

## Village Board

### Village President

Frank DeSimone

### Trustees

Rosa Carmona

Ann Franz

Agnieszka "Annie" Jaworska

McLane Lomax

Nicholas Panicola Jr.

Armando Perez

### Village Clerk

Nancy Quinn

### Village Manager

Evan K. Summers



**BENSENVILLE**  
GATEWAY TO OPPORTUNITY

**Village of Bensenville, Illinois**  
**VILLAGE BOARD**  
**COMMUNITY AND ECONOMIC**  
**DEVELOPMENT COMMITTEE MEETING**  
**AGENDA**  
**6:45 PM June 20, 2017**  
**Or Immediately Following the Administration**  
**Finance & Legislation Committee Meeting**

Call to Order

Roll Call

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

Approval of Minutes:

May 15, 2017 Community and Economic Development Committee Minutes

### **ACTION ITEMS**

1. Consideration of Resolution in Support of DuPage County Rt 83 LTA Application
2. Consideration of an Ordinance Amending Building Permit Fees and Occupancy Requirements
3. Consideration of an Ordinance Approving a Text Amendment to the C - 2 Highway Commercial District
4. Consideration of an Ordinance Approving Variances for Construction of a 364 Square Foot Shed for the Applicant John Tornabene, Located at 333 Diana Court, Bensenville, Illinois
5. Consideration of an Ordinance for a Variance for the Construction of a Porch on a Non-Conforming Home for the Applicant James Ricker, located at 21 East Pine Avenue, Bensenville, Illinois
6. Consideration of an Ordinance Approving Variances for the Installation of Awnings/Signage for the Applicant OnTime Messenger Service, Inc., located at 1280 North Illinois Route 83, Bensenville, Illinois
7. Consideration of an Ordinance Approving Variances to Construct a New Warehouse and Office Building for the Applicant Brunner & Lay Inc, located at 544 E Pine Avenue, Bensenville, Illinois

### **INFORMATIONAL ITEMS**

**Adjournment**

**TYPE:**Minutes**SUBMITTED BY:**Corey Williamsen**DEPARTMENT:**Village Clerk's Office**DATE:**June 20, 2017**DESCRIPTION:**May 15, 2017 Community and Economic Development Committee Minutes**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:****COMMITTEE ACTION:****DATE:****BACKGROUND:****KEY ISSUES:****ALTERNATIVES:****RECOMMENDATION:****BUDGET IMPACT:****ACTION REQUIRED:****ATTACHMENTS:**

Description

Upload Date

Type

**DRAFT\_170515\_CED****6/9/2017****Cover Memo**

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

**MINUTES OF THE COMMUNITY & ECONOMIC DEVELOPMENT  
COMMITTEE MEETING  
May 15, 2017**

**CALL TO ORDER:** President DeSimone called the meeting to order at 6:04 p.m.

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

President DeSimone, Carmona, Franz, Jaworska, Perez

Absent: Lomax

Village Clerk, Nancy Quinn, was also present.

A quorum was present.

Staff Present: E. Summers, J. Caracci, T. Finner, B. Flood, G. Ferguson, F. Kosman, M. Patel, A. Thakkar, S. Viger, C. Williamsen

**Public Comment:** There was no public comment.

**Approval of Minutes:** The April 18, 2017 Community & Economic Development Committee minutes were presented.

**Motion:** Trustee Carmona made a motion to approve the minutes as presented. Trustee Jaworska seconded the motion.

All were in favor. Motion carried.

**770-830 John St.:** Village Manager, Evan K. Summers, presented to the Committee an Ordinance for Preliminary and Final Planned Unit Development to Construct 37 Single Family homes for the applicant Dubin Holding, located at 770-830 John Street.

Director of Community and Economic Development, Scott Viger, stated the applicant is proposing to subdivide and develop an approximately 7.3-acre site at 770-830 John Street, on the west side of John, north of Brentwood Court and south of George Street. Mr. Viger stated the proposed development consists of 37 single family homes and associated public improvements, including green space and detention area. Mr. Viger stated the property is currently zoned RS-4 Medium High Density Single Family District. Mr. Viger stated Staff recommends the Approval of the Findings of Fact and therefore the Approval of the PUD for Dubin Holding Inc. with ten conditions.

President DeSimone asked if DuPage County was responsible for reviewing the engineering for the proposed basin on site. Mr. Viger confirmed it was DuPage County's reasonability and if DuPage County did not approve, the project would not continue.

President DeSimone asked if there was any member of the Public that would like to address the Committee regarding the proposed ordinance. There were none.

Motion: Trustee Jaworska made a motion to approve this item for placement on a future Village Board Meeting Agenda for action. Trustee Carmona the motion.

All were in favor. Motion carried.

**INFORMATIONAL ITEMS:** There were no informational items.

**ADJOURNMENT:** Trustee Carmona made a motion to adjourn the meeting. Trustee Jaworska seconded the motion.

All were in favor. Motion carried.

President DeSimone adjourned the meeting at 6:28 p.m.

Corey Williamsen  
Deputy Village Clerk

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville this \_\_\_\_\_ day June 2017.

**TYPE:**Resolution**SUBMITTED BY:**Kurtis R Pozsgay**DEPARTMENT:**CED**DATE:**06.20.17**DESCRIPTION:**Consideration of Resolution in Support of DuPage County Rt 83 LTA Application**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:****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

**COMMITTEE ACTION:**

CEDC

**DATE:**

06.20.17

**BACKGROUND:**

The County of DuPage has made application for planning assistance services through RTA/CMAP to prepare an arterial corridor land use plan for the Rt. 83 transportation corridor generally from St. Charles Road north to the County Line (Devon Avenue).

**KEY ISSUES:**

1. The County has developed a comprehensive LTA Grant application which incorporates multijurisdictional efforts, plans, goals and objectives of the County Department of Building and Zoning, the County Department of Transportation, the Village of Addison, the Village of Bensenville, the Village of Elmhurst, the Village of Villa Park, and the City of Wood Dale.
2. The plan will fully support the goals of CMAP GO TO 2040 and the ON TO 2050 plan and which compliments local agency efforts in land use and transportation planning.
3. The DuPage County LTA grant application for the Illinois Route 83 Corridor Land Use Plan Update will allow the County to address current land use needs resulting from growth which has resulted in near complete build-out along the RT. 83 corridor.

**ALTERNATIVES:**

Discretion of the Committee.

**RECOMMENDATION:**

Staff respectfully recommends approval of the Resolution in support of DuPage County Rt 83 LTA Application.

**BUDGET IMPACT:**

N/A

**ACTION REQUIRED:**

Approval of a Resolution in support of DuPage County Rt 83 LTA Application.

**ATTACHMENTS:**

Description	Upload Date	Type
<b>Resolution Supporting CMAP Rt 83 LTA grant application</b>	<b>6/7/2017</b>	<b>Backup Material</b>

**A RESOLUTION IN SUPPORT OF THE COUNTY OF DUPAGE APPLICATION FOR THE 2017 RTA/CMAP LOCAL TECHNICAL ASSISTANCE (LTA) PLANNING ASSISTANCE SERVICES DELIVERED BY THE RTA/CHICAGO METROPOLITAN AGENCY FOR PLANNING**

**WHEREAS**, CMAP has adopted the GO TO 2040 Plan and the ON TO 2050 Plan as the long-range regional comprehensive plan for the seven-county Chicago region, encompassing Cook, DuPage, Kane, Kendall, Lake, McHenry and Will counties, and is providing assistance via the 2017 RTA/CMAP Local Technical Assistance (LTA) grant as a means of advancing the plan's implementation; and

**WHEREAS**, the County of DuPage ("the County") has made application for planning assistance services through RTA/CMAP to prepare an arterial corridor land use plan for the Rt. 83 transportation corridor generally from St. Charles Road north to the County Line;

**WHEREAS**, the County has developed a comprehensive LTA Grant application which incorporates multijurisdictional efforts, plans, goals and objectives of the County Department of Building and Zoning, the County Department of Transportation, the Village of Addison, the Village of Bensenville, the Village of Villa Park and the City of Wood Dale which fully supports the goals of CMAP GO TO 2040 and the ON TO 2050 plan and which compliments local agency efforts in land use and transportation planning.

**WHEREAS**, the DuPage County LTA grant application for the Illinois Route 83 Corridor Land Use Plan Update will allow the County to address current land use needs resulting from growth which has resulted in near complete build-out along the RT. 83 corridor.

**WHEREAS**, the DuPage County LTA grant application furnishes necessary information to convey the importance of conducting this land use plan update and identifies why the Illinois Route 83 Corridor Land Use Plan Update is a critical step in bringing the CMAP GO TO 2040 plan and the ON TO 2050 Plan to life in this dynamic region in Chicagoland.

**NOW, THEREFORE BE IT RESOLVED BY THE VILLAGE OF BENSENVILLE:**

**Section 1:** That the Village Board fully supports and endorses DuPage County's LTA grant application to receive assistance for the preparation of an arterial corridor land use plan for the Rt. 83 corridor generally from St. Charles Road north to the County Line.

**Section 2:** That the Village Board is fully committed to participate with the County of DuPage in the development of an arterial corridor land use plan for the Rt. 83 corridor generally from St. Charles Road north to the County Line.

**BE IT FURTHER RESOLVED** that this resolution shall be effective as of the date of its adoption.

Enacted and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2017, A.D.

**APPROVED:**

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Frank DeSimone, Village President

**ATTEST:**

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Nancy Quinn, Village Clerk

**TYPE:**Ordinance**SUBMITTED BY:**S. Viger**DEPARTMENT:**Community & Economic  
Development**DATE:**06.20.17**DESCRIPTION:**Consideration of an Ordinance Amending Building Permit Fees and Occupancy Requirements**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

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

Financially Sound Village  
Quality Customer Oriented Services  
Safe and Beautiful Village

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

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

**COMMITTEE ACTION:**

CEDC

**DATE:**

06.20.17

**BACKGROUND:**

In October 2015 the Village amended our Building Code and intended to reduce the permit fees. In fact we have been charging the lower fees ever since, but through an oversight the new lower fees were not officially adopted. The attached ordinance corrects the oversight.

**KEY ISSUES:**

1. The Village lowered building permit fees to promote development.
2. Since the fourth quarter of 2015 staff has been assessing the lower fees.
3. This ordinance codifies our practice.

**ALTERNATIVES:**

Discretion of the Committee.

**RECOMMENDATION:**

Staff respectfully recommends approval of the lower Permit Fees.

**BUDGET IMPACT:**

We have been utilizing the reduced fees for several years, therefore we should not see a budget change.

**ACTION REQUIRED:**

Approval of the attached Ordinance.

**ATTACHMENTS:**

Description

Upload Date

Type

**Ordinance****6/14/2017****Ordinance**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE VILLAGE OF BENSENVILLE, DUPAGE  
AND COOK COUNTIES, ILLINOIS AMENDING SECTION 9-2-4 OF TITLE  
NINE OF THE BENSENVILLE VILLAGE CODE WITH REGARD TO  
BUILDING PERMIT FEES AND OCCUPANCY REQUIREMENTS**

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**WHEREAS**, the Village of Bensenville, DuPage and Cook Counties, Illinois (the “*Village*”) is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

**WHEREAS**, the President and Board of Trustees of the Village of Bensenville (the “*Corporate Authorities*”) have the power and authority to regulate the building and construction of structures within the Village, the inspection of which is a reasonable means of carrying out such authority; and

**WHEREAS**, in furtherance of said power and authority to regulate and inspect the building and construction of structures, the Village may impose and charge building and inspection fees reasonably related thereto; and

**WHEREAS**, the Corporate Authorities hereby find and determine that the table of fees and occupancy requirements herein contained for various building and inspection fees, and administrative fee to be charged for third party permit reviews, are reasonably related to the Village's costs of said building and construction regulations, and are necessary for the effective enforcement of the Village's building codes and ordinances.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, as follows:

**Section 1.** That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2.** The Corporate Authorities find and determine that it is necessary and desirable that the Village amends the Bensenville Village Code for the purpose set forth herein and that the adoption of this Ordinance is in the best interests of the Village.

**Section 3.** Subsection 9-2-4: A (“*General Requirements*”) of Section 9-2-4 (“*Permit Fees and Occupancy Requirements*”) of Chapter Two (“*Building Codes*”) of Title 9 (“*Building Regulations*”) of the Bensenville Village Code, is hereby amended by deleting subsection 9-2-4: A in its entirety and replacing it with the following new language to read, as follows:

**9-2-4: PERMIT FEES AND OCCUPANCY REQUIREMENTS:**

- A. General Requirements: The permit fees and occupancy requirements as contained in the table of fees as follows are hereby approved and adopted as the permit fees and occupancy requirements of the Village of Bensenville.
1. No permit or occupancy for any nonexempt structure shall be issued without a receipt of payment for the required fee or fees imposed by the DuPage County fair share transportation impact fee ordinance, ODT-021-89.
  2. Permit applications submitted to the Department of Community and Economic Development will remain in an active status, unless there has been a discontinuation of activity on the part of the applicant for a period of three (3) months. "Discontinuation of activity" shall be defined as follows:
    - a. No resubmittal of permit related material, requested of the applicant by the Village of Bensenville in response to written review comments made by the Village, for a period of three (3) months after the date of the latest written comments provided to the applicant.
    - b. No submittal of permit related fees, escrows or performance guarantees, requested of the applicant by the Village of Bensenville in accordance with written notice of plan approval, for a period of three (3) months after the date of the plan approval provided to the applicant.

3. If there has been a "discontinuation of activity," as defined herein, the applicant will be notified in writing that the permit file has become void. For the file to be reopened, a new permit submittal will be required. Any fees or expenses accrued to the Village of Bensenville during the previous review process will become payable to the Village, and all codes and ordinances in effect at the time of reopening of the file will apply to the project.

**Section 4.** Subsection 9-2-4: B (“*Fee Table*”) of Section 9-2-4 (“*Permit Fees and Occupancy Requirements*”) of Chapter Two (“*Building Codes*”) of Title 9 (“*Building Regulations*”) of the Bensenville Village Code, is hereby amended by deleting the Fee Table in its entirety and replacing it with a Fee Table containing the following new language to read, as follows:

**9-2-4: PERMIT FEES AND OCCUPANCY REQUIREMENTS:**

B. Fee Table:

**BUILDING PERMIT FEES**

	Single-Family Residential				Multiple-Family Residential			
	Over The Counter	Accessory or Alteration	Addition	New Construction	Over The Counter	Accessory or Alteration	Addition	New Construction
Permit escrow	\$70 .00	\$105 .00	\$140 .00	\$350 .00	\$90 .00	\$135 .00	\$180 .00	\$450 .00
Permit application	30 .00	30 .00	200 .00	500 .00	30 .00	100 .00	400 .00	750 .00
Plan review	n/a	27 .00	<500 sq. ft. = \$330.00 >500 sq. ft. = \$420.00	525 .00	n/a	27 .00	See table 1	See table 1
Inspection (each)	35 .00	35 .00	35 .00	35.00	45 .00	45 .00	45.00	45.00
Reinspection (each)	35 .00	35 .00	35 .00	35 .00	45 .00	45 .00	45 .00	45 .00
Stop work order	100 .00	100 .00	200 .00	300 .00	100 .00	200 .00	300 .00	400 .00

	Nonresidential					Site Development
	Over the Counter	Accessory	Alteration	Addition	New Construction	
Permit escrow	\$90 .00	\$180 .00	\$225 .00	\$4500 .00	\$900 .00	\$1,250.00

Permit application	30 .00	100 .00	400 .00	400 .00	1,000 .00	400.00/lot
Plan review	n/a	27.00	See table 1	See table 1	See table 1	Per current engineering contract
Inspection (each)	45 .00	45 .00	45.00	45.00	45.00	Per current engineering contract
Reinspection (each)	45 .00	45 .00	45 .00	45.00	45.00	Per current engineering contract
Stop work order	250 .00	300 .00	500 .00	750 .00	750 .00	750.00

Note: Plan review fee covers all necessary plan submittals at no additional charge. All reinspections will be charged against the permit escrow. In the event the cost of reinspections exceeds the available escrow, the applicant will need to submit a second escrow to cover the reinspection fees.

Table 1: Commercial and Multiple Family Plan Reviews

Gross Floor Area (Square Feet)	Base Building	Base Building +2 Disciplines	Base Building +3 Disciplines
0 to 2,500	\$455 .00	\$550.00	\$755 .00
2,501 to 4,000	510 .00	690.00	925 .00
4,001 to 5,000	715 .00	930.00	1,220.00
5,001 to 7,500	810 .00	1,130 .00	1,400.00
7,501 to 10,000	890 .00	1,180 .00	1,580.00
10,001 +	980 .00	1,470 .00	1,950.00
Each 1,000 sq. ft. over 10,000	20.00	30.00	40 .00

**Section 5.** Subsection 9-2-4: C (“*Other Fees*”) of Section 9-2-4 (“*Permit Fees and Occupancy Requirements*”) of Chapter Two (“*Building Codes*”) of Title 9 (“*Building Regulations*”) of the Bensenville Village Code, is hereby amended by deleting the following stricken language and adding the underlined language to read, as follows:

**9-2-4: PERMIT FEES AND OCCUPANCY REQUIREMENTS:**

C. Other Fees:

1. Ten thousand dollar (\$10,000.00) original surety bonds shall be required for ~~plumbing,~~ electrical, and tank installation contractors.

