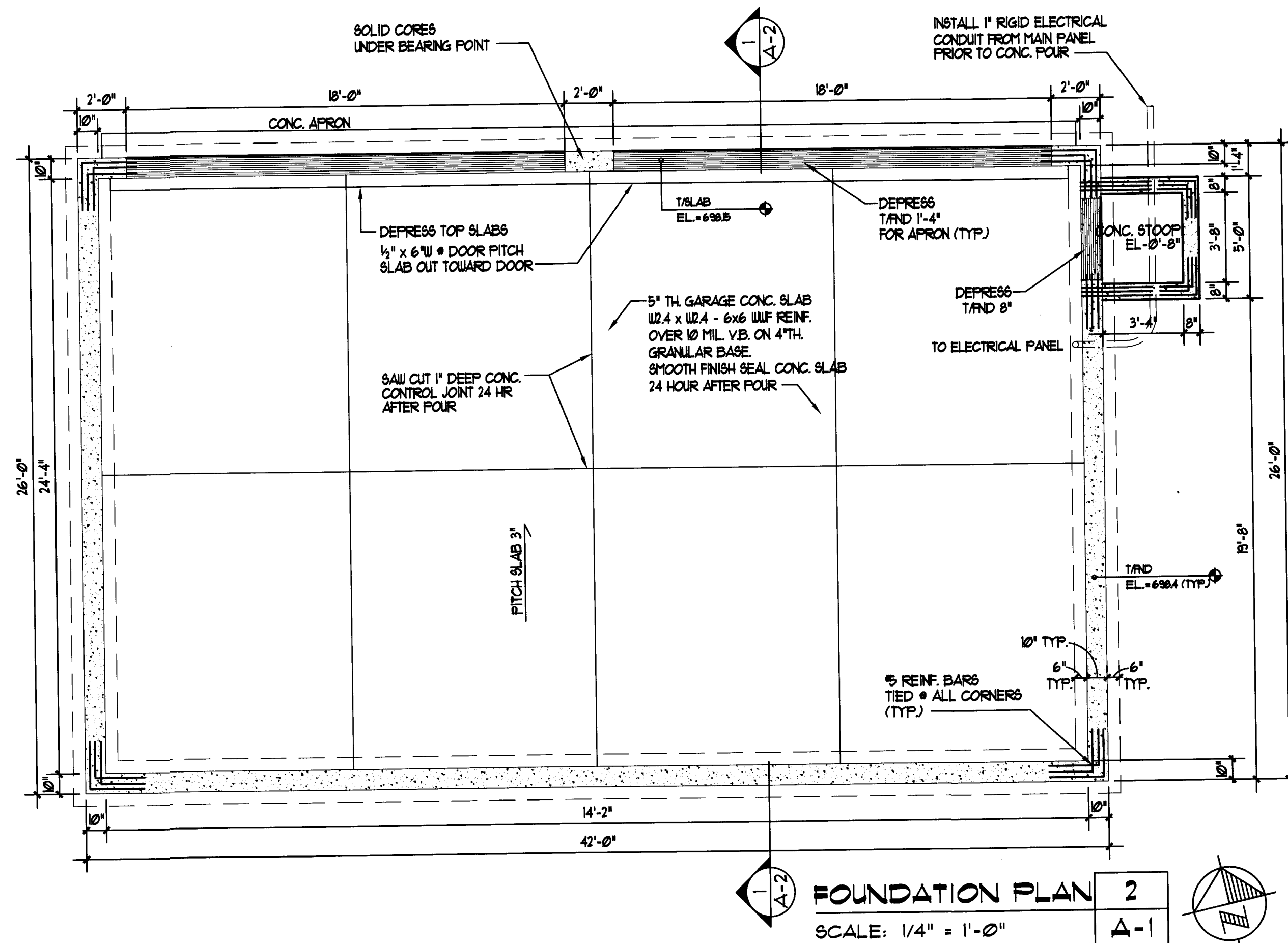


SOUTH ELEVATION 5
SCALE: 1/4" = 1'-0" A-1



FLOOR PLAN 1
SCALE: 1/4" = 1'-0" A-1

- ELECTRICAL LEGEND:**
- ⏻ TOGGLE SWITCH
 - ⊕ WALL MOUNTED LIGHT FIXTURE
 - ⊕ CEILING MOUNTED LIGHT FIXTURE
 - ⏚ GFI GROUND FAULT CIRCUIT INTERRUPTER W/ RESET BUTTON
 - Ⓜ MOTORS (PROVIDE POWER AS REQ'D BY MANUF.)
 - ⚡ EMERGENCY BATTERY LIGHTING UNIT MTD. MINIMUM 1'-0" APF.
 - Ⓧ EMERGENCY DIRECTIONAL EXIT SIGN, SEE SCHEDULE FOR DETAILS. SHADED SIDE DENOTES FACE OF WORDING AND/OR ARROW WHEN SHOWN
 - Ⓜ J-BOX



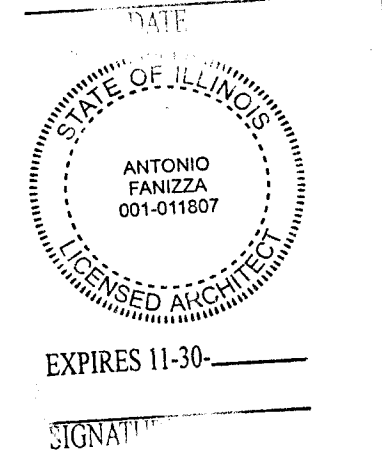
FOUNDATION PLAN 2
SCALE: 1/4" = 1'-0" A-1

ANTONIO FANIZZA ASSOC. LTD
ARCHITECTS
7363 LECHNER LANE
DES PLAINES, ILLINOIS 60016
TEL: (847) 823-5664 FAX: (847) 823-1664
Email: antonio.fanizza@comcast.net

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I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF ILLINOIS AND THE CITY OF BENSenville CODES AND ORDINANCES. THEY ARE IN COMPLIANCE WITH ALL APPLICABLE CODES INCLUDING THE ENVIRONMENTAL BARBERS ACT (40-100) AND THE ILLINOIS ACCESSIBILITY CODE (78 ILL. ADM. CODE CODE 400.1) AS SIGNED BY MY HAND AND SEAL.

NO.	REVISION



DRAWING NAME:
GARAGE PLANS & ELEVATIONS
PROJECT NAME:
NEW 4-CARS GARAGE FOR "ASTI-DELI"
1410 W. IRVING PARK RD.
BENSenville, IL 60016

released to const.
job no. 1663
scale AS SHOWN
date 11/30/2016
drawn by AB
checked by AF
sheet

A-1

TYPE:Public Hearing**SUBMITTED BY:**K. Pozsgay**DEPARTMENT:**CED**DATE:**06.19.17**DESCRIPTION:**

Consideration of Variances for construction of a fence in the corner side yard for the applicant Fernando Lucero, located at 311 Diana Court.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**☐*Financially Sound Village**Quality Customer Oriented Services**Safe and Beautiful Village*☒*Enrich the lives of Residents**Major Business/Corporate Center**Vibrant Major Corridors***REQUEST:**

Variances for construction of a fence in a corner side yard.

- Municipal Code Section 10 – 14 – 11

SUMMARY:

The applicant is proposing to construct a 6-foot high fence in his corner side yard. The fence will be chain link with wooden posts. The property in question is zoned RS – 2 Medium Low Density Single Family and is located on the southwest corner of Diana Ct and Pamela Dr. It is not a reverse corner lot.

RECOMMENDATION:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variance for Fernando Lucero with the following conditions:

1. The fence should not be chain link and applicant must get staff approval on final material and design.
2. The fence must be installed a minimum of one foot off the property line.

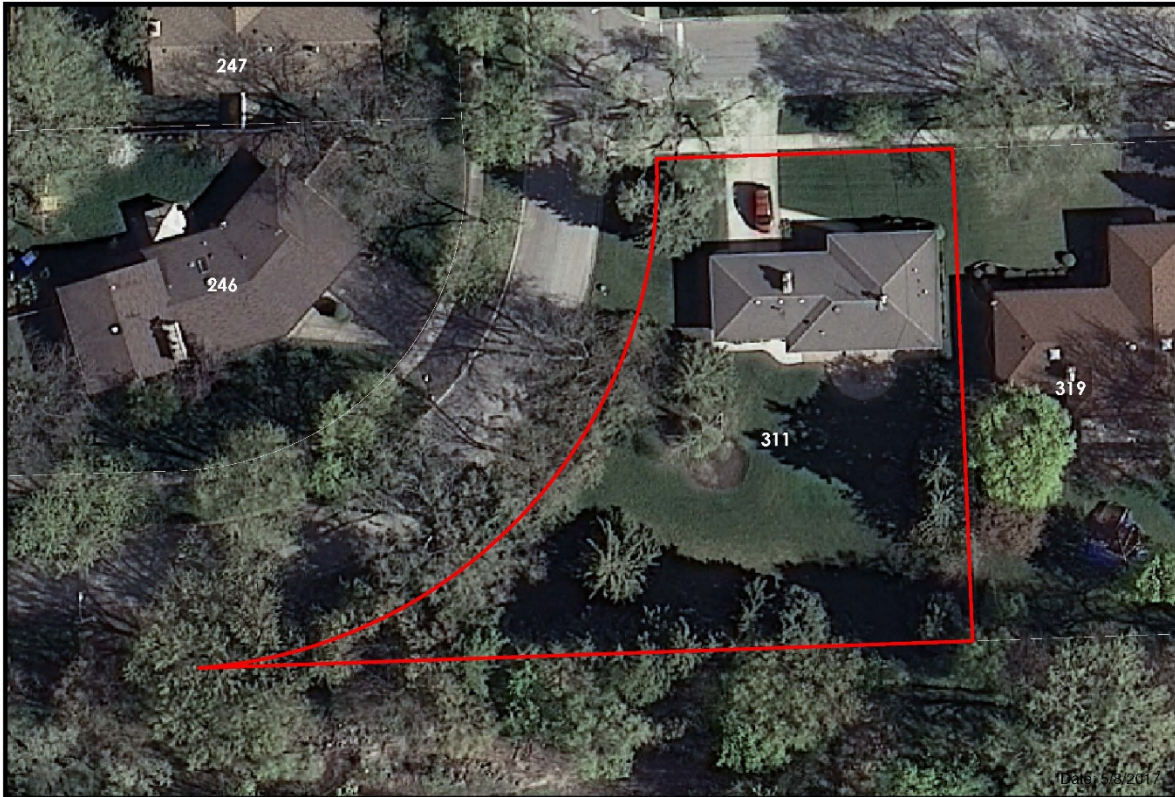
ATTACHMENTS:

Description	Upload Date	Type
Aerial & Zoning Maps	6/13/2017	Backup Material
Legal Notice	6/13/2017	Backup Material
Staff Report	6/13/2017	Executive Summary
Plat of Survey	6/13/2017	Backup Material



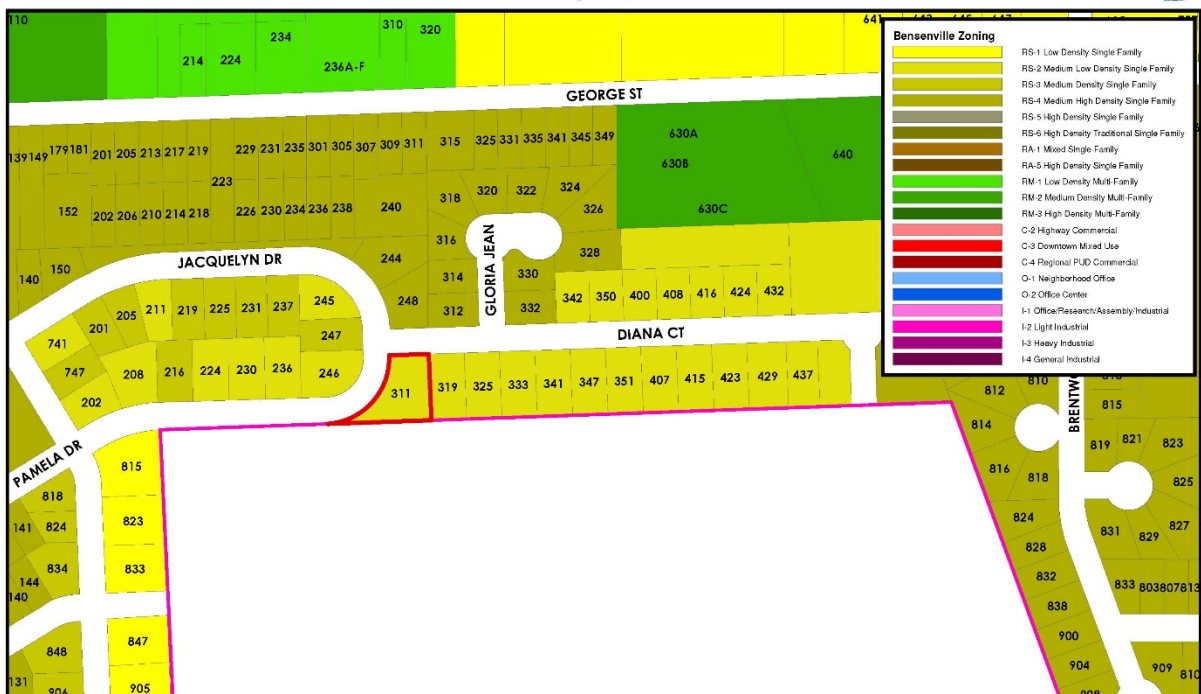
Village of Bensenville

311 E Diana



Village of Bensenville

Zoning Map



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

NOTICE IS HEREBY GIVEN that on Monday, June 19, 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. 2017 – 14 to consider a request for:

Variances for construction of a fence in a corner side yard,
Municipal Code Section 10 – 14 – 11

311 Diana Court is in a RS – 2 Medium 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 is as follows:

LOT 226 IN BRENTWOOD TERRACE, A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 24 AND PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 10, 1956 AS 826909, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 311 Diana Court, Bensenville, IL 60106.

Fernando Lucero, 311 Diana Court, Bensenville, IL 60106 is the owner and applicant for the subject property for this CDC Case No. 2017 - 14 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 June 19, 2017 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
June 1, 2017**



STAFF REPORT

HEARING DATE: June 19, 2017
CASE #: 2017 – 14
PROPERTY: 311 Diana Court
PROPERTY OWNER: Fernando Lucero
APPLICANT: Same
SITE SIZE: 22,650 SF
BUILDING SIZE: 2,600 SF
PIN NUMBERS: 03-24-304-001
ZONING: RS – 2 Medium Low Density Single Family
REQUEST: Variances for construction of a fence in a corner side yard.
- Municipal Code Section 10 – 14 – 11

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday June 1, 2017. 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 Friday June 2, 2017.
3. On Friday June 2, 2017, 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 is proposing to construct a 6-foot high fence in his corner side yard. The fence will be chain link with wooden posts. The property in question is zoned RS – 2 Medium Low Density Single Family and is located on the southwest corner of Diana Ct. and Pamela Dr. It is not a reverse corner lot.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	RS – 2	Residential	Single Family Residential	Village of Bensenville
North	RS – 4	Residential	Single Family Residential	Village of Bensenville
South	R – 3	Golf Course / Country Club	Golf Course	DuPage County
East	RS – 2	Residential	Single Family Residential	Village of Bensenville
West	RS – 2	Residential	Single Family Residential	Village of Bensenville

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>	Financially Sound Village
<input type="checkbox"/>	Quality Customer Oriented Services
<input 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: No Comments.

Engineering and Public Works:

Engineering: No Comments.

Public Works: No Comments.

Community & Economic Development:

Economic Development: No Comments.

Fire Safety: No Comments.

Building: No Comments.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Single Family Residential” for this property.
- 2) There are concerns with the fencing material as chain link is not preferred. Actual plans were not submitted with the application. Staff would like to see a higher quality material such as vinyl or treated wood.
- 3) The fence should be installed a minimum of one foot off the property line. There is no sidewalk.
- 4) Staff received at least one call from a concerned neighbor. They were disappointed in all the landscaping that had recently been removed and were not enthused about a chain link fence.

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.

Response: Special circumstances that exist relate to the property and are specific due to the layout of the property.

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: Prohibiting a fence in the side yard would result in unnecessary and undue hardship based on the layout of the property and buildings and otherwise inability to properly use the remaining yard.

3. **Circumstances Relate to Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.

Response: The special circumstances relate only to the physical character of the land and buildings.

4. **Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

Response: The special circumstances have not resulted from any act of the applicant.

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

Response: The variance is necessary for the applicant to enjoy the same property rights and privileges as the interior street properties and does not confer a 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 grant of the variance is necessary because without the requested variance, the applicant will be deprived of reasonable use from their property limiting their privacy, safety, and use of the 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.

Response: The granting of the variances will not alter the essential character of their locality nor substantially impair environmental quality 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.

Response: The requested fencing is consistent with the Village Plan's intent.

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

Response: The minimum variance has been requested by the applicant in the terms of fence construction.

Variances Approval Criteria	Meets Criteria	
	<i>Yes</i>	<i>No</i>
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 Fernando Lucero with the following conditions:

1. The fence should not be chain link and applicant must get staff approval on final material and design.
2. The fence must be installed a minimum of one foot off the property line.

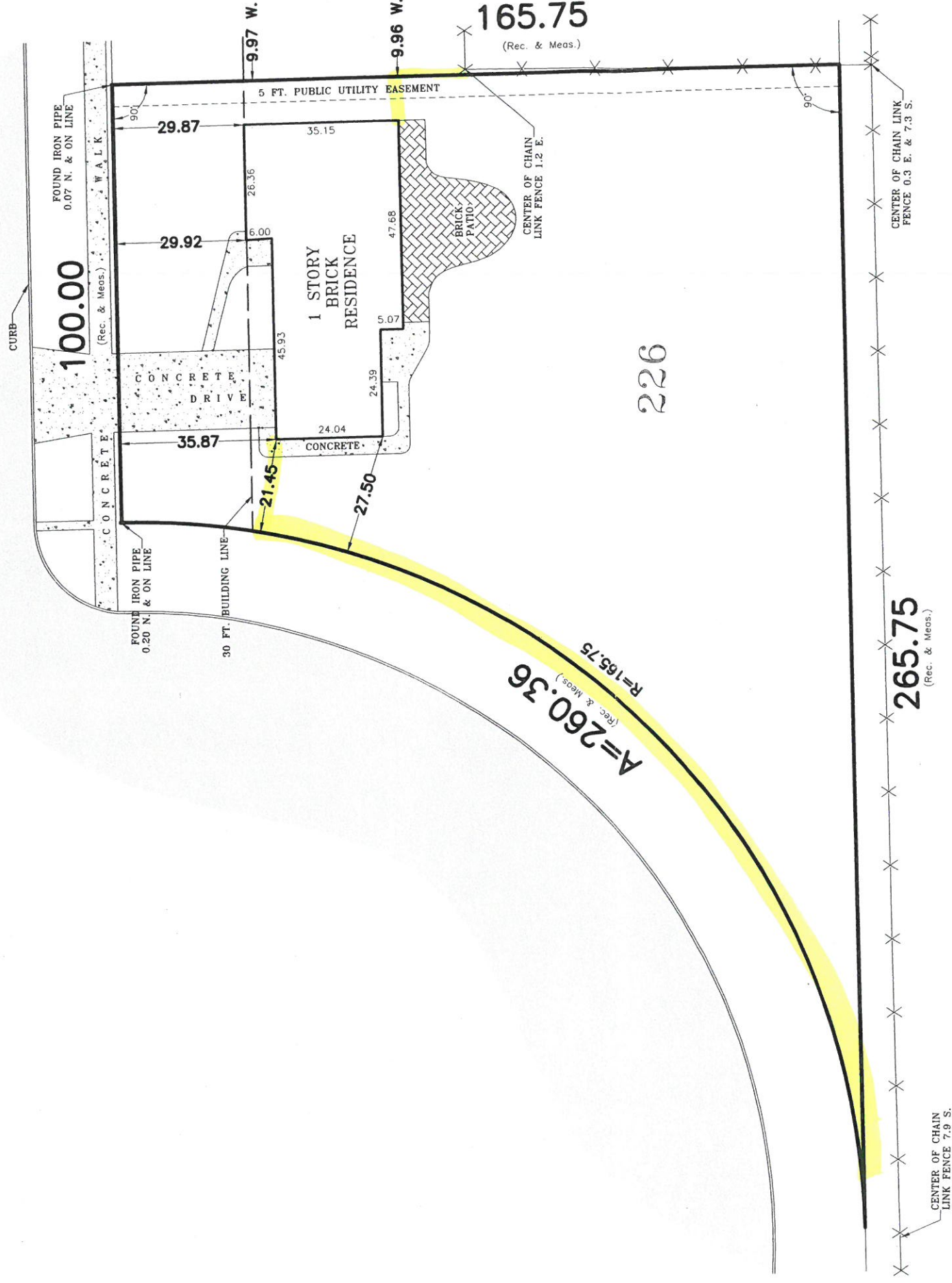
Respectfully Submitted,
Department of Community
& Economic Development

