

# **COMMUNITY DEVELOPMENT COMMISSION**

**Village of Bensenville**

**VILLAGE HALL**

**December 4, 2018 6:30 PM**

I. Call Meeting to Order

II. Roll Call and Quorum

III. Pledge of Allegiance

IV. Public Comment

V. Approval of Minutes

November 6, 2018 Community Development Commission Meeting Minutes

VI. Action Items:

1. Consideration of a Variance to allow a Parking Pad at 217 S Center St.
2. Consideration of a Conditional Use Permit to allow a Gunsmith shop at 1180 Industrial Drive.
3. Consideration of a Conditional Use Permit to allow an Animal Hospital and Veterinary Offices at 1204 W Irving Park Rd.
4. Bensenville Zoning Ordinance Overlay Districts and Annexations

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:**December 4, 2018**DESCRIPTION:**November 6, 2018 Community Development Commission Meeting Minutes**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:****REQUEST:****SUMMARY:****RECOMMENDATION:****ATTACHMENTS:**

Description

**DRAFT\_181106\_CDC**

Upload Date

**11/28/2018**

Type

**Cover Memo**

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

**MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION**

November 6, 2018

**CALL TO ORDER:** The meeting was called to order by Chairman Rowe at 6:30p.m.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Rowe, Ciula, Marcotte, Wasowicz  
Absent: Czarnecki, King, Rodriguez  
A quorum was present.

**STAFF PRESENT:** K. Pozsgay, C. Williamsen

**JOURNAL OF PROCEEDINGS:** The minutes of the Community Development Commission Meeting of October 2, 2018 were presented.

Motion: Commissioner Marcotte made a motion to approve the minutes as presented. Commissioner Ciula seconded the motion.

All were in favor. Motion carried.

The minutes of the Special Community Development Commission Meeting of October 30, 2018 were presented.

Motion: Commissioner Marcotte made a motion to approve the minutes as presented. Commissioner Wasowicz seconded the motion.

All were in favor. Motion carried.

*Village Planner, Kurtis Pozsgay, announced the petitioner for 321 West Irving Park Road has withdrawn their application.*

**PUBLIC COMMENT:** There was no Public Comment

**Public Hearing:** CDC Case Number 2018-12  
**Petitioner:** Lincolnwood Gas & Food, Inc.  
**Location:** 1301 West Irving Park Road  
**Request:** Conditional Use Permit, Service Station,  
Municipal Code Section 10 – 7B – 3

**Motion:** Commissioner Marcotte made a motion to open CDC Case No. 2018-12. Commissioner Wasowicz seconded the motion.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Rowe, Ciula, Marcotte, Wasowicz  
Absent: Czarnecki, King, Rodriguez  
A quorum was present.

Chairman Rowe opened the Public Hearing at 6:33 p.m.

Village Planner, Kurtis Pozsgay, was present and sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on October 18, 2018. 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 October 19, 2018. Mr. Pozsgay stated on October 19, 2018 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 Petitioner is applying for a Conditional Use Permit to operate a fueling station at the long vacant property at the northwest corner of Irving Park Road and Spruce Avenue. Mr. Pozsgay stated the station will be rebranded as an Exxon with Quick Mart. Mr. Pozsgay stated although not part of the original request, it appears they will need a stacking variance, as they don't meet the required two vehicle stacking positions per fueling pump. Mr. Pozsgay stated they were also required to submit building plans, as much of that work had been done with a proper approval. Mr. Pozsgay stated the plans you see are mostly already completed. Mr. Pozsgay stated also of note, the State fire marshal required the property owner to remove existing underground tanks. Mr. Pozsgay stated there are currently no tanks, but the owner says he has new tanks ready to install should the project move forward.



Art Wood was present on behalf of the petitioner. Mr. Wood was sworn in by Chairman Rowe. Mr. Wood stated the site has operated as a gas station since 1965. Mr. Wood stated he was simply asking to reestablish the site as a gas station. Mr. Wood stated the petitioner had reached out to other types of businesses to purchase or lease the property with no interest.

Commissioner Marcotte asked what had happened to the tanks on site. Mr. Woods explained it was a mishandling of mail and the property party was not notified in time from the State Fire Marshal's Office.

Commissioner Wasowicz asked if the property owner also owned the carwash to the west. Mr. Wood confirmed the property owner owned both sites.

**Public Comment:**

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

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

1. **Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.

**Applicant's Response: The area shall not see or have any significant increase in traffic as the existing site function and use as a gas station is not changing.**

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: The Conditional Use sought is for a Gas Station, the existing site is a Gas Station. The site shall not generate any greater noise than does exist, the building shall not add or reduce any light beyond what exists, the site shall not create any adverse environmental greater than is allowed.**

3. **Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized.

**Applicant's Response:** The proposed use of the property shall fit harmoniously with the existing character, and should have no adverse impact on environmental quality, property values, or neighborhood character as this site is bordered by similar commercial uses and has been in existence since 1956.

4. **Use of Public Services and Facilities:** The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.

**Applicant's Response:** The conditional Use Permit sought will not have a need for any greater, or a disproportionate demand on any village services or facilities than that of the surrounding area.

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:** The proposed use at this location (gas Station) has existed and provided a service to the community and has been a public convenience for over 60 years, we are just requesting to continue the existing use, for many more years. I would also like to say that this location has been not only a good neighbor, it has also been an income producer in the way of sales tax for those same years, and will continue to generate revenue for the village for years to come.

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:** In closing let that conditional use permit we seek is to continue a use that has existed since 1956, that a track record of some 60 years. This site is surrounded by a Car Wash, Auto Parts, Auto Repair, Storage lots, Tavern, Hot Dog stand, and a retail Strip Center. I would contend that it fits in well with its neighbors.

**Additional History/Comment from Applicant:**

**If it had not been for a couple unfortunate circumstances and miscommunications my client the Tenant/Lessee and initiator of the application for conditional use would not be before you today, this station has existed for over 60 years, so we ask you now to grant the petitioners the conditional use they request so they may complete the remodel of the station, continue its use, and once again be a productive Business in the Village of Bensenville.**

**Staff Response to Approval Criteria:**

It is stated repeatedly, and incorrectly, that the existing use will remain. The site is currently vacant with no use. While a past use was a fueling station, it is not correct to say that the existing site function and use as a gas station is not changing. The site is not an existing gas station.

Mr. Pozsgay stated Staff recommends the Denial of the above Findings of Fact and therefore the Denial of the Conditional Use for Lincolnwood Gas & Food, Inc. Mr. Pozsgay stated if the CDC recommends approval staff suggests as a minimum the following conditions with the following conditions:

1. The Conditional Use Permit be granted solely to the Lincolnwood Gas & Food and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and / or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit;
2. New building permits are required to deal with 5 outstanding permits and all future permits;
3. All work will have to meet current Code requirements;
4. The Site Plan must be revised to include the closer of the curbcuts closest to the intersection and the sidewalk must be completed on the Spruce Avenue frontage;
5. Site must be redesigned to eliminate the need for the stacking variation;

6. Monument sign must include 3 feet of landscaping around the base;
7. No liquor license;
8. No video gaming;
9. Building and column/canopy upgrades required.

There were no questions from the Commission.

**Motion:** Commissioner Marcotte made a motion to close CDC Case No. 2018-12. Commissioner Ciula seconded the motion.

**ROLL CALL:** Ayes: Rowe, Ciula, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:56 p.m.

**Motion:** Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2018-12 as presented by Staff and to approve the Conditional Use Permit. Commissioner Wasowicz seconded the motion.

**ROLL CALL:** Ayes: None

Nays: Rowe, Ciula, Marcotte, Wasowicz

All were in favor. Motion failed.

**Public Hearing:** CDC Case Number 2018-22  
**Petitioner:** Schmid Tool & Engineering  
**Location:** 1180 Industrial Drive  
**Request:** Conditional Use Permit, Gunsmith shops, not including firing ranges, Municipal Code Section 10 – 9B – 3

**Motion:** Commissioner Marcotte made a motion to open CDC Case No. 2018-22. Commissioner Wasowicz seconded the motion.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Rowe, Ciula, Marcotte, Wasowicz  
Absent: Czarnecki, King, Rodriguez  
A quorum was present.

Chairman Rowe opened the Public Hearing at 6:58 p.m.

The petitioner was not present.

**Motion:** Commissioner Marcotte made a motion to continue CDC Case No. 2018-22 until December 4, 2018. Commissioner Wasowicz seconded the motion.

**ROLL CALL:** Ayes: Rowe, Ciula, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2018-23  
**Petitioner:** Drivetrain Service and Components, Inc.  
**Location:** 292 Devon Avenue  
**Request:** Variances, Signage Number Permitted and Maximum Sign Area, Municipal Code Section 10 – 18 – 12.

**Motion:** Commissioner Marcotte made a motion to open CDC Case No. 2018-23. Commissioner Wasowicz seconded the motion.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Rowe, Ciula, Marcotte, Wasowicz  
Absent: Czarnecki, King, Rodriguez  
A quorum was present.

Chairman Rowe opened the Public Hearing at 7:02 p.m.

Village Planner, Kurtis Pozsgay, was present and previously sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on October 18, 2018. 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 October 19, 2018. Mr. Pozsgay stated on October 19, 2018 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 Petitioner is applying for Variances to install additional signage on their property.

Mr. Pozsgay stated they already have a main sign along Devon Avenue. Mr. Pozsgay stated they want to put up two additional entrance signs indicating "Powertrain Entrance" and "Hydraulics Entrance". Mr. Pozsgay stated these would normally be fine without a variance but they want to include the business name and logo on 32 square foot individual signs, triggering the need for the variances. Mr. Pozsgay stated they also want to put up a Meritor vendor sign, to honor an agreement with one of their main suppliers. Mr. Pozsgay stated the two entrance signs are flat wall signs. The Meritor sign is a 3' x 3' internally lit cabinet sign.

Ed Bartholomew was present and sworn in by Chairman Rowe. Mr. Bartholomew stated he is representing the sign company retained to complete the proposed project. Mr. Bartholomew reviewed the proposed sign design and locations.

Commissioner Ciula asked what type of power source would be provided to the proposed signs. Mr. Bartholomew stated two of the three signs would not have a light supply to them and the other one is currently undetermined and would be known by permit submittal.

**Public Comment:**

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

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

1. **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.

**Response: The lack of signage makes it difficult for customers and creates undue traffic issues.**

2. **Hardship or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.

**Response: Not allowing the entrance signs would create undue hardships on the customers bringing their parts in to be serviced.**

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 variance circumstances relate to 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.

**Response: No action by the applicant has resulted in the need for the variances.**

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 all 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 the variance, the company will be deprived of 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: The signs will not alter the 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 granting of the variances 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: These are the minimum variances needed.**

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variances for Drivetrain Service and Components, Inc. with the following conditions:

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

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2018-23. Commissioner Ciula seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:12 p.m.



**Motion:** Commissioner Wasowicz made a combined motion to approve the Findings of Fact for CDC Case No. 2018-23 as presented by Staff and to approve the Variance request. Commissioner Marcotte seconded the motion.

**ROLL CALL:** Ayes: Rowe, Ciula, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2018-25  
**Petitioner:** MSA Security  
**Location:** 800-804 West South Thorndale Avenue  
**Request:** Conditional Use Permit,  
Animal hospitals, kennels, pet grooming, and veterinary offices,  
Municipal Code Section 10 – 9B – 3

**Motion:** Commissioner Marcotte made a motion to open CDC Case No. 2018-25. Commissioner Wasowicz seconded the motion.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Rowe, Ciula, Marcotte, Wasowicz  
Absent: Czarnecki, King, Rodriguez  
A quorum was present.

Chairman Rowe opened the Public Hearing at 7:13 p.m.

Village Planner, Kurtis Pozsgay, was present and previously sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on October 18, 2018. 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 October 19, 2018. Mr. Pozsgay stated on October 19, 2018 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 Petitioner is applying for a Conditional Use Permit to operate a dog training facility.

Mr. Pozsgay stated they train canines to detect explosives concealed in airfreight and shipped via other modes of transportation. Mr. Pozsgay stated they will be on site on average of three days per week for approximately four hours per day. Mr. Pozsgay stated there are no overnight stays. Mr. Pozsgay stated the operation is certified and regulated by the TSA, DHS and ATF. Mr. Pozsgay stated all training will take place indoors.

Marc Lambbrty, Thomas Goodwyn and John Coleman were all present and sworn in by Chairman Rowe. Mr. Lambbrty provided a background of MSA Security. Mr. Lambbrty stated the proposed location was chosen because of its proximity to O'Hare Airport.

Commissioner Marcotte asked if the dogs were kept there overnight. Mr. Lambbrty stated the dogs stay with their handlers and are only on site during training.

**Public Comment:**

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

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

- 1) **Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.

**Applicant's Response:** MSA's proposed operations will not create any issues with the traffic flow especially considering that seven employees at most will be on the property at any one time. There will be four to eight teams, each consisting of one canine and one handler, averaging three three-hour training sessions per week during normal business hours. There will be no more than four teams on site at any one time, and no canines will be kept at the property overnight. We will not receive or screen any cargo or host clients at the property. As such, the traffic flow due to MSA's proposed use of the property will certainly be less than almost any other potential user for the space.

- 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:** MSA's proposed use of the property will not create any adverse effect of noise, glare, odor, dust, waste disposal, blockage of light, air, or any other environmental issues that is not already present in this industrial area. Small amounts of explosives will be used to train the canines how to detect explosives for offsite, live cargo screening. All of MSA's training activities will take place inside the facility. The explosives will never be used outside the facility nor will they ever be connected to detonators or near flammable materials. They will be stored and secured in Type II magazines which are inspected by a Bureau of Alcohol, Tobacco, Firearms and Explosives inspector upon installation and no less than every three years thereafter. The magazine room will be properly sprinklered and in a controlled and regulated environment. Each has an effective life explosive device span of approximately five years, and contract delivery of new materials will be very rare. Any canine waste will be disposed of properly, and there will be no impact to neighboring properties. The highly-skilled canines are specifically trained not to bark when identifying a potential hit. As such, MSA's proposed use will not have any adverse environmental effects on MSA's future neighbors and the Village of Bensenville.

- 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:** MSA's proposed use will be beneficial to almost every other business in the Village considering the amount of cargo that is shipped in and out of the Village and surrounding areas on a daily basis. Other businesses will be able to spend more time and money on running their businesses effectively when they are able to rely on MSA's screening services for both incoming and outgoing cargo. Due to the nature of MSA's training exercises, property values will not deteriorate as MSA's proposed use is heavily regulated and will be entirely contained in controlled environments.

**There will be no change on environmental quality or neighborhood character as we will not be receiving or screening cargo shipments onsite and the facility will only be used for training purposes and ancillary office space.**

- 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:** MSA's proposed use will not require any public service in the facility other than what is already provided. Because the FBI, ATF, TSA, DHS, and the IL Dept. of Natural Resources all heavily regulate MSA's operations, the Village can rely on the federal and state organizations that specialize in overseeing MSA's proposed use of the property. As mentioned previously, the explosives will be kept in a BATFE-inspected magazine room, no detonators or flammable materials will be kept on the property, and a contract delivery service will deliver new and collect old devices once every one to three years at most. Further, each canine is highly trained to detect explosive, not for human protection, and will only be at the property for up to three hours at a time during normal business hours. As such, MSA's proposed use will not place any undue burdens on Village facilities or services especially Bensenville's Police and Fire Departments.

- 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:** Billions of pounds of cargo are transported daily throughout the United States with approximately 60% of air cargo being sent on passenger planes while terror groups continue to target the aviation industry. With the property's proximity to O'Hare and the number of businesses in the Village that rely on freight, MSA's operations are a necessary component in today's economy. MSA's goal is to have the absolute best trained bomb dog teams available for vendors at O'Hare to support TSA's Certified Cargo Screening Program. This is meant to ensure that any cargo that is placed on a passenger aircraft in the US is 100% screened for explosive dangers a true national security effort.

**As the Village, other surrounding communities and even the Midwest as a whole continue to prosper, there will be further need for MSA to provide mistake-free screening to everyone involved in the cargo industry. The proposed location allows for MSA to conduct its training exercises in a safe environment and in very close proximity to O'Hare which handled 1.9 million tons of cargo in 2017, a record high and a 12% increase from 2016.**

- 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: There are no other factors that will have any adverse effect on the community, and MSA 's proposed use will only help other businesses thrive throughout the Village and surrounding areas. We greatly appreciate the opportunity to serve those businesses and the Village and respectfully request your approval of MSA's Conditional Use Pennit.**

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Conditional Use Permit for MSA Security with the following conditions:

- i. The Conditional Use Permit be granted solely to the MSA Security and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants 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 occupant without amendment to the Conditional Use Permit, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Conditional Use Permit, the new occupant shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit;
- ii. The plans be in substantial compliance with the plans submitted with this application.

There were no questions from the Commission.

Motion:

Commissioner Marcotte made a motion to close CDC Case No. 2018-25. Commissioner Ciula seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:24 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact for CDC Case No. 2018-25 as presented by Staff and to approve the conditional use request. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Report from Community**

**Development:** Mr. Pozsgay reviewed both recent CDC cases along with upcoming cases.

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

All were in favor. Motion carried.

The meeting was adjourned at 7:30 p.m.

**TYPE:**Public Hearing**SUBMITTED BY:**K. Pozsgay**DEPARTMENT:**CED**DATE:**12.04.18**DESCRIPTION:**Consideration of a Variance to allow a Parking Pad at 217 S Center St.***SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:***

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

**REQUEST:**

Variance, Parking pad

Municipal Code Section 10 – 11 – 7 – 1.

**SUMMARY:**

1. The Petitioners are applying for a Variance to install a parking pad at the rear of their property off of the alley.
2. Code allows "one driveway and one curb cut or vehicular entrance onto a street or alley shall be permitted per lot, except as provided herein."
3. A lot "may have two (2) points of access provided the following conditions are met:
  1. Both accesses are from an improved, paved public right of way; and
  2. Access from the street leads to legal parking in the rear yard."
4. The driveway will not go through to the rear parking pad.
5. There is no garage on the lot.

**RECOMMENDATION:**

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

1. Complete plans shall be provided.
2. Parking pad must meet all current building code standards.
3. The front driveway and curbcut must be removed if and when a garage is built on the lot.