2. Construction water will be available at the rate of \$13.00 per 1,000 gallons through the Department of Public Works. No hydrant meters will be allowed.
3. Sign fees shall be as follows:
  - a. Permanent non-illuminated signs shall be seventy dollars (\$70.00) plus one dollar (\$1.00) per square foot of sign, plus applicable inspection fees.
  - b. Permanent illuminated signs shall be one hundred thirty-five (\$135.00) plus one dollar (\$1.00) per square foot of sign, plus applicable inspection fees.
  - c. Temporary signs and banners shall be ~~seventy dollars (\$70.00) plus a three hundred dollar (\$300.00) escrow guaranteeing removal, plus applicable inspection fees~~ no charge, provided said sign is displayed for no more than 30 days in any 6 month period.
4. Elevator inspections shall be conducted by an outside inspection company as necessary, but not less than once per year at the following rates per each inspection of each elevator and elevator room:

New construction inspections shall be <del>ninety</del> fifty dollars	<del>(\$90.00)</del> (\$50.00)
New construction re-inspections shall be <del>ninety</del> fifty dollars	<del>(\$90.00)</del> (\$50.00)
Annual inspections shall be <del>fifty</del> forty dollars	<del>(\$50.00)</del> (\$40.00)
Elevator plan reviews for new construction shall be <del>ninety</del> fifty dollars	<del>(\$90.00)</del> (\$50.00)

5. When a fire alarm is modified to install a radio transmitter in place of a direct connect phone line and the scope of work is limited to the replacement of the phone connection with a radio transmitter, there shall be paid a permit fee of one hundred fifty dollars (\$150.00), ~~together with an additional escrow posted in the amount of one hundred fifty dollars (\$150.00),~~ for each transmitter installed.
6. A ten percent (10%) administrative fee shall be charged to all building permit applicants for all building permit reviews conducted on behalf of the Village of Bensenville by third party firms or other governmental agencies.
7. Fire pump tests are required annually. The fee for a fire pump test shall be two

hundred fifty dollars (\$250.00) per inspection.

8. Commercial Industrial presale walk through inspections can be performed prior to the sale or leasing of a building or space to verify any life safety issues prior to the business license application. The fee for each inspection shall be ~~seventy five dollars (\$75.00)~~ no charge.
9. Fire alarm acceptance test inspections are required when a new fire alarm system is installed or when there are significant modifications made to an existing system. The fee for this inspection shall be one hundred fifty dollars (\$150.00).
10. Fire sprinkler acceptance test inspections are required when a new fire sprinkler system is installed or when there are significant modifications made to an existing system. The fee for this inspection shall be one hundred fifty dollars (\$150.00).
11. ~~A five dollar (\$5.00) technology fee will be charged to each permit (ORD. 84-2010, 11-9-2010), which is included in the permit application fee.~~

**Section 6.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

**Section 7.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 8.** This Ordinance and the amendments and requirements herein provided, shall apply and be in full force and effective retroactive to October 28, 2015; however, no fee reimbursement shall be made to and no additional fee collected from any applicable party from October 28, 2015, to the effective date of this Ordinance.

**Section 9.** This Ordinance shall be in full force and effect immediately upon its passage and approval to ensure the health, safety and welfare of the residents of the Village is duly protected.

*(Intentionally Left Blank)*

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, this \_\_\_\_ day of June 2017, pursuant to a roll call vote, as follows:

APPROVED:

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

ATTEST:

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

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**TYPE:**Ordinance**SUBMITTED BY:**Kurtis R Pozsgay**DEPARTMENT:**CED**DATE:**06.05.17**DESCRIPTION:**Consideration of an Ordinance Approving a Text Amendment to the C - 2 Highway Commercial District**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:****SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

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

**COMMITTEE ACTION:**

CEDC

**DATE:**

06.20.17

**BACKGROUND:**

The Village of Bensenville has embarked on a rewrite of our Zoning Ordinance. As we reviewed the existing Ordinance it became apparent that several uses permitted by right in the C – 2 Highway Commercial District may need a closer look. Staff has identified Dry cleaner and laundry drop off stations & laundromats, and Liquor stores (package goods only). The proposal is to reclassify these uses as Conditional Uses.

**KEY ISSUES:**

- 1) Concerns with these uses include 24 hour operation, parking, and proximity to similar uses.
- 2) Moving from Allowed to Conditional gives the Village an extra layer of review for these uses. It does not prohibit these uses.

**ALTERNATIVES:**

Committee Discretion

**RECOMMENDATION:**

- 1) The staff respectfully recommends that the Text Amendment be approved.
- 2) At the Public Hearing on June 5, 2017, the Community Development Commission voted unanimously (4-0) to recommend approval of the Requests. Motion passed.
- 3) There was one member of the public wishing to be heard. He did not object to the ordinance, but wanted to make sure the ordinance was clear for those businesses affected.

**BUDGET IMPACT:**

N/A

**ACTION REQUIRED:**

Approval of an Ordinance approving a Text Amendment to the C - 2 Highway Commercial District.

**ATTACHMENTS:**

Description	Upload Date	Type
<b>Staff Report</b>	<b>5/31/2017</b>	<b>Executive Summary</b>
<b>C-2 Zoning Map</b>	<b>5/31/2017</b>	<b>Backup Material</b>
<b>Legal Notice</b>	<b>5/31/2017</b>	<b>Backup Material</b>

**Ordinance**

**6/12/2017**

**Ordinance**



## STAFF REPORT

**HEARING DATE:** June 5, 2017  
**CDC CASE #:** 2017 - 13  
**APPLICANT:** Village of Bensenville  
**REQUEST:** A Text Amendments to the Village Code to amend the C-2 Highway Commercial Zoning District, moving Dry cleaner and laundry drop off stations and laundromats, and Liquor stores (package goods only) from Municipal Code Section 10 – 7B – 2 Allowable Uses to Municipal Code Section 10 – 7B – 3 Conditional Uses.

### **PUBLIC NOTICE:**

A Legal Notice was published in the Bensenville Independent on Thursday May 18, 2017. A Certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours.

### **SUMMARY:**

The Village of Bensenville has embarked on a rewrite of our Zoning Ordinance. As we reviewed the existing Ordinance it became apparent that several uses permitted by right in the C – 2 Highway Commercial District may need a closer look. Staff has identified Dry cleaner and laundry drop off stations & laundromats, and Liquor stores (package goods only). The proposal is to reclassify these uses as Conditional Uses.

### **Discussion:**

1. As indicated in the Zoning Ordinance in Section 10-7B-1, the purpose of the C – 2 Highway Commercial District is as follows:

This district is intended to provide locations along the village's arterial streets for retail and service establishments providing a wide array of consumer retail comparison goods and services that attract patrons from a broad area of the western suburbs.

Because of the high visibility nature of the village's major corridors, the C-2 District is intended to encourage quality, integrated, and well designed commercial development that enhances the village's image, as well as its tax base. The use and/or conversion of residential dwelling units for business purposes shall not be permitted in the C-2 district. (Ord. 30-2004, 4-20-2004)

The Comprehensive Plan indicates that the C - 2 Zoning District as,

Local Commercial District—These contain retail, office, and service-oriented commercial uses that serve the day-to-day needs of households living within a walking or short driving distance.

2. Uses currently identified as Allowable Uses within the C - 2 Zoning District are as follows:

Accessory uses to allowable uses, except that accessory outdoor storage shall not be permitted. Accessory outdoor sales and display shall be subject to section 10-14-8, "Accessory Outdoor Seasonal Sales", of this title or section 10-7B-3 of this article, permanent outdoor sales and display.

Antique shops.

Appliance stores, including radio, television, stereo, lighting, clock and music stores.

Art shops or galleries, but not including auction rooms.

Assisted living facility.

Automobile parts and accessory stores, sales only, no repair.

Beauty shops and barbershops.

Bookstores, including periodicals, magazines, and newspapers.

Bottled gas (sales accessory to gas station).

Camera and photographic supply stores.

Candy, ice cream, popcorn, nut and yogurt stores.

Card and gift stores.

Carpet and rug stores (retail sales).

Catalog stores.

Catering establishments.

China and glassware stores.

Clothing repair, hat repair, shoe repair, and tailor shops.

Clothing stores.

Collectibles sales, such as coins, stamps, comic books and the like.

Computer and business machine sales.

Contractors and construction offices (no outdoor storage).

Custom dressmaking establishments.

Data processing centers.

Department stores.

Drugstores.

**Dry cleaner and laundry drop off stations and laundromats.**

Electrical showrooms and shops.

Employment office.  
Financial institutions, including automated teller machines.  
Florist shops.  
Food stores, grocery stores and meat markets.  
Furniture stores, including upholstery when conducted as part of the retail operations and secondary thereto.  
Furrier shops, including the incidental storage and conditioning of furs.  
Garden supply, tool and seed stores, including lawn mower and snowblower sales and service (no outdoor sales and display except in accordance with section 10-14-8, "Accessory Outdoor Seasonal Sales", of this title or section 10-7B-3 of this article, permanent outdoor sales and display).  
Graphics and drafting services.  
Greenhouses and nurseries (no outdoor sales and display except in accordance with section 10-14-8, "Accessory Outdoor Seasonal Sales", of this title or section 10-7B-3 of this article, permanent outdoor sales and display).  
Group homes, subject to the village's group home licensing ordinance in title 3, chapter 18 of this code.  
Hardware stores.  
Hearing aid stores.  
Hobby and craft shops.  
Insurance sales offices.  
Interior decorating shops, including upholstery and the making of draperies, slipcovers, and other similar articles when conducted as part of the retail operations or as accessory uses thereto.  
Jewelry and watch sales and repair stores.  
Laboratories, medical, dental, optical, research, film, photo or testing.  
Leather goods and luggage stores.  
**Liquor stores (package goods only).**  
Locksmith shops.  
Mail order houses and letter shops.  
Manufactured home sales (no outdoor sales or display areas).  
Medical, dental and optometry offices.  
Millinery shops.  
Motion picture studios (no outdoor sets).  
Musical instrument sales.  
Office, stationery, school and art supply stores.  
Offices: business, professional, governmental, political, institutional.  
Optician sales, retail.  
Orthopedic and medical appliance stores, retail.  
Outdoor seasonal sales and display areas as accessory uses, provided that it meets the requirements of section 10-14-8, "Accessory Outdoor Seasonal Sales", of this title.  
Package delivery services.  
Paint, tile, and wallpaper stores.  
Pet shops.  
Phonograph record, tape, compact disc, and sheet music stores.  
Photo processing stores.  
Photography studios, including accessory development of film when conducted as part of the business.  
Picture framing shops.  
Plumbing and heating supply sales.  
Post offices.  
Print shops with six (6) or fewer employees.

Real estate sales or leasing offices.  
 Recording studios.  
 Repair, rental, servicing, sales and showrooms (indoors) of any items produced or sold on the premises as an allowable use.  
 Restaurants, delicatessens, retail bakeries, donut shops and convenience markets.  
 Secretarial services.  
 Sewing machine sales and service.  
 Shoe stores.  
 Sporting goods stores.  
 Studios: art, music, craft, interior design, or photography.  
 Swimming pool sales (no outdoor sales and display except in accordance with section 10-14-8, "Accessory Outdoor Seasonal Sales", of this title or section 10-7B-3 of this article, permanent outdoor sales and display).  
 Tax preparation offices.  
 Taxidermists.  
 Telegraph offices.  
 Television stations and studios.  
 Theaters, indoor.  
 Ticket offices.  
 Toy stores.  
 Training centers, business.  
 Travel bureaus.  
 Variety stores.  
 Videocassette sales or rental stores.  
 Water softener services.  
 Yard goods stores (no outdoor sales and display, except in accordance with section 10-14-8, "Accessory Outdoor Seasonal Sales", of this title or section 10-7B-3 of this article, permanent outdoor sales and display).  
 Uses that are not allowable or conditional uses in any other district and are similar, in the judgment of the director of community development, to allowable uses in the applicable district under subsection 10-3-9E of this title. (Ord. 30-2004, 4-20-2004; amd. Ord. 54-2013, 8-20-2013)

3. Uses currently identified as Conditional Uses within the C - 2 Zoning District are as follows:

Accessory uses to conditional uses, except that accessory outdoor storage shall not be permitted. Accessory seasonal outdoor sales and display shall only be permitted in accordance with section 10-14-8, "Accessory Outdoor Seasonal Sales", of this title and accessory permanent outdoor sales and display shall be in accordance with "permanent outdoor sales and display" as provided for in this section.

Air rights development.  
 Amusement establishments.  
 Animal hospitals, kennels, pet grooming, and veterinary offices.  
 Athletic facilities, indoor/outdoor.  
 Auction rooms.  
 Banquet halls.  
 Bed and breakfast lodging.  
 Blueprinting and photostating establishments.  
 Bottled gas dealers.  
 Building materials and products sales (no outdoor sales or display areas, except in

accordance with section [10-14-8](#), "Accessory Outdoor Seasonal Sales", of this title or the provisions for "permanent outdoor sales and display" of this section).

Car washes including those accessory to gas stations, that meet the following standards:

- A. An attendant shall be present on the site during hours of operation.
- B. Hours of operation shall be limited to between six o'clock (6:00) A.M. and twelve o'clock (12:00) midnight.
- C. The wash bays shall be secured with overhead doors when the establishment is closed.

Cemeteries.

Churches and religious institutions.

Colleges and universities.

Convention and exhibit halls.

Currency exchanges that meet the following standards:

- A. The use shall be located a minimum of one thousand feet (1,000') as measured from all property lines from any existing currency exchanges, payday loan agencies and/or title loan agencies.
- B. The window and door area of the first floor of the facility that faces a public street or sidewalk shall not reduce, nor shall changes be made to such windows or doors that block, views into the building at eye level.
- C. All transactions occur entirely inside the facility at a service counter with no transactions permitted through an exterior walk-up or drive-up window.
- D. Hours of operation for the currency exchange shall be limited to between eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.
- E. The operator has a valid license issued by the state of Illinois department of consumer credit.

Daycare centers, child or adult.

Drive-in establishments.

Farm stands, permanent.

Flea markets and swap meets, (no outdoor sales or display areas, except in accordance with section [10-14-8](#), "Accessory Outdoor Seasonal Sales", of this title or the provisions for "permanent outdoor sales and display" of this section).

Frozen food sales, including locker rental.

Health clubs.

Healthcare centers, including medical, dental, and mental health clinics with more than three (3) medical professionals.

Heliports.

Hospitals.

Hotels and motels.

Machinery and equipment sales and rental (no outdoor sales and display except in accordance with section [10-14-8](#), "Accessory Outdoor Seasonal Sales", of this title or the provisions for "permanent outdoor sales and display" of this section).

Massage therapy salons.

Meeting and union halls.

Monument sales (no outdoor sales and display except in accordance with section [10-14-8](#), "Accessory Outdoor Seasonal Sales", of this title or the provisions for "permanent outdoor sales and display" of this section).

Mortuaries (no crematories)

Motor vehicle repair, minor that meets the following standards:

- A. All repair and service activities shall take place within completely enclosed buildings.
- B. Repair vehicles shall not be stored outdoors on the site overnight.

C. Minor motor vehicle repair activities shall be limited to those identified in the definition of "motor vehicle repair, minor".

Motor vehicle sales and/or rental that meets the following standards:

A. The only motor vehicles that may be sold, leased and/or displayed outdoors are passenger motor vehicles including, but not limited to, automobiles, recreational vehicles, boats, utility trailers, motorcycles, snowmobiles, and other vehicles that do not exceed eight thousand (8,000) pounds in gross weight. The sale, leasing or display of large scale and commercial vehicles that exceed eight thousand (8,000) pounds in gross weight, including, but not limited to, construction and farm equipment, semitractors and/or semitrailers, large trucks, manufactured homes, buses, or other vehicles that exceed eight thousand (8,000) pounds in gross weight is prohibited in the C-2 district.

B. The permanent outdoor sales and display area shall be located on the same zoning lot with a principal building that is constructed with an automobile sales showroom with a minimum floor area of ten thousand (10,000) square feet as an integral part of the building. In addition to the ten thousand (10,000) square feet of floor area devoted to the showroom, the motor vehicle sales and/or rental establishment building(s) may also include floor area devoted to accessory indoor repair and service activities that are permitted under the definition of "motor vehicle repair, minor" of this title, car wash, detailing, financial and other related services. Establishments with more than one building shall be subject to the requirements of section [10-14-2](#) of this title.