SCALE: 1"=30'

LOT 226 IN BRENTWOOD TERRACE, A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 24 AND PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 10, 1956 AS DOCUMENT 823155, AND CERTIFICATE OF CORRECTION RECORDED DECEMBER 14, 1956 AS DOCUMENT 826909, IN DUPAGE COUNTY, ILLINOIS.

ADDRESS: 311 DIANA COURT, BENSENVILLE, ILLINOIS

DIANA COURT
(68 FT. R.O.W.)



GENERAL NOTES:

- 1) THE LEGAL DESCRIPTION HAS BEEN PROVIDED BY THE CLIENT OR THEIR AGENT.
- 2) THIS SURVEY SHOWS THE BUILDING LINES AND EASEMENTS AS INDICATED BY THE RECORDED PLAT. THIS PLAT DOES NOT SHOW ANY RESTRICTIONS ESTABLISHED BY LOCAL ORDINANCES UNLESS SUPPLIED BY THE CLIENT.
- 3) BASIS OF BEARING FOR THIS SURVEY IS AS THE NORTH ARROW INDICATES, AND IS SHOWN TO INDICATE THE ANGULAR RELATIONSHIP OF THE BOUNDARY LINES.
- 4) MONUMENTS, IF SET, DURING THIS SURVEY, REPRESENT THE TRUE CORNERS OF THIS DESCRIPTION AS SURVEYED.
- 5) LOCATION OF SOME FEATURES MAY BE EXAGGERATED FOR CLARITY. NO INTERPOLATIONS MAY BE MADE FROM THE INFORMATION SHOWN HEREON.
- 6) ONLY COPIES WITH AN ORIGINAL SIGNATURE AND SEAL ARE OFFICIAL LEGAL DOCUMENTS. ALL SURVEYS ARE COPYRIGHTED MATERIALS WITH ALL RIGHTS RESERVED.



STATE OF ILLINOIS) S.S.
COUNTY OF COOK)

SURVEY ORDERED BY: SPINA, MCGUIRE, & OKAL

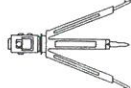
I, MICHAEL J. LOPEZ, AS AN EMPLOYEE OF PREFERRED SURVEY INC., DO HEREBY STATE THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARD FOR A BOUNDARY SURVEY. PROPERTY CORNERS HAVE BEEN SET OR NOT IN ACCORDANCE WITH AGREEMENT. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND ARE CORRECTED TO A TEMPERATURE OF 68 DEGREES FAHRENHEIT.

GIVEN UNDER MY HAND AND SEAL THIS

1355 DAY OF APRIL A.D. 2016

MY LICENSE EXPIRES ON 11/30/16

P.S.I. NO. 16112046



Professional Design Registration #184-002795

PREFERRED SURVEY, INC.

7845 W. 79TH STREET, BRIDGEVIEW, IL, 60455

Phone 708-458-7845 / Fax 708-458-7855

www.ps survey.com

Field Work Completed	04/12/16	FLD CREW:	CD/TT
Land Area Surveyed	22,470.8 Sq. Ft.	CAD:	KM
Drawing Revised			

TYPE:Public Hearing**SUBMITTED BY:**K. Pozsgay**DEPARTMENT:**CED**DATE:**06.19.17**DESCRIPTION:**

Consideration of Variances for construction of a wall sign for the applicant Village of Bensenville, located at 735 East Jefferson Street.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**☐*Financially Sound Village*☐*Enrich the lives of Residents**Quality Customer Oriented Services**Major Business/Corporate Center*

X

*Safe and Beautiful Village**Vibrant Major Corridors***REQUEST:**

Variances for construction of a wall sign

- Number permitted, Municipal Code Section 10 – 18 – 12 – 3b – 2

- Maximum sign area, Municipal Code Section 10 – 18 – 12 – 3c – 2

SUMMARY:

The applicant is proposing to install a Chiefs Hockey Club internally lit cabinet sign on the front elevation. The face-lit channel logo and lettering is roughly 55.7 square feet. It will be mounted on the west end of the Edge Ice Arena roughly 13 feet 6 inches above ground, in line with other signage on the building.

RECOMMENDATION:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variances for the Village of Bensenville with the following conditions:

1. The plans and aesthetics of the development to be in substantial compliance with the plans dated 04.24.17 by South Water Signs submitted with this application.

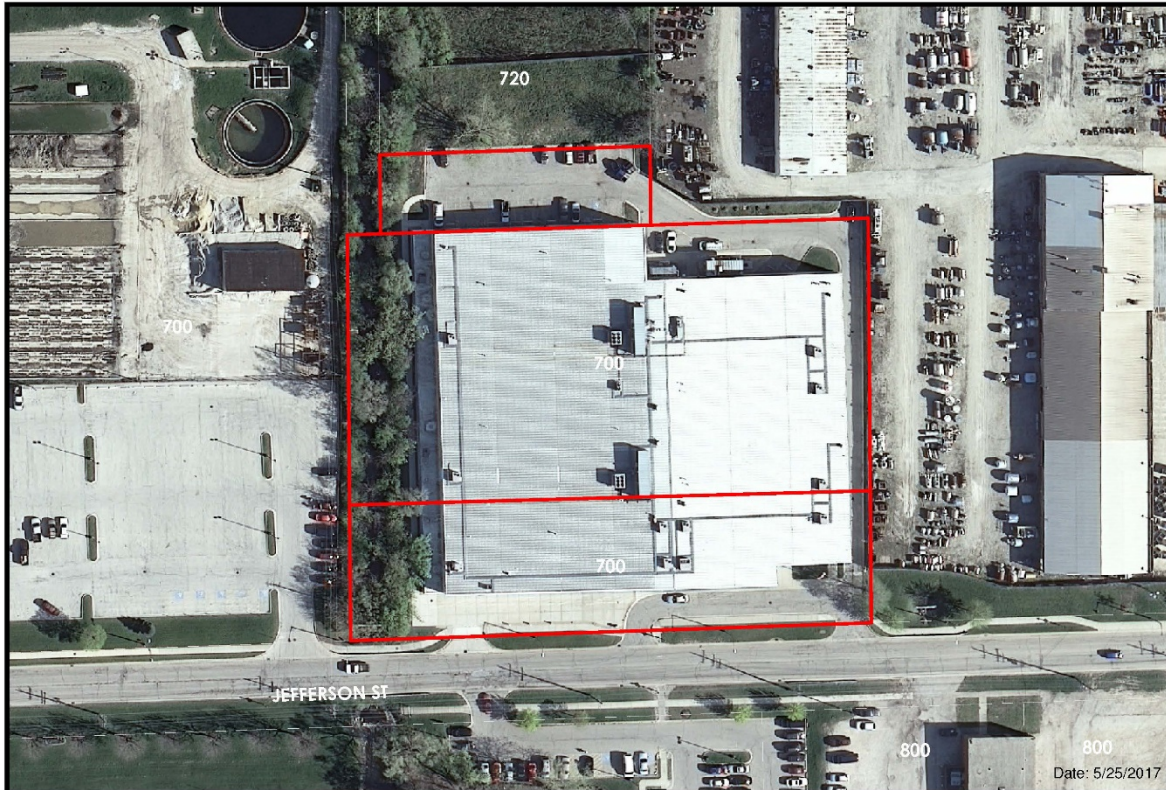
ATTACHMENTS:

Description	Upload Date	Type
Aerial & Zoning Maps	6/12/2017	Backup Material
Legal Notice	6/12/2017	Backup Material
Staff Report	6/12/2017	Executive Summary
Plans	6/12/2017	Backup Material