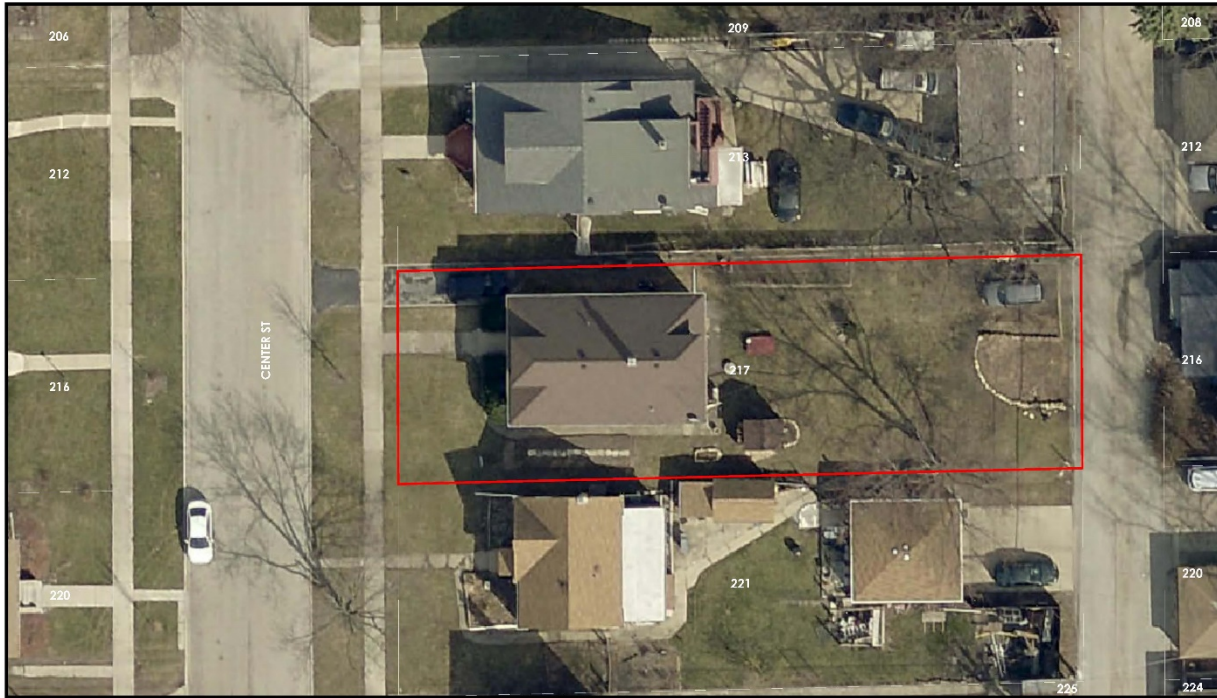
**ATTACHMENTS:**

Description	Upload Date	Type
<b>Aerial &amp; Zoning Maps</b>	<b>11/29/2018</b>	<b>Backup Material</b>
<b>Legal Notice</b>	<b>11/29/2018</b>	<b>Backup Material</b>
<b>Application</b>	<b>11/29/2018</b>	<b>Backup Material</b>
<b>Staff Report</b>	<b>11/29/2018</b>	<b>Executive Summary</b>
<b>Plans</b>	<b>11/29/2018</b>	<b>Backup Material</b>
<b>Plat of Survey</b>	<b>11/29/2018</b>	<b>Backup Material</b>



## Village of Bensenville

217 S Center St

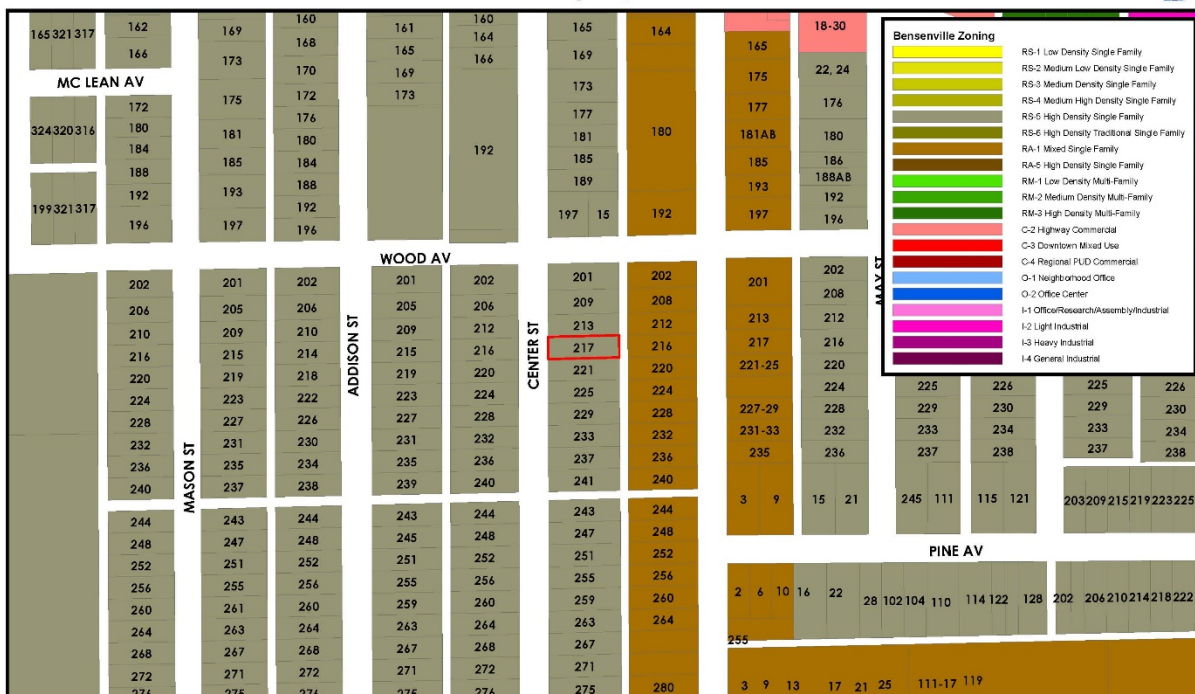


Date: 9/19/2016



## Village of Bensenville

Zoning Map





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

NOTICE IS HEREBY GIVEN that on Tuesday, December 4, 2018 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. 2018 – 21 to consider a request for:

Variance, Parking Pad  
Municipal Code Section 10 – 11 – 7 – 1.

at 217 S. Center St. in an existing RS – 5 High Density Single Family District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville, IL.

The Legal Description is as follows:

LOT 37 IN W.F. FRANZEN'S SUBDIVISION "A" OF THE EAST 604.7 FEET OF THAT PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE SOUTH LINE OF WOOD AVENUE, ACCORDING TO THE PLAT THEREOF RECORDED MAY 19, 1924 AS DOCUMENT 177809, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 217 S. Center St., Bensenville, IL 60106.

Eileen Censotti of 217 S. Center St., Bensenville, IL 60106 is the owner and applicant for the subject property.

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, IL 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 December 4, 2018 until 5:00 P.M.

Office of the Village Clerk  
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT  
November 15, 2018**

By

For Office Use Only

Date of Submission: SEP 19 2018 MUNIS Account #: 8596 CDC Case #: 2018-21

RECEIVED

## COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 217 South Center Street

Property Index Number(s) (PIN): 03 - 14 - 421 - 004

**A. PROPERTY OWNER:**

Eileen Censotti + Elaine Carzoli

Name

Corporation (if applicable)

217 South Center Street

Street

Bensenville

IL

60106

City

State

Zip Code

Eileen Censotti

630.300.4366

Contact Person

Telephone Number & Email Address

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

Property Owner Signature: Eileen Censotti + Elaine Carzoli

Date: 9/18/2018

**B. APPLICANT:**

☒ Check box if same as owner

Name

Corporation (if applicable)

Street

City

State

Zip Code

Contact Person

Telephone Number & Email Address

Relationship of Applicant to subject property

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**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)**

We would like to construct a one car "parking pad" accessed from the alley at the rear of our property. Our existing driveway does not extend to an

"approved parking space in the rear yard" as the Code would require if the "parking pad" were constructed. We are seeking a variatin to allow the driveway to remain "as is"

**D. PROJECT DATA:**

1. General description of the site: Single Family detached home
2. Acreage of the site: 0.18 Ac (7,840 SQFT) Building Size (if applicable): 1,155 SQFT
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.)  
N/A
5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	RS - 5	Single Family	Bensenville
North:	RS - 5	Single Family	Bensenville
South:	RS - 5	Single Family	Bensenville
East:	RA - 1	Single Family	Bensenville
West:	RS - 5	Single Family	Bensenville

**E. DEVELOPER'S STAFF (if applicable):**

**ARCHITECT**

Name: N/A  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

**ENGINEER:**

Name: N/A  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

**ATTORNEY**

Name: N/A  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

**OTHER**

Name: N/A  
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."

Page 6 answers:

1. Special Circumstances:

The special circumstances peculiar to the property for which the variance is sought is that the property currently has only one, short, narrow driveway going from the street to the front of the house. There is just enough room for two cars to be parked: one in front of the other. Currently, there is no garage and no other driveway or parking structure on the property.

We have lived in the house since 1992. When out of town guests came to visit, we've always parked one car in the front driveway and one car in the back by the alley. However, in fall 2017, we installed a backyard fence with a gate that opens to the back alley. We applied for a permit to build a single car, stand-alone parking pad. The permit was denied, however, because the current village code does not allow it. It turns out that in order to build a parking pad, we would either have to, 1: extend the current driveway along the side of our house and through the back of our yard to the alley, where it would attach to the new parking pad, or 2: build a garage in our back yard. Both options are too expensive as we are retired seniors living on a fixed income.

2. Hardship or Practical Difficulties:

The first hardship to the owners is due to the fact that the current driveway is not long or wide enough for out of state family members and friends to park their car (a third car) when staying with us to visit. For example, this past summer, one of the owner's daughter came to stay for 2 weeks. We had to park one of our cars at a brother's house in Wood Dale so the daughter could park her car in our driveway. It was extremely inconvenient. The same situation will happen again at Thanksgiving and at Christmas. There is also a sister who lives in Wisconsin, and would like to come stay with us for a few days from time to time, but there is nowhere for her to park in our current driveway.

The second hardship is financial. Both owners are retired and living on fixed incomes. We cannot afford the cost of adding a garage or adding a longer driveway and a parking pad.

3. Circumstances Relate to Property:

The special circumstances and hardship stated above relate only to the physical character of the property. They do not concern any business or financial activity, either now or in the future. We only intend to use the parking pad for non-business, non-financial purposes.

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 Ordinance or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. The applicants have not and will not authorize or proceed with construction, or development requiring any Variance, permit, certificate, or approval hereunder prior to its approval.

5. Preserves Rights Conferred by District:

Approval to this Variance application does not deny other owners in the same zoning district any rights they do not now have. Therefore, approval of this application does not confer any special privileges over other property owners in the same zoning district. A Variance is necessary for the applicant to enjoy a substantial property right of parking space for a third car in order for family and friends to come visit from out of state, and stay overnight with us in our home.

6. Necessary for Use of Property:

The granting of this Variance is necessary because without it, the owners will not be able to host out of state family members and friends overnight when they come visit. It is not for the purposes of any financial gain or economic return. We are retired, we own the home, and we have lived in this house together for 25 years. One owner is a life-long Bensenville resident, who purchased the home in 1993. The other owner has lived in the Bensenville home since 1995. In other words, both are long-term residents of Bensenville who are in the home to stay with no plans on moving.

7. Not Alter Local Character:

The installation of a parking pad will not alter the current local character in any way.

It will be for one car, and it will be inside the fence gate that opens to the alley for exit and entry. The building materials and dimensions will conform to the village code.

8. Consistent with Ordinance and Plan:

The granting of the Variance for a parking pad does not conflict with the purpose and intent of the village Ordinance. Neither does it conflict with the General Development Plan nor other applicable adopted plans by the village. It also does not invalidate or nullify any part thereof.

9. Minimum Variance Needed:

The Variance request is for a single-car, stand-alone parking pad with access to the back alley.



STATE OF ILLINOIS

COUNTY OF DUPAGE AND COOK

)  
)SS.  
)

**AFFIDAVIT OF OWNERSHIP**

I Eileen Censotti the undersigned Affiant, being first duly sworn,  
on oath states:

1. That Affiant has personal knowledge of the representations and statements made herein, and has examined all necessary documents, records of ownership and such other information as is required to confirm the statements and representations herein;
2. That the owner(s) and contract purchaser(s), if any, as set forth on the Petition attached hereto is (are) the owner(s) of record and contract purchasers of said property;
3. That all consents to the attached Petition required of lenders or of others holding an interest in the property have been obtained;
4. This Affidavit of Ownership is given to induce the Village of Bensenville, without further inquiry as to ownership or purchase interest, to rely on said statements and representations and to process and set for Public Hearing the Petition as attached hereto; and,
5. Affiant is aware of and has been advised that any false statement set forth in this Affidavit of Ownership may subject Affiant to criminal sanctions for perjury, punishable as provided by the statutes of the State of Illinois in relation to the crime of perjury.

IN WITNESS WHEREOF, the undersigned has executed this Affidavit of Ownership  
this 18 day of, Sept, 2018.

Eileen Censotti  
Signature

SUBSCRIBED and SWORN to  
before me this 18 day of, Sept, 2018.

Michael D Myers  
Notary Public



### STAFF REPORT

**HEARING DATE:** December 4, 2018  
**CASE #:** 2018 – 21  
**PROPERTY:** 217 S Center St.  
**PROPERTY OWNER:** Eileen Censotti and Elaine Carzoli  
**APPLICANT:** Same  
**SITE SIZE:** 7,840 SF  
**BUILDING SIZE:** 1,300 SF  
**PIN NUMBERS:** 03-14-421-004  
**ZONING:** RS – 5 High Density Single Family District  
**REQUEST:** Variance, Parking pad  
Municipal Code Section 10 – 11 – 7 – 1.

### **PUBLIC NOTICE:**

1. A Legal Notice was published in the Bensenville Independent on Thursday November 15, 2018. A Certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours.
2. Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on Friday November 17, 2018.
3. On Friday November 17, 2018, 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 Petitioners are applying for a Variance to install a parking pad at the rear of their property off of the alley. Code allows “one driveway and one curb cut or vehicular entrance onto a street or alley shall be permitted per lot, except as provided herein.” A lot “may have two (2) points of access provided the following conditions are met: a. Both accesses are from an improved, paved public right of way; and b. Access from the street leads to legal parking in the rear yard.” The driveway will not go through to the rear parking pad. There is no garage on the lot.

### **SURROUNDING LAND USES:**

	<b>Zoning</b>	<b>Land Use</b>	<b>Comprehensive Plan</b>	<b>Jurisdiction</b>
<b>Site</b>	RS – 5	Residential	Single Family Residential	Village of Bensenville
<b>North</b>	RS – 5	Residential	Single Family Residential	Village of Bensenville
<b>South</b>	RS – 5	Residential	Single Family Residential	Village of Bensenville
<b>West</b>	RS – 5	Residential	Single Family Residential	Village of Bensenville
<b>East</b>	RA – 1	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:**

Account up to date.

**Police:**

- 1) Relieves on street parking.
- 2) Does not require a permit to be issued for overnight parking.

**Engineering and Public Works:****Public Works:**

Any garage foundation remnants should be removed as part of the construction.

**Engineering:**

- 1) It should not impede any exiting drainage.
- 2) It should not cause any drainage issues to neighboring sites or the alley.

**Community & Economic Development:****Economic Development:**

No comments.

**Fire Safety:**

No fire safety issues.

**Building:**

No comments.

**Planning:**

- 1) The 2015 Comprehensive Plan indicates “Single Family Residential” for this property.
- 2) There was a prior garage on the property. There is no garage on the lot currently.
- 3) Code allows “one driveway and one curb cut or vehicular entrance onto a street or alley shall be permitted per lot, except as provided herein.”
- 4) A lot “may have two (2) points of access provided the following conditions are met:
  - a. Both accesses are from an improved, paved public right of way; and
  - b. Access from the street leads to legal parking in the rear yard.”
- 5) The driveway will not go through to the rear parking pad.
- 6) Staff is hesitant to recommend the parking pad without removal of the existing drive. The applicant has stated it would be cost prohibitive.
- 7) Staff suggests that any approval come with the condition that the driveway and curbcut must be removed if and when a garage is built on the lot.

**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 peculiar to the property) for which the variance is sought is that the property currently has only one, short, narrow driveway going from the street to the front of the house. There is just enough room for two cars to be parked: one in front of the other. Currently, there is no garage and no other driveway or parking structure on the property).

We have lived in the house since 1992. When out of town guests came to visit, we've always parked one car in the front driveway and one car in the back by the alley. However, in fall 2017, we installed a backyard fence with a gate that opens to the back alley. We applied for a permit to build a single car, stand-alone parking pad. The permit was denied, however, because the current village code does not allow it. It turns out that in order to build a parking pad, we would either have to, 1: extend the current driveway along the side of our house and through the back of our yard to the alley, where it would attach to the new parking pad, or 2: build a garage in our back yard. Both options are too expensive as we are retired seniors living on a fixed income.

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:** The first hardship to the owners is due to the fact that the current driveway is not long or wide enough for out of state family members and friends to park their car (a third car) when staying with us to visit. For example, this past summer, one of the owner's daughter came to stay for 2 weeks. We had to park one of our cars at a brother's house in Wood Dale so the daughter could park her car in our driveway). It was extremely inconvenient. The same situation will happen again at Thanksgiving and at Christmas. There is also a sister who lives in Wisconsin, and would like to come stay with us for a few days from time to time, but there is nowhere for her to park in our current driveway.

The second hardship is financial. Both owners are retired and living on fixed incomes. We cannot afford the cost of adding a garage or adding a longer driveway and a parking pad.