C. The outdoor sales and display areas must be paved and shall meet all yard requirements for the C-2 district.

D. All establishments with more than one principal building shall be subject to the site plan review or planned unit development requirement of section [10-14-2](#) of this title.

Newspaper distribution agencies.

Nightclubs/taverns.

Outdoor sales and display areas, permanent as an accessory use, that meets the following standards:

A. The items permitted to be offered for sale or lease in permanent outdoor sales and display areas include, but are not limited to, building or garden supplies for retail sale, nursery plants, machinery or equipment for household use, and other household items that are typically used and/or stored outdoors. Permanent outdoor sales and display areas for motor vehicle sales and/or rental establishments shall be subject to the requirements for "motor vehicles sales and rental" of this section.

B. The permanent outdoor sales and display areas shall not exceed fifteen percent (15%) of the gross lot area.

C. The outdoor sales and display areas must be paved and shall meet all yard requirements for the C-2 district.

D. All items that are sold, leased or displayed outdoors must be contained within a designated outdoor sales and display area that does not obstruct driveways, parking areas, sidewalks, and landscaped yards. If the outdoor sales and display area is secured with a fence, it shall be either a decorative wooden, masonry, or wrought iron type fence.

Parking, off street, as a principal use.

Payday loan agencies that meet the following standards:

- A. The use shall be located a minimum of one thousand feet (1,000') as measured from all property lines from any existing currency exchanges, payday loan agencies and/or title loan agencies.
- B. The window and door area of the first floor of the facility that faces a public street or sidewalk shall not reduce, nor shall changes be made to such windows or doors that block, views into the building at eye level.
- C. All transactions occur entirely inside the facility at a service counter with no transactions permitted through an exterior walk-up or drive-up window.
- D. Hours of operation for the payday loan agency shall be limited to between eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.
- E. The operator has a valid license issued by the state of Illinois department of consumer credit

Philanthropic and charitable institutions.

Planned unit developments.

Printing and publishing establishments.

Radio and television towers.

Recreational institutions.

Recycling collection points.

Repair, rental, servicing, sales and showrooms (indoors) of any items produced or sold on the premises as a conditional use.

Research and development facilities.

Residential dwellings, other than single-family (not on ground floor).

Schools and educational institutions, public or private.

Secondhand stores and rummage shops.

Service stations, that meet the following standards:

- A. The village board may require a traffic study to verify that the placement and spacing of curb cuts will not result in traffic conflicts with pedestrians and other motorists.
- B. The service station may have accessory retail sales of nonalcoholic beverages, packaged foods, fast food, tobacco, lottery tickets, and similar convenience goods for gas station customers and car washes using automatic production line methods with a chain conveyor, blower, steam cleaning device or other mechanical device. Service stations with accessory uses shall be required to meet the parking requirements for "service stations" in addition to those for accessory retail, car wash, drive-in restaurant or other uses on the premises.
- C. Service stations with accessory car washes shall be operated and constructed in accordance with the applicable standards for "car washes" of this section.
- D. Service station canopies shall meet all minimum setback requirements for the district and be designed with recessed lighting.

Smoke shops, provided there are no other smoke shops or schools located within one thousand feet (1,000') of the site as measured from all property lines.

Tanning salons.

Title loan agencies that meet the following standards:

- A. The use shall be located a minimum of one thousand feet (1,000') as measured from all property lines from any existing currency exchanges, title loan agencies and/or payday loan agencies.
- B. The window and door area of the first floor of the facility that faces a public street or sidewalk shall not reduce, nor shall changes be made to such windows or doors that block, views into the building at eye level.
- C. All transactions occur entirely inside the facility at a service counter with no transactions permitted through an exterior walk-up or drive-up window.

D. Hours of operation for the title loan agency shall be limited to between eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.

E. The operator has a valid license issued by the state of Illinois department of consumer credit.

Training centers, business.

Uses that are not allowable or conditional uses in any other district and are similar, in the judgment of the director of community development, to conditional uses in the applicable district under subsection [10-3-9E](#) of this title. (Ord. 30-2004, 4-20-2004; amd. Ord. 48-2005, 8-1-2005; Ord. 60-2011, 9-27-2011)

4. The Village has requested a Text Amendment to reclassify currently "Allowable Uses" Dry cleaner and laundry drop off stations and laundromats, and Liquor stores (package goods only) as "Conditional Uses".
5. Liquor stores (package goods only) are "Allowed" in the C - 1 Neighborhood Commercial and C - 3 Downtown Mixed Use Zoning Districts. Please note that there are no properties currently Zoned C - 1 in the Village and the District is likely to be eliminated in the new Zoning Ordinance.
6. Dry cleaner and laundry drop off stations and laundromats are not "Allowed" or Conditional Uses in the C - 1 District but are "Allowed" in the C - 3 Downtown District. The C - 4 District allows Dry cleaner and laundry drop off stations but not Laundromats. It should be noted that all development in the C -4 is required to be a Planned Unit Development.
7. Dry cleaning receiving stations are allowed in the Office Districts as Accessory uses only.
8. Note that several of the Conditional Uses; Car washes, Motor Vehicle Repair, Currency Exchanges, Outdoor Sales & Display, Payday Loans and Title Loans have several constraints identified within the Conditional Use.
9. Also certain Conditional Uses are part of the fabric of our community; Churches and Religious Institutions, Banquet Halls, Colleges & Universities, Hotels and Motels and Philanthropic and charitable institutions to name a few.
10. A Conditional Use simply requires some additional review to ensure that it is appropriate at the proposed location. Our Zoning Ordinance identifies six Approval Criteria to accomplish this acceptability. These are:
  - a. Traffic
  - b. Environmental Nuisance
  - c. Neighborhood Character
  - d. Public Services & Facilities
  - e. Public necessity
  - f. Other Factors.
11. Staff believes that the Approval Criteria are appropriate for the review of the uses identified in the Text Amendment petition.

12. The Conditional Use process will allow the Village to review other regulatory checks on the proposed business such as hours of operation and signage, based on the public testimony, specific use and its location.

**Proposed Zoning Ordinance Language**

**10-7B-2: ALLOWABLE USES:**

Delete:

Dry cleaner and laundry drop off stations and laundromats  
Liquor Stores (Package Goods Only)

**10-7B-3: CONDITIONAL USES:**

Insert:

Dry cleaner and laundry drop off stations and laundromats  
Liquor Stores (Package Goods Only)

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

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

**RECOMMENDATIONS:**

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

Respectfully Submitted  
Community & Economic  
Development Department



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

NOTICE IS HEREBY GIVEN that on Monday, June 5, 2017 at 6:30 P.M., the Community Development Commission of the Village of Bensenville, Du Page and Cook Counties, will hold a Public Hearing to review Case No. 2017 – 13 to consider Text Amendments to the Village Code to amend the C-2 Highway Commercial Zoning District, moving Dry cleaner and laundry drop off stations and laundromats, and Liquor stores (package goods only) from Municipal Code Section 10 – 7B – 2 Allowable Uses to Municipal Code Section 10 – 7B – 3 Conditional Uses.

The Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville.

The text amendment is being sought by the Village Board.

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

All interested parties may attend and will be heard at the Public Hearing. Written comments will be accepted by the Community Development Department through June 5, 2017 until 5:00 P.M.

Office of the Village Clerk  
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT  
May 18, 2017**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 10, CHAPTER 7B – 2 & 3,  
MOVING “DRY CLEANER AND LAUNDRY DROP OFF STATIONS AND  
LAUNDROMATS” & “LIQUOR STORES (PACKAGE GOODS ONLY)”  
FROM ALLOWABLE USES TO CONDITIONAL USES,  
OF THE BENSENVILLE VILLAGE CODE**

**WHEREAS**, the Village of Bensenville (hereinafter the “Village”) is a duly organized and existing Illinois municipality pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

**WHEREAS**, the Village of Bensenville is authorized and empowered, under the Municipal Code and the Code of Ordinances of the Village of Bensenville, to regulate properties located within the municipal boundaries of the Village; and

**WHEREAS**, in furtherance of this authorization, the Village of Bensenville has adopted a Zoning Ordinance, which includes, among other provisions, comprehensive regulations governing the location of Dry Cleaner and Laundry Drop Off Stations and Laundromats, and Liquor Stores (package goods only), which regulations are set forth in Chapter 7B – 2 & 3 of the Zoning Ordinance; and

**WHEREAS**, upon review of the provisions of Chapter 7B – 2 & 3, Village staff has filed an application for recommended Text Amendments with the Community and Economic Development Department, as applicant, to alter regulations pertaining to the use within the C – 2, Zoning Districts to provide regulations that meet the safety requirements of the Village, said application being available for inspection as part of the records of the Community and Economic Development Department; and

**WHEREAS**, Notice of Public Hearing with respect to the proposed Text Amendments was published on May 18, 2017 in the Bensenville Independent, and notice of the hearing was provided, all as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing on June 5, 2017 as required by the statutes of the State of Illinois and the ordinances of the Village, and after hearing the application, voted unanimously to recommend approval of the proposed Text Amendment recommended by Village Staff as set forth herein; and

**WHEREAS**, the Community Development Commission forwarded its recommendation to approve the Text Amendment to the Village Board's Community and Economic Development Committee which concurred in the recommendation to approve the Text Amendment; and

**WHEREAS**, on June 27, 2017, the Community and Economic Development Committee then forwarded its recommendation, along with that of the Community Development Commission, to the President and Board of Trustees; and

**WHEREAS**, the President and Board of Village Trustees considered the matter and determined, that the requested Text Amendments for Dry Cleaner and Laundry Drop Off Stations and Laundromats, and Liquor Stores (package goods only) be granted as recommended by Village Staff and approved by the Community Development Commission.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

**SECTION ONE:** That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

**SECTION TWO:** That the Zoning Code of the Village of Bensenville, Chapter 7B, C –

2 Highway Commercial, be amended to state as follows:

**10 – 7B – 2: ALLOWABLE USES:**

...

Drugstores.

~~Dry cleaner and laundry drop off stations and laundromats.~~

Electrical showrooms and shops.

...

Leather goods and luggage stores.

~~Liquor stores (package goods only).~~

Locksmith shops.

...

**10 – 7B – 3: CONDITIONAL USES:**

...

Drive-in establishments.

**Dry cleaner and laundry drop off stations and laundromats.**

Farm stands, permanent.

...

Hotels and motels.

**Liquor stores (package goods only).**

Machinery and equipment sales and rental (no outdoor sales and display except in accordance with section 10-14-8, "Accessory Outdoor Seasonal Sales", of this title or the provisions for "permanent outdoor sales and display" of this section).

...

**SECTION THREE:** That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

**SECTION FOUR:** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville, this 27th day of June 2017.

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

ATTEST:

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

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**TYPE:**Ordinance**SUBMITTED BY:**Kurtis R Pozsgay**DEPARTMENT:**CED**DATE:**06.05.17**DESCRIPTION:**

Consideration of an Ordinance Approving Variances for Construction of a 364 Square Foot Shed for the Applicant John Tornabene, Located at 333 Diana Court, Bensenville, Illinois

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

CEDC

**DATE:**

06.20.17

**BACKGROUND:**

The applicant is proposing to construct a 364 square foot shed, replacing a 116.62 square foot shed. The maximum allowed shed size for his lot size (14,917.5 SF) is 120 square feet. The purpose of the shed is to store outdoor furniture, tools and lawn equipment, which is currently being stored in his attached garage.

**KEY ISSUES:**

- 1) The proposed shed is more than twice the size allowed by Ordinance.
- 2) The Shed Ordinance size was recently revisited (2014).
- 3) Concern from CDC members on the precedent that such a variance would allow.
- 4) Zoning Ordinance is currently being re-written and presumably changes to accessory structures, including sheds, can be dealt with at that time.

**ALTERNATIVES:**

Committee Discretion.

**RECOMMENDATION:**

- 1) The staff respectfully recommends that the Variances be approved.
- 2) At the Public Hearing on June 5, 2017, the Community Development Commission voted (3-1) to recommend approval of the Requests with the conditions recommended by staff (attached). As four votes are required for a positive recommendation, this petition comes to the elected officials with a negative recommendation from the CDC.
- 3) Due to the negative recommendation, a super majority vote is required at the Village Board for approval.
- 4) There was one member of the public wishing to be heard. Issues included the precedent being set by approving such a large variance from the current code.

**BUDGET IMPACT:**

N/A

**ACTION REQUIRED:**

Approval of an Ordinance approving Variances for the applicant John Tornabene, located at 333 Diana Court.

ATTACHMENTS:

Description	Upload Date	Type
<b>Aerial &amp; Zoning Maps</b>	<b>5/31/2017</b>	<b>Backup Material</b>
<b>Legal Notice</b>	<b>5/31/2017</b>	<b>Backup Material</b>
<b>Staff Report</b>	<b>5/31/2017</b>	<b>Executive Summary</b>
<b>Plat of Survey</b>	<b>5/31/2017</b>	<b>Backup Material</b>
<b>Plans</b>	<b>5/31/2017</b>	<b>Backup Material</b>
<b>Ordinance</b>	<b>6/12/2017</b>	<b>Ordinance</b>



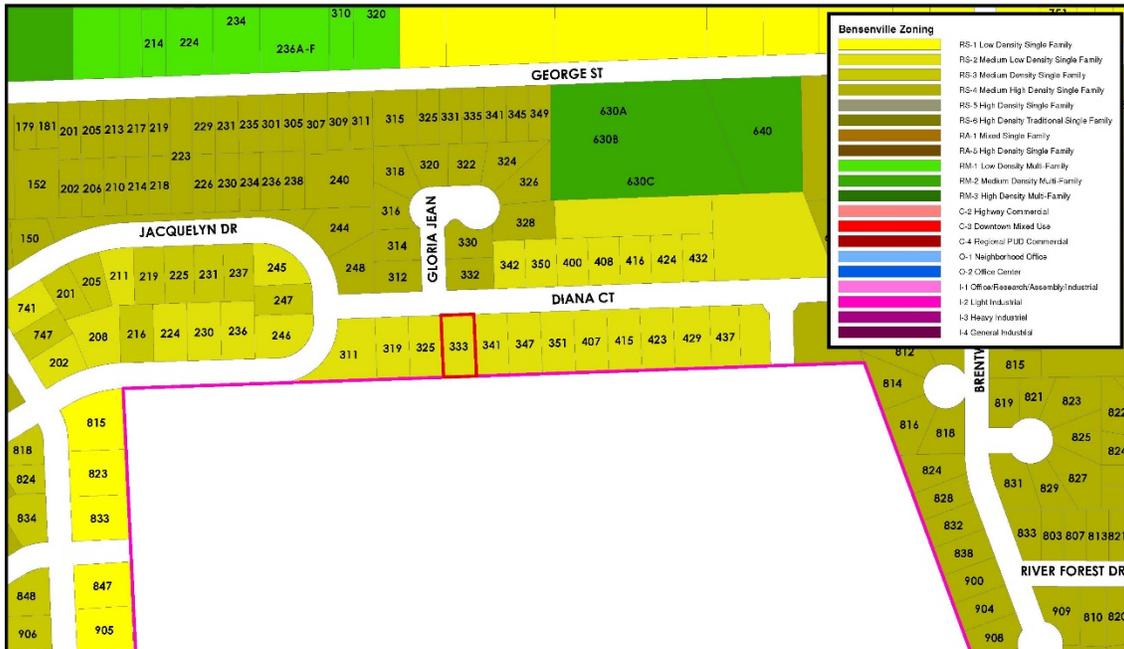
# Village of Bensenville

333 E Diana



# Village of Bensenville

Zoning Map



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

NOTICE IS HEREBY GIVEN that on Monday, June 5, 2017 at 6:30 P.M., the Community Development Commission of the Village of Bensenville, Du Page and Cook Counties, will hold a Public Hearing to review Case No. 2017 – 09 to consider a request for:

- Variances for construction of a 364 SF shed
- Size, Municipal Code Section 10-14-12B-3
  - Coverage, Municipal Code Section 10-5B-4A-4

333 Diana Court is in a RS – 2 Medium Low 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 229 IN BRENTWOOD TERRACE, IN A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 24, AND THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 333 Diana Court, Bensenville, IL 60106.

John Tornabene, 333 Diana Court, Bensenville, IL 60106 is the owner and applicant for the subject property for this CDC Case No. 2017 - 09 and Public Hearing.