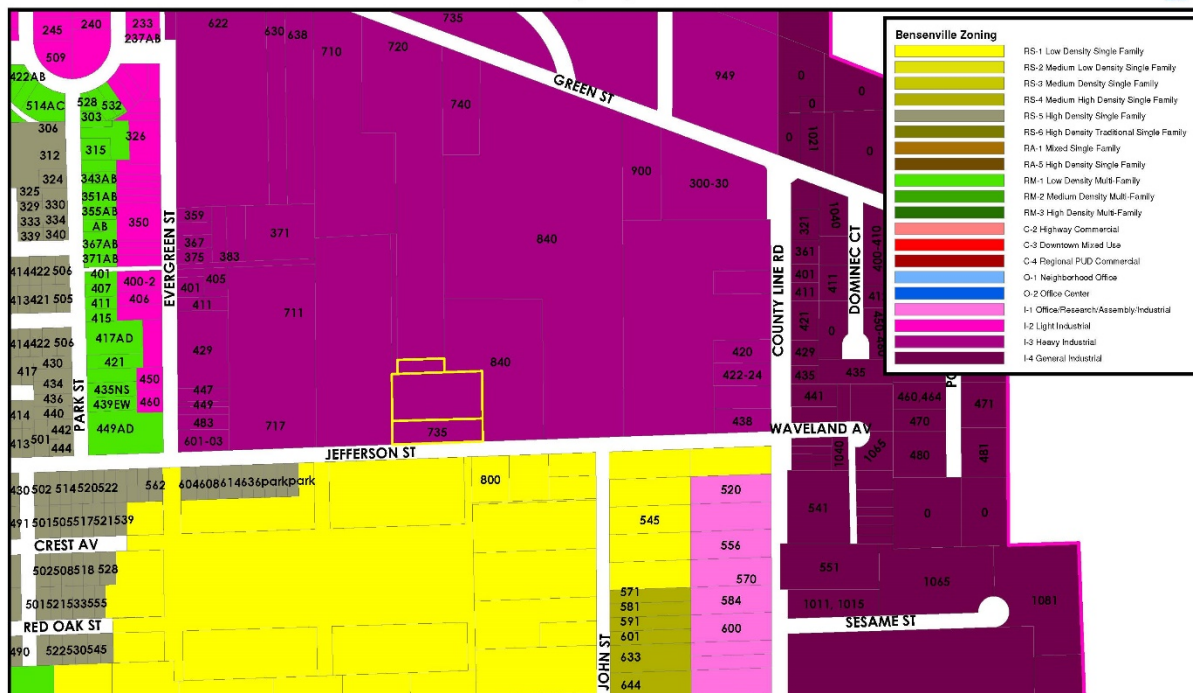
Village of Bensenville

735 E Jefferson



Village of Bensenville

Zoning Map



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

NOTICE IS HEREBY GIVEN that on Monday, June 19, 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. 2017 – 15 to consider a request for:

Variances for construction of a wall sign

- Number permitted, Municipal Code Section 10 – 18 – 12 – 3b – 2
- Maximum sign area, Municipal Code Section 10 – 18 – 12 – 3c – 2

735 East Jefferson Street is in an I – 3 Heavy 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 is as follows:

PARCEL 1: THAT PART OF LOT 13 IN GREEN AVENUE ACRES, A SUBDIVISION IN SECTION 13 AND 24, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED JUNE 23, 1947 AS DOCUMENT 523537, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE BENSENVILLE SEWER PLANT LOT AS SHOWN IN THE PLAT OF SAID GREEN AVENUE ACRES; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT, EXTENDED SOUTH, 98.8 FEET TO THE NORTH LINE OF HICKORY STREET; THENCE WESTERLY ALONG THE NORTH LINE OF SAID STREET 395.11 FEET TO THE WEST LINE OF THE EAST 1695.0 FEET OF THE NORTHEAST QUARTER OF SAID SECTION 24; THENCE NORTH ALONG THE WEST LINE OF THE EAST 1695.0 FEET OF SAID NORTHEAST QUARTER, 105.6 FEET TO THE SOUTH LINE OF SAID BENSENVILLE SEWER PLANT LOT; THENCE EAST ALONG SAID SOUTH LINE, 395.0 FEET TO THE PLACE OF BEGINNING, IN DU PAGE COUNTY, ILLINOIS.

PARCEL 2: THE SOUTH 200 FEET OF THE WEST 400 FEET OF THE EAST 1700 FEET OF THE NORTH ½ OF THE NORTHEAST ¼ OF SECTIN 24, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN IN DU PAGE COUNTY, ILLINOIS.

Commonly known as 735 East Jefferson Street, IL 60106.

The Village of Bensenville, 12 South Center Street, Bensenville, IL 60106 is the owner and applicant for the subject property for this CDC Case No. 2017 - 15 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 June 19, 2017 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
June 1, 2017**



STAFF REPORT

HEARING DATE: June 19, 2017
CASE #: 2017 – 15
PROPERTY: 735 East Jefferson Street
PROPERTY OWNER: Village of Bensenville
APPLICANT: Same.
SITE SIZE: 2.75 ACRES
BUILDING SIZE: 78,600 SF
PIN NUMBERS: 03-24-200-012 and 03-24-200-011
ZONING: RS – 2 Medium Low Density Single Family
REQUEST: Variances for construction of a wall sign
- Number permitted, Municipal Code Section 10 – 18 – 12 – 3b – 2
- Maximum sign area, Municipal Code Section 10 – 18 – 12 – 3c – 2

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday June 1, 2017. 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 Friday June 2, 2017.
3. On Friday June 2, 2017, 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 is proposing to install a Chiefs Hockey Club internally lit cabinet sign on the front elevation. The face-lit channel logo and lettering is roughly 55.7 square feet. It will be mounted on the west end of the Edge Ice Arena roughly 13 feet 6 inches above ground, in line with other signage on the building.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	I - 3	Recreation	Institutional	Village of Bensenville
North	I - 3	Vacant Industrial	Open Space	Village of Bensenville
South	RS - 1	Parking Lot/Open Space	Open Space	Village of Bensenville
East	I - 3	Industrial	Regional Commercial	Village of Bensenville
West	I - 3	Public Works	Institutional	Village of Bensenville

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 type="checkbox"/>	Vibrant Major Corridors

Finance: No Comments.

Police: No Comments.

Engineering and Public Works:

Public Works: No Comments.

Engineering: No Comments.

Community & Economic Development:

Economic Development:

- 1) The Chiefs Hockey club recently negotiated a 7-year \$2.64 million contract with the Village, which included a provision that as one of the key players in the facility, they are allowed to install their own logo sign, similar in size and nature to the other signs currently present, on the exterior of the Jefferson Street facility.
- 2) The Elmhurst Chiefs Hockey Club is a family oriented, not-for-profit organization with the primary purpose of enriching the lives of member families through youth ice hockey. We are a Tier 3 House Travel club offering balanced ice time programs for players of various talents and ages.

Fire Safety: No Comments.

Building: No Comments.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Institutional” for this property.
- 2) There are four existing signs, one for the EDGE itself and others for various affiliated groups. This will be the fifth sign.
- 3) At one time, the Edge on Jefferson Street had six signs on its exterior. The Chicago Blackhawks sign and the Chicago Steel sign have been removed when those tenants relocated to another facility. Currently, there are four signs on the front exterior at the Edge on Jefferson Street. Amateur Hockey Association of Illinois, Robert Morris University, the Chicago Blues and the Edge Ice Arena all display led signs on the exterior of this building.
- 4) The size and nature of this proposed sign is in line with the other existing signs.

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.

Response: The sign is for an affiliated group using EDGE and is similar to other groups' signs located on the building.

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: Due to the nature of the EDGE, multiple groups use the ice and require signage.

3. **Circumstances Relate to Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.

Response: The circumstances relate only to this property.

4. **Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

Response: The needed variance did not result from any applicant 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: A variance is necessary to enjoy the rights of the property.

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: Without a variance, we will be deprived of reasonable use or enjoyment of the property.

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

Response: The variance 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: The variance will be 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.

Variances Approval Criteria	Meets Criteria	
	<i>Yes</i>	<i>No</i>
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	

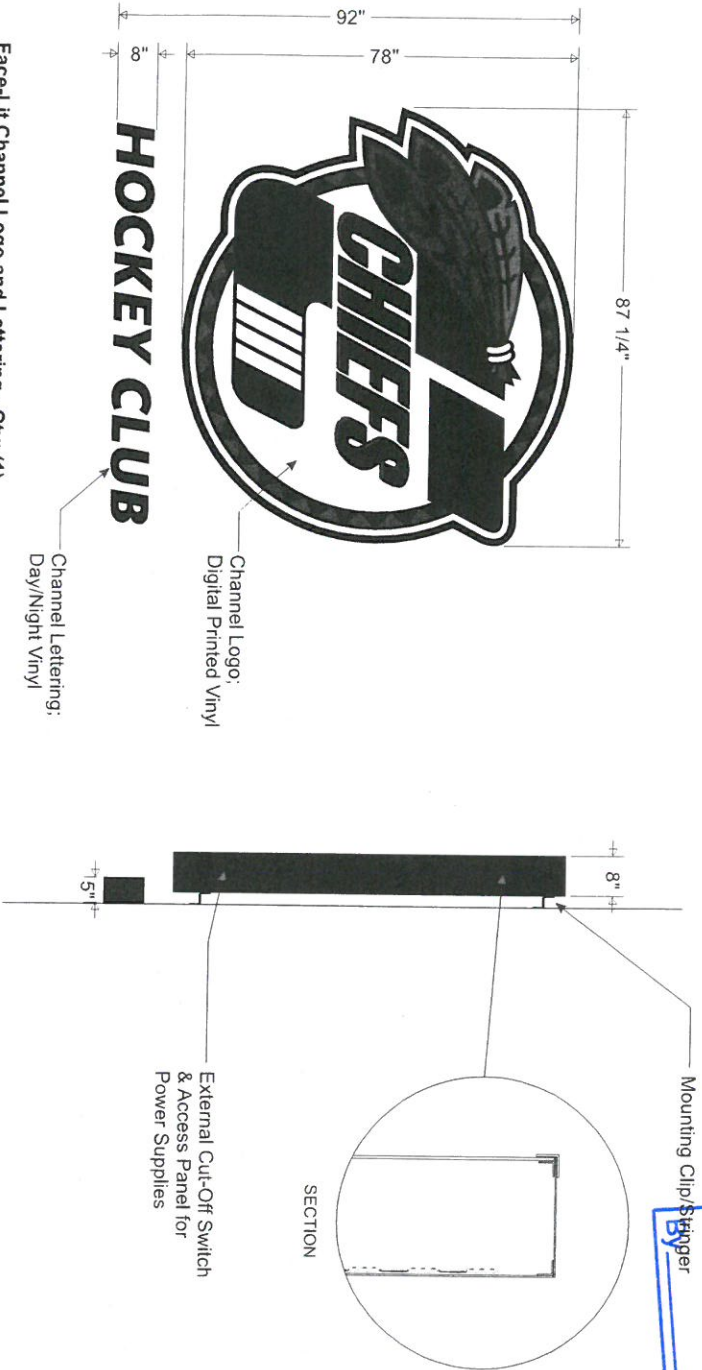
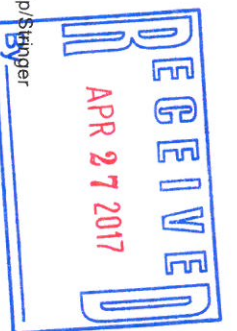
RECOMMENDATIONS:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variances for the Village of Bensenville with the following conditions:

1. The plans and aesthetics of the development to be in substantial compliance with the plans dated 04.24.17 by South Water Signs submitted with this application.

Respectfully Submitted,
Department of Community
& Economic Development

Wall Sign | Option 2



Face-Lit Channel Logo and Lettering - Qty: (1)

- 8"D Fabricated Aluminum Channel Logo w/ 1-1/2" Retainer and .090" Returns: unit painted Black
- 3/16" Translucent White Polycarb Face w/ 1st Surface Translucent Digitally Printed Vinyl Logo w/ Overlam
- 5"D Fabricated Aluminum Channel Lettering w/ Std Black Coil and Black Trim Cap
- 3/16" Translucent White Polycarb Faces w/ 1st Surface Day/Night Vinyl
- Internal White LED Illumination, power supplies self-contained; provide external cut-off switch and accessible panel for power supplies; power brought to within 5' of sign by others
- Secure Logo to corrugated facade w/ stringers, clips and necessary hardware as needed
- Secure lettering flush to facade



934 N Church
Eliminusi, IL 60126
Tel: 630 333 4900
Fax: 630 333 4915

CLIENT
Chiefs Hockey Club

CUSTOMER APPROVAL

PROJECT NAME
Wall Sign
735 E Jefferson, Bensenville, IL

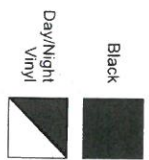
TRACER NUMBER
7021544

DATE
03.02.17

DRAWN BY
VM

REVISIONS
REV: 04.24.17

THIS DRAWING IS THE PROPERTY
OF SOUTH WATER SIGNS, LLC.
ALL RIGHTS OF REPRODUCTION
ARE RESERVED BY
SOUTH WATER SIGNS, INC.



FACE-LIT CHANNEL LETTERING LED ILLUMINATION - INDIVIDUAL MOUNT

GENERAL NOTES

2017/17 Class 2 Self Adjusting Power Supply
60W/17V Self Adjusting Power Supply
All wiring bonded and grounded

MOUNTING HARDWARE

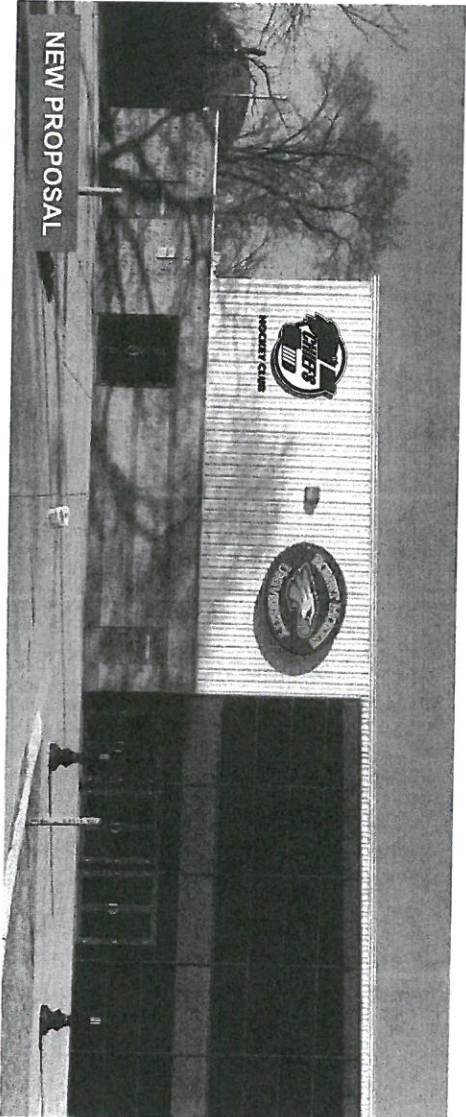
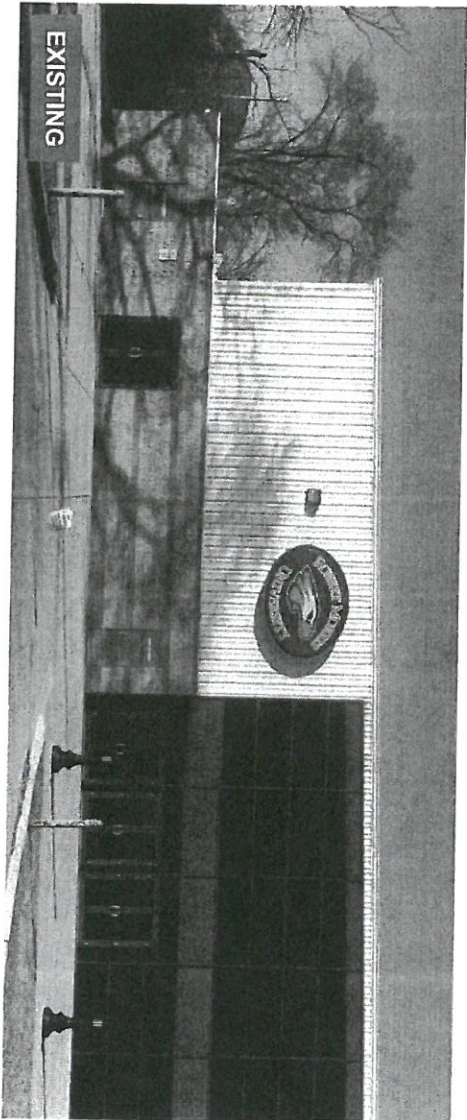
Lag Screw
Wood & Masonry Applications

Toggle Bolt
Hollow Walls

Wedge Anchor
Masonry Applications

Sleeve Anchor
Masonry Applications

Thru-Bolt w/ U-Channel
Hollow Walls w/ Rear-Access



Mounting Height: 13'-6"AG

RECEIVED
APR 27 2017
By _____

TYPE:Public Hearing**SUBMITTED BY:**K. Pozsgay**DEPARTMENT:**CED**DATE:**06.19.17**DESCRIPTION:**

Consideration of a Variance for the construction of a concrete pad for parking for the applicant Noelia Hernandez, located at 434 South Barron Street.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**☐*Financially Sound Village**Quality Customer Oriented Services**Safe and Beautiful Village*☒*Enrich the lives of Residents**Major Business/Corporate Center**Vibrant Major Corridors***REQUEST:**

Variance for construction of a concrete pad for parking

- Total parking spaces, Municipal Code Section 10 – 11 – 7 – 1C – 2

SUMMARY:

The applicant is proposing to remove and replace an approximately 800 square foot gravel and asphalt driveway off the alley and an approximately 90 square foot concrete walk in the front of the house. She is also proposing to install an approximately 378 square foot asphalt-parking pad to the north of her driveway and approximately 240 square foot of asphalt to the south to of the driveway. The total impervious surface of the lot does not go above the 50% threshold.

RECOMMENDATION:

Staff recommends the Denial of the above Findings of Fact and therefore the Denial of the Variance for Noelia Hernandez. If the Commission recommends approval, Staff recommends the following conditions:

1. The driveway should have positive drainage pitch without adversely affecting neighboring properties. The proposed improvements can't block off existing drainage.
2. Village inspectors should confirm that the home is not being used as anything other than a single-family residence. This includes no businesses operating out the home requiring the use of outdoor storage and/or parking. This also includes the home being subdivided and rented to multiple tenants against current ordinance.
3. The additional parking area be properly screened.
4. No outdoor storage of vehicles allowed.