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 and hardship stated above relate only to the physical character of the property. They do not concern any business or financial activity, either now or in the future. We only intend to use the parking pad for non-business, non-financial purposes.**

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 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 Ordinance or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. The applicants have not and will not authorize or proceed with construction, or development requiring any Variance, permit, certificate, or approval hereunder prior to its approval.**

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: Approval to this Variance application does not deny other owners in the same zoning district any rights they do not now have. Therefore, approval of this application does not confer any special privileges over other property owners in the same zoning district. A Variance is necessary for the applicant to enjoy a substantial property right of parking space for a third car in order for family and friends to come visit from out of state, and stay overnight with us in our 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: The granting of this Variance is necessary because without it, the owners will not be able to host out of state family members and friends overnight when they come visit. It is not for the purposes of any financial gain or economic return. We are retired, we own the home, and we have lived in this house together for 25 years. One owner is a life-long Bensenville resident, who purchased the home in 1993. The other owner has lived in the Bensenville home since 1995. In other words, both are long-term residents of Bensenville who are in the home to stay with no plans on moving.**

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 installation of a parking pad will not alter the current local character in any way. It will be for one car, and it will be inside the fence gate that opens to the alley for exit and entry. The building materials and dimensions will conform to the village code.**

- 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 for a parking pad does not conflict with the purpose and intent of the Village Ordinance. Neither does it conflict with the General Development Plan nor other applicable adopted plans by the Village. It also does not 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: The Variance request is for a single-car, stand-alone parking pad with access to the back alley.**

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

#### **RECOMMENDATIONS:**

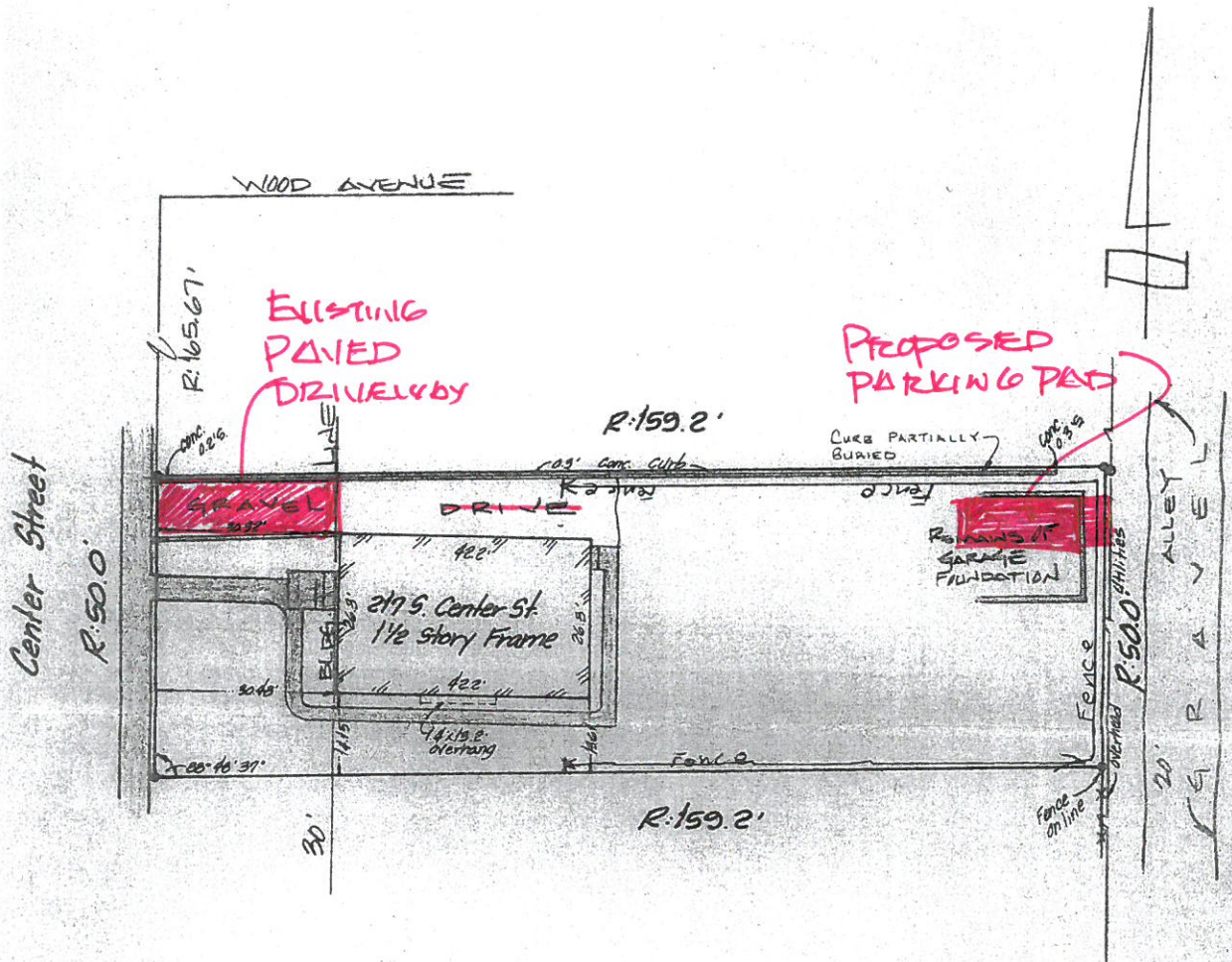
Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variance for Eileen Censotti with the following conditions:

1. Complete plans shall be provided.
2. Parking pad must meet all current building code standards.
3. The front driveway and curbcut must be removed if and when a garage is built on the lot.

Respectfully Submitted, Department of Community & Economic Development

# PLAT OF SURVEY

Of Lot 37 in W.F. Franzen's Subdivision "A" of the East 604.7 feet of that part of the Southeast quarter of Section 14, Township 40 North, Range 11, East of the Third Principal Meridian, lying South of the South line of Wood Avenue, according to the plat thereof recorded May 19, 1924 as Document 177809, in DuPage County, Illinois.



Legend			
R - record distance	CH - chord		
M - measured distance	● - Found Iron		
D - dead	○ - Set Iron		
Concrete shown shaded	● - Utility pole		
-X-X-X- Fence line			
--- Limits of building			
Scale: 1" = 20 feet			

**SCHLAF-SEDIG  
& ASSOCIATES, INC.**  
1030 Summerfield Drive  
Roselle, Illinois 60172  
(708) 924-7100

Date of Survey OCT. 12, 1992

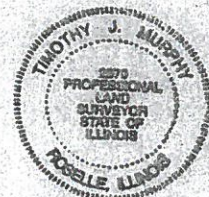
State of Illinois

County of Du Page

I hereby certify that the above described property has been surveyed, under my supervision, according to the official record and that the above plat correctly represents said survey. All distances are in feet and decimals thereof.

I hereby certify that unless otherwise shown, the buildings on the parcel are within property lines and the adjoining improvements do not encroach on the above described property.

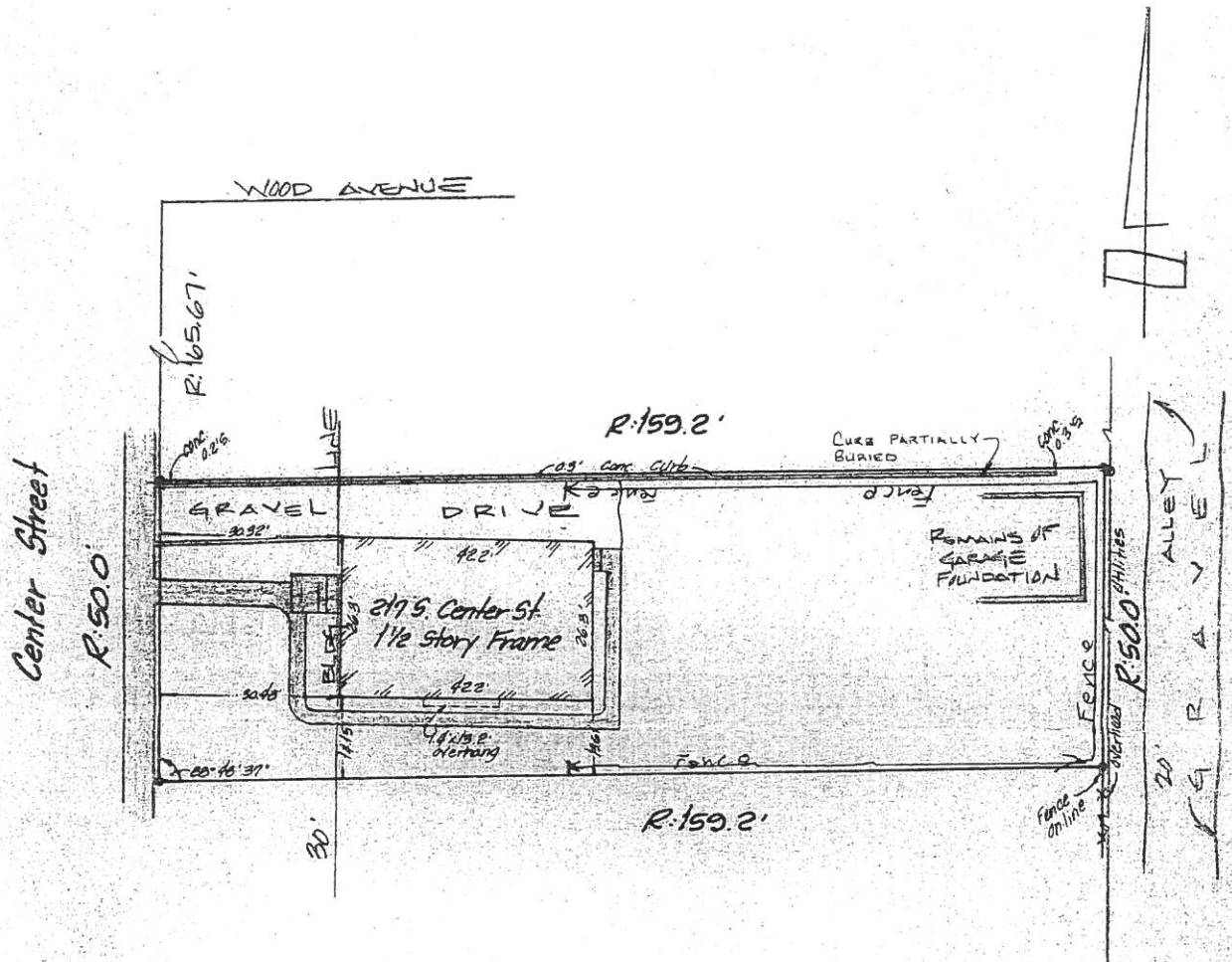
*Timothy J. Murphy*  
Compare the description of this plat with deed. Refer to title policy for items of record not shown above.





# PLAT OF SURVEY

Of Lot 37 in W.F. Franzen's Subdivision "A" of the East 604.7 feet of that part of the Southeast quarter of Section 14, Township 40 North, Range 11, East of the Third Principal Meridian, lying South of the South line of Wood Avenue, according to the plat thereof recorded May 19, 1924 as Document 177809, in DuPage County, Illinois.



RECEIVED  
OCT 20 2017  
MAY 15 2018  
BY \_\_\_\_\_

**Legend**

R - record distance	CH - chord
M - measured distance	● Found Iron
D - dead	○ Set Iron
Concrete shown shaded	⊗ Utility pole
-X-X-X- Fence line	
<u>    </u> Limits of building	
Scale: 1" = 20 feet	

Date of Survey OCT. 12 1952

**State of Illinois**

County of Du Page

I hereby certify that the above described property has been surveyed, under my supervision, according to the official record and that the above plat correctly represents said survey. All distances are in feet and decimals thereof.

I hereby certify that unless otherwise shown, the buildings on the parcel are within property lines and the adjoining improvements do not encroach on the above described property.

Timothy J. Murphy

Compare the description of this plat with deed. Refer to title policy for items of record not shown above.



**SCHLAF-SEDIG  
& ASSOCIATES, INC.**  
1030 Summerfield Drive  
Roselle, Illinois 60172  
(708) 924-7100

LEGAL DESCRIPTION

LOT 37 IN W.F. FRANZEN'S SUBDIVISION "A" OF THE EAST 604.7 FEET OF THAT PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE SOUTH LINE OF WOOD AVENUE, ACCORDING TO THE PLAT THEREOF RECORDED MAY 19, 1924 AS DOCUMENT 177809, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 217 South Center Street, Bensenville, IL 60106

PIN: 03- 14 – 421 - 004

**TYPE:**Public Hearing**SUBMITTED BY:**K. Pozsgay**DEPARTMENT:**CED**DATE:**12.04.18**DESCRIPTION:**Consideration of a Conditional Use Permit to allow a Gunsmith shop at 1180 Industrial Drive.***SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:***

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

**REQUEST:**

Conditional Use Permit, Gunsmith shops, not including firing ranges,  
Municipal Code Section 10 – 9B – 3.

**SUMMARY:**

1. The Petitioner is applying for a Conditional Use Permit to operate a Gunsmith Shop.
2. They are a machine shop that has a contract with the Federal government to produce the parts.
3. They will not operate a retail operation.
4. The FFL will be used in business-to-business transfers at the manufacturing level.

**RECOMMENDATION:**

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Conditional Use Permit for Schmid Tool & Engineering with the following conditions:

1. The Conditional Use Permit be granted solely to the Schmid Tool & Engineering and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and / or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit;
2. No direct retail sales of completed firearms.

**ATTACHMENTS:**

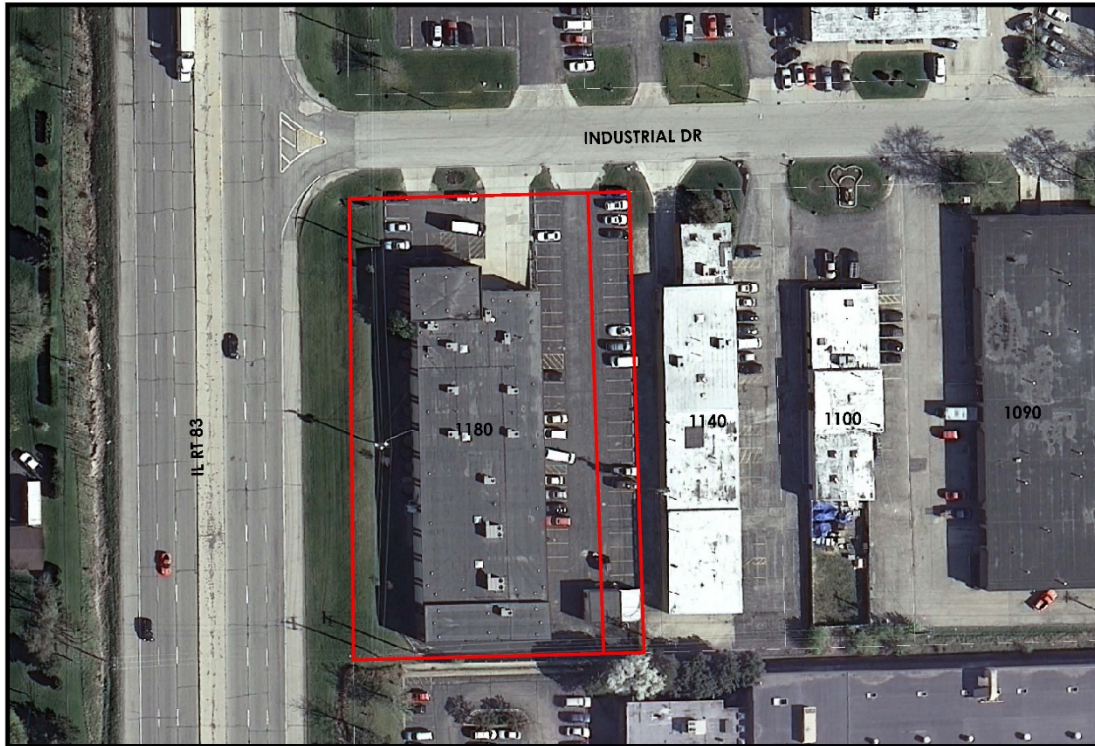
Description	Upload Date	Type
<b>Aerial &amp; Zoning Maps</b>	<b>10/31/2018</b>	<b>Backup Material</b>
<b>Legal Notice</b>	<b>10/31/2018</b>	<b>Backup Material</b>
<b>Application</b>	<b>10/31/2018</b>	<b>Backup Material</b>
<b>Staff Report</b>	<b>10/31/2018</b>	<b>Executive Summary</b>
<b>Plat of Survey</b>	<b>10/31/2018</b>	<b>Backup Material</b>





# Village of Bensenville

1180 W Industrial Dr

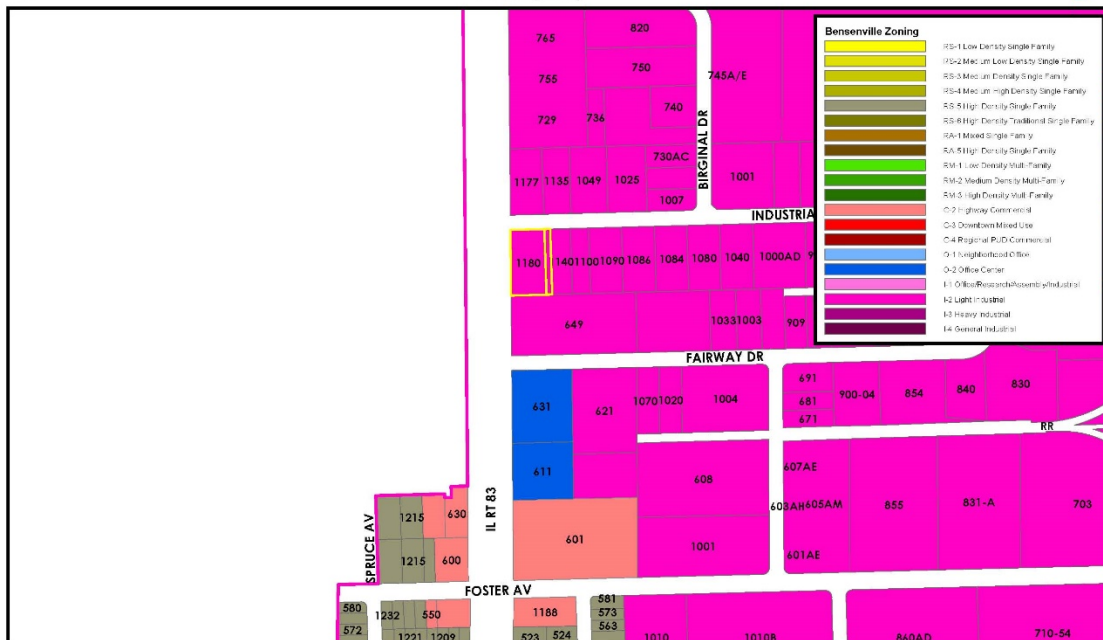


Date: 2/2/2018



## Village of Bensenville

Zoning Map



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

NOTICE IS HEREBY GIVEN that on Tuesday, November 6, 2018 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. 2018 – 22 to consider a request for:

Conditional Use Permit, Gunsmith shops, not including firing ranges,  
Municipal Code Section 10 – 9B – 3.

at 1180 Industrial Drive in an existing I – 2 Light Industrial District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville, IL.