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

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

Office of the Village Clerk  
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT  
May 18, 2017**



**STAFF REPORT**

**HEARING DATE:** June 5, 2017  
**CASE #:** 2017 – 09  
**PROPERTY:** 333 Diana Court  
**PROPERTY OWNER:** John Tornabene  
**APPLICANT:** Same  
**SITE SIZE:** 14,917.5 SF  
**BUILDING SIZE:** 4,150 SF  
**PIN NUMBERS:** 03-24-304-004  
**ZONING:** RS – 2 Medium Low Density Single Family District  
**REQUEST:** Variances for construction of a 364 SF shed  
 - Size, Municipal Code Section 10 – 14 – 12B – 3  
 - Coverage, Municipal Code Section 10 – 5B – 4A – 4

**PUBLIC NOTICE:**

1. A Legal Notice was published in the Bensenville Independent on Thursday May 18, 2017. A Certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours.
2. Village personnel posted two Notice of Public Hearing signs on the property, visible from the public way on Thursday May 18, 2017.
3. On Friday May 19, 2017, Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250’ of the property in question. An Affidavit of Mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

**SUMMARY:**

The applicant is proposing to construct a 364 square foot shed, replacing a 116.62 square foot shed. The maximum allowed shed size for his lot size (14,917.5 SF) is 120 square feet. The purpose of the shed is to store outdoor furniture, tools and lawn equipment, which is currently being stored in his attached garage.

**SURROUNDING LAND USES:**

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

**DEPARTMENT COMMENTS:**

*SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:*

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

Finance:

No issues from Finance.

Police:

No police issues.

Engineering and Public Works:

- 1) No comments, as long as they blend in the grading with existing surrounding grades and don't impede any existing drainage.
- 2) Looks like it is well out of the flood zone.

Community & Economic Development:

Economic Development:

No comments

Fire Safety:

No comments.

Building:

- 1) Applicant needs to provide the dimensions that the proposed shed is from the house and from the neighboring house at 341 Diana Ct. If there isn't the required 10 feet, then there will be fire resistant construction required.
- 2) All other building comments can be addressed at permitting.

Planning:

- 1) The 2015 Comprehensive Plan indicates "Single Family Residential" for this property.
- 2) The proposed shed is 14'x26' or 364 SF. The max allowed shed size for this lot size is 120 SF.
- 3) The purpose of the shed is to store outdoor furniture, tools and lawn equipment, which is currently being stored in his attached garage. By building the shed, he claims he will be able to park his cars in his garage.
- 4) There was a large above ground pool in the back yard, which was removed. Staff is concerned about infrastructure left from pool. When pool was installed, lot coverage exceeded the max 50%.

**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.

**Petitioner Statement:**

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

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

**Petitioner Statement:**

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

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

**Petitioner Statement:**

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

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

**Petitioner Statement:**

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

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

**Petitioner Statement:**

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

6. **Necessary for Use of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

**Petitioner Statement:**

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

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

**Petitioner Statement:**

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

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

**Petitioner Statement:**

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

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

**Petitioner Statement:**

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

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

**RECOMMENDATIONS:**

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variations for John Tornabene with the following conditions:

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

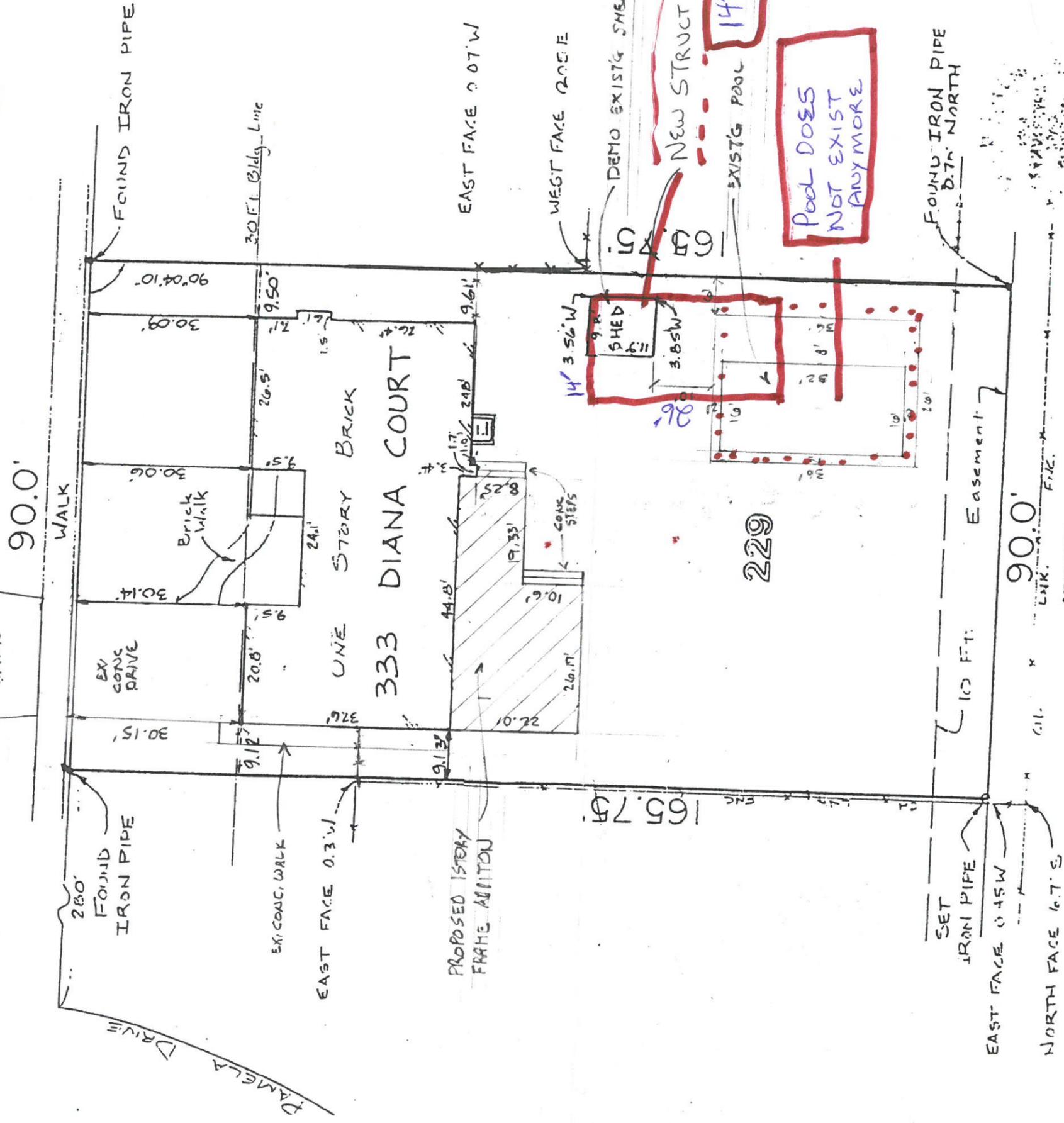
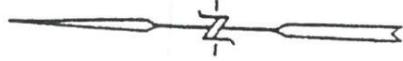
Respectfully Submitted,  
 Department of Community  
 & Economic Development

# PLAT OF SURVEY

LOT 229 IN BRENTWOOD TERRACE, IN A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 24, AND THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

DIANA COURT

RECEIVED  
APR 20 2017  
By



ORDER NO.: 95535  
 DATE: Oct. 6, 1995  
 SCALE: 1" = 20'  
 UPDATED SURVEY ORDER NO. 20282  
 AMENDED TO SHOW SITE IMPROVEMENTS  
 AND PLAT RECERTIFIED THIS 31st DAY OF  
 MARCH 2000

State of Illinois  
 County of Cook

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

LANDMARK SURVEY, INC.  
 4976 NORTH HARLEM AVENUE  
 HAWOOD HEIGHTS, ILLINOIS 60706  
 Phone: (708) 867-7272  
 Fax: (708) 867-7282

John D. Faleni



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

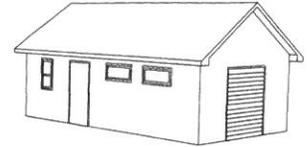
### Items Selected:

- Gable roof w/ 8/12 pitch Rafters 16" O.C.
- 2x4 Wall Framing Material
- 14' Wide X 26' Deep X 8' High
- Vinyl Dbl 4" Lap Siding
- S. Stone
- 1/2" 4 Ply Plywood Wall Sheathing
- Block-It Housewrap
- 12" gable/12" eave overhangs
- 5/8" OSB Roof Sheathing
- StormMaster Shake, Heather Blend Shingles
- Roof Vent Galvanized
- Sandstone Aluminum Soffit & Fascia
- Sandstone Premium Roof Edge
- Smokey Sable

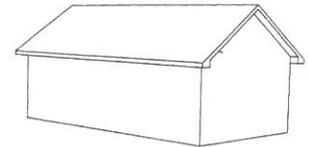
### Options Selected:

- The options you have selected are:
- 15 LB Roof Felt
  - 2 Rows Granular Ice & Water Barrier
  - 2 - 46x20-3/4 Window - Ranch Vinyl Single Pane
  - 1 - 6x7 Rollup Overhead Door - White
  - 1 - 24x42 Window - White Vinyl Single Hung
  - 1 - 36x80 Service Door - CP1 Flush Steel LS

Front View



Back View



**Estimated price: \$4,282.57\***

\*Today's estimated price, future pricing may go up or down.  
 \*Tax, labor, and delivery not included.

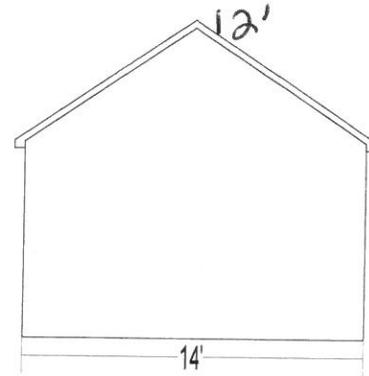
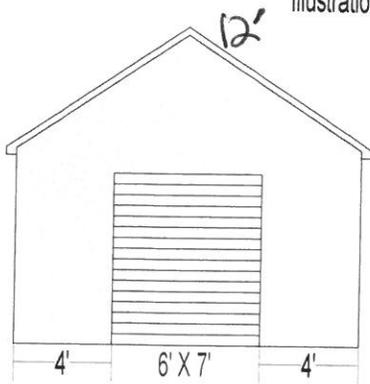


**\*\*\* Take this sheet to the Building Materials counter to purchase your materials. \*\*\***

Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION

\*\*\* Here are the wall configurations for your design.

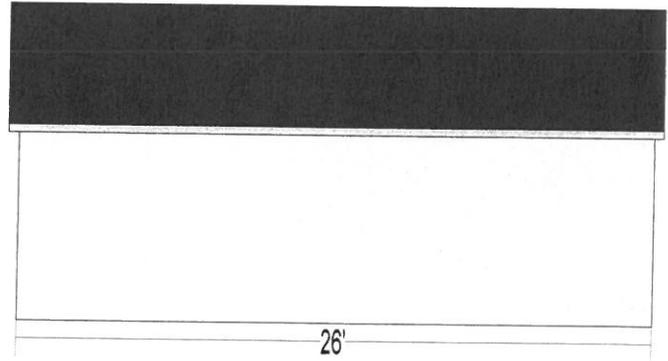
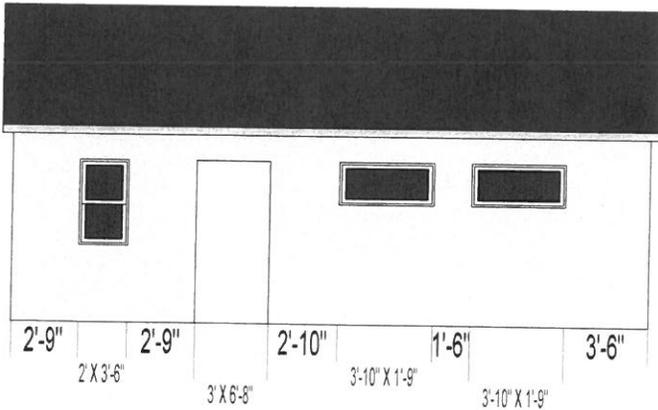
Illustration May Not Depict All Options Selected



Gable Front View

(1) - ROLLUP IDEAL 6X7 GLOSS WHITE #200 ROLL UP DOOR

Gable Back View



Eave Front View

(1) - SINGLE HUNG (GOOD) 24X42  
(1) - PREHUNGSTE SERVICEDOO CP1 FLUSH STEEL DOOR PH 36X80 LH SB  
(2) - RANCH - I. G. 43X20

Eave Back View

Building Size: 14 feet wide X 26 feet long X 8 feet high

Approximate Peak Height: 13 feet 2 inches (158 inches)

WILL BE 12' HIGH

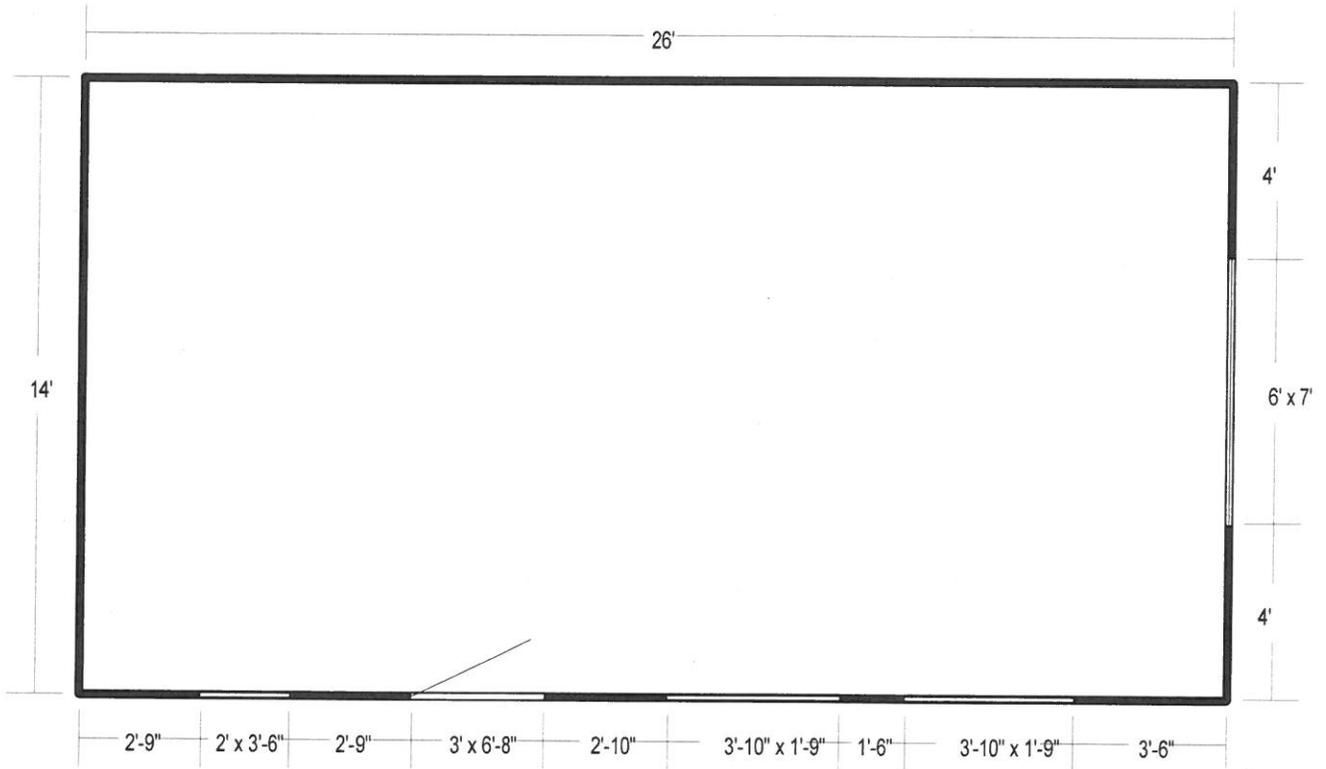
NOTE: Overhead doors may need to be "Wind Code Rated" depending on your building location.

Confirm the door requirements with your local zoning official before construction.

Menards-provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variability in codes and site restrictions, all final plans and material lists must be verified with your local zoning office. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks and sight and hearing protection during construction to ensure a positive building experience.

\*\*\* Garage Floor Plan.