ATTACHMENTS:

Description	Upload Date	Type
Aerial & Zoning Maps	6/13/2017	Backup Material
Legal Notice	6/13/2017	Backup Material
Staff Report	6/13/2017	Executive Summary
Survey and Highlighted Paving Area	6/13/2017	Backup Material
Project Bid	6/13/2017	Backup Material
Property Pictures	6/13/2017	Backup Material



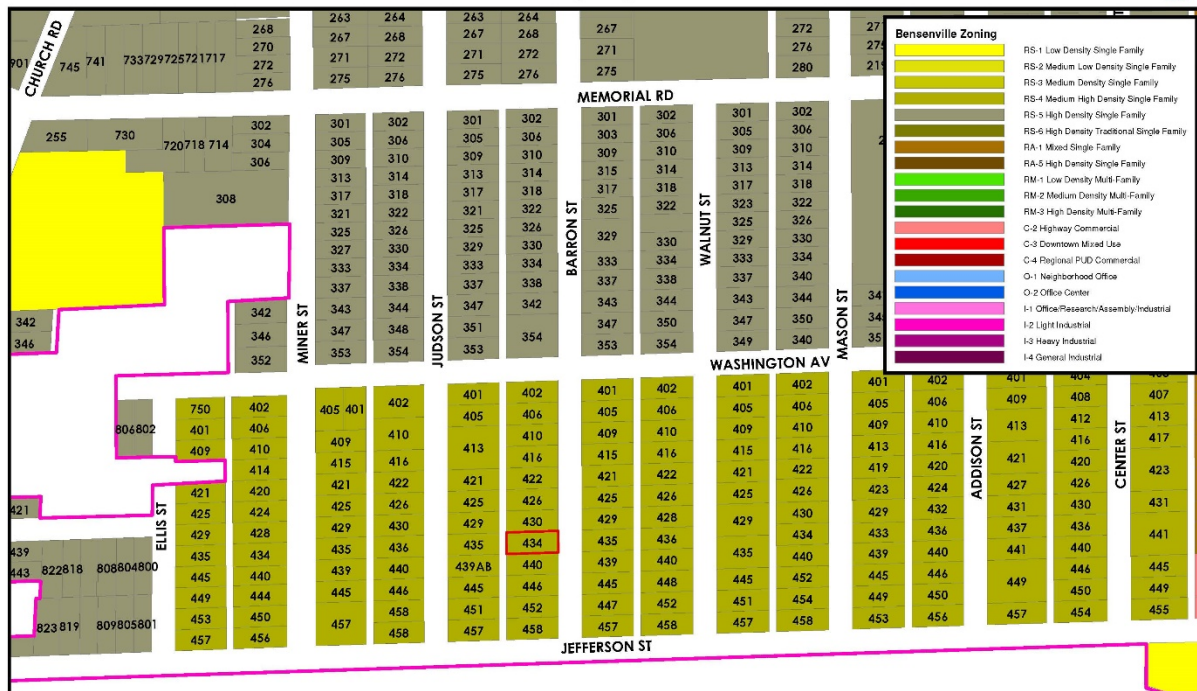
Village of Bensenville

434 S Barron



Village of Bensenville

Zoning Map



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

NOTICE IS HEREBY GIVEN that on Monday, June 19, 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. 2017 – 16 to consider a request for:

- Variances for construction of a concrete pad for parking
- Total parking spaces, Municipal Code Section 10 – 11 – 7 – 1C – 2

434 South Barron Street is in an RS – 4 Medium 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 is as follows:

LOT 175 IN VOLK BROS' EDGEWOOD, BEING A SUBDIVISION IN THE NORTHEAST 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 213084, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 434 South Barron Street, IL 60106.

Noelia Hernandez, 434 S Barron St, Bensenville, IL 60106 is the owner and applicant for the subject property for this CDC Case No. 2017 - 16 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 June 19, 2017 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
June 1, 2017**



STAFF REPORT

HEARING DATE: June 19, 2017
CASE #: 2017 – 16
PROPERTY: 434 South Barron Street
PROPERTY OWNER: Noelia Hernandez
APPLICANT: Same
SITE SIZE: 8,712 SF
BUILDING SIZE: 1,500 SF Home; 580 SF Garage
PIN NUMBERS: 03-23-208-017
ZONING: RS – 2 Medium Low Density Single Family
REQUEST: Variances for construction of a concrete pad for parking
- Total parking spaces, Municipal Code Section 10 – 11 – 7 – 1C – 2

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday June 1, 2017. 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 Thursday June 1, 2017.
3. On Friday June 2, 2017, 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 is proposing to remove and replace an approximately 800 square foot gravel and asphalt driveway off the alley and an approximately 90 square foot concrete walk in the front of the house. She is also proposing to install an approximately 378 square foot asphalt-parking pad to the north of her driveway and approximately 240 square foot of asphalt to the south to of the driveway. The total impervious surface of the lot does not go above the 50% threshold.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	RS - 4	Residential	Single Family Residential	Village of Bensenville
North	RS - 4	Residential	Single Family Residential	Village of Bensenville
South	RS - 4	Residential	Single Family Residential	Village of Bensenville
East	RS - 4	Residential	Single Family Residential	Village of Bensenville
West	RS - 4	Residential	Single Family Residential	Village of Bensenville

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>	Financially Sound Village
<input type="checkbox"/>	Quality Customer Oriented Services
<input 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: Utilities balance is up to date.

Police:

Concerns with nature of the request. Need the purpose of the additional parking allowed by the variance be further explained so that overcrowding in the form of the house being subdivided and rented or that the parking of inoperable vehicles or business related parking does not occur.

Engineering and Public Works:

Engineering:

The driveway should have positive drainage pitch without adversely affecting neighboring properties. In other words, the proposed improvements can't block off existing drainage.

Public Works: No Comments.

Community & Economic Development:

Economic Development: No Comments.

Fire Safety: No Comments.

Building: No Comments.

Planning:

- 1) The 2015 Comprehensive Plan indicates "Single Family Residential" for this property.
- 2) There is a drainage concern with the property. Applicant stated repeatedly that the grass gets muddy.
- 3) The total impervious surface is less than the 50% threshold as allowed in the code.
- 4) The applicant has previously put down gravel in order to park vehicles in the rear yard. Her current driveway off the alley is partial gravel and asphalt.
- 5) Staff has concerns with the harmful precedent this would set.
- 6) Applicant stated that the additional parking would provide space for when her family to park when they visit.
- 7) With a two-car garage and two additional parking spots on the driveway, total parking spaces with this variance would be for at least six vehicles and possibly more. Code allows for 4: two in the garage and two in the driveway.
- 8) Police and staff also noted what seems to be a problem with applicant and other neighbors parking/storing cars in their rear yards in violation of code.

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.

Response: My kid's families live out of town, so when they come over on the weekends they stay over. I would like to provide enough parking space for all of us.

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: We would like a well-structured parking pad with enough space for us.

3. **Circumstances Relate to Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.

Response: The main reason we want a bigger parking pad is to provide my children space for vehicles and space for solid ground.

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: There has not been any action taken, on our part to proceed with construction. We now know that a variance is needed in order to proceed with obtaining the permit for construction to begin.

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: I have seen several homes in our area that have had additions added on to them. We would also like to reserve the same right to improve and enhance our living space while residing in Bensenville.

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: Without the variance, we would not be able to have all of our children over comfortably at the same time to provide parking.

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

Response: The extra parking we plan to add to the parking pad will not in any way impair the environmental quality or welfare of the vicinity in which we live.

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: If this variance is granted, it will in no way interfere with the General Development Plan adopted by the Village of Bensenville.

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: If approved, we will be able to proceed with our plans to obtain permit and begin construction without incurring additional costs.

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 Denial of the above Findings of Fact and therefore the Denial of the Variance for Noelia Hernandez. If the Commission recommends approval, Staff recommends the following conditions:

1. The driveway should have positive drainage pitch without adversely affecting neighboring properties. The proposed improvements can't block off existing drainage.
2. Village inspectors should confirm that the home is not being used as anything other than a single-family residence. This includes no businesses operating out the home requiring the use of outdoor storage and/or parking. This also includes the home being subdivided and rented to multiple tenants against current ordinance.
3. The additional parking area be properly screened.
4. No outdoor storage of vehicles allowed.

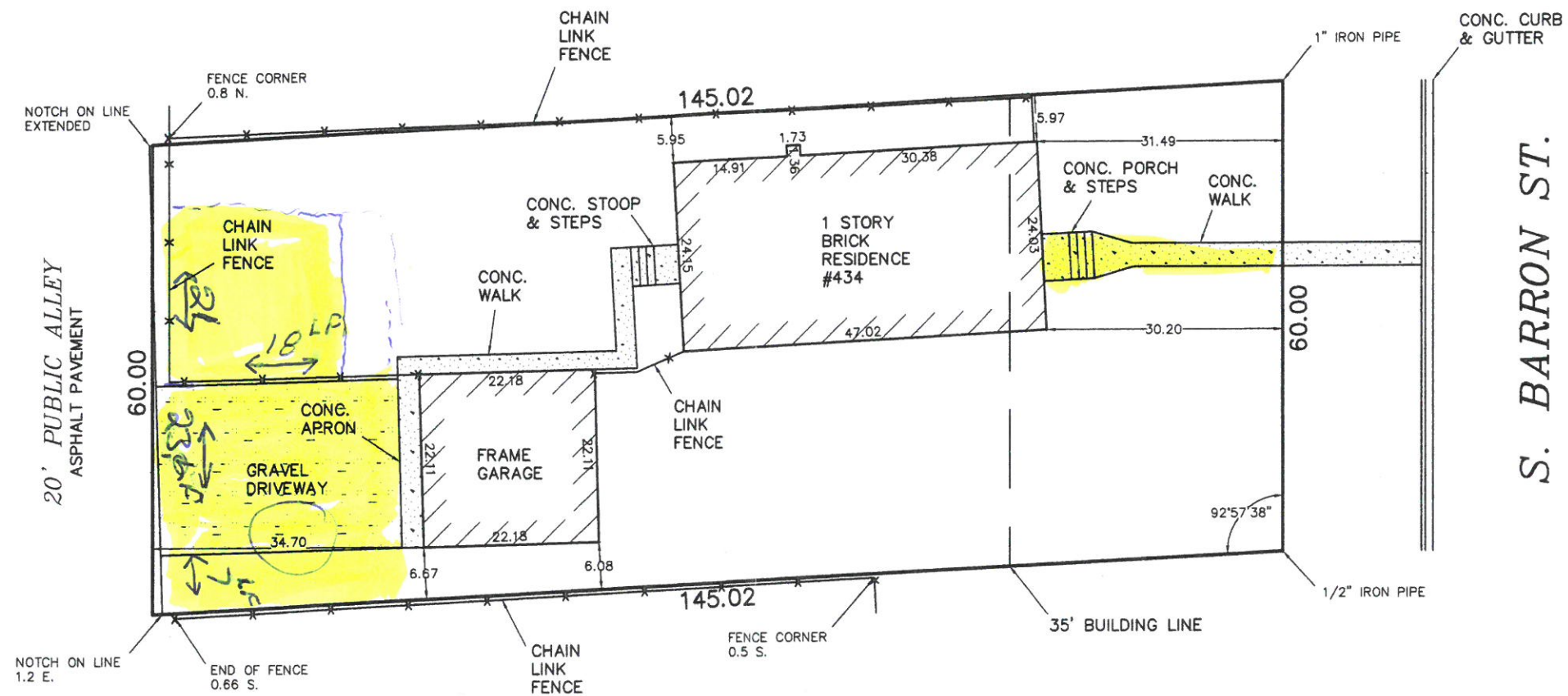
Respectfully Submitted,
Department of Community
& Economic Development

TKD Land Surveyors, Inc.