The Legal Description is as follows:

LOT 17 (EXCEPT THE EAST 200 FEET THEREOF) AND THE WEST 24 FEET OF THE EAST 200 FEET OF SAID LOT 17 IN O'HARE WEST INDUSTRIAL PLAZA, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 11, AND THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 26, 1971 AS DOCUMENT R71-16332 AND CERTIFICATE OF CORRECTION FILED FEBRUARY 21, 1973 AS DOCUMENT R73-9686, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 1180 Industrial Drive, Bensenville, IL 60106.

H & E Properties LLC of 930 N. Villa Ave, Villa Park, IL 60181 is the owner and Schmid Tool & Engineering Corp. of 930 N. Villa Ave, Villa Park, IL 60181 is the applicant for the subject property.

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, IL 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 November 6, 2018 until 5:00 P.M.

Office of the Village Clerk  
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT  
October 18, 2018**

For Office Use Only

Date of Submission: 9-28-18 MUNIS Account #: \_\_\_\_\_ CDC Case #: 2018-22

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 1180 Industrial Dr

Property Index Number(s) (PIN): 03-11-102-034

A. PROPERTY OWNER:

AGE Properties LLC  
 Name \_\_\_\_\_ Corporation (if applicable) \_\_\_\_\_  
930 N Villa Ave  
 Street \_\_\_\_\_  
Villa Park IL 60181  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Heidi Schaefer  
 Contact Person Eric Schmid Telephone Number & Email Address 847-778-6054 hschaefer@schmidttool.com

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

Property Owner Signature: [Signature] Date: 9-25-18

B. APPLICANT: ☒ Check box if same as owner

\_\_\_\_\_  
 Name \_\_\_\_\_ Corporation (if applicable) \_\_\_\_\_  
 \_\_\_\_\_  
 Street \_\_\_\_\_  
 \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 \_\_\_\_\_  
 Contact Person \_\_\_\_\_ Telephone Number & Email Address \_\_\_\_\_  
 \_\_\_\_\_  
 Relationship of Applicant to subject property \_\_\_\_\_  
 Applicant Signature: [Signature] Date: 9-25-18

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)

See attached letter

**D. PROJECT DATA:**

1. General description of the site: Single story industrial mfg building
2. Acreage of the site: 1.2 acres Building Size (if applicable): 22,000 sq ft
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>R-3</u>	<u>Residential</u>	<u>Addison</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."

***H & E Properties, LLC***

930 N Villa Ave, Villa Park, IL 60181

Village Of Bensenville

Community Development Commission

Kurtis Pozsgay

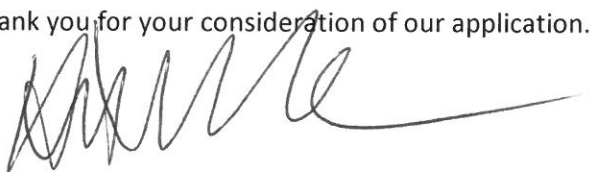
Bensenville, IL 60106

Dear Mr. Pozsgay,

This letter is written in support of our application for conditional use. We are seeking conditional use for our property at 1180 Industrial Dr. We are a manufacturing business in the defense, automotive and aerospace industry. We have been operational for a few months now in our new building in Bensenville. We are applying for a class 7 FFL (Federal Firearms License) as a manufacturer at this location. This is a federal requirement for us to manufacture and distribute certain firearms and firearm components. We do not and will not in the future operate a retail operation. This FFL will be used in business to business transfers on the manufacturing level.

Per the criteria for conditional use, we do not believe that this will have any adverse effect on the area pertaining to traffic, noise character etc. There will be no additional burden on public facilities, as we will continue to operate as we have been with just additional product lines in house.

Thank you for your consideration of our application.

A handwritten signature in black ink, appearing to read 'Heidi Schaefer', with a long horizontal flourish extending to the right.

Heidi Schaefer, Owner

H&E Properties LLC

STATE OF ILLINOIS

COUNTY OF DUPAGE AND COOK

)  
)SS.  
)




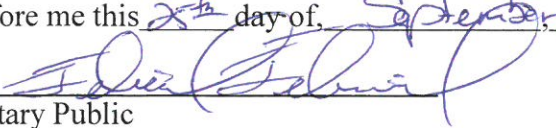
### AFFIDAVIT OF OWNERSHIP

I Heidi Schaefer the undersigned Affiant, being first duly sworn,  
on oath states:

1. That Affiant has personal knowledge of the representations and statements made herein, and has examined all necessary documents, records of ownership and such other information as is required to confirm the statements and representations herein;
2. That the owner(s) and contract purchaser(s), if any, as set forth on the Petition attached hereto is (are) the owner(s) of record and contract purchasers of said property;
3. That all consents to the attached Petition required of lenders or of others holding an interest in the property have been obtained;
4. This Affidavit of Ownership is given to induce the Village of Bensenville, without further inquiry as to ownership or purchase interest, to rely on said statements and representations and to process and set for Public Hearing the Petition as attached hereto; and,
5. Affiant is aware of and has been advised that any false statement set forth in this Affidavit of Ownership may subject Affiant to criminal sanctions for perjury, punishable as provided by the statutes of the State of Illinois in relation to the crime of perjury.

**IN WITNESS WHEREOF**, the undersigned has executed this Affidavit of Ownership  
this 25<sup>th</sup> day of, September.

  
\_\_\_\_\_  
Signature

**SUBSCRIBED and SWORN to**  
before me this 25<sup>th</sup> day of, September 2018.  
  
\_\_\_\_\_  
Notary Public

### STAFF REPORT

**HEARING DATE:** November 6, 2018  
**CASE #:** 2018 – 22  
**PROPERTY:** 1180 Industrial Drive  
**PROPERTY OWNERS:** H & E Properties LLC  
**APPLICANT:** Schmid Tool & Engineering  
**SITE SIZE:** 47,045 SF  
**BUILDING SIZE:** 22,000 SF  
**PIN NUMBER:** 03-11-102-033  
**ZONING:** I – 2 Light Industrial  
**REQUEST:** Conditional Use Permit, Gunsmith shops, not including firing ranges, Municipal Code Section 10 – 9B – 3

### **PUBLIC NOTICE:**

1. A Legal Notice was published in the Bensenville Independent on Thursday October 18, 2018. 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 October 19, 2018.
3. On October 19, 2018, 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 Petitioner is applying for a Conditional Use Permit to operate a Gunsmith Shop. They are a machine shop that has a contract with the Federal government to produce the parts. They will not operate a retail operation. The FFL will be used in business-to-business transfers at the manufacturing level.

### **SURROUNDING LAND USES:**

	<b>Zoning</b>	<b>Land Use</b>	<b>Comprehensive Plan</b>	<b>Jurisdiction</b>
<b>Site</b>	I – 2	Industrial	Industrial	Village of Bensenville
<b>North</b>	I – 2	Industrial	Industrial	Village of Bensenville
<b>South</b>	I – 2	Industrial	Industrial	Village of Bensenville
<b>East</b>	I – 2	Industrial	Industrial	Village of Bensenville
<b>West</b>	R – 3	Single Family	Single Family	Addison Township

**DEPARTMENT COMMENTS:**

*SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:*

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

Finance:

All current.

Police:

No issues.

Engineering and Public Works:

No comments.

Community & Economic Development:

Economic Development:

- 1) Economic development is generally supportive of the application for a Conditional Use Permit.
- 2) This certification will allow the business to secure additional contracts, leading to growth opportunity and as a result employment opportunities for Bensenville residents.

Code Compliance:

No comments at this time.

Building:

Permit(s) will be required for installation of any new equipment.

Planning:

- 1) Current zoning is I – 2 Light Industrial.
- 2) The property is part of the Northern Business District.
- 3) The Future Land Use map shows this property as Industrial.
- 4) Newer business in town operating in the defense, automotive and aerospace industry.
- 5) Applying for a class 7 Federal Firearms License as a manufacturer.
- 6) Do not intend to operate a retail store for direct sales.
- 7) Business to business transfers on the manufacturing level.

**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: Traffic will be typical for the industrial district.**

- 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: The use will have no adverse impact on neighbors.**

- 3) **Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized.

**Applicant's Response: The use fits in with the surrounding industrial.**

- 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: No additional public services or facilities will be required.**

- 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: Without the conditional use requested, we will not be able to expand our business.**

- 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: This is compatible with similar Conditional Use requests.**

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 Approval of the above Findings of Fact and therefore the Approval of the Conditional Use Permit for Schmid Tool & Engineering with the following conditions:

1. The Conditional Use Permit be granted solely to the Schmid Tool & Engineering and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and / or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit;
2. No direct retail sales of completed firearms.

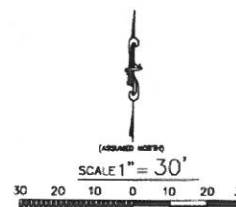
Respectfully Submitted,  
Department of Community  
& Economic Development

# Associated Surveying Group, LLC

Illinois Prof. Design Firm No. 184-004973  
P.O. Box 810 Bolingbrook, IL 60440  
PH: 630-759-0205 FAX: 630-759-9291

## "ALTA/NSPS LAND TITLE SURVEY"

LOT 17 (EXCEPT THE EAST 200 FEET THEREOF) AND THE WEST 24 FEET OF THE EAST 200 FEET OF SAID LOT 17 IN O'HARE WEST INDUSTRIAL PLAZA, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 11, AND THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 26, 1971 AS DOCUMENT R71-16332 AND CERTIFICATE OF CORRECTION FILED FEBRUARY 21, 1973 AS DOCUMENT R73-9686, IN DUPAGE COUNTY, ILLINOIS



### BASIS OF BEARINGS

BASIS OF BEARINGS IS THE SOUTH LINE OF INDUSTRIAL DR.

### AREA

58,819,248 SQ. FT.  
1,328.25 ACRES

### SURVEYOR'S NOTES

1. COMPARE THE LEGAL DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE; ALSO, COMPARE ALL FIELD MEASURED LOT CORNERS & BUILDING TIES WITH THIS PLAT BEFORE CONSTRUCTION AND REPORT ANY DIFFERENCE AT ONCE.
2. NO IMPROVEMENTS SHOULD BE CONSTRUCTED ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF CONSTRUCTION.
3. BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO DEPICTED ON THE RECORDED SUBDIVISION PLAT. REFER TO YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE FOR ADDITIONAL ENCUMBRANCES.
4. NO CERTIFICATION IS MADE AS TO THE LOCATIONS OF UNDERGROUND UTILITIES SUCH AS, BUT NOT LIMITED TO, ELECTRIC, TELEPHONE, CABLE TV, GAS, WATER, SANITARY AND STORM SEWERS. ONLY ABOVE-GROUND VISIBLE FEATURES ARE SHOWN. OTHER UTILITIES MAY EXIST OF WHICH (SURVEYOR) HAS NO KNOWLEDGE.
5. ALL LOCATED UTILITIES WERE DONE BY SURFACE OBSERVATION. PLEASE CALL "JULIE" AT 1-800-892-0123 OR (CITY OF CHICAGO) "DIGGER" AT 1-312-744-7000 BEFORE STARTING ANY CONSTRUCTION FOR THE LOCATION OF ANY ADDITIONAL UNDERGROUND UTILITIES NOT SHOWN HEREON.
6. THIS SURVEY MAY NOT REFLECT ALL UTILITIES OR IMPROVEMENTS IF SUCH ITEMS ARE HIDDEN BY LANDSCAPING OR ARE COVERED BY SUCH ITEMS AS DUMPSTERS, TRAILERS, CARS, DIRT, PAVING OR SNOW. LAWN SPRINKLER SYSTEMS, IF ANY, ARE NOT SHOWN ON THIS SURVEY.
7. THE LOCATION OF THE PROPERTY LINES SHOWN ON THE FACE OF THIS PLAT ARE BASED UPON THE DESCRIPTION AND INFORMATION FURNISHED BY THE CLIENT, TOGETHER WITH THE TITLE COMMITMENT. THE PARCEL WHICH IS DEFINED MAY NOT REFLECT ACTUAL OWNERSHIP, BUT REFLECTS WHAT WAS SURVEYED. FOR OWNERSHIP, CONSULT YOUR TITLE COMPANY.
8. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.
9. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN OR STATED HEREON REFER TO YOUR DEED, TITLE POLICY, ORDINANCES, ETC.
10. COPIES OF THIS SURVEY WITH AN EMBOSSED SEAL SHALL BE DESIGNATED OFFICIAL COPIES. THE SURVEY WAS PREPARED ONLY FOR THE CLIENT AS STATED HEREON AND IS NON-TRANSFERABLE.
11. FLOOD ZONE CLASSIFICATION PER NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 17043C0303H, MAP REVISED DATE 12/16/2004. THE PROPERTY SHOWN HEREON FALLS WITHIN ZONE X, DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN".

NOTE: THE RECORD DOCUMENTS SHOWN ON THIS ALTA/NSPS SURVEY ARE THOSE DOCUMENTS DETERMINED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY AND SET FORTH IN THE TITLE ORDER NO.: 1784439 DATED AUGUST 11, 2017 AS AFFECTING THE PROPERTY DEPICTED ON THIS LAND TITLE SURVEY. BY NOTING SAID DOCUMENTS ON THIS SURVEY PLAT, ASSOCIATED SURVEYING GROUP, LLC, MAKES NO REPRESENTATION AS TO THE EXISTENCE OF ANY OTHER RECORD DOCUMENTS THAT MAY AFFECT THE SURVEYED PROPERTY.

TO: SYLVIA MCCLAIN TRUST DATED 9/7/1995, H & E PROPERTIES, LLC, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY AND FIRST MIDWEST BANK.

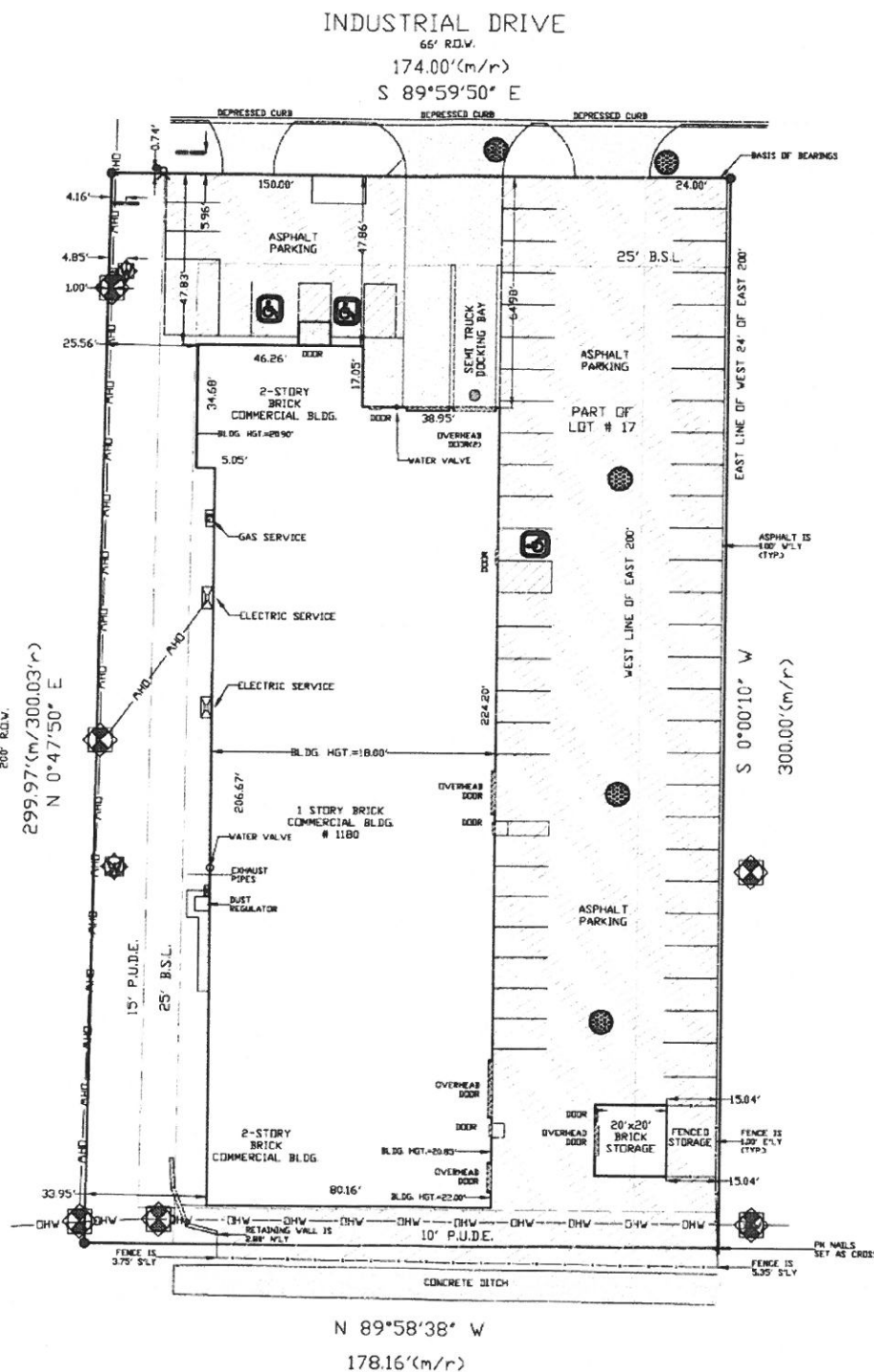
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 7a, 8 OF TABLE A THEREOF AND OBSERVED EVIDENCE OF UTILITIES. THE FIELD WORK WAS COMPLETED ON AUGUST 18, 2017.