Illustration May Not Depict All Options Selected



Building Size: 14 feet wide X 26 feet long X 8 feet high

Note: Wall construction is 2x4 @ 16" on center

Estimate From  
**MENARDS®**

Estimate # 95665  
 Page 1 of 5

<b>ESTIMATE FOR:</b>	
Tornabene, Catherine 333 Diana Ct Bensenville, IL	
60106-3285	
Ph: (630) 860-9346	
PROJECT DESCRIPTION: garage	

STORE # 3323 MLRP      PHONE: (708) 450-9924  
 3215 W. NORTH AVENUE      FAX: (708) 450-9908  
 MELROSE PARK, IL 60160

<b>ESTIMATE BY ESTIMATE DATE</b>	
ARMANDO N.	04/19/17

SKU NUMBER	DESCRIPTION	QTY TO ORDER	ADDITIONAL ITEM INFORMATION
102-1075	2X4-6' SPF GABLE STUDS	STUD 13 EACH	
102-1075	2X4-6' SPF RAFTER HANGERS	STUD 6 EACH	
102-1091	2X4-92-5/8" SPF CONSTR WALL STUDS	STUD 92 EACH	
102-1114	2X4-10' STUD/#2&BTR SPF GBL FLY RAFTER	CONSTR LUMBER 4 EACH	
102-1127	2X4-12' #2&BTR SPF TOP PLATE	CONSTR LUMBER 4 EACH	
102-1130	2X4-14' #2&BTR SPF TOP PLATE	CONSTR LUMBER 8 EACH	
102-1761	2X6-10' STUD/#2&BTR SPF SPF FASCIA	CONSTR LUMBER 4 EACH	
102-1761	2X6-10' STUD/#2&BTR SPF RAFTERS	CONSTR LUMBER 42 EACH	
102-1787	2X6-14' #2&BTR SPF WALL TIES	CONSTR LUMBER 6 EACH	
102-1790	2X6-16' #2&BTR SPF SPF FASCIA	CONSTR LUMBER 4 EACH	
102-1907	2X8-12' #2&BTR SPF RIDGE BOARD	CONSTR LUMBER 1 EACH	
102-1923	2X8-16' #2&BTR SPF RIDGE BOARD	CONSTR LUMBER 1 EACH	
102-2016	2X10-8' #2&BTR FIR WINDOW HEADER	CONSTR LUMBER 1 EACH	
102-2016	2X10-8' #2&BTR FIR SRV DOOR HEADER	CONSTR LUMBER 1 EACH	
102-2142	2X12-8' #2&BTR FIR OH DOOR HEADER	CONSTR LUMBER 2 EACH	

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**Estimate # 95665**  
**Page 2 of 5**

<b>ESTIMATE FOR:</b>	
Tornabene, Catherine 333 Diana Ct Bensenville, IL	
60106-3285	
Ph: (630) 860-9346	
PROJECT DESCRIPTION: garage	

STORE # 3323 MLRP      PHONE: (708) 450-9924  
3215 W. NORTH AVENUE      FAX: (708) 450-9908  
MELROSE PARK, IL 60160

<b>ESTIMATE BY ESTIMATE DATE</b>	
ARMANDO N.	04/19/17

SKU NUMBER	DESCRIPTION	QTY TO ORDER	ADDITIONAL ITEM INFORMATION
102-2155	2X12-10' #2&BTR FIR WINDOW HEADER	CONSTR LUMBER      2      EACH	
111-0818	2X4-8' AC2 GREEN TRTD SILL PLATE	PRESSURETREATED      1      EACH	
111-0834	2X4-12' AC2 GREEN TRTD SILL PLATE	PRESSURETREATED      2      EACH	
111-0847	2X4-14' AC2 GREEN TREATED SILL PLATE	PRESSURETREATED      3      EACH	
123-1085	1/2" (15/32)-4'X8' CDX HEADER SPACERS	3-PLY 3-BLK STR      1      EACH	
123-1098	1/2" (15/32)-4X8 CDX WALL SHEATHING	4-PLY1-BLACK STRIPES      23      EACH	
124-2825	5/8" (19/32)-4'X8' OSB ROOF SHEATHING	4-WHITE STRIPES      19      EACH	
146-0001	SIDING REMOVAL TOOL SDNG REMOVAL TL	1      EACH	
146-0003	SNAPLOCK PUNCH TOOL SDNG SPUNCH TL	1      EACH	
146-1004	10' STARTER STRIP STARTER STRIP	VINYL LAP      8      EACH	
146-2113	D4" CEDAR CREEK .040 VINYL SIDING	SANDSTONE      86      EACH	ON SALE THRU 04/22/17
146-2359	10' TIMBERCREST OSC OUTSIDE CORNER	3/4" SANDSTONE      4      EACH	
146-2375	12'6"TIMBRCRST J TRIM	3/4" SANDSTONE      14      EACH	
146-2427	12'6" DUAL UNDERSILL FINISH TRIM	SANDSTONE      5      EACH	
147-0986	3/4" EZ-CORNER EZ-CORNERS	8/PACK SANDSTONE      2      EACH	

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Estimate # 95665  
Page 3 of 5

ESTIMATE FOR:	
Tornabene, Catherine 333 Diana Ct Bensenville, IL  60106-3285	
Ph: (630) 860-9346	
PROJECT DESCRIPTION: garage	

STORE # 3323 MLRP      PHONE: (708) 450-9924  
3215 W. NORTH AVENUE      FAX: (708) 450-9908  
MELROSE PARK, IL 60160

ESTIMATE BY ESTIMATE DATE	
ARMANDO N.	04/19/17

SKU NUMBER	DESCRIPTION	QTY TO ORDER	ADDITIONAL ITEM INFORMATION
147-5100	STEEL ROOF VENT GALVANIZED ROOF VENT	2 EACH	
151-1789	#15 UNDERLAY ASTM -4869 3'X144' (4 SQ) ROOFING FELT	1 EACH	
151-1830	1.95 SQ ICE&WATER BARRIERGRANULAR FACE GRAN ICE&WATER	2 EACH	
151-1909	SHINGLE STARTER STRIP 7"X33'4" ROLL SHINGLES	2 EACH	
151-6556	HIP&RIDGE FOR ATLAS 31' HEATHERBLEND SHINGLES	1 BNDL	** Special Order **
151-6655	STORMMASTER SHAKE HEATHERBLEND SHINGLES	18 BNDL	** Special Order **
153-1248	.9GL WET OR DRY PLASTIC ROOF CEMENT ROOF CEMENT	1 EACH	
157-1554	1-1/4"X10' DRIPCAP WHITE WINDOW/DOOR DRIP CAP	1 EACH	
157-2632	12' "ADE" ALUM DRIP EDGE SANDSTONE ROOF EDGE	9 EACH	** Special Order **
157-2636	12' PRO FRIEZE ALUMINUM SANDSTONE FRIEZE RUNNER	9 EACH	** Special Order **
157-2644	6"X12' R/S FASCIA .019 SANDSTONE ALUMINUM FASCIA	9 EACH	** Special Order **
157-2650	16"X12' PRO VENTED SOFFITSANDSTONE ALUMINUM SOFFIT	7 EACH	** Special Order **
157-2655	1-1/4" ALUM TRIM NAIL SANDSTONE 1/4LB SIDING NAILS	1 EACH	
161-1602	3 1/2" X 50' SILL SEALER FOAM SILL SEAL	2 EACH	
161-2996	9' X 75' BLOCK-IT HOUSE WRAP HOUSE WRAP	2 EACH	

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 Page 4 of 5

<b>ESTIMATE FOR:</b>	
Tornabene, Catherine 333 Diana Ct Bensenville, IL 60106-3285	
Ph: (630) 860-9346	
PROJECT DESCRIPTION: garage	

STORE # 3323 MLRP      PHONE: (708) 450-9924  
 3215 W. NORTH AVENUE      FAX: (708) 450-9908  
 MELROSE PARK, IL 60160

<b>ESTIMATE BY ESTIMATE DATE</b>	
ARMANDO N.	04/19/17

SKU NUMBER	DESCRIPTION	QTY TO ORDER	ADDITIONAL ITEM INFORMATION
161-3222	1.88"X54.6 YARD RED SHEATHING TAPE HOUSE WRAP TAPE	1 EACH	
191-7684	HOW TO BUILD GARAGE PLAN CAG5502 GARAGE PLAN	1 EACH	
221-3918	BB ENTRY GEORGIAN KNOB F51VGE0505 SRVDOOR LOCKSET	1 EACH	
227-1164	STEEL PLYWOOD CLIPS 5/8" PC58-BMC BAGS H-CLIPS	4 EACH	
227-1442	1-1/2" JOIST HANGER NAIL HDG 5LB BOX 5# Tie Nails	1 EACH	
227-1647	RAFTER TIE RT15-TZ RAFTER TIES	42 EACH	
229-3672	1-1/2" VINYL SIDING NAIL 2LB BOX SIDING NAILS	2 EACH	
229-5347	8D V.C. SINKER NAIL 5LB BOX SHEATHING NAILS	5 BOX	
229-5363	16D V.C. SINKER NAIL 5LB BOX FRAMING NAILS	4 BOX	
229-5457	6D HDG BOX NAIL 1LB BOX GALV BOX NAILS	1 BOX	
229-5570	16D HDG BOX NAIL 5LB BOX FRAMING NAILS	1 BOX	
229-5648	16D HDG CASING NAIL 1LB BOX CASING NAILS	1 BOX	
229-5732	1-1/4" EGALV ROOFING NAIL 1LB BOX ROOFING NAILS	1 BOX	
229-5790	1-1/4" EGALV ROOFING NAIL 5LB BOX ROOFING NAILS	2 BOX	
230-0001	3-3/8" TRUSSLOK 50 PC FMTSL338-50 HEADER SCREWS	1 EACH	

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ESTIMATE FOR:	
Tornabene, Catherine 333 Diana Ct Bensenville, IL  60106-3285	
Ph: (630) 860-9346	
PROJECT DESCRIPTION: garage	

STORE # 3323 MLRP      PHONE: (708) 450-9924  
3215 W. NORTH AVENUE      FAX: (708) 450-9908  
MELROSE PARK, IL 60160

ESTIMATE BY ESTIMATE DATE	
ARMANDO N.	04/19/17

SKU NUMBER	DESCRIPTION	QTY TO ORDER	ADDITIONAL ITEM INFORMATION
231-2194	5/16" STAPLES HS WRAP STAPLE	5010-C 5M      1      EACH	
403-2140	RANCH - I. G. WINDOW	43X20      2      EACH	
404-0502	SINGLE HUNG (GOOD) WINDOW	24X42      1      EACH	
414-1075	CP1 FLUSH STEEL DOOR PH SERVICE DOOR	36X80 LH SB      1      EACH	
417-1185	VNYL GARAGE DR STOP SAND OH DOOR STOP	7/16X2-1/2X7'      3      EACH	
417-9404	VINYL JAMB TRIM SAND OH DOOR JAMB	11/16X5-3/4X7'      3      EACH	
417-9760	VINYL BRICK MLDG SAND OHDR BRICKMOULD	1-1/4X2X8'      3      EACH	
425-3044	6X7 GLOSS WHITE #200 OVERHEAD DOOR	ROLL UP DOOR      1      EACH	
433-4222	PINE TAPERED SHIMS 12 CT PACKS OF SHIMS	3/8X1-1/4X8''      1      EACH	
563-4222	WL PAINTERS PREM WHITE CAULK	10 OZ WL0037700      3      EACH	

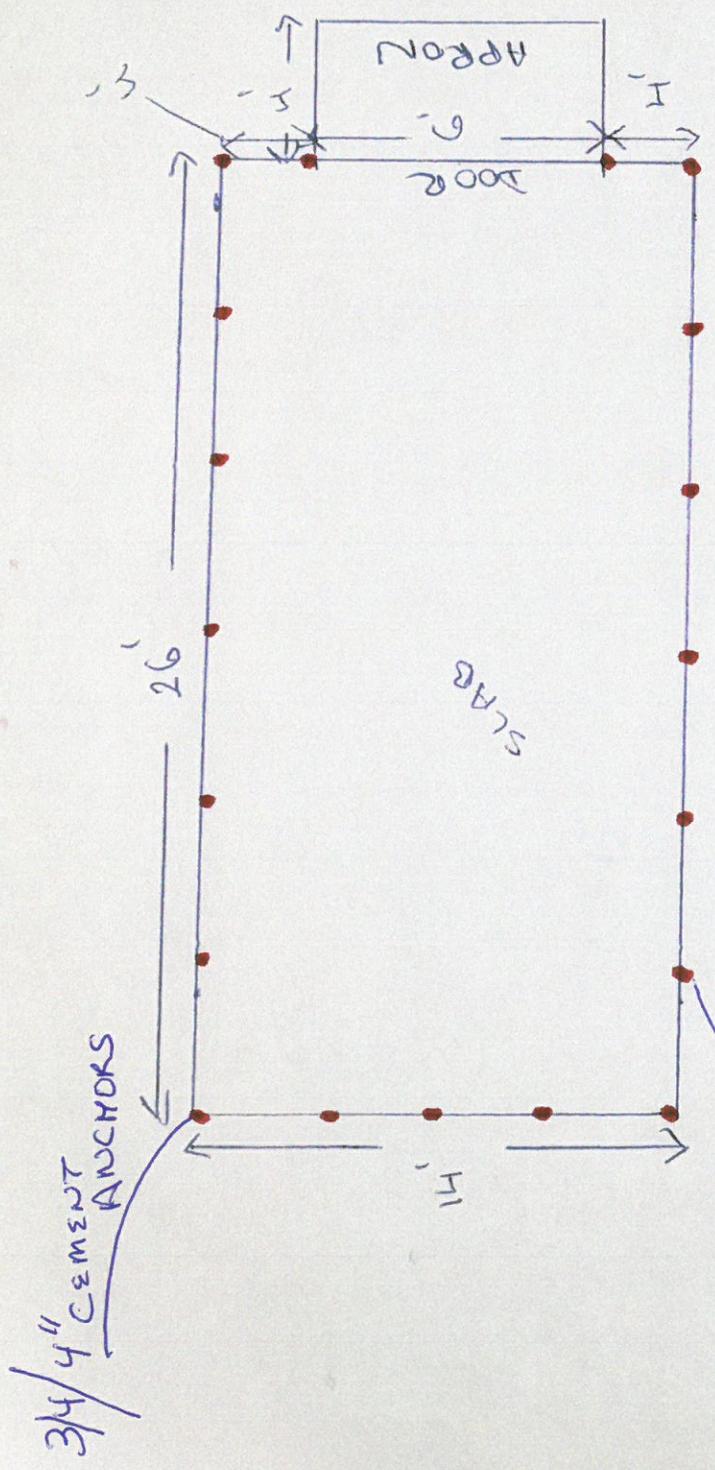
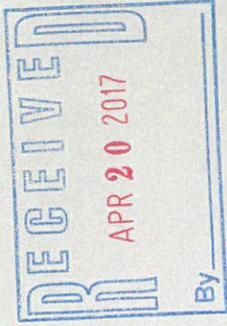
\*\*\* If purchased today, you save \$15.59 \*\*\*

This is an estimate. It is given only for general price information. This is not an offer and there can be no legally binding contract between the parties based upon this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form and are not inclusive of taxes, delivery, packaging or any other charges which may or may not need to be added when ultimately purchasing products from this estimate.

The availability of materials is subject to inventory conditions. **MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY OF THE MATERIALS STATED HEREIN.** All information on this form, other than price, has been provided by guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. **MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS.**

TODAY'S SUB-TOTAL: 4,282.57  
REGULAR SUB-TOTAL: 4,298.16

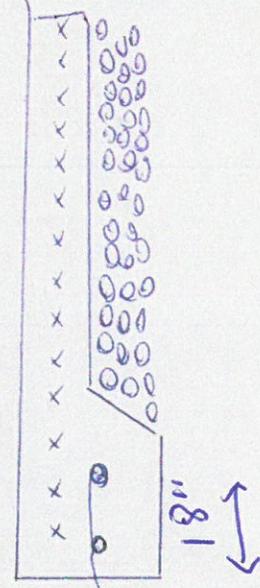
**GUEST COPY  
PAGE 5 OF 5**



5" CONCRETE SLAB

10 GAGE WIRE FOR REINFORCEMENT

4" COMPACTED STONE BASE



3/4" CEMENT ANCHORS

# 5 BAR

6000 MIX 4000 PSI CONCRETE MIX

333 OIANA CT 630 913 1707

**ORDINANCE # \_\_\_\_\_**

**AN ORDINANCE GRANTING APPROVAL OF VARIANCES  
TO ALLOW A SHED  
AT THE PROPERTY COMMONLY KNOWN AS  
333 DIANA COURT, BENSENVILLE, ILLINOIS**

**WHEREAS**, John Tornabene (“Owner”) and (“Applicant”), filed an application (CDC Case #2017-09) for approval of variances to allow an increase in the size allowed for a shed from 120 square feet to 364 square feet, Municipal Code Section 10 – 14 – 12B – 3; and increase in the amount of lot coverage allowed, Municipal Code Section 10 – 5B – 4A – 4 of the Village of Bensenville Zoning Ordinance (“Zoning Ordinance”) for the property located at 333 Diana Court, Bensenville, as legally described in Exhibit "A," attached hereto and incorporated herein by reference (the “Subject Property”), a copy of said application being contained on file in the Community and Economic Development Department; and

**WHEREAS**, Notice of Public Hearing with respect to the variances sought by the Applicant was published in the Bensenville Independent on May 18, 2017 by the Village of Bensenville, and notice was also given via posting of a Public Hearing Sign on the Subject Property and via First Class mail to taxpayers of record within 250 feet of the Subject Property, all as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing on June 5, 2017 as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, after hearing the application, the Community Development Commission failed to approve the findings of fact submitted by the Applicant and a Motion to recommend approval of the variance failed, on a 3 – 1 vote and forwarded its recommendations, including the Staff Report and findings relative to the variation as are attached hereto and incorporated herein by reference as Exhibit "B" to the Community and Economic Development Committee, did not concur with the recommendation made therein; and

**WHEREAS**, the Community and Economic Development Committee voted \_\_\_\_\_ to \_\_\_\_\_ the variance to allow the construction of the shed; and

**WHEREAS**, on June 20, 2017 the Community and Economic Development Committee then forwarded its recommendation, along with that of the Community Development Commission, to the President and Board of Trustees; and

**WHEREAS**, the President and Board of Village Trustees have reviewed the matter herein and have determined that approval of the requested variances as recommended by the Community and Economic Development Committee to allow the construction of a shed is consistent with the Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

**SECTION ONE:** That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

**SECTION TWO:** That the Subject Property is currently zoned under the Zoning Ordinance as RS – 2 Medium Low Density Single Family District, which zoning classification shall remain in effect subject to the variance approved herein.