P.O. Box 1463, Arlington Heights, IL 60006
(847) 702-1845

PLAT OF SURVEY

LOT 175 IN VOLK BROS' EDGEWOOD, BEING A SUBDIVISION IN THE
NORTHEAST 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 213084, IN DUPAGE
COUNTY, ILLINOIS.



* All dimensions shown are given in feet & decimal parts thereof
* No angles or distances are to be assumed by scaling
* Legal description, building lines and easements are taken from
recorded subdivision plat and/or other available documentation.
Refer to title policy, deed or local jurisdiction for building setbacks
and easements not shown hereon and report any discrepancies.

Scale: 1"=20'
Job #: 09-083
Address: 434 S. Barron St.
Bensenville, IL 60106
P.I.N. 03-23-208-017
Ordered by: Christine Rogan Sheen

THIS SURVEY IS VALID ONLY WITH EMBOSSED SEAL

STATE OF ILLINOIS)
COUNTY OF COOK) ss.

I, Thomas R. Knauber, an Illinois Professional Land Surveyor
do hereby certify that I have surveyed the above described
property, and that the above plat is a correct representation
of said survey.

Thomas R. Knauber Illinois P.L.S. #035-003405
Dated: May 22, 2009
Field work completed: May 22, 2009
Professional Design Firm Lic. No. 184.005204
This professional service conforms to the current
Illinois minimum standards for a boundary survey.



PROPOSAL

PROPOSAL NO. 2023

SHEET NO.: 1 of 1

DATE: 4/20/2017

205 W Grand Ave Suite 109
Bensenville, IL 60106
Phone: 630-238-1997 Fax: 630-238-1998
www.arpasphalt.com

Revised

NAME: Noelia Hernandez	Residential Driveway
ADDRESS: 434 Barren Bensenville, IL 60106	
PHONE: 224-766-0767	Email:

We hereby propose to furnish the materials and perform the labor necessary for the completion of **New Driveway**

<ul style="list-style-type: none"> Remove approximately 400sq.ft Excavate 10" of dirt and asphalt. Haul away and dispose of properly. Install 6' inches of CA-6 crushed stone as needed and grade as required. Roll until thoroughly compacted with a vibratory roller. Re-grade approximately 1,100sq.ft existing stone base adding CA-6 road gravel as required for proper grade. Roll to maximum compaction Slope will be checked for proper drainage before paving.
<ul style="list-style-type: none"> Pave approximately 1,500sq.ft. in two layers: 1 ½ " I.D.O.T. Class I binder course asphalt and 1 ½ " I.D.O.T. Class I surface asphalt. Compact each lift of asphalt for proper density. Finish roll, trim and tamp all exposed edges. Block off at completion to ensure proper curing time. Edges will be hand tempered at 45degrees. Clean up any and all excess debris from work site.

WARRANTY:

50% Deposit required upon acceptance of contract (check will not be deposited until work has been initiated)
All material is warrant specified. All work to be completed in a workmanlike manner according to standard practices. Any deviation from above specifications involving extra cost will become an extra charge. Due to temperature extremes in northern climates, some expansion and contractions cracks may occur. Power steering marks may occur when turning around or parking. These will cure with use. All asphalt thickness is based on final average compacted thickness. A.R.P. carriers' necessary insurance. A certificate of insurance will be provided upon request at no charge. Additional insured will be billed at \$100 each. **This proposal is valid for 30 days.**

TERMS:

Payment due upon completion of work. Payment not received within 30 days will be charged 2% month. All warranties will become null and void if payment is not received within 30 days. Customer agreed to pay all court cost and legal fees that A.R.P incurs for collection unpaid balances. **All per**

All material is guaranteed to be as specific, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of:

Three Thousand Dollars 00/100 (\$3,000.00)

With payments to be as follows:

QUOTES SUBJECT TO CHANGE DUE TO RISING FUEL/OIL & MATERIAL COST

Respectfully submitted: _____

ARP Asphalt Construction Co.

Note: This proposal may be withdrawn by us if not accepted within 30days

ACCEPTANCE OF PARKING LOT PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Date: 4.20.17 Name: Noelia Hernandez Signature: Noelia Hernandez

Applicant's Property



Neighbor's Property



TYPE:Public Hearing**SUBMITTED BY:**K. Pozsgay**DEPARTMENT:**CED**DATE:**06.19.17**DESCRIPTION:**

Consideration of a Variance for the construction of a shed (size) for the applicant Holy Trinity Ukrainian Orthodox Church, located at 1009 South Church Road.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**☐*Financially Sound Village**Quality Customer Oriented Services**Safe and Beautiful Village*☒*Enrich the lives of Residents**Major Business/Corporate Center**Vibrant Major Corridors***REQUEST:**

Variance for construction of a shed (size)

- Municipal Code Section 10 – 14 – 12

SUMMARY:

The applicant has constructed a 20'L x 12'W x 8'H shed with a 4-foot roof in the rear of their church property for storage. The shed is in the southeast corner of the property. The shed is a total of 240 square feet, which is above the allowed maximum size of 160 square feet for this size lot.

RECOMMENDATION:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variances for the Village of Bensenville with the following conditions:

1. The plans and aesthetics of the development to be in substantial compliance with the plans submitted 05.08.17 by the applicant and with this application.
2. Applicant will become current with all outstanding bills due to Village prior to receiving permit.

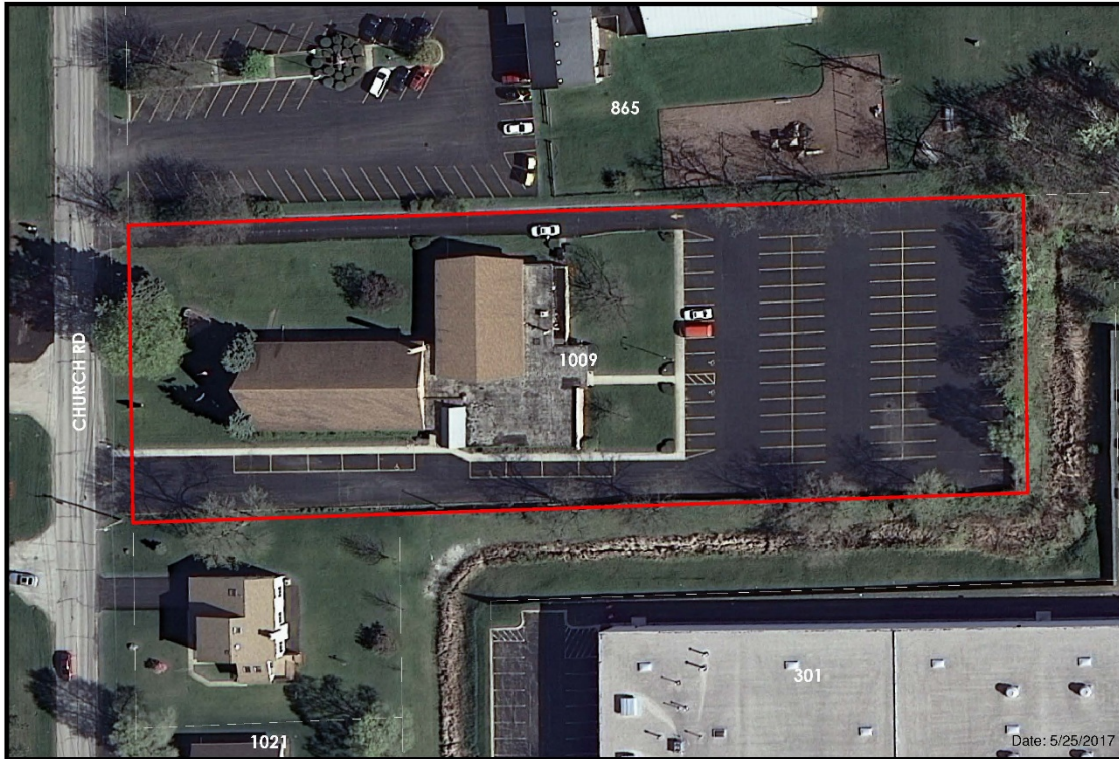
ATTACHMENTS:

Description	Upload Date	Type
Aerial & Zoning Maps	6/13/2017	Backup Material
Legal Notice	6/13/2017	Backup Material
Staff Report	6/13/2017	Executive Summary
Plans	6/13/2017	Backup Material
Built Shed	6/13/2017	Backup Material



Village of Bensenville

1009 S Church



Village of Bensenville

Zoning Map



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

NOTICE IS HEREBY GIVEN that on Monday, June 19, 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. 2017 – 17 to consider a request for:

Variance for construction of a shed, Municipal Code Section 10 – 14 – 12

1009 South Church Road is in a RS – 4 Medium 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 is as follows:

THAT PART OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF CHURCH ROAD WITH THE NORTH LINE OF SAID SECTION 26, THENCE NORTH 88 DEGREES 06 MINUTES 20 SECONDS EAST ON SAID NORTH LINE 528.7 FEET; THENCE SOUTH 00 DEGREES 06 MINUTES 20 SECONDS WEST 528.7 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 1009 South Church Road, Bensenville, IL 60106.