DATE: SEPTEMBER 11, 2017

*Michael G. Herwig*  
MICHAEL G. HERWIG, ILS NO. 35-2360  
LICENSE EXPIRES: 11/30/18

ILLINOIS ROUTE 83

299.97' (m/300.03' r)  
N 0°47'50" E



### NOTES FROM SCHEDULE B

PER OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY FILE NO. 1784439  
EFFECTIVE DATE AUGUST 11, 2017 PROVIDED BY THE CLIENT

EXCEPTION	AFFECTS PROPERTY	NOTE
1 DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS	YES	NOT PLOTTABLE
2 RIGHTS OR CLAIMS NOT RECORDED	YES	NOT PLOTTABLE
3 EASEMENTS NOT RECORDED	YES	NOT PLOTTABLE
4 ENCROACHMENTS, IF ANY	YES	IF ANY, PLOTTED
5 LIENS NOT RECORDED	YES	NOT PLOTTABLE
6 TAXES OR SPECIAL ASSESSMENTS NOT RECORDED	YES	NOT PLOTTABLE
7a TAXES	YES	NOT PLOTTABLE
9 LAND LIES WITHIN BOUNDARIES OF A SPECIAL SERVICE AREA 6 DOC. #R2011-102243 AND #R2010-182852	YES	NOT PLOTTABLE
10 MORTGAGE DOC. #R96-023794 ASSIGNMENT OF MORTGAGE DOC. #R98-023795	YES	NOT PLOTTABLE
11 MEMORANDUM OF COLLATERAL ASSIGNMENT AND REASSIGNMENT OF LEASE DOC. #R96-023766	YES	NOT PLOTTABLE
12a BUILDING SETBACK LINES DOC. #R71-16332	YES	PLOTTED
14a EASEMENT DOC. #R71-16332	YES	PLOTTED
16 TERMS, POWERS, PROVISIONS AND LIMITATIONS	YES	NOT PLOTTABLE
17 COMPANY SHOULD BE FURNISHED CERTIFICATION OF TRUST ETC.	YES	NOT PLOTTABLE
18 PROPOSED PURCHASER DOCUMENTS	YES	NOT PLOTTABLE
19 EXISTING UNRECORDED LEASES, IF ANY	YES	NOT PLOTTABLE
20 RIGHTS OF PARTIES IN POSSESSION	YES	NOT PLOTTABLE
21 ANY RECENT IMPROVEMENTS PLACED WITHIN LAST 6 MONTHS	YES	IF ANY, PLOTTED
22 ANY LIEN OR RIGHT TO A LIEN IN FAVOR OF THE PROPERTY MANAGER	YES	NOT PLOTTABLE
23 COMMERCIAL BROKER LIEN ACT	YES	NOT PLOTTABLE
24 STATE OF ILLINOIS LEGISLATION AMENDING TITLE INSURANCE ACT (215 ILCS 155/ ETAL.)	YES	NOT PLOTTABLE
26 NOTE: AMENDMENT TO TITLE INSURANCE ACT, 215 ILCS 155/25	YES	NOT PLOTTABLE
28 NOTE: ILLINOIS STATUTE 765 ILCS 7/170 (S.B.161)	YES	NOT PLOTTABLE
27 EXCEPTION #3 & 44 OF COMMITMENT MAY BE DELETED UPON REVIEW AND EXAMINATION	YES	NOT PLOTTABLE
28 EXCEPTION #5 OF COMMITMENT MAY BE DELETED IF COMPANY RECEIVES SATISFACTORY FINAL AFFIDAVITS	YES	NOT PLOTTABLE
29 EXCEPTION #5 OF COMMITMENT MAY BE DELETED AT TIME OF CLOSING ALL TAXES AND ASSESSMENTS ARE PAID	YES	NOT PLOTTABLE
30 NOTE: ALL ENDORSEMENT REQUESTS SHOULD BE MADE PRIOR TO CLOSING	YES	NOT PLOTTABLE

### LEGEND:

ASPHALT WALL CONCRETE  
WOOD/PVC BRICK ENCLOSED/COVERED

SET IRON PIPE + CROSS  
PIPE REBAR/ROD - NOTCH  
PIPE PK NAILS AS NOTCH  
CHAIN LINK FENCE  
WOOD FENCE  
ALL OTHER FENCE TYPES  
OVER HEAD WIRES

ABBREVIATIONS:  
A = ARC LENGTH  
R = RADIUS  
CH = CHORD LENGTH  
(r) = RECORD VALUE  
(m) = MEASURED VALUE  
B.S.L. = BUILDING SETBACK LINE  
P.U.E. = PUBLIC UTILITY EASEMENT  
P.U.D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT

STORM DRAIN  
WATER VALVE  
FIRE HYDRANT  
GAS METER  
UTILITY BOX  
MANHOLE  
UTILITY POLE

Field Date AUGUST 18, 2017  
Client SYLVIA MCCLAIN TRUST DATED 9/7/1995  
Job No. 79331-17

**TYPE:**Public Hearing**SUBMITTED BY:**K. Pozsgay**DEPARTMENT:**CED**DATE:**12.04.18**DESCRIPTION:**

Consideration of a Conditional Use Permit to allow an Animal Hospital and Veterinary Offices at 1204 W Irving Park Rd.

***SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:***

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

**REQUEST:**

Conditional Use Permit,  
Animal hospitals, kennels, pet grooming, and veterinary offices,  
Municipal Code Section 10 – 7B – 3.

**SUMMARY:**

1. The Petitioner is seeking a Conditional Use Permit for an Animal hospitals and veterinary offices at 1204 W Irving Park Rd.
2. The applicant intends to purchase the property.
3. They will be moving from their existing building at 1032 W Irving Park Rd.
4. They intend to renovate the existing building, utilize the existing parking lot, and add new landscaping and signage.

**RECOMMENDATION:**

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Conditional Use Permit for Bensenville Animal Hospital with the following conditions:

1. The Conditional Use Permit be granted solely to the Bensenville Animal Hospital and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants 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 occupant without amendment to the Conditional Use Permit, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Conditional Use Permit, the new occupant shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit;
2. Discontinuation or Abandonment of Use. If a legal nonconforming use is discontinued, or the structure that it occupies becomes vacant or remains unoccupied for a period of six consecutive months, such use shall be deemed abandoned and shall not be reestablished regardless of the intent to continue the use. Any period of discontinuance or abandonment caused by a government action or an act of nature shall not be included in the six-month period. Any subsequent use or occupancy of such land or structure shall meet the requirements of the zoning district in which the use is located.
3. Complete plans (building, landscaping, parking, and signage) shall be provided and approved by staff.
4. No outdoor kennels.

**ATTACHMENTS:**

Description	Upload Date	Type
<b>Aerial &amp; Zoning Maps</b>	<b>11/29/2018</b>	<b>Backup Material</b>
<b>Legal Notice</b>	<b>11/29/2018</b>	<b>Backup Material</b>
<b>Application</b>	<b>11/29/2018</b>	<b>Backup Material</b>

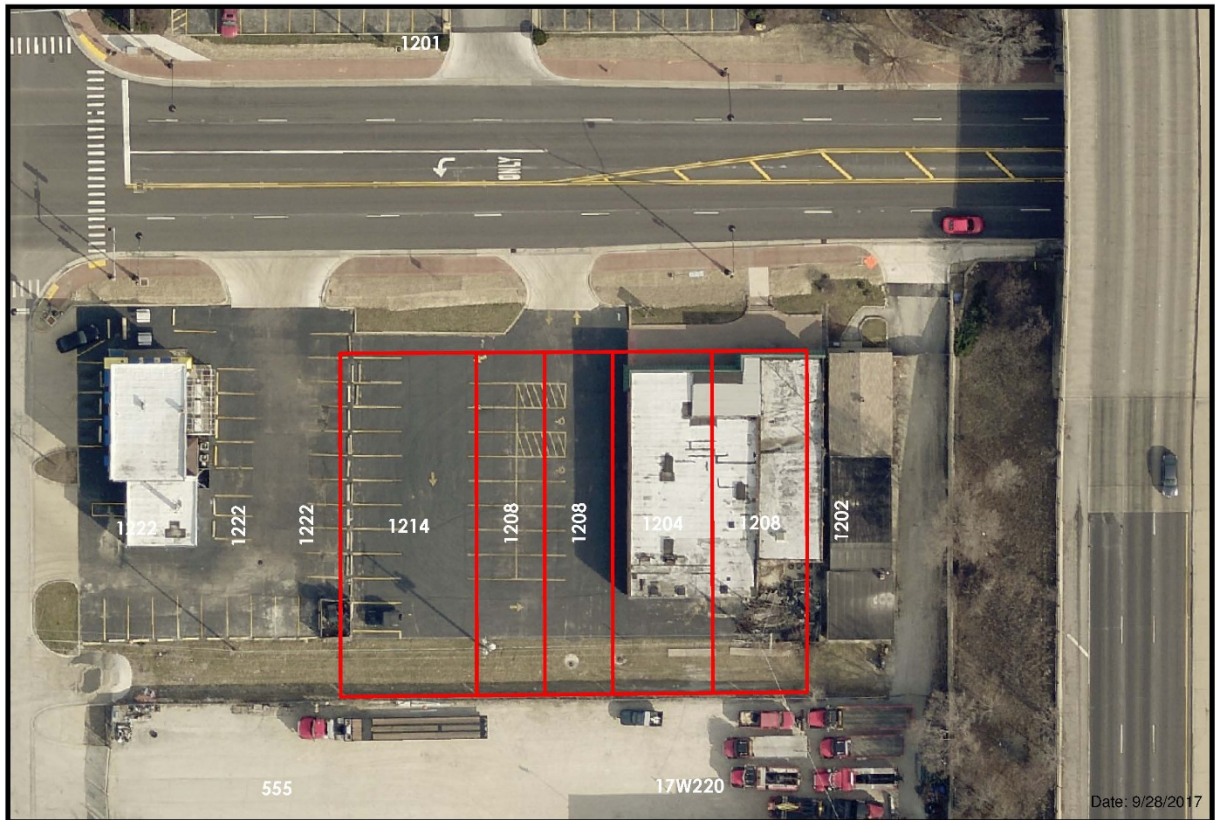
<b>Staff Report</b>	<b>11/29/2018</b>	<b>Executive Summary</b>
<b>Survey</b>	<b>11/29/2018</b>	<b>Backup Material</b>
<b>As Builts</b>	<b>11/29/2018</b>	<b>Backup Material</b>
<b>Plat</b>	<b>11/29/2018</b>	<b>Backup Material</b>





# Village of Bensenville

1204-1208 W Irving Park Rd



# Village of Bensenville

Zoning Map



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

NOTICE IS HEREBY GIVEN that on Tuesday, December 4, 2018 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. 2018 – 26 to consider a request for:

Conditional Use Permit, Animal hospitals, kennels, pet grooming, and veterinary offices,  
Municipal Code Section 10 – 7B – 3.

1204 W. 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:

LOT 5 (EXCEPT THE EAST 2 FEET) AND LOTS: 6, 7, 8, 9, 10, 11 IN BLOCK "B" IN THE FIRST ADDITION TO PERCY WILSON'S IRVING PARK MANOR, BEING A SUBDIVISION IN SECTION 10, 11, 14 AND 15, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1926 AS DOCUMENT 213044 IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 1204-1214 West Irving Park Road, Bensenville, IL 60106.

Roxy Properties of 6645 N Oliphant Avenue, Chicago, IL 60631 is the owner and Bensenville Animal Hospital of 1701 Pearl Street, Unit 7, Waukesha, WI 53186 the applicant for the subject property.

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, IL 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 December 4, 2018 until 5:00 P.M.

Office of the Village Clerk  
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT  
November 15, 2018**

## COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 1204-1214 W. IRVING PARK RD. Bensenville, ILProperty Index Number(s) (PIN): 03-15232008, "-007, "-006, "-005, "-004

## A. PROPERTY OWNER:

Name POXY PROPERTIES LLC

Corporation (if applicable)

Street AXIS REALTY 6643 N. OULPHANT AVE.City CHICAGO,State ILZip Code 60631Contact Person DINO GEROUKISTelephone Number & Email Address 773-594-1602 Dino@axis-realty.com

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

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

B. APPLICANT: ☐ Check box if same as ownerName DR. VIKRAMJIT DHILLONCorporation (if applicable) IRVING PARK INVESTMENTSStreet 1701 PEARL STREET, UNIT 7City WAUKESHAState WIZip Code 53186Contact Person KELLY LYNN CRONINTelephone Number & Email Address 414-248-8891 kelly.cronin@midwestpartnersRelationship of Applicant to subject property REGIONAL OPERATIONS DIRECTORApplicant Signature K. Cronin Date: 11/1/18

## 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 &amp; 1 copy 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.)  
SPECIAL USE PERMITTING FOR VETERINARY USE

**D. PROJECT DATA:**

1. General description of the site: SINGLE STORY VACANT RETAIL
2. Acreage of the site: 21,625 SQ. FT. Building Size (if applicable): 6,000 SQ. FT.
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.)  
LETTER OF INTENT EXTENODO
5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	<u>COMMERCIAL</u>	<u>SINGLE STORY VACANT RETAIL</u>	
North:	<u> </u>	<u>COMMERCIAL CORRIDOR</u>	
South:	<u> </u>	<u> </u>	
East:	<u> </u>	<u> </u>	
West:	<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."

STATE OF ILLINOIS

)  
)SS.

COUNTY OF DUPAGE AND COOK

)

**AFFIDAVIT OF OWNERSHIP**

I NICOLE GIEROUKIS/ROXY PROPERTIES the undersigned Affiant, being first duly sworn,  
on oath states:

1. That Affiant has personal knowledge of the representations and statements made herein, and has examined all necessary documents, records of ownership and such other information as is required to confirm the statements and representations herein;
2. That the owner(s) and contract purchaser(s), if any, as set forth on the Petition attached hereto is (are) the owner(s) of record and contract purchasers of said property;
3. That all consents to the attached Petition required of lenders or of others holding an interest in the property have been obtained;
4. This Affidavit of Ownership is given to induce the Village of Bensenville, without further inquiry as to ownership or purchase interest, to rely on said statements and representations and to process and set for Public Hearing the Petition as attached hereto; and,
5. Affiant is aware of and has been advised that any false statement set forth in this Affidavit of Ownership may subject Affiant to criminal sanctions for perjury, punishable as provided by the statutes of the State of Illinois in relation to the crime of perjury.

IN WITNESS WHEREOF, the undersigned has executed this Affidavit of Ownership  
this 8 day of, NOVEMBER 2018.

Nicole Gieroukis  
Signature

SUBSCRIBED and SWORN to  
before me this 8<sup>th</sup> day of November, 2018.

Karen L. Gavin  
Notary Public



## Municipal Code Section 10-3-4:C Approval Criteria for Conditional Uses

### 1. Traffic

No high volume traffic is expected from the new location. No traffic impact will be felt.

### 2. Environmental Nuisance

Any 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 Allowed Uses in the district, have been minimized. Sound barriers will be utilized. All animals will be kept indoors for boarding and veterinary visits.

### 3. Neighborhood Character

Neighborhood character will be improved as the building will be renovated and the surrounding lot landscaped.

### 4. Use of Public Services and Facilities

No undue burdens will be placed upon existing developments in the area. Veterinary business will be non-impactful for nearby businesses or infrastructure.

### 5. Public Necessity

Veterinary businesses are of great public value. We will continue to provide veterinary services in Bensenville, IL.

### 6. Other Factors

The use is in harmony with any other elements of compatibility pertinent in the judgment of the Board to the Conditional Use in its proposed location.

## STAFF REPORT

**HEARING DATE:** December 4, 2018  
**CASE #:** 2018 – 26  
**PROPERTY:** 1204 W Irving Park Rd  
**PROPERTY OWNER:** Roxy Properties  
**APPLICANT:** Bensenville Animal Hospital  
**SITE SIZE:** 21,625 SF  
**BUILDING SIZE:** 5,741 SF  
**PIN NUMBERS:** 03-15-232-004, 005, 006, 007, and 008  
**ZONING:** C – 2 Highway Commercial District  
**REQUEST:** Conditional Use Permit, Animal hospitals, kennels, pet grooming, and veterinary offices, Municipal Code Section 10 – 7B – 3.

## **PUBLIC NOTICE:**

1. A Legal Notice was published in the Bensenville Independent on Thursday November 15, 2018. A Certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours.
2. Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on Friday November 17, 2018.
3. On Friday November 17, 2018, 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 Petitioner is seeking a Conditional Use Permit for an Animal hospitals and veterinary offices at 1204 W Irving Park Rd. The applicant intends to purchase the property. They will be moving from their existing building at 1032 W Irving Park Rd. They intend to renovate the existing building, utilize the existing parking lot, and add new landscaping and signage.

## **SURROUNDING LAND USES:**

	<b>Zoning</b>	<b>Land Use</b>	<b>Comprehensive Plan</b>	<b>Jurisdiction</b>
<b>Site</b>	C – 2	Commercial	Local Commercial	Village of Bensenville
<b>North</b>	C – 2	Commercial	Local Commercial	Village of Bensenville
<b>South</b>	C – 2	Commercial	Local Commercial	Village of Bensenville
<b>West</b>	C – 2	Commercial	Local Commercial	Village of Bensenville
<b>East</b>	C – 2	Commercial	Local Commercial	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 checked="" type="checkbox"/>	Major Business/Corporate Center
<input checked="" type="checkbox"/>	Vibrant Major Corridors

Finance:

Account up to date.

Police:

No comments.

Engineering and Public Works:

No comments.

Community & Economic Development:Economic Development:

- 1) Retains an important business on the W Irving Park Rd/Mid-Town Commercial corridor and in TIF 12.
- 2) Fills a long vacant space with a good use.
- 3) Provides a needed service to the community.

Fire Safety:

They may have to install a fire sprinkler system and upgrade the existing fire alarm system.