**SECTION THREE:** That the Staff Report and Recommendation to approve the variances sought, being reviewed, is adopted by the Village Board of Trustees, which has found that the variances should be approved as requested on the facts submitted by the Applicant.

**SECTION FOUR:** That the variances sought by the Owner/Applicant to allow the monument and wall signs on the Subject Property is hereby approved with the following conditions:

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

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville, this 27<sup>th</sup> day of June 2017.

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

ATTEST:

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

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Ordinance # \_\_\_\_\_

Exhibit "A"

Legal Description

The Legal Description is as follows:

LOT 229 IN BRENTWOOD TERRACE, IN A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 24, AND THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 333 Diana Court, Bensenville, IL 60106.

Ordinance # \_\_\_\_\_

Exhibit "B"

Community Development Commission Findings of Fact / Recommendation

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

**Petitioner Statement:**

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

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

**Petitioner Statement:**

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

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

**Petitioner Statement:**

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

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

**Petitioner Statement:**

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

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

**Petitioner Statement:**

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

6. **Necessary for Use of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

**Petitioner Statement:**

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

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

**Petitioner Statement:**

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

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

**Petitioner Statement:**

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

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

**Petitioner Statement:**

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

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

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

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

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

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

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

Nays: None

All were in favor. Motion carried.

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

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

ROLL CALL: Ayes: Marcotte, Pisano, Rowe

Nays: Moruzzi

Motion failed.

**TYPE:**Ordinance**SUBMITTED BY:**Kurtis R Pozsgay**DEPARTMENT:**CED**DATE:**06.05.17**DESCRIPTION:**

Consideration of an Ordinance for a Variance for the Construction of a Porch on a Non-Conforming Home for the Applicant James Ricker, located at 21 East Pine Avenue, Bensenville, Illinois

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

CEDC

**DATE:**

06.20.17

**BACKGROUND:**

The applicant is proposing to replace a 120 square foot enclosed front porch with a new 240 square foot enclosed front porch. The building is currently nonconforming, built within the required side yard on the May Street side. Any addition to a nonconforming residential property requires a variance. The larger enclosed front porch will be used as a sunroom and art space for his wife. The total building area will be roughly 1,560 square feet. The property is well below the 50% (6,098 SQFT.) threshold for lot coverage.

**KEY ISSUES:**

- 1) The home is existing non-conforming, built in the required side yard.
- 2) The existing porch is in need of repair.
- 3) The new porch will add much needed space so the property owners can enjoy the use of their property.

Variance for construction of a porch on a non-conforming home.

- Additions and Enlargements, Municipal Code Section 10 – 16 – 4C

**ALTERNATIVES:**

Committee Discretion.

**RECOMMENDATION:**

- 1) The staff respectfully recommends that the Variances be approved.
- 2) At the Public Hearing on June 5, 2017, the Community Development Commission voted unanimously (4-0) to recommend approval of the requests with the conditions recommended by staff (attached). Motion passed.

**BUDGET IMPACT:**

N/A

**ACTION REQUIRED:**

Approval of an Ordinance approving Variances for the applicant James Ricker, located at 21 East Pine Avenue.

ATTACHMENTS:

Description	Upload Date	Type
<b>Aerial &amp; Zoning Maps</b>	<b>5/31/2017</b>	<b>Backup Material</b>
<b>Legal Notice</b>	<b>5/31/2017</b>	<b>Backup Material</b>
<b>Staff Report</b>	<b>5/31/2017</b>	<b>Executive Summary</b>
<b>Plat of Survey</b>	<b>5/31/2017</b>	<b>Backup Material</b>
<b>Plans</b>	<b>5/31/2017</b>	<b>Backup Material</b>
<b>Ordinance</b>	<b>6/12/2017</b>	<b>Ordinance</b>



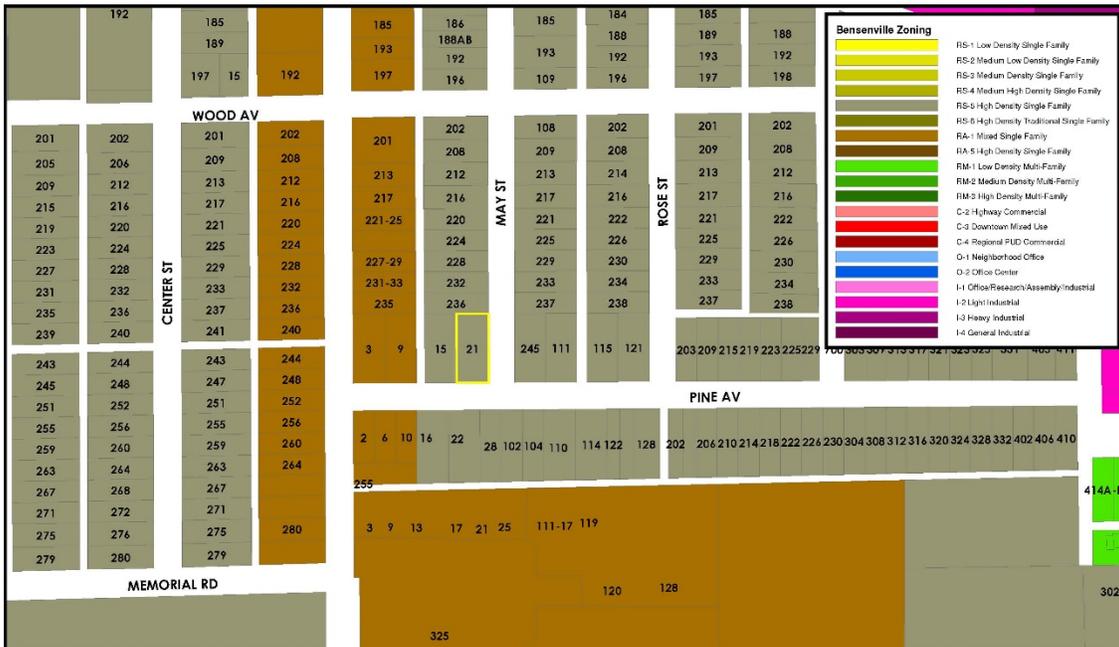
# Village of Bensenville

21 E Pine Av



# Village of Bensenville

Zoning Map



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

NOTICE IS HEREBY GIVEN that on Monday, June 5, 2017 at 6:30 P.M., the Community Development Commission of the Village of Bensenville, Du Page and Cook Counties, will hold a Public Hearing to review Case No. 2017 – 10 to consider a request for:

Variance for construction of a porch on a conforming home.  
- Additions and Enlargements,  
Municipal Code Section 10 – 16 – 4C

21 East Pine Avenue is in a 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 4 IN F.W. FRANZEN’S PINE AVENUE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 3, 1910 AS DOCUMENT NUMBER 102648, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 21 East Pine Avenue, Bensenville, IL 60106.

James Ricker, 21 East Pine Avenue, Bensenville, IL 60106 is the owner and applicant for the subject property for this CDC Case No. 2017 - 10 and Public Hearing.

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

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

Office of the Village Clerk  
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT  
May 18, 2017**



**STAFF REPORT**

**HEARING DATE:** June 5, 2017  
**CASE #:** 2017 – 10  
**PROPERTY:** 21 East Pine Avenue  
**PROPERTY OWNER:** James Ricker  
**APPLICANT:** Same  
**SITE SIZE:** 12,196 SF  
**BUILDING SIZE:** 1,350 SF  
**PIN NUMBERS:** 03-13-317-021  
**ZONING:** RS – 5 High Density Single Family District  
**REQUEST:** Variance for construction of a porch on a non-conforming home.  
 - Additions and Enlargements, Municipal Code Section 10 – 16 – 4C

**PUBLIC NOTICE:**

1. A Legal Notice was published in the Bensenville Independent on Thursday May 18, 2017. A Certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours.
2. Village personnel posted two Notice of Public Hearing signs on the property, visible from the public way on Thursday May 18, 2017.
3. On Friday May 19, 2017, Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250’ of the property in question. An Affidavit of Mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

**SUMMARY:**

The applicant is proposing to replace a 120 square foot enclosed front porch with a new 240 square foot enclosed front porch. The building is currently nonconforming, built within the required side yard on the May Street side. Any addition to a nonconforming residential property requires a variance. The larger enclosed front porch will be used as a sunroom and art space for his wife. The total building area will be roughly 1,560 square feet. The property is well below the 50% (6,098 SQFT.) threshold for lot coverage.

**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>East</b>	RS – 5	Residential	Single Family Residential	Village of Bensenville
<b>West</b>	RS – 5	Residential	Single Family Residential	Village of Bensenville

**DEPARTMENT COMMENTS:**

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

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

Finance:

No issues from finance.

Police:

No police issues.

Engineering and Public Works:

No comments other than blend the grades and do not impede existing drainage.

Community & Economic Development:

Economic Development:

No comments

Fire Safety:

No comments.

Building:

- 1) Building has no comments at this time.
- 2) There may be structural/ electrical review comments at permitting.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Single Family Residential” for this property.
- 2) The proposed enclosed porch is 240 SF, replacing a 120 SF enclosed porch.
- 3) The building is currently nonconforming, built within the required side yard on the May Street side. Any addition to a nonconforming residential property requires a variance.
- 4) The larger enclosed front porch will be used as a sunroom and art space for his wife.
- 5) The total building area will be roughly 1,560 square feet. The property is well below the 50% threshold for lot coverage.

**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: It's a family home built in 1920. Improvements will improve neighborhood.*

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

*Response: Two senior citizens live here and desire to stay.*

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

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

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

*Response: They did not result from any applications by applicant.*

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

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

- 6. Necessary for Use of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

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

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

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

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

*Response: It is in harmony with all planning documents. Want to blend into neighborhood and increase value for all.*

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

*Response: This is only five additional feet to make the porch usable and improve the home.*

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

**RECOMMENDATIONS:**

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

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

Respectfully Submitted,  
 Department of Community  
 & Economic Development

# PLAT OF SURVEY MARCHESE SURVEYING, INC.

RESIDENTIAL - COMMERCIAL SURVEYS

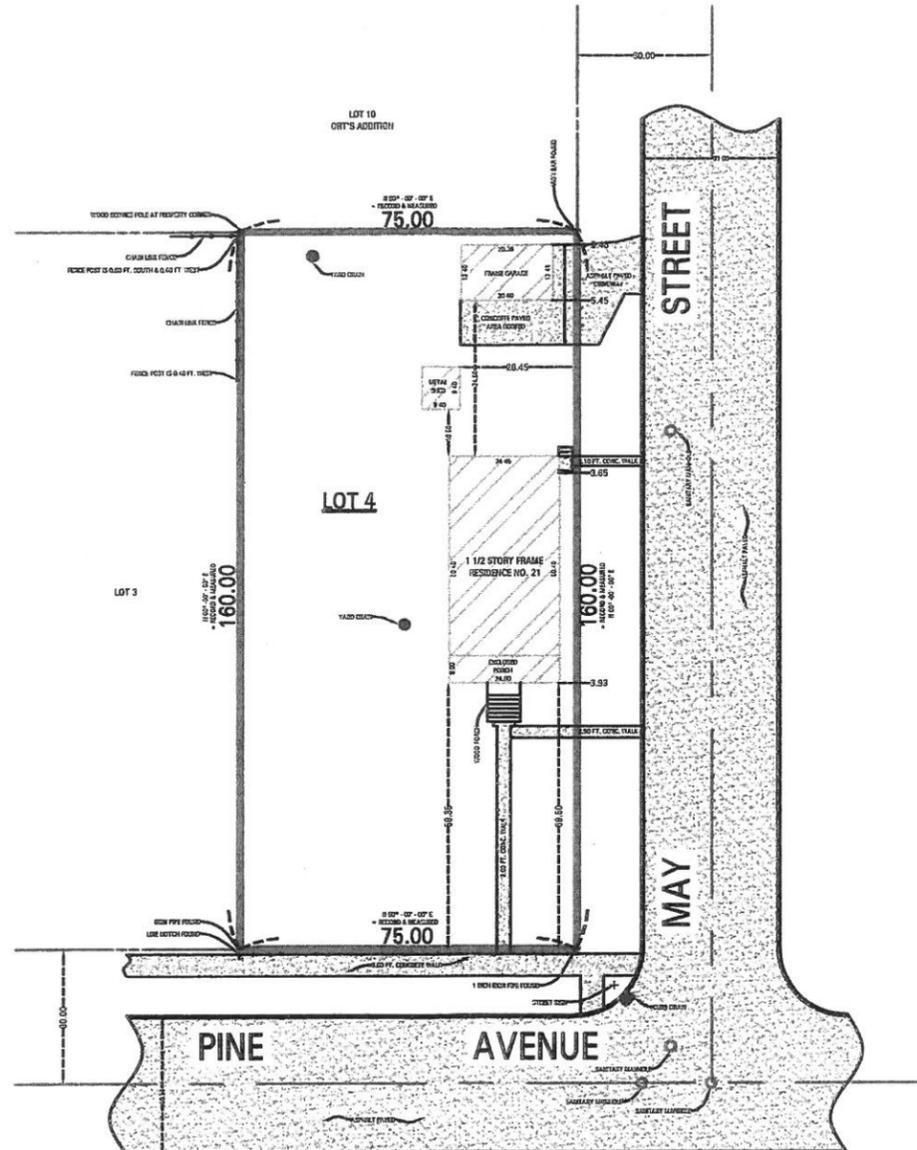
1281-G Humbrecht Circle  
Bartlett, Illinois 60103

Phone: (630) 830-1570  
Fax: (630) 830-1844

### PROPERTY DESCRIPTION

LOT 4 IN F.W. FRANZEN'S PINE AVENUE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 3, 1910 AS DOCUMENT NUMBER 102648, IN DUPAGE COUNTY, ILLINOIS.

ALSO KNOWN AS: 21 EAST PINE AVENUE IN BENSINVILLE, ILLINOIS.



A PRELIMINARY TITLE POLICY REPORT WAS NOT FURNISHED TO MARCHESE SURVEYING INC. FOR OUR USE IN PREPARING THIS SURVEY. THEREFORE THERE MAY BE ADDITIONAL ENCUMBRANCES AND OR SERVITUDES AFFECTING THIS PROPERTY WHICH ARE NOT SHOWN ON THIS PLAT OF SURVEY.

SCALE: ONE INCH = FIFTEEN FEET

ORDER NO: 12-10376

ORDERED BY: MR. THOM J. FREEMAN, III  
ATTORNEY AT LAW

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE. FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON, REFER TO YOUR CONTRACT, DEED, TITLE INSURANCE POLICY AND ZONING ORDINANCE.

STATE OF ILLINOIS S.S.  
COUNTY OF DUPAGE

I, ROCCO J. MARCHESE, HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. DATED AT BARTLETT, APRIL 27, 2012.