Holy Trinity Ukrainian Orthodox Church, 1009 South Church Road, Bensenville, IL 60106 is the owner and applicant for the subject property for this CDC Case No. 2017 - 17 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 June 19, 2017 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
June 1, 2017**



STAFF REPORT

HEARING DATE: June 19, 2017
CASE #: 2017 – 17
PROPERTY: 1009 South Church Road
PROPERTY OWNER: Holy Trinity Ukrainian Orthodox Church
APPLICANT: Same
SITE SIZE: 1.87 ACRES
BUILDING SIZE: 12,650 SF
PIN NUMBERS: 03-26-102-001
ZONING: RS – 4 Medium High Density Single Family
REQUEST: Variance for construction of a shed (size)
- Municipal Code Section 10 – 14 – 12

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday June 1, 2017. 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 Thursday June 1, 2017.
3. On Friday June 2, 2017, 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 has constructed a 20'L x 12'W x 8'H shed with a 4-foot roof in the rear of their church property for storage. The shed is in the southeast corner of the property. The shed is a total of 240 square feet, which is above the allowed maximum size of 160 square feet for this size lot.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	RS – 4	Church	Institutional	Village of Bensenville
North	RS – 4	Church	Institutional	Village of Bensenville
South	RS – 1/I – 2	Residential	Industrial	Village of Bensenville
East	I – 2	Industrial	Industrial	Village of Bensenville
West	R -4	Residential		DuPage County

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>	Financially Sound Village
<input type="checkbox"/>	Quality Customer Oriented Services
<input 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: Utilities balance – all is currently past due as of 06.05.17.

Police: No Comments.

Engineering and Public Works:

Engineering: No Comments.

Public Works: No Comments.

Community & Economic Development:

Economic Development: No Comments.

Fire Safety: No Comments.

Building: No Comments.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Institutional” for this property.
- 2) The shed is a total of 240 square feet, which is above the allowed max size of 160 square feet for this size lot.
- 3) The shed will be used for storage for the church.
- 4) The shed will be located in the rear of the lot.
- 5) The applicant started construction without a permit. A “Stop Work Order” was issued on 06.02.17, after they had submitted this application for variance.
- 6) Although there are concerns with allowing these large sheds in the residential districts, this property is institutional in nature and on a large lot. Staff is less concerned with precedent set.

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.

Response: The special circumstances arise from the need to build a storage building (shed) on the Holy Trinity church property's parking lot behind the main building on the southeast corner of the property. The proposed storage building (shed) will be used to store school materials, landscaping and church equipment. The building is designed per construction budget and is measured 12'x20'.

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: Without the storage building (shed) the mentioned above articles (school materials, landscaping and church equipment) will be piled up in the main church building and could be a potential fire hazard. In addition, removing the mentioned articles from the main building will enable church to use the space for children's play area.

3. **Circumstances Relate to Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.

Response: The special circumstances only relate to physical characteristics, specifically, the size and location of the church property in relation to the proposed development.

4. **Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

Response: The requested variance is not the result of any action undertaken by the Petitioner. It is due to the need to free up space in the main church building.

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

Response: The variance is essential to make use of the available property space and to allow for the improvement of the church property with the proposed storage building (shed).

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 granting of the variance is necessary to allow for the building to be built. Without the variance the Petitioner will be deprived of reasonable necessity and use of the proposed construction of the church storage building (shed).

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: Granting the variance will not alter the character of the surrounding properties. In addition, the storage building (shed) should improve the property value.

8. **Consistent with Title and Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

Response: The granting of the variance is in harmony with the general purpose and intent.

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

Response: The variance approved is the minimum required to provide the Petitioner with the necessary use and purpose for the building storage (shed).

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 the Village of Bensenville with the following conditions:

1. The plans and aesthetics of the development to be in substantial compliance with the plans submitted 05.08.17 by the applicant and with this application.
2. Applicant will become current with all outstanding bills due to Village prior to receiving permit.

Respectfully Submitted,
Department of Community
& Economic Development

BEARINGS ARE ASSUMED

LEGAL DESCRIPTION

THAT PART OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 11,
EAST OF THE THIRD MERIDIAN, DESCRIBED BY
BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF CHURCH
ROAD WITH THE NORTH LINE OF S40, S30 AND THENCE NORTH
60 DEGREES 05 MINUTES 20 SECONDS 15.74 FEET; THENCE NORTH
52.87 FEET; THENCE SOUTH 02 DEGREES 15.74 MINUTES EAST
160.53 FEET; THENCE SOUTH 02 DEGREES 15.74 MINUTES EAST
06 SECONDS EAST, 160.53 FEET; THENCE SOUTH 05 DEGREES 05
MINUTES 20 WEST 528.77 FEET TO THE CENTERLINE OF
CHURCH ROAD; THENCE NORTH 16.54 FEET TO THE POINT OF
BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

Commonly Known as: 1009 S. CHURCH ROAD
BENSENVILLE, ILLINOIS 60106

STATE OF ILLINOIS)
COUNTY OF DU PAGE)
S.S.)

I GREGORY L. POWELL, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF A SURVEY OF THE LAND PURSUANT TO THE MINIMUM STANDARDS OF PRACTICE," 60 ILADMIN.CODE, SECTION 1.270.568(X)(F) PERFORMED AT AND UNDER MY DIRECTION, SECTION 1.270.568(X)(F) SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.

GIVEN UNDER MY HAND AND SEAL, THIS 26th DAY OF FEBRUARY, A.D. 2012.



ILLINOIS PROFESSIONAL JOURNAL SURVEYOR NO. 3187

Drawn by	NDV
Checked	NDV
Approved	GLP
Date	10-50

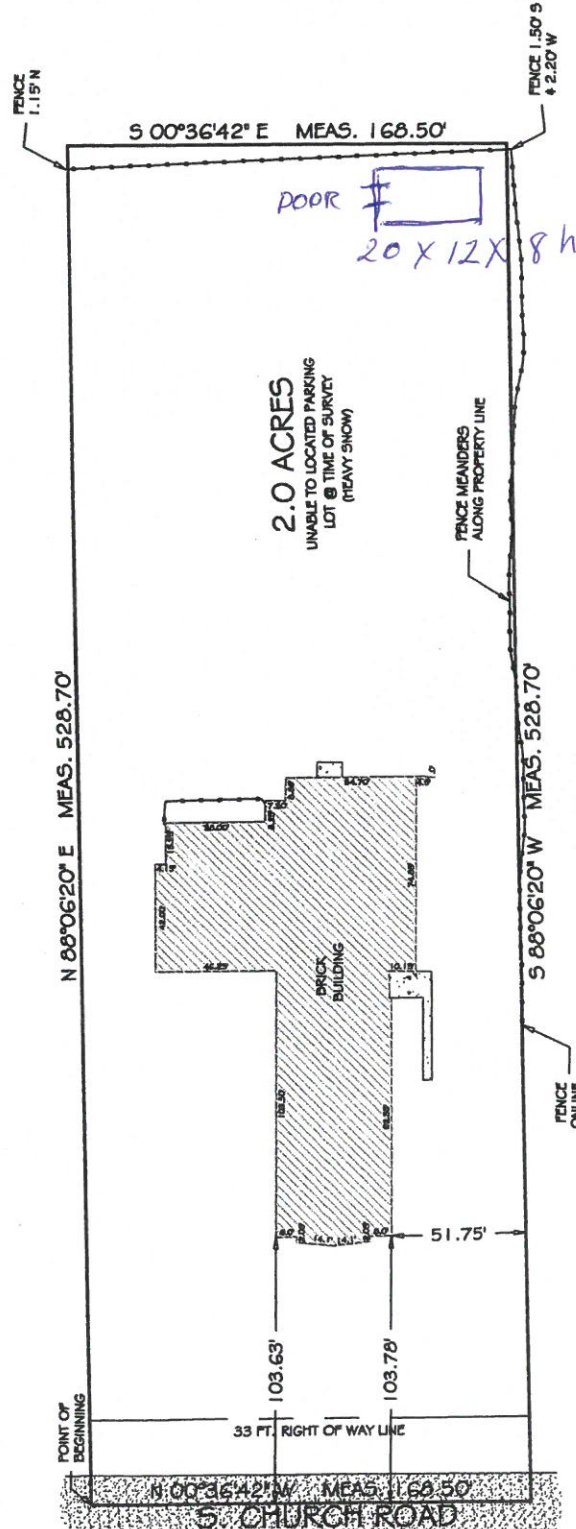
**HUNT, KAISER, ARANDA
& SUBACH, LTD.**
1035 S. YORK ROAD
BENSENVILLE, ILLINOIS 60106

G. Powell
Professional Land
Surveyor



SURVEYOR'S NOTE:

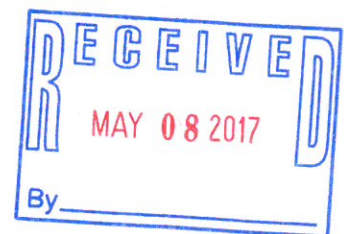
DUE TO SNOW COVER AT TIME OF SURVEY
SOME IMPROVEMENTS MAY NOT BE SHOWN



On asphalt



WINDOW
TO BE
ADDED



CDC#2017 – 17 1009 South Church Road
Holy Trinity Ukrainian Orthodox Church



View looking to the southeast



View looking due east