Building:

Build-out will need to comply with all adopted codes including the Illinois Accessibility Code.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Local Commercial” for this property.
- 2) No plans submitted
  - a. Staff review and approval required for:
    - i. Site Plan
      1. Is front terrace to remain?
      2. If so what would it be used for?
      3. Perhaps it should be removed and area returned to greenspace.
      4. How will trash be handled (not medical waste /”sharps” etc.) but general trash. If outdoor dumpster to be used an enclosure is required. Where would it be located? Will it decrease the number of parking spaces?
    - ii. Architecture
      1. Architecture is “dated” are there any plans to update the façade?
      2. Staff believes the façade should be updated.
    - iii. Landscape
      1. Frontage is in need of landscaping, both in front of the building and in front of parking area.

iv. Signage

1. Is a freestanding sign proposed?
2. There is minimal area on the building for a wall sign (if the existing/dated façade remains).

v. Parking

1. Code requires 2.4 parking spaces per 1,000 SF. The applicant did not provide a proposed build out, but it is estimated the building currently is about 4,800 SF. That would require 12 parking spaces.
- 3) No outdoor kennels.
- 4) Will animals be kept overnight?
- 5) What are the hours of operation?
- 6) What is the number of employees?
- 7) Under their previous CUP they did not perform within the requisite timeframes. However, we believe that there were extenuating circumstances on that property.
- 8) Applicant must comply with any and all applicable conditions before the practice is allowed to open on this site.

**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: No high volume traffic is expected from the new location. No traffic impact will be felt.**

- 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: Any 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 Allowed Uses in the district, have been minimized. Sound barriers will be utilized. All animals will be kept indoors for boarding and veterinary visits.**

- 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: Neighborhood character will be improved as the building will be renovated and the surrounding lot landscaped.**

- 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: No undue burdens will be placed upon existing developments in the area. Veterinary business will be non-impactful for nearby businesses or infrastructure.**

- 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: Veterinary businesses are of great public value. We will continue to provide veterinary services in Bensenville, IL.**

- 6) **Other Factors:** The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location.

**Applicant's Response: The use is in harmony with any other elements of compatibility pertinent in the judgment of the Board to the Conditional Use in its proposed location.**

<b>Conditional Use Approval Criteria</b>	<b>Meets Criteria</b>	
	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 Approval of the above Findings of Fact and therefore the Approval of the Conditional Use Permit for Bensenville Animal Hospital with the following conditions:

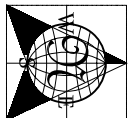
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shall not be included in the six-month period. Any subsequent use or occupancy of such land or structure shall meet the requirements of the zoning district in which the use is located.

3. Complete plans (building, landscaping, parking, and signage) shall be provided and approved by staff.
4. No outdoor kennels.

Respectfully Submitted,  
Department of Community  
& Economic Development





SCALE:  
1" = 25'

1'  
12.5'  
25'

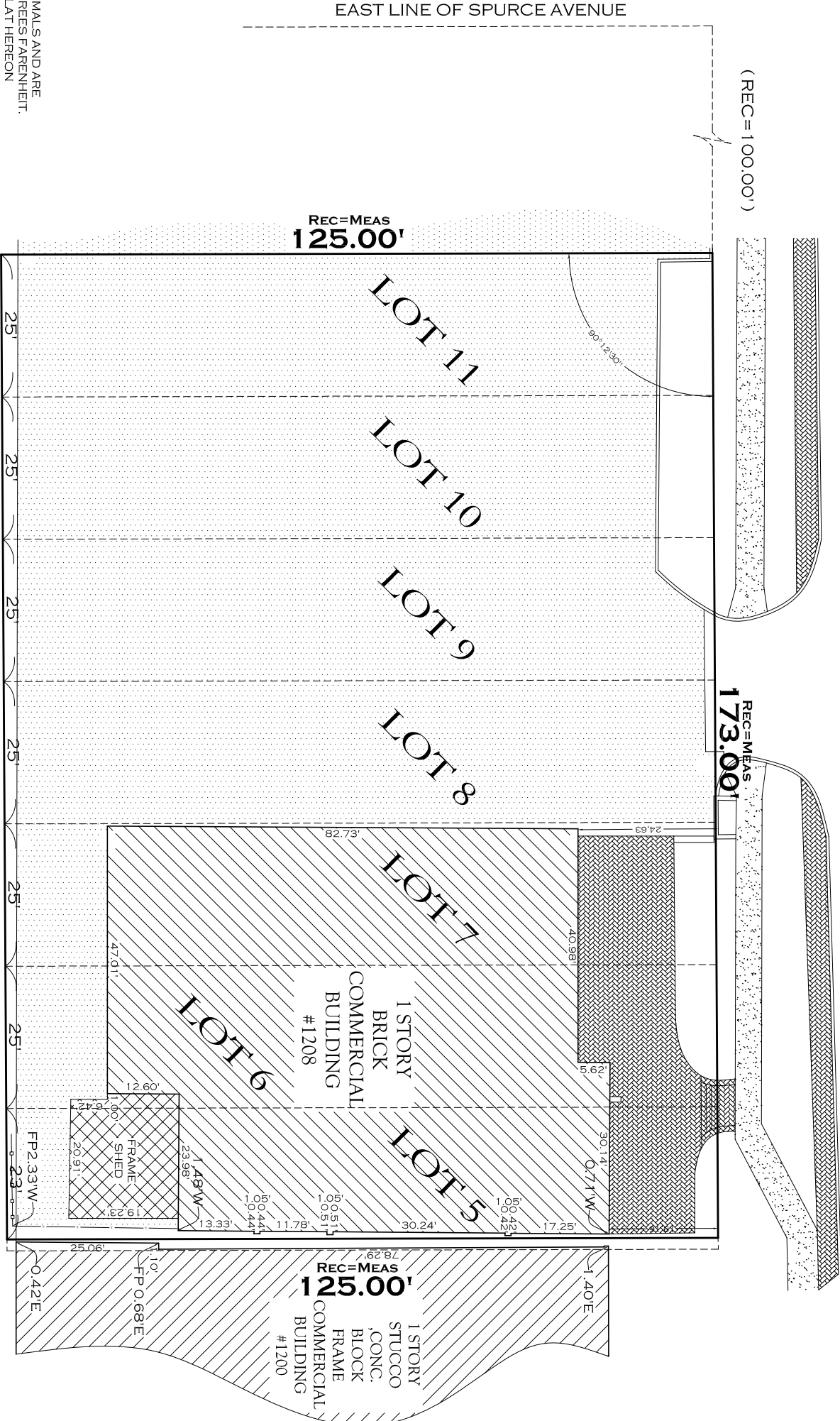
LOT 5 (EXCEPT THE EAST 2 FEET) AND LOTS: 6, 7, 8, 9, 10, 11 IN BLOCK "B" IN THE FIRST ADDITION TO PERCY WILSON'S IRVING PARK MANOR, BEING A SUBDIVISION IN SECTION 10, 11, 14 AND 15, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1926 AS DOCUMENT 213044 IN DUPAGE OOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 1204-12124 WEST IRVING PARK ROAD, BENSENVILLE, ILLINOIS.

# IRVING PARK ROAD

RODNEY J. LAW

CONSTRUCTION AND LAND SURVEYORS  
P.O. BOX 412 WAUCONDA, IL 60084  
TEL: (773) 450-9321 FAX: (773) 504-9321  
ACCURATEA@ATT.NET



NOTE:  
-DIMENSIONS ARE SHOWN IN FEET AND DECIMALS AND ARE CORRECTED TO A TEMPERATURE OF 68 DEGREES FAHRENHEIT.  
-THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREON DRAWN IS A COPY OF THE ORDER A FOR ACCURACY SHOULD BE COMPARED WITH THE TITLE OR DEED  
-DIMENSIONS ARE NOT TO BE ASSUMED FOR SCALING  
-COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCES.  
-REFER TO DEED, TITLE POLICY, AND LOCAL ORDINANCES FOR BUILDING RESTRICTIONS  
-COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCES.

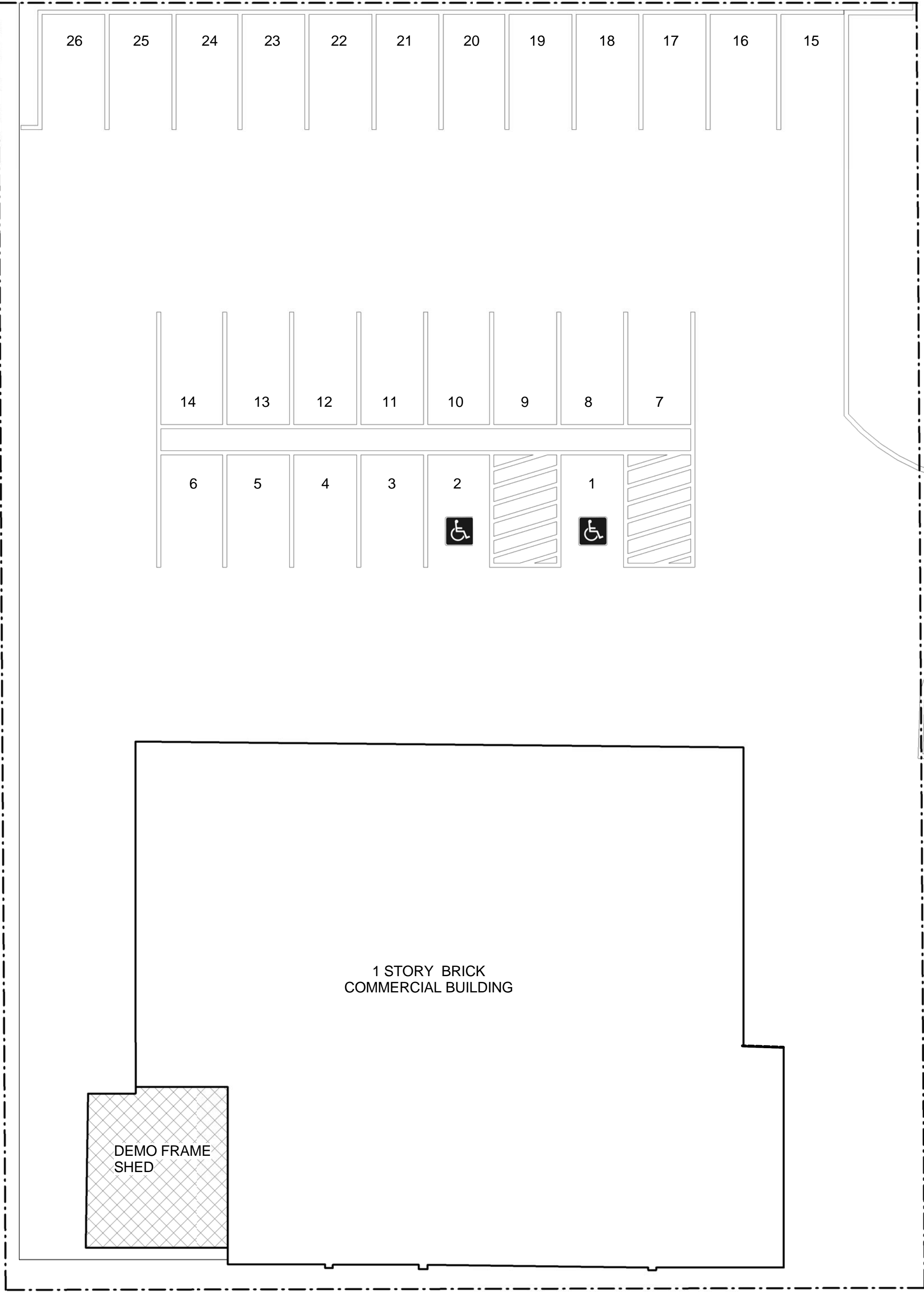
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173.00'  
NO P.V.M.T.  
20' PUBLIC ALLEY

ORDER# 144827  
DATE: 1/17/2014  
VITO

STATE OF ILLINOIS }  
COUNTY OF MCHEENRY }  
I, ROY G. LAW, LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN SURVEYED UNDER MY SUPERVISION IN THE MANNER REPRESENTED ON THE PLAT HEREON DRAWN THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

CARY, ILLINOIS APRIL 29, 2014  
BY: (DATE)

COMMERCIAL BUILDING AS BUILT



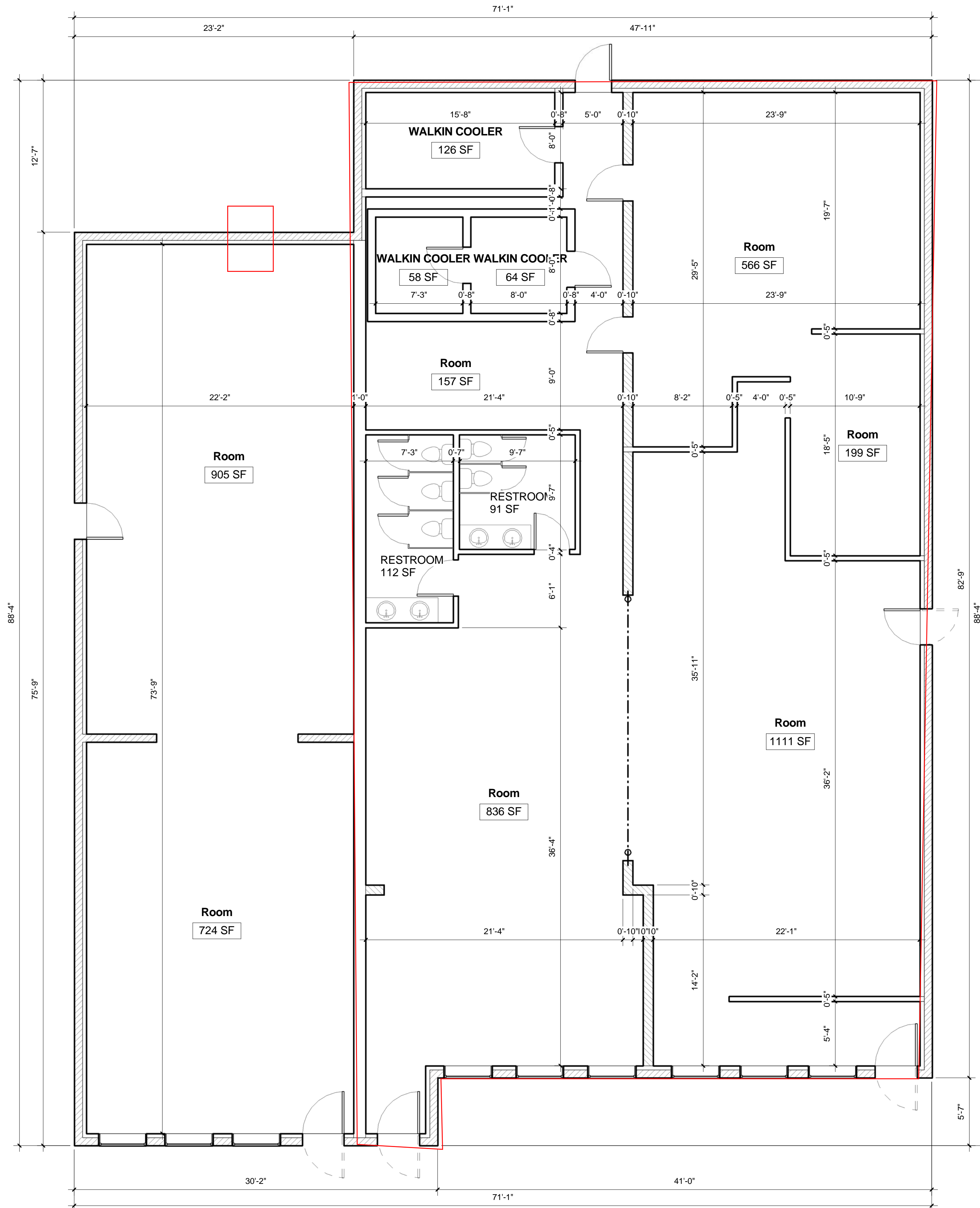
COMMERCIAL BUILDING AS BUILT  
1208 W IRVING PARK ROAD  
Bensenville, IL 60106

DATE:

PROJECT:

SHEET  
NO.

A100



COMMERCIAL BUILDING AS BUILT

1208 W IRVING PARK ROAD  
Bensenville, IL 60106

DATE:

PROJECT:

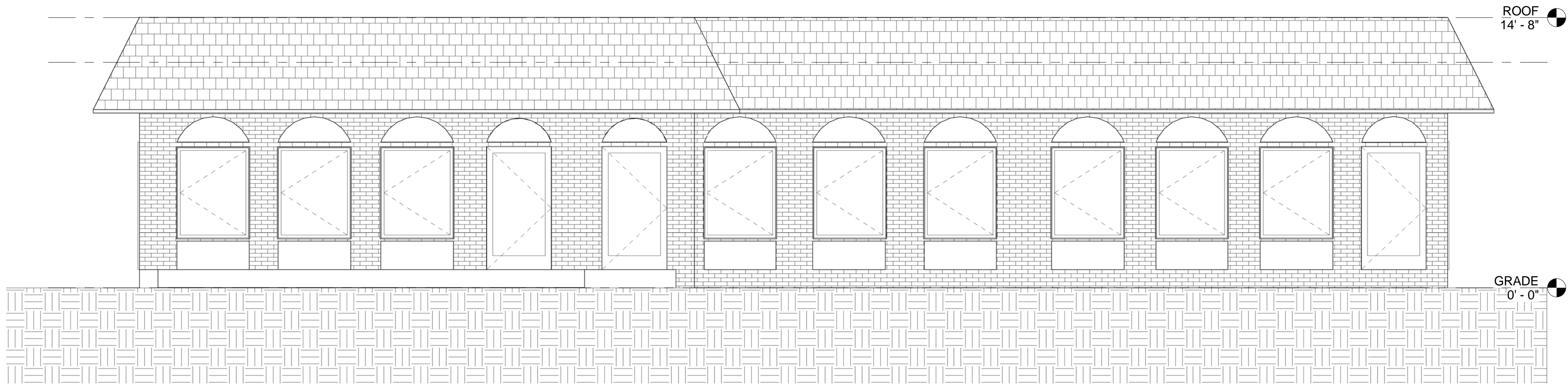
SHEET  
NO.