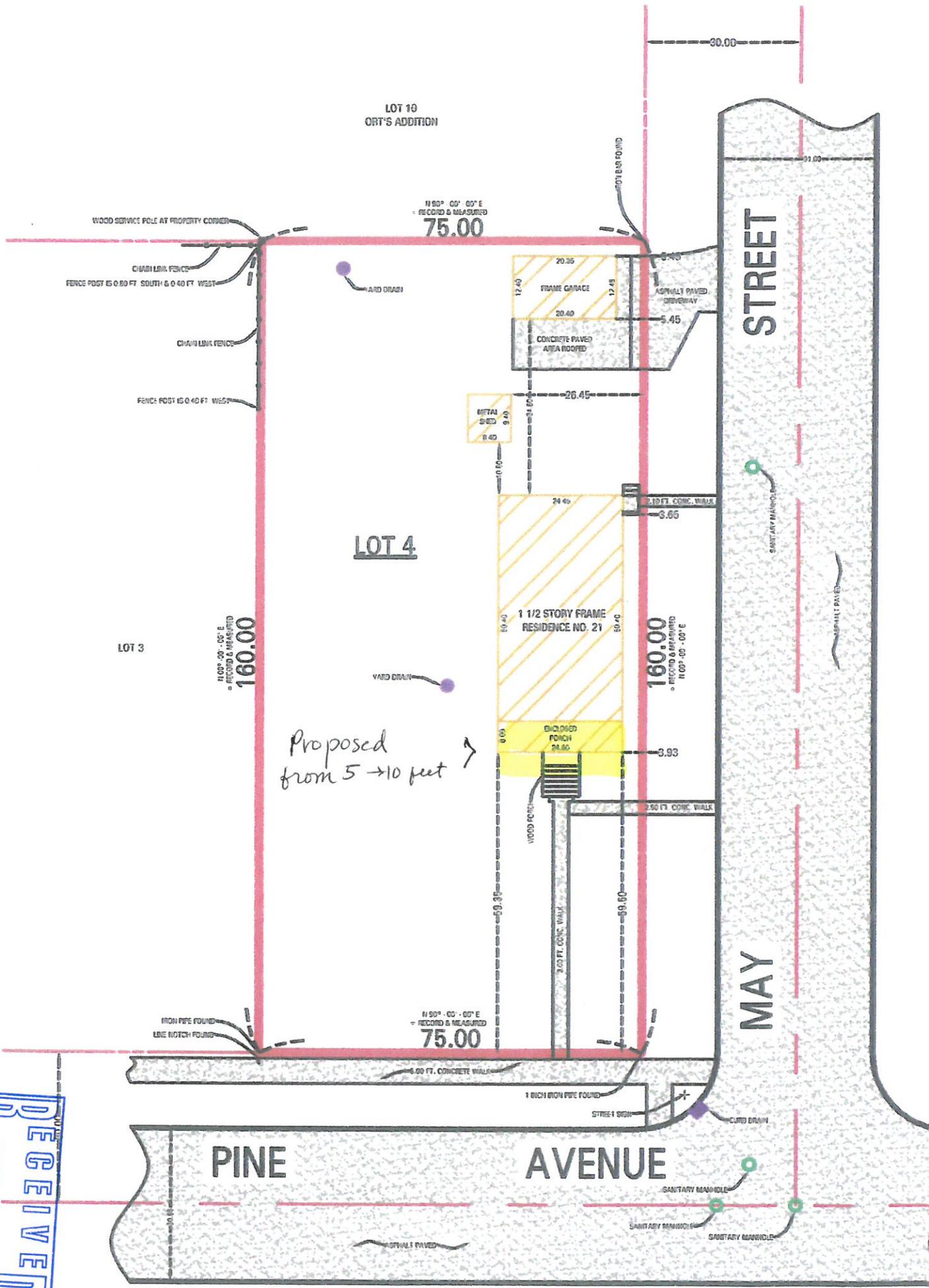


ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3039  
MY LICENSE EXPIRES ON NOVEMBER 30, 2012

ANY REPRODUCTION OF THIS PLAT IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT FROM MARCHESE SURVEYING, INC.

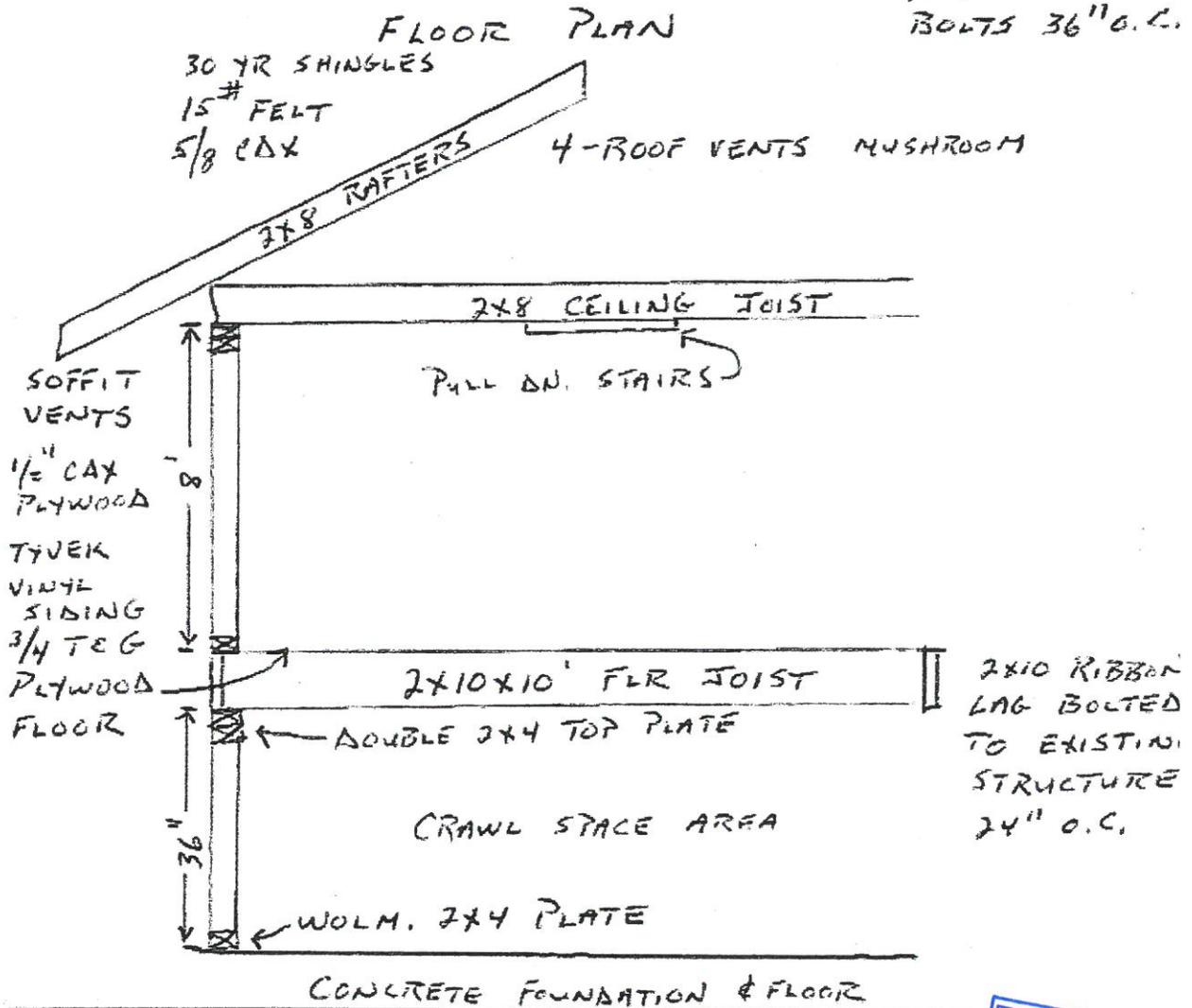
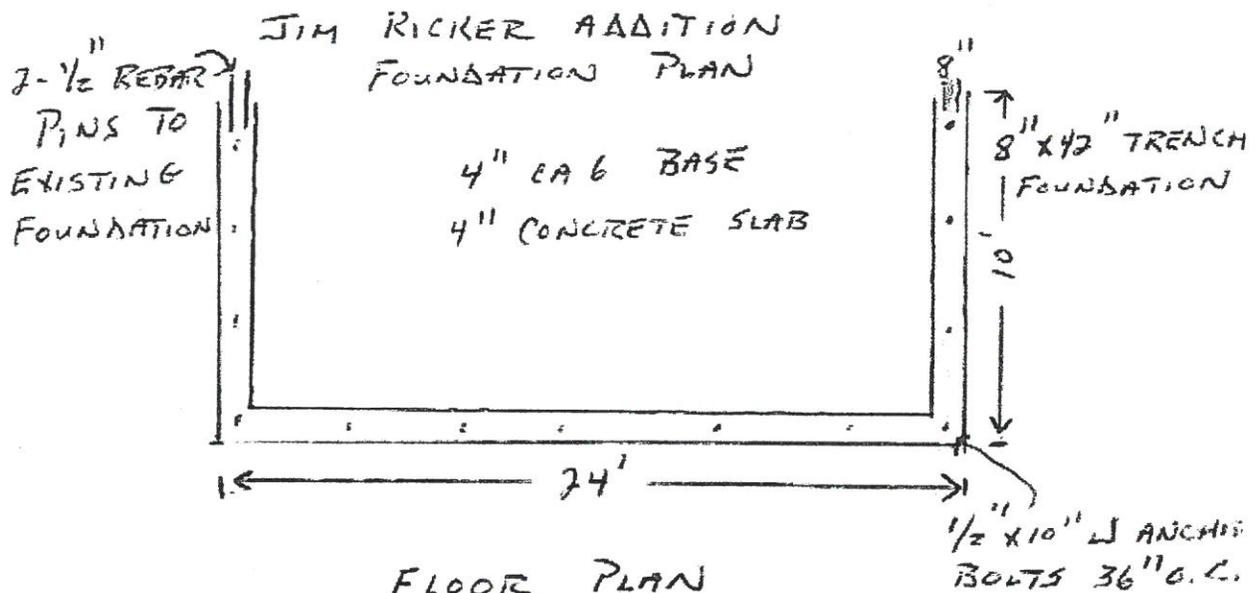
NOT VALID UNLESS SEAL IS IN RED INK.

LOT 10  
ORT'S ADDITION



Proposed from 5 → 10 feet

RECEIVED  
 APR 14 2017  
 By \_\_\_\_\_



RECEIVED  
 APR 14 2017  
 By \_\_\_\_\_

**ORDINANCE # \_\_\_\_\_**

**AN ORDINANCE GRANTING APPROVAL OF A VARIANCE  
TO ALLOW FOR CONSTRUCTION OF A PORCH ON A NON-CONFORMING HOME  
AT THE PROPERTY COMMONLY KNOWN AS  
21 EAST PINE AVENUE, BENSENVILLE, ILLINOIS**

**WHEREAS**, James Ricker (“Owner”) and (“Applicant”), filed an application (CDC Case #2017-10) for approval of a variance to allow for construction of a porch on a non-conforming home, Municipal Code Section 10 – 16 – 4C of the Village of Bensenville Zoning Ordinance (“Zoning Ordinance”) for the property located at 21 East Pine Avenue, Bensenville, as legally described in Exhibit "A," attached hereto and incorporated herein by reference (the “Subject Property”), a copy of said application being contained on file in the Community and Economic Development Department; and

**WHEREAS**, Notice of Public Hearing with respect to the variances sought by the Applicant was published in the Bensenville Independent on May 18, 2017 by the Village of Bensenville, and notice was also given via posting of a Public Hearing Sign on the Subject Property and via First Class mail to taxpayers of record within 250 feet of the Subject Property, all as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing on June 5, 2017 as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, after hearing the application, the Community Development Commission approved the findings of fact submitted by the Applicant recommending approval of the variance and, thereafter, voted (4-0) recommending approval of the variance, and

**WHEREAS**, the Community Development Commission then forwarded its recommendations, including the Staff Report and findings relative to the variation as are attached hereto and incorporated herein by reference as Exhibit "B" to the President and Village Board of Trustees, and

**WHEREAS**, the Community and Economic Development Committee voted \_\_\_\_\_ to \_\_\_\_\_ the variance to allow for construction of a porch on a non-conforming home; and

**WHEREAS**, on June 20, 2017 the Community and Economic Development Committee then forwarded its recommendation, along with that of the Community Development Commission, to the President and Board of Trustees; and

**WHEREAS**, the President and Board of Village Trustees have reviewed the matter herein and have determined that approval of the requested variances as recommended by the Community and Economic Development Committee to allow for construction of a porch on a non-conforming home is consistent with the Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

**SECTION ONE:** That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

**SECTION TWO:** That the Subject Property is currently zoned under the Zoning Ordinance as RS – 5 High Density Single Family District, which zoning classification shall remain in effect subject to the variance approved herein.

**SECTION THREE:** That the Staff Report and Recommendation to approve the variance sought, being reviewed, is adopted by the Village Board of Trustees, which has found that the variances should be approved as requested on the facts submitted by the Applicant.

**SECTION FOUR:** That the variance sought by the Owner/Applicant to allow the monument and wall signs on the Subject Property is hereby approved with the following conditions:

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

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville, this 27<sup>th</sup> day of June 2017.

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

ATTEST:

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

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Ordinance # \_\_\_\_\_

Exhibit "A"

Legal Description

The Legal Description is as follows:

LOT 4 IN F.W. FRANZEN'S PINE AVENUE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 3, 1910 AS DOCUMENT NUMBER 102648, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 21 East Pine Avenue, Bensenville, IL 60106.

Ordinance # \_\_\_\_\_

Exhibit "B"

Community Development Commission Findings of Fact / Recommendation

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

*Response: It's a family home built in 1920. Improvements will improve neighborhood.*

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

*Response: Two senior citizens live here and desire to stay.*

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

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

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

*Response: They did not result from any applications by applicant.*

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

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

- 6. Necessary for Use of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

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

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

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

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

*Response: It is in harmony with all planning documents. Want to blend into neighborhood and increase value for all.*

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

***Response: This is only five additional feet to make the porch usable and improve the home.***

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

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

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

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

Nays: None

All were in favor. Motion carried.

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

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

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

Nays: None

All were in favor. Motion carried.

**TYPE:**Ordinance**SUBMITTED BY:**Kurtis R Pozsgay**DEPARTMENT:**CED**DATE:**06.05.17**DESCRIPTION:**

Consideration of an Ordinance Approving Variances for the Installation of Awnings/Signage for the Applicant OnTime Messenger Service, Inc., located at 1280 North Illinois Route 83, Bensenville, Illinois

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

CEDC

**DATE:**

06.20.17

**BACKGROUND:**

The applicant is proposing to install one awning above the building's entrance and four (4) awnings above windows on the front elevation. Each awning has the business name, which is not permitted by the Municipal Code of one sign per business. The text (sign) on the awning above the entrance is roughly 75% of the overall awning size, which is greater than the allowed 66% maximum allowed in the Municipal Code. The awning above the entrance is also less than the required 8 feet clearance.

**KEY ISSUES:**

- 1) The sign Ordinance only allows one sign per business.
- 2) The sign Ordinance requires awnings to be a minimum of 8 feet above ground. The proposed entrance awning is slightly less.
- 3) The sign Ordinance allows 66% coverage for signs on awnings. The proposed entrance sign is 75%.

**ALTERNATIVES:**

Committee Discretion.

**RECOMMENDATION:**

- 1) The staff respectfully recommends that the Variances be approved.
- 2) At the Public Hearing on June 5, 2017, the Community Development Commission voted unanimously (4-0) to recommend approval of the Requests with the conditions recommended by staff (attached). Motion passed.
- 3) There was one member of the public wishing to be heard. Issues did not pertain to the signage issue, but to a fence in the rear yard. Staff will address separately.

**BUDGET IMPACT:**

N/A

**ACTION REQUIRED:**

Approval of an Ordinance approving Variances for the applicant OnTime Messenger Service, Inc., located at 1280 North Illinois Route 83.