A102

FLOOR PLANS

SCALE: AS INDICATED

7/1/2014 7:52:16 PM



① FRONT ELEVATION  
1/4" = 1'-0"

COMMERCIAL BUILDING AS BUILT

1208 W IRVING PARK ROAD

Bensenville, IL 60106

DATE:

PROJECT:

SHEET  
NO.

A201

ELEVATIONS

SCALE: AS INDICATED

7/1/2014 7:52:17 PM



SCALE:  
1" = 25'

RGR Surveyor S. L. T. D.

# PLAT OF SURVEY

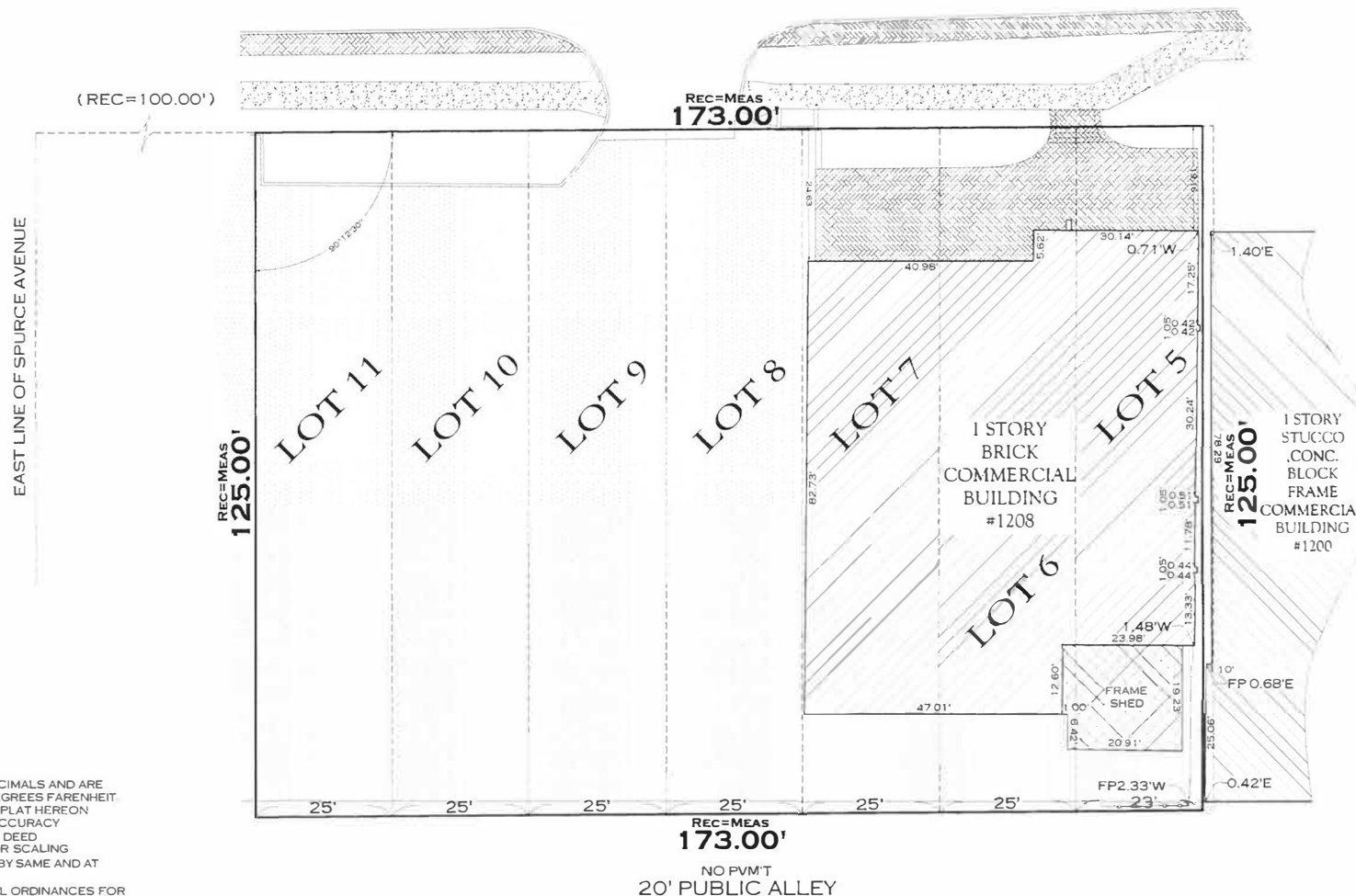
CONSTRUCTION AND LAND SURVEYORS  
P.O. BOX 412 WAUCONDA, IL 60084  
TEL: (773) 450-9321 FAX: (773) 504-9321  
ACCURATEA@ATT.NET

LOT 5 (EXCEPT THE EAST 2 FEET) AND LOTS 6, 7, 8, 9, 10, 11 IN BLOCK "B" IN THE FIRST ADDITION TO PERCY WILSON'S IRVING PARK MANOR, BEING A SUBDIVISION IN SECTION 10, 11, 14 AND 15, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1926 AS DOCUMENT 213044 IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 1204-12124 WEST IRVING PARK ROAD, BENSENVILLE, ILLINOIS.

## IRVING PARK ROAD

Exhibit A



NOTE:  
- DIMENSIONS ARE SHOWN IN FEET AND DECIMALS AND ARE CORRECTED TO A TEMPERATURE OF 68 DEGREES FAHRENHEIT.  
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- REFER TO DEED, TITLE POLICY, AND LOCAL ORDINANCES FOR BUILDING RESTRICTIONS.  
- COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCES.

ORDER# 14-4827  
DATE 1/17/2014  
ORDERED BY VITO

STATE OF ILLINOIS )  
COUNTY OF MCHEENRY )  
I, ROY G. LAWNICZAK, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN SURVEYED UNDER MY SUPERVISION IN THE MANNER REPRESENTED ON THE PLAT HEREON DRAWN THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

CARY, ILLINOIS APRIL 29/2014  
(DATE)

BY: ROY G. LAWNICZAK, ILL. REG. LAND SURVEYOR NO. 2290

**TYPE:**Public Hearing**SUBMITTED BY:**K. Pozsgay**DEPARTMENT:**CED**DATE:**12.04.18**DESCRIPTION:**Bensenville Zoning Ordinance Overlay Districts and Annexations***SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:***

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

**REQUEST:**

Replace Title 10 of Village Code

**SUMMARY:**

1. The CDC had previously recommending approval of the new Village Zoning Ordinance.
2. Village Board, while agreeing with the recommendation, remanded the draft ordinance back to CDC for additional considerations.
3. Staff and CMAP have drafted language to include a Chapter for Overlay Districts and additional language to the Annexation section.
4. The new language will create a White Pines overlay and facilitate the proposed annexations into the Village.

**RECOMMENDATION:**

Staff respectfully recommends approval the draft ordinance.

**ATTACHMENTS:**

Description

Upload Date

Type

**Proposed Annexation changes****11/29/2018****Backup Material****DuPage R4 District****11/29/2018****Backup Material**

## **2019 Zoning ordinance Sections**

### **White Pines Residential Overlay**

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#### **§ 10-6-5 Annexed Land**

Any property annexed to the Village shall be classified R-1 Single-Unit Dwelling District upon annexation and shall be subject to the requirements of the R-1 District until the property is rezoned. For property annexed to the Village in the area bounded by Church Road on the east, Illinois Route 83 on the west, 3<sup>rd</sup> Avenue (Jefferson Street) on the north and the Fisher Woods Forest Preserve on the south, shall be classified White Pines Residential Overlay District unless Designated otherwise as part of an annexation agreement.

- **37-704: - R-4 SINGLE-FAMILY RESIDENCE DISTRICT.**

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The R-4 single-family residence district is established to preserve and maintain existing single-family areas of the County and permit the continued development of residential uses in areas where public utilities are readily available.

(2005 Code)

- **37-704.1: - PERMITTED USES.**

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A.

The following uses are permitted:

***Accessory buildings, structures and uses:***

***Location:*** Except as otherwise hereinafter provided a detached accessory building, structure or use shall not be located within the front, side, corner side and rear yard setback requirements of the zoning lot, as set forth for the zoning district:

A detached accessory building, structure or use shall be located, erected, altered, or moved behind the front wall of the principal building, which is nearest to the front lot line.

When located entirely within the rear yard, detached accessory buildings, structure or use may observe the following location standards:

Within the rear yard of a reversed corner lot, a detached accessory building, structure or use, shall be located at least thirty (30) feet from the street lot line.

Within the rear yard of a corner lot, a detached accessory building, structure or use shall be located at least thirty (30) feet from the street line.

Detached accessory buildings, structure or use may be located at least three (3) feet from the rear property line even if they are not located entirely within the rear yard.

If a detached accessory building, structure or use is located completely within the required rear yard of a lot, it may be located at least three (3) feet from the interior side and rear lot lines.

On residential lots of twenty thousand (20,000) square feet or less, detached accessory buildings and structures and use may be



located at least three (3) feet from the interior side lot line if they are located behind the front wall of the principal structure.

***Height:***

On residential zoning lots of less than forty thousand (40,000) square feet, a detached accessory building, structure or use shall not exceed fifteen (15) feet in height.

On residential zoning lots of forty thousand (40,000) square feet or more, a detached accessory building, structure or use shall not exceed twenty-four (24) feet in height.

***Horses:*** In addition to the allowable floor area for attached buildings, private stables for the keeping of horses are permitted subject to the following conditions:

Where horses are permitted on residential property, two hundred seventy-five (275) square feet of the stable space shall be permitted for each permitted horse.

Stables shall be located not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

The total number of horses permitted on any given lot shall be determined by the use of the following formula:

One (1) horse for the first forty thousand (40,000) square feet of land area;

One (1) additional horse for each additional twenty thousand (20,000) square feet of land area.

Airplane hanger: In addition to the allowable floor area for attached buildings, where a residential property is part of an airport development, hanger space, whether attached or detached, shall contain not more than three thousand six hundred (3,600) square feet of floor area.

Home occupations.

Detached accessory buildings, structures and uses shall be permitted as follows:

A detached accessory building is a building, which is not connected to a principal building or use by a party wall or by a linkage building.

A detached accessory building shall be compatible with and subordinate in the floor area and size to the principal building.

A detached accessory building shall be established at the same time or after the completion of a principal building.

A detached accessory building shall include but not be limited to the following:

Detached garage/enclosed parking space;

Detached gazebo;

Detached pool houses;

Detached enclosed swimming pool/spa;

Detached shed; attached stable;

Detached tool shed;

Detached building similar to those buildings listed above which is not the principal building of the property;

A breezeway shall be considered detached and part of the detached accessory building.

**Floor area requirement:** Detached accessory building shall not exceed the maximum amount of floor area as hereinafter set forth:

On lots containing forty thousand (40,000) square feet or less of lot area, detached accessory building shall contain not more than six hundred fifty (650) square feet of floor area.

On lots containing more than forty thousand (40,000) square feet of lot area, permissible area for detached accessory buildings shall be based on a floor area ratio (FAR) of 0.01625 but shall in no case exceed two thousand six hundred (2,600) square feet of floor area.

If the principal building is constructed without an attached garage, an additional two hundred (200) square feet of gross floor area may be added to the detached accessory buildings permitted herein.

**Location:** Except as otherwise hereinafter provided a detached accessory building shall not be located within the front, side, corner side and rear yard setback requirements of the zoning lot, as set forth for the zoning district:

A detached accessory building shall be located, erected, altered, or moved behind the front wall of the principal building, which is nearest to the front lot line.

When located entirely within the rear yard, detached accessory buildings may observe the following location standards:

Within the rear yard of a reversed corner lot, a detached accessory building, shall be located at least thirty feet (30') from the street lot line.

Within the rear yard of a corner lot, a detached accessory building shall be located at least thirty feet (30') from the street line.

Detached accessory buildings may be located at least three feet (3') from the rear property line even if they are not located entirely within the rear yard.

If a detached accessory building is located completely within the required rear yard of a lot, it may be located at least three feet (3') from the interior side and rear lot lines.

On residential lots of twenty thousand (20,000) square feet or less, detached accessory buildings and structures may be located at least three feet (3') from the interior side lot line if they are located behind the rear wall of the principal structure.

**Height:**

On residential zoning lots of less than forty thousand (40,000) square feet, a detached accessory building shall not exceed fifteen feet (15') in height.

On residential zoning lots of forty thousand (40,000) square feet or more, a detached accessory building shall not exceed twenty-four feet (24') in height.

**Horses:** In addition to the allowable floor area for detached buildings, private stables for the keeping of horses are permitted subject to the following conditions:

Where horses are permitted on residential property, two hundred seventy-five (275) square feet of stable space shall be permitted for each permitted horse.

Stables shall be located not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

That the total number of horses permitted on any given lot shall be determined by use of the following formula:

One (1) horse for the first forty thousand (40,000) square feet of land area;

One (1) additional horse for each additional twenty thousand (20,000) square feet of land area.

**Airplane hanger:** In addition to the allowable floor area for detached buildings, where a residential property is part of an airport development, hanger space, whether attached or detached, shall contain not more than three thousand six hundred (3,600) square feet of floor area. Detached buildings containing hanger space shall not exceed thirty feet (30') in height.

Breezeway or any detached open air, roofed or covered accessory structure shall not exceed twenty feet (20') in length.

For purposes of this section the determination of the length of a detached open air, roofed or covered accessory structure shall be the portion of the structure which is most perpendicular to the front, and rear property lines of the zoning lot.

Detached open air, roofed or covered accessory structure shall include but not be limited to the following: breezeway,; open porch; portico; terrace; trellis; or any similar type structure to those listed above.

Easement: A detached accessory building shall not encroach on a drainage or utility easement without waivers from the local public or quasi-public entities or utility companies to which such easement was dedicated.

Noncommercial radio and television towers and antennas and accessory buildings containing hangar space shall conform to the height requirements of the residential zoning districts.

Roadside stands where all the farm products are grown or raised on said lot.

4-H projects may be permitted on a zoning lot containing not less than forty thousand (40,000) square feet of land area. All buildings for a 4-H project shall be set back not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

Noncommercial radio and television towers and antennas, including the structure thereto, shall be permitted subject to the following conditions:

Shall comply with applicable Federal Communications Commissions (FCC) height restrictions, if any,

No portion of any tower, antenna or support wires may be located within any required yard or closer than ten feet (10') to any lot line, whichever is greater.

All yards shall be increased by one foot (1') for each additional two feet (2') by which the tower or antenna height exceeds thirty feet (30') in height.

In no event shall the tower or antenna exceed one hundred feet (100') in height except by a conditional use permit.

Carrier and racing pigeon lofts where such lofts have been constructed in compliance with the County Building Code.

The storage of household accessory equipment shall be in an enclosed structure.

Trails for recreation or transportation by foot, horse, or non-motorized vehicles.

Daycare homes which receive no more than eight (8) children under the age of twelve (12) (including the provider's own children) and which do not have any outside employees.

Excavation and/or filling. The excavation and/or filling of any land not located within a floodplain and/or wetland area, where the excavation and/or filling operation meets all requirements established in Section 37-1408 of this chapter.

Golf courses, except as regulated elsewhere in this section, provided that all buildings shall be located not less than one hundred feet (100') from any residential lot line and the course shall not be lighted for night operations.

Group homes.

Place of Assembly including the following: private club, lodge and fraternal organization; religious institutions (including chapels, churches, synagogues, temples, mosques and other religious institutions including parsonages and rectories), where the subject property meets the following criteria:

- a. The property is located adjacent to at least an arterial roadway as defined by the DuPage County Division of Transportation;
- b. The use takes primary access to and from the arterial roadway;
- c. The use is operated using public sewer and water;
- d. The use is not operated in an existing single-family home or dwelling unit.

Public land and buildings.

Totlots.

Single-family detached dwellings.

Temporary buildings and uses:

**A. Model Home/Temporary Office:** A model home including a temporary office for sale or rental of units within the development or other subdivided land adjoining such development may be constructed as an integral part of the development site (subdivision or planned development). Such model home and/or temporary office shall be permitted for a period of time not to exceed sixty (60) days after the sale of the last unit within the development site. One (1) identification sign shall be permitted.

**B. Temporary Construction Yard:** The temporary use of land for the installation, maintenance and operation of facilities used by contractors in the construction yard is an integral part, provided such facilities shall be located not less than five hundred feet (500') from any building used for residential purposes (buildings not being a part of the development site, subdivision, or planned development), and provided that the period of such temporary use shall not exceed the duration of construction for the development site.

Any existing principal building or accessory structure located upon the development site may be utilized for office space or for the enclosed storage of equipment and/or building supplies associated with the development of the site, provided such temporary use of existing buildings shall not exceed the duration of the construction for the development site.

**C. Other temporary uses.** Temporary uses shall be reviewed by and approved by the Director, Department of Economic Development and Planning, prior to being established on a zoning lot. The director shall have the authority to establish reasonable terms and conditions for the

temporary use including, but not limited to, location on the lot, parking and time limit.

B.

**Permitted Encroachments:** The following accessory buildings, structures and uses are permitted and may encroach in the required setback yards as follows:

*(F - Denotes front yard; R - Denotes rear yard; S - Denotes interior side yard; CS - Denotes corner side yard)*

Use:	Setback or Permitted encroachment into required yard	A. Required Yards			
Air conditioning window units	May encroach 2'	F	S	R	CS
Arbor	3' Setback	F	S	R	CS
Architectural entrance	5' Setback	F	S	R	CS
Architectural feature (not to exceed 4 feet in height)	May encroach 30%	-	S	R	-
Awning	May encroach 10%	F	S	R	CS
Balcony	May encroach 10%	F	-	R	CS
Basketball: Court, poles, rim, net	10' Setback	-	S	R	-
Bay window	May encroach 10%	F	S	R	CS

Chimney	May encroach 10%	F	S	R	CS
Compressors: For air conditioning units/heat pump	May encroach 10%	-	S	R	-
Deck	15' Setback	-	-	R	-
Dog run	10' Setback	-	-	R	-
Driveway: Side loading attached garage	1' Setback	F	S	R	CS
Driveway: Detached garage, carport and open-air parking space behind the house.	1' Setback	F	S	R	CS
Eave and gutter	May encroach 10%	F	S	R	CS
Fence. (See also section 37-407 of this article)	3 inches Setback	F	S	R	CS
Firewood	3' Setback	-	S	R	-
Flagpole	10' Setback	F	S	R	CS



Fountain	10' Setback	F	S	R	CS
Gate: Entrance gates not to exceed 8 feet in height and must be at least 50% open	5' Setback	F	-	R	CS
Gazebo	10' Setback	-	-	R	-
Generator	May encroach 10%	-	S	R	-
Gutter and eave	May encroach 10%	F	S	R	CS
Laundry drying equipment	10' Setback	-	-	R	-
Light standard	5' Setback	F	S	R	CS
Outside fireplace	3' Setback	-	S	R	-
Patio	3' Setback	-	S	R	-
Pond: Ornamental	10' Setback	F	S	R	CS
Porch: Open or roofed	May encroach 10%	F	-	R	CS

Portico: Open or roofed	May encroach 10%	F	-	R	CS
Recreational structure and equipment	10' Setback	-	-	R	-
Retaining wall	1' Setback	F	S	R	CS
Sidewalk, path and walkway	1' Setback	F	S	R	CS
Sign: (See article XI)					
Statuary	10' Setback	F	S	R	CS
Stoop	May encroach 30%	F	S	R	CS
Sump pump and surface water discharge pipes/ structure	3' Setback	F	S	R	CS
Swimming pool, open air outdoor	10' Setback	-	-	R	-
Tennis court	10' Setback	-	-	R	-
Terrace	3' Setback	-	S	R	-

Trellis	3' Setback	F	S	R	CS
Volleyball court	10' Setback	-	-	R	-
Well head	5' Setback	F	S	R	CS
Wing wall (not to exceed 4 feet in height)	May encroach 30%	-	S	R	CS
Decks, gazebos, patios and terraces: Planned Development:	Where a residential development, (attached or detached), is developed as a planned development which contains a Homeowners Association (HOA), and is developed on fee simple lots with rear yards of 20 feet where the rear yard is adjacent to interior common open space which is at least 20 feet wide, decks, gazebos, patios and terraces may be permitted 3 feet from the rear lot line providing the following:				
	1. The HOA has voted to allow said structures 3 feet or greater from the rear lot line.				
	2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application.				
Docks: Residential development adjacent to private lake:	Where a residential development is developed on fee simple lots and the rear lot lines are adjacent to interior common open space consisting of a lake which extends into the rear yards of the lots and which contains a Homeowners Association (HOA), docks may be allowed within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10') provided the following:				

	<p>1. The HOA has voted to allow docks within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10').</p>
	<p>2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application.</p>

(2005 Code; Ord. ZP-T-3-05; Ord. No. T-2-11, Exh. 1(5), (20), 10-11-2011; Ord. No. T-2-12, 10-23-2012)

- **37-704.2: - CONDITIONAL USES.**

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The following conditional uses require prior approval after a public hearing in accordance with the requirements of Section 37-1413 of this chapter:

Accessory housing.

Accessory uses on a residential zoning lot, (including buildings, structures and uses) that are accessory to the principal use, building or structure on a residential zoning lot which have been established on a residential lot for at least five (5) years but without proper authority, (e.g.: without building or zoning permits).

Bed and breakfast establishments.

Cemeteries, provided all buildings shall be located not less than fifty feet (50') from any residential lot line.

Detached accessory buildings or structures having a gross floor area exceeding the maximum accessory building floor area permitted in the R-4 district.

Detached accessory buildings: Increase in the allowable Floor Area Ratio but in no instance shall the increase be larger than the principal building on the property.

Dwelling group quarters.

Funeral homes where the subject property is located adjacent to a non-residential zoning district boundary line, or the subject property has frontage on at least a minor arterial roadway. Furthermore, that all vehicles related to the operation of the funeral home shall be parked or stored in a completely enclosed building.

Existing private airports.

Greenhouses and nurseries (on lots containing less than five (5) acres of land area) including wholesale sales of plant materials and crops, all of which are grown on the zoning lot. Heating plant installation in connection with greenhouse operations shall conform with the applicable performance standards set forth in [Section 37-1003](#) of this chapter.

Mining, loading and hauling of sand, gravel or other aggregate, but not including equipment, buildings, or structures for screening, crushing, working or storage excepting as may be specifically authorized for a limited period.

Model home including a sales office may be established on any property when meeting the following criteria:

- A. Shall be located on a street classified as a major collector or arterial street.
- B. Shall be permitted for a period of five (5) years.
- C. Shall provide not less than four (4) parking spaces meeting all criteria of the zoning district in which such use is located.
- D. Shall be permitted one (1) identification sign pursuant to Subsection 37-1105.1B. of this chapter.
- E. No outdoor storage of commercial vehicles, construction vehicles, equipment or supplies shall be permitted on the site of the model home.
- F. Display illumination of the model home shall be directed away from surrounding properties and shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.
- G. Shall be established only on existing subdivided lots or zoning lots of record.

Noncommercial radio and television towers and antennas, which exceed the maximum height permitted in the R-4 district.

Pets - more than four (4) pets over four (4) months of age on a residential lot owned by a resident of the lot.

Planned developments.

Public utility and/or service uses:

Essential services including fully automated gas regulating stations, telephone exchanges and electric substations.

Railroad passenger stations when not located on railroad property.

Towers and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations.

Wastewater treatment plants.

Waterworks, reservoirs, pumping stations, filtration plants and wells.

Other governmental and utility service uses.

Recreational use which is the principal use of the property:

Basketball court, clubhouse, swimming pool, tennis court or similar type use on lots which are the principal use of the property shall contain a minimum of eighty thousand (80,000) square feet of land area.

Golf courses on a minimum of thirty (30) acres of land area, golf courses lighted for night operation, golf learning centers, driving ranges and miniature golf courses as follows:

A. All buildings or structures shall be located not less than fifty (50) feet from any residential property line.

B. Lighting for night operation of recreational uses shall be directed away from surrounding properties.

Place of Assembly use established prior to October 25, 2011 which is either a conforming existing place of assembly use established prior to October 25, 2011 and established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval or legal nonconforming existing place of assembly use established prior to October 25, 2011 and not established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval.

Polo fields, fishing ponds, hunt and gun clubs, conservation clubs, archery ranges, picnic grounds, private saddle clubs and swimming pools on lots containing a minimum of five (5) acres of land area.

Public and private parks, playgrounds, picnic groves, play fields and other open spaces.

Stables and riding academies which are the principal use of the property.

Residential care uses:

Daycare centers.

Daycare centers, adult.

Daycare homes which receive from nine (9) to twelve (12) children under the age of twelve (12) (including the provider's own children) or which have one (1) or more outside employees.

Group daycare homes.

Roadside stands where less than one hundred percent (100%) of the farm products are grown or raised on said lot.

Schools, public and private colleges, universities and other institutions of higher learning.

Schools, public and private elementary, junior high and high schools, boarding or nonboarding.

Separate living quarters for domestic servants employed on the premises.

(2005 Code; Ord. No. T-1-11, Exh. 1, 3-22-2011; Ord. No. T-2-11, Exh. 1(5), 10-11-2011; Ord. No. T-2-12, 10-13-2012; Ord. No. T-3-12A, 12-11-2012; Ord. No. T-1-17, 2-13-2018)

- **37-704.3: - LOT REQUIREMENTS - SIZE, WIDTH AND DEPTH.**

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Except as otherwise provided herein, a separate minimum ground area herein called the zoning lot, shall be designated, provided and continuously maintained for each building containing a permitted or conditional use, as follows:

Use	Minimum Lot Size	Lot Width		Lot Depth
		Interior	Corner	
Single-Family Detached Dwellings served with septic and well	40,000 sq. ft.	125'	150'	100'
Single-Family Detached Dwellings served with sewer and well	20,000 sq. ft.	100'	125'	100'
Single-Family Detached Dwellings served with septic and water	10,000 sq. ft.	75'	100'	100'
Reserve Lot exclusive of reserve strip	40,000 sq. ft.	125 feet	NA	100'



Use	Minimum Lot Size	Lot Width		Lot Depth
		Interior	Corner	
Reserve Strip	NA	20' reserve strip	NA	NA
Historic Lot of Record containing a Single-Family Detached Dwelling	NA	66' when served with septic and well	NA	NA
		50' when served with sewer and well	NA	NA
		44' when served with sewer and water	NA	NA
Cemeteries	80,000 sq. ft.	125'	150'	100'
Planned Developments	NA	NA	NA	NA
Schools	100,000 sq. ft. for the first 100 pupils, plus 20,000 sq. ft. for each	125'	150'	100'

Use	Minimum Lot Size	Lot Width		Lot Depth
		Interior	Corner	
	additional 50 pupils or any portion thereof			
Place of Assembly Use, Indoor Recreational facilities, libraries, museums and art galleries	100,000 sq. ft. for the first 100 occupants in the main assembly area or building based on design rated occupancy plus an additional 20,000 sq. ft. for each additional 50 occupants or any portion thereof based on design rated occupancy	125'	100'	100'
All Other Permitted Or Conditional Uses	40,000 sq. ft.	125'	150'	100'

A.

**Exception: Average Front Yard Less Than Minimum Setback:** On streets where a front yard setback has heretofore been maintained by buildings situated on lots or tracts comprising not less than fifty percent (50%) of the total street frontage on one (1) side of that portion of any street including: 1) lying between two (2) intersecting streets, 2) lying between one (1) intersecting street and the centerline extended of the nearest street connecting with, but not intersecting such street, or 3) lying between the centerlines extended of the nearest streets connecting with, but not intersecting such street, buildings shall maintain a front yard (building setback) as required in the zoning district in which such property is located, or may maintain a lesser front yard, as determined by the average front yard (building setback) provided by existing buildings.

(Ord. T-4-05, 7-11-2006; Ord. No. T-2-11, Exh. 1(5), 10-11-2011)

- **37-704.4: - YARD, HEIGHT AND FLOOR AREA RATIO REQUIREMENTS.**

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Notwithstanding section 37-700.4 of this chapter and except as otherwise provided herein, each principal building located in the R-4 district shall provide for one (1) front yard, two (2) interior side yards or one (1) interior side yard and one (1) corner side yard, and one (1) rear yard.

**A. Minimum Yard, Height, FAR and Lot Coverage Required:**

Use	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard	Height	FAR	Lot Cover-age
Single-family detached dwelling	30'	10% of lot width (does not need to exceed 10')	30'	25'	36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In	.35	NA

Use	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard	Height	FAR	Lot Cover- age
					no case shall the height exceed 72').		
Historic Lot of Record containing a single-family detached dwelling	30'	10% of lot width (does not need to exceed 10')	30' or where the lot is less than 75' wide, 20'	25'	36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which	.35	NA

Use	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard	Height	FAR	Lot Cover- age
					exceeds the maximum height. In no case shall the height exceed 72').		
Schools	30'	40' adjacent to a residential zoning district 20' adjacent to a non- residential zoning district	50' adjacent to a residential zoning district 30' adjacent to a non- residential zoning district	50' adjacent to a residential zoning district 25' adjacent to a non- residential zoning district	36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or	.25	50%

Use	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard	Height	FAR	Lot Cover- age
					attached structure which exceeds the maximum height. In no case shall the height exceed 72').		
Place of Assembly Use, Indoor Recreational facilities, Schools, Public and private, libraries, museums and art galleries	30'	40' adjacent to a residential zoning district	50' adjacent to a residential zoning district	50' adjacent to a residential zoning district	36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the	.25	50%

Use	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard	Height	FAR	Lot Cover- age
					portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72').		
		20' adjacent to a non- residential zoning district	30' adjacent to a non- residential zoning district	25' adjacent to a non- residential zoning district			
All other permitted or conditional uses	30'	20'	30'	25'	36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each	.25	50%



Use	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard	Height	FAR	Lot Cover- age
					<p>1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72').</p>		

**B. *PERMITTED ENCROACHMENTS:*** The following accessory buildings, structures and uses are permitted and may encroach in the required setback yards as follows:

*(F - Denotes front yard; R - Denotes rear yard; S - Denotes interior side yard; CS - Denotes corner side yard)*

Use:	Setback or Permitted Encroachment into Required Yard	Required Yards			
		F	S	R	CS
Air conditioning window units	May encroach 2'	F	S	R	CS
Arbor	3' Setback	F	S	R	CS
Architectural entrance	5' Setback	F	S	R	CS
Architectural feature (not to exceed 4 feet in height)	May encroach 30%	-	S	R	-
Awning	May encroach 10%	F	S	R	CS
Balcony	May encroach 10%	F	-	R	CS
Basketball: Court, poles, rim, net	10' Setback	-	S	R	-
Bay window	May encroach 10%	F	S	R	CS
Chimney	May encroach 10%	F	S	R	CS

Use:	Setback or Permitted Encroachment into Required Yard	Required Yards			
Compressors: for air conditioning units/heat pump	May encroach 10%	-	-	R	-
Deck	15' Setback	-	-	R	-
Dog run	10' Setback	-	-	R	-
Driveway: side loading attached garage	1' Setback	F	S	R	CS
Driveway: detached garage, carport and open-air parking space behind the house.	1' Setback	F	S	R	CS
Eave and gutter	May encroach 10%	F	S	R	CS
Fence. (See also Section 37-407 of this article)	3 inches Setback	F	S	R	CS

Use:	Setback or Permitted Encroachment into Required Yard	Required Yards			
Firewood	3' Setback	-	S	R	-
Flagpole	10' Setback	F	S	R	CS
Fountain	10' Setback	F	S	R	CS
Gate: Entrance gates not to exceed 8 feet in height and must be at least 50% open.	5' Setback	F	-	R	CS
Gazebo	10' Setback	-	-	R	-
Gutter and eave	May encroach 10%	F	S	R	CS
Laundry drying equipment	10' Setback	-	-	R	-
Light standard	5' Setback	F	S	R	CS
Outside fireplace	3' Setback	-	S	R	-

Use:	Setback or Permitted Encroachment into Required Yard	Required Yards			
Patio	3' Setback	-	S	R	-
Pond: Ornamental	10' Setback	F	S	R	CS
Porch: Open or roofed	May encroach 10%	F	-	R	CS
Portico: Open or roofed	May encroach 10%	F	-	R	CS
Recreational structure and equipment	10' Setback	-	-	R	-
Retaining wall	1' Setback	F	S	R	CS
Sidewalk, path and walkway.	1' Setback	F	S	R	CS
Sign: (See Article XI)					
Statuary	10' Setback	F	S	R	CS

Use:	Setback or Permitted Encroachment into Required Yard	Required Yards			
		F	S	R	CS
Stoop	May encroach 30%	F	S	R	CS
Sump pump and surface water discharge pipes/structure	3' Setback	F	S	R	CS
Swimming pool, open air outdoor	10' Setback	-	-	R	-
Tennis court	10' Setback	-	-	R	-
Terrace	3' Setback	-	S	R	-
Trellis	3' Setback	F	S	R	CS
Volleyball court	10' Setback	-	-	R	-
Well head	5' Setback	F	S	R	CS

Use:	Setback or Permitted Encroachment into Required Yard	Required Yards			
Wing Wall (not to exceed 4 feet in height)	May encroach 30%	-	S	R	CS
Decks, gazebos, patios and terraces: Planned Development:	<p>Where a residential development, (attached or detached), is developed as a planned development which contains a Homeowners Association (HOA), and is developed on fee simple lots with rear yards of twenty feet (20') where the rear yard is adjacent to interior common open space which is at least twenty feet (20') wide, decks, gazebos, patios and terraces may be permitted three feet (3') from the rear lot line providing the following:</p> <ol style="list-style-type: none"> <li>1. The HOA has voted to allow said structures three feet (3') or greater from the rear lot line.</li> <li>2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application.</li> </ol>				
Docks: Residential development adjacent to private lake:	<p>Where a residential development is developed on fee simple lots and the rear lot lines are adjacent to interior common open space consisting of a lake which extends into the rear yards of the lots and which contains a Homeowners Association (HOA), docks may be allowed within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10') provided the following:</p> <ol style="list-style-type: none"> <li>1. The HOA has voted to allow docks within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10').</li> <li>2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application.</li> </ol>				

C.

**USE OF YARDS:** All nonsingle-family detached uses shall utilize required yards in the following manner:

1.

Front and corner side yards shall be maintained for the purpose of providing site access, fire access, landscaping and fences. Except as otherwise provided in Sections 37-704.7 and 37-1411 of this chapter, accessory off-street parking and on site circulation shall be prohibited in front yards and corner side yards.

2.

Interior side yards and rear yards shall be maintained for the purpose of providing site access, fire access, landscaping and fences. Except as otherwise provided in Sections 37-704.7 and 37-1411 of this chapter, accessory off-street parking and on site circulation shall be prohibited in interior side and rear yards.

(2005 Code; Ord. No. T-2-11, Exh. 1(5), 10-11-2011)

- **37-704.5: - RESERVED.**

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**Editor's note—** Ord. No. T-2-11, Exh. 1(5), adopted October 11, 2011, repealed § 37-704.5, which pertained to building bulk requirements. See also the Code Comparative Table.

- **37-704.6: - SIGNS.**

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See Article XI of this chapter.

(2005 Code)

- **37-704.7: - OFF-STREET PARKING AND LOADING REQUIREMENTS.**

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In addition to the requirements of Section 37-700.7 of this chapter, see Section 37-1200 of this chapter.

Any nonsingle-family detached use may utilize up to twenty percent (20%) of the interior portion of any required yard for accessory off-street parking or on site circulation. Any nonsingle-family detached use which does utilize up to twenty percent (20%) of any required yard for parking or circulation shall be subject to the provisions of Sections 37-415, "Site Plan Review," and 37-419, "Landscaping," of this chapter.

(2005 Code)



- **37-704.8: - REQUIRED CONDITIONS.**

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Reserved.

(2005 Code)

- **37-704.9: - ADDITIONAL CONDITIONS.**

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A.

**TRASH CONTAINERS:** All outside trash containers for any nonsingle-family detached development located in the R-4 single-family residence district shall be enclosed with fences, masonry walls or landscaping which shall provide a full landscape screen according to the provisions of Section 37-419, "Landscaping," of this chapter.

(2005 Code)