ATTACHMENTS:

Description	Upload Date	Type
<b>Aerial &amp; Zoning Maps</b>	<b>5/31/2017</b>	<b>Backup Material</b>
<b>Legal Notice</b>	<b>5/31/2017</b>	<b>Backup Material</b>
<b>Staff Report</b>	<b>5/31/2017</b>	<b>Executive Summary</b>
<b>Plans</b>	<b>5/31/2017</b>	<b>Backup Material</b>
<b>Ordinance</b>	<b>6/12/2017</b>	<b>Ordinance</b>



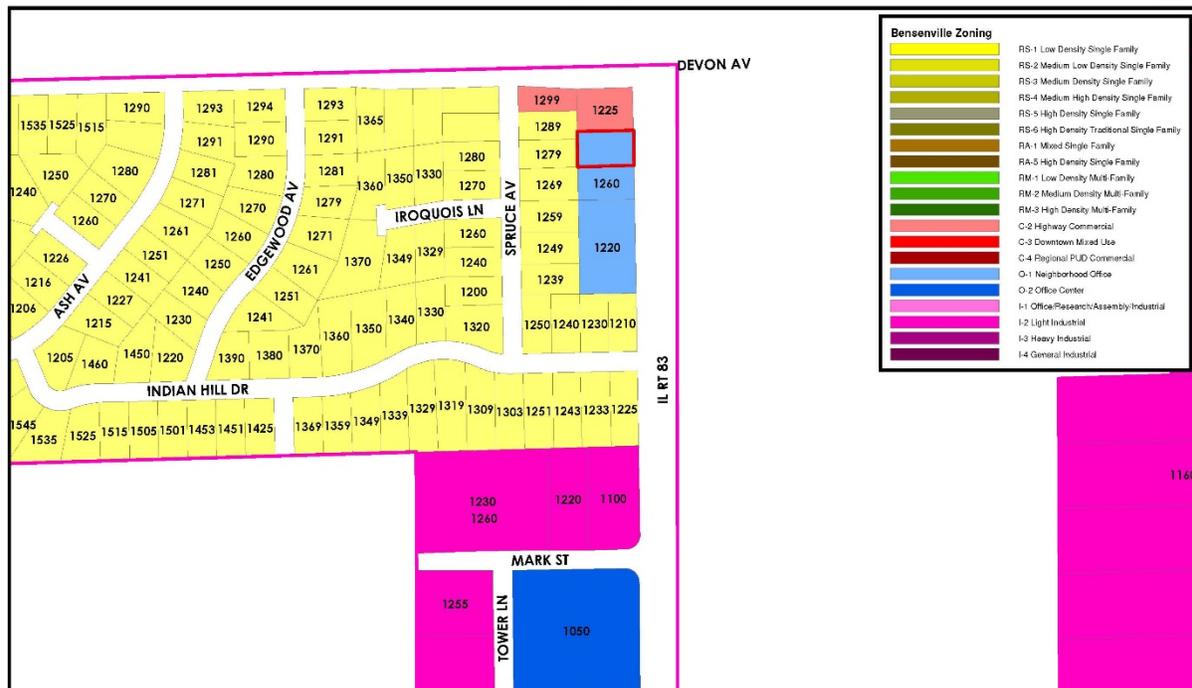
# Village of Bensenville

1280 N Rt 83



# Village of Bensenville

Zoning Map



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

NOTICE IS HEREBY GIVEN that on Monday, June 5, 2017 at 6:30 P.M., the Community Development Commission of the Village of Bensenville, Du Page and Cook Counties, will hold a Public Hearing to review Case No. 2017 – 11 to consider a request for:

- Variations for installation of awnings/signage
- Number Permitted, Municipal Code Section 10 – 18 – 12b – 3
- Maximum Sign Area, Municipal Code Section 10 – 18 – 12c – 2
- Clearance, Municipal Code Section 10 – 18 – 12f - 2

1280 North Route 83 is in an O – 1 Neighborhood Office 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 55 IN BRANIGAR’S MOHAWK TERRACE, BEING A SUBDIVISION IN SECTION 3, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NUMBER 786620, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 1280 North Route 83, Bensenville, IL 60106.

OnTime Messenger Service, Inc., 1280 North Route 83, Bensenville, IL 60106 is the owner and applicant for the subject property for this CDC Case No. 2017 - 11 and Public Hearing.

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

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

Office of the Village Clerk  
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT  
May 18, 2017**



**STAFF REPORT**

**HEARING DATE:** June 5, 2017  
**CASE #:** 2017 – 11  
**PROPERTY:** 1280 North Route 83  
**PROPERTY OWNER:** OnTime Messenger Service, Inc.  
**APPLICANT:** Same  
**SITE SIZE:** 22,638 SF  
**BUILDING SIZE:** 5,560 SF  
**PIN NUMBERS:** 03-03-203-012  
**ZONING:** O – 1 Neighborhood Office District  
**REQUEST:** Variances for installation of awnings/signage  
 - Number Permitted, Municipal Code Section 10 – 18 – 12b – 3  
 - Maximum Sign Area, Municipal Code Section 10 – 18 – 12c – 2  
 - Clearance, Municipal Code Section 10 – 18 – 12f – 2

**PUBLIC NOTICE:**

1. A Legal Notice was published in the Bensenville Independent on Thursday May 18, 2017. A Certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours.
2. Village personnel posted two Notice of Public Hearing signs on the property, visible from the public way on Thursday May 18, 2017.
3. On Friday May 19, 2017, Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250’ of the property in question. An Affidavit of Mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

**SUMMARY:**

The applicant is proposing to install one awning above the building’s entrance and four (4) awnings above windows on the front elevation. Each awning has the business name, which is not permitted by the Municipal Code of one sign per business. The text (sign) on the awning above the entrance is roughly 75% of the overall awning size, which is greater than the allowed 66% maximum allowed in the Municipal Code. The awning above the entrance is also less than the required 8 feet clearance.

**SURROUNDING LAND USES:**

	<b>Zoning</b>	<b>Land Use</b>	<b>Comprehensive Plan</b>	<b>Jurisdiction</b>
<b>Site</b>	O – 1	Office	Local Commercial	Village of Bensenville
<b>North</b>	O – 1	Commercial	Local Commercial	Village of Bensenville
<b>South</b>	O – 1	Medical Office	Local Commercial	Village of Bensenville
<b>East</b>	I – 2	Industrial	Industrial	Elk Grove Village
<b>West</b>	RS – 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 type="checkbox"/>	Enrich the lives of Residents
<input type="checkbox"/>	Major Business/Corporate Center
<input checked="" type="checkbox"/>	Vibrant Major Corridors

Finance:

No issues from finance.

Police:

No police issues.

Engineering and Public Works:

No comments.

Community & Economic Development:

Economic Development: No comments

Fire Safety:

No comments.

Building:

No comments at this time.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Local Commercial” for this property.
- 2) The applicant is proposing to install one awning above the building’s entrance and four (4) awnings above windows on the front elevation.
- 3) Each awning has the business name, which violates the Municipal Code maximum of one sign per business.
- 4) The sign on the awning above the entrance is roughly 75% of the awning size, which is greater than the allowed two-thirds.
- 5) The awning above the entrance is also less than the required 8 feet clearance.

**APPROVAL CRITERIA FOR VARIANCES:**

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

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

2. **Hardship or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.
3. **Circumstances Relate to Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.
4. **Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.
5. **Preserve Rights Conferred by District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.
6. **Necessary for Use of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.
7. **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.
8. **Consistent with Title and Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.
9. **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

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

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

**RECOMMENDATIONS:**

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variations for OnTime Messenger Service, Inc. with the following conditions:

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

Respectfully Submitted,  
 Department of Community  
 & Economic Development

ENTRANCE (SOUTH) ELEVATION



**ON TIME**  
Messenger Service, Inc.

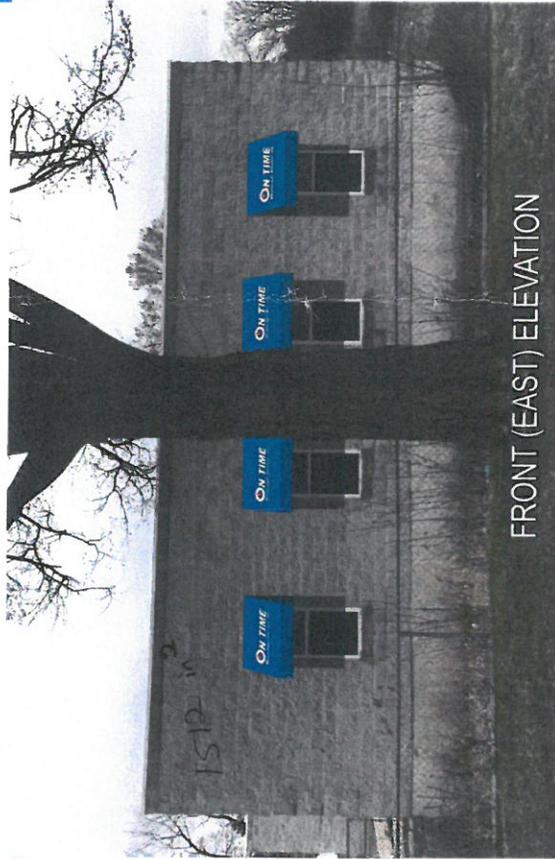
2808

12/21/2016

14.68 in  
36 in  
528.48 in  
**ON TIME**  
Messenger Service, Inc.

29.36 in  
72 in  
**ON TIME**  
Messenger Service, Inc.

Clearance ?



FRONT (EAST) ELEVATION

# AWNINGS

Account:

On Time Messenger

Location:

1280 N. Rt. 83  
Bensenville, IL

Date: 4/11/17

THIS ARTWORK REMAINS THE INTELLECTUAL PROPERTY OF THE AUBREY SIGN CO. UNTIL PAID FOR, IN FULL, BY THE AUBREY SIGN CO. ANY REUSE OF THIS ARTWORK FOR ANY COMMERCIAL PURPOSE WITHOUT OUR WRITTEN PERMISSION WILL RESULT IN A \$1,000 PENALTY. PLEASE REVIEW: SIGN AND DATE THIS - INDICATING YOUR APPROVAL.

approved by \_\_\_\_\_ date \_\_\_\_\_

**Aubrey**  
SIGN CO.

1847 Suncaat Lane  
Batavia, IL 60510

Ph: 630-482-9901  
Fax: 630-482-9906

www.aubreysigns.com

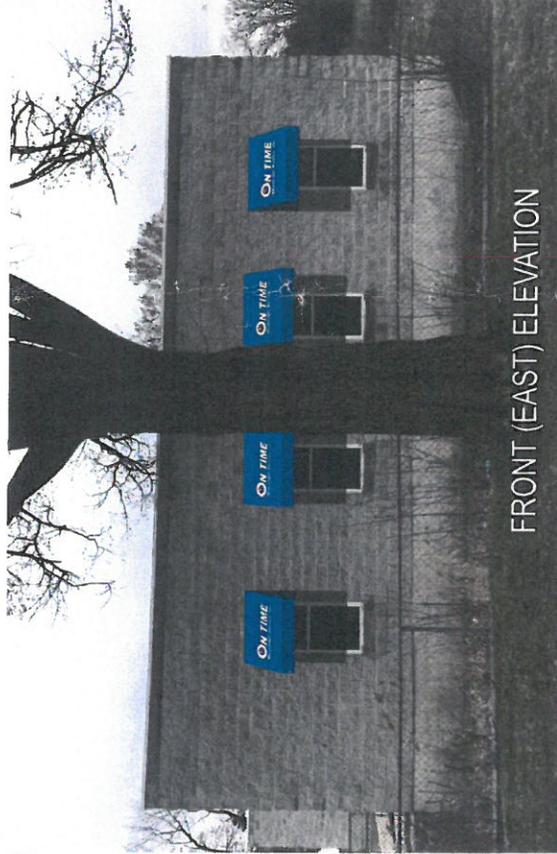
Email:  
mike@aubreysigns.com

Sign details: intall new Sunbrella awnings (Ocean Blue) with applied red/white cast vinyl graphics  
Type of Illumination: None  
Dimensions: Entrance 78" W x 36" H x 36" P. Four (4) front awnings 42" W x 36"-H x 36"P. All have closed sides and front front valance. Graphic area as noted: 15 sq. ft and 3.75 sq. ft x 4.  
Special Notes: Entrance elevation > 75 ft. Front elevation = 50 ft.

ENTRANCE (SOUTH) ELEVATION



12/21/2016



FRONT (EAST) ELEVATION

# AWNINGS

Account:

On Time Messenger

Location:

1280 N. Rt. 83  
Bensenville, IL

Date: 4/11/17

THIS ARTWORK REMAINS THE INTELLECTUAL PROPERTY OF THE AUBREY SIGN CO. UNTIL PAID FOR, IN FULL, BY THE CUSTOMER. USE OF THIS ARTWORK FOR ANY COMMERCIAL PURPOSES WITHOUT WRITTEN PERMISSION WILL RESULT IN A \$1,000 PENALTY. PLEASE REVIEW, SIGN AND DATE THIS - INDICATING YOUR APPROVAL.

approved by \_\_\_\_\_

date \_\_\_\_\_

**Aubrey**  
SIGN CO.

1847 Suncaat Lane  
Batavia, IL 60510

Ph: 630-482-9901

Fax: 630-482-9906

www.aubreysigns.com

Email:  
mike@aubreysigns.com

Sign details: intall new Sunbrella awnings (Ocean Blue) with applied red/white cast vinyl graphics  
Type of Illumination: None  
Dimensions: Entrance 78" W x 36" H x 36" P. Four (4) front awnings 42" W x 36" H x 36" P. All have closed sides and front front valance. Graphic area as noted: 15 sq. ft and 3.75 sq. ft x 4.  
Special Notes: Entrance elevation > 75 ft. Front elevation = 50 ft.



**ORDINANCE # \_\_\_\_\_**

**AN ORDINANCE GRANTING APPROVAL OF A VARIANCE  
TO ALLOW FOR INSTALLATION OF AWNINGS/SIGNAGE  
AT THE PROPERTY COMMONLY KNOWN AS  
1280 NORTH ROUTE 83, BENSENVILLE, ILLINOIS**

**WHEREAS**, OnTime Messenger Service, Inc. (“Owner”) and (“Applicant”), filed an application (CDC Case #2017-11) for approval of a variances to allow for installation of awnings/signage Number Permitted, Municipal Code Section 10 – 18 – 12b – 3; Maximum Sign Area, Municipal Code Section 10 – 18 – 12c – 2; and Clearance, Municipal Code Section 10 – 18 – 12f – 2 of the Village of Bensenville Zoning Ordinance (“Zoning Ordinance”) for the property located at 1280 North Route 83, Bensenville, as legally described in Exhibit "A," attached hereto and incorporated herein by reference (the “Subject Property”), a copy of said application being contained on file in the Community and Economic Development Department; and

**WHEREAS**, Notice of Public Hearing with respect to the variances sought by the Applicant was published in the Bensenville Independent on May 18, 2017 by the Village of Bensenville, and notice was also given via posting of a Public Hearing Sign on the Subject Property and via First Class mail to taxpayers of record within 250 feet of the Subject Property, all as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing on June 5, 2017 as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, after hearing the application, the Community Development Commission approved the findings of fact submitted by the Applicant recommending approval of the variances and, thereafter, voted (4-0) recommending approval of the variance, and

**WHEREAS**, the Community Development Commission then forwarded its recommendations, including the Staff Report and findings relative to the variations as are attached hereto and incorporated herein by reference as Exhibit "B" to the President and Village Board of Trustees, and

**WHEREAS**, the Community and Economic Development Committee voted \_\_\_\_\_  
to \_\_\_\_\_ the variance to allow for installation of awnings/signage; and

**WHEREAS**, on June 20, 2017 the Community and Economic Development Committee then forwarded its recommendation, along with that of the Community Development Commission, to the President and Board of Trustees; and

**WHEREAS**, the President and Board of Village Trustees have reviewed the matter herein and have determined that approval of the requested variances as recommended by the Community and Economic Development Committee to allow for installation of awnings/signage is consistent with the Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

**SECTION ONE:** That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

**SECTION TWO:** That the Subject Property is currently zoned under the Zoning Ordinance as O – 1 Neighborhood Office District, which zoning classification shall remain in effect subject to the variances approved herein.

**SECTION THREE:** That the Staff Report and Recommendation to approve the variances sought, being reviewed, is adopted by the Village Board of Trustees, which has found that the variances should be approved as requested on the facts submitted by the Applicant.

**SECTION FOUR:** That the variance sought by the Owner/Applicant to allow the monument and wall signs on the Subject Property is hereby approved with the following conditions:

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

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville, this 27<sup>th</sup> day of June 2017.

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

ATTEST:

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

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Ordinance # \_\_\_\_\_

Exhibit "A"

Legal Description

The Legal Description is as follows:

LOT 55 IN BRANIGAR'S MOHAWK TERRACE, BEING A SUBDIVISION IN SECTION 3, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NUMBER 786620, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 1280 North Route 83, Bensenville, IL 60106.

Ordinance # \_\_\_\_\_

Exhibit "B"

## Community Development Commission Findings of Fact / Recommendation

1. **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.
2. **Hardship or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.
3. **Circumstances Relate to Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.
4. **Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.
5. **Preserve Rights Conferred by District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.
6. **Necessary for Use of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

7. **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.
8. **Consistent with Title and Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.
9. **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

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

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

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

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

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

Nays: None

All were in favor. Motion carried.

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

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

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

Nays: None

All were in favor. Motion carried.

**TYPE:**Ordinance**SUBMITTED BY:**Kurtis R Pozsgay**DEPARTMENT:**CED**DATE:**06.05.17**DESCRIPTION:**

Consideration of an Ordinance Approving Variances to Construct a New Warehouse and Office Building for the Applicant Brunner & Lay Inc, located at 544 E Pine Avenue, Bensenville, Illinois

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

CEDC

**DATE:**

06.20.17

**BACKGROUND:**

Brunner & Lay, the owner / applicant is proposing to construct a 10,000 SF building, 1,376 SF of office and 8,796 SF of warehouse. Brunner & Lay manufactures mining and construction tools. They will use this new space for distributing products to the area. They will resupply the warehouse with product from the manufacturing plant in Arkansas. They estimate about one supply truck per month making deliveries. The hours of operation will be from 7:30am to 4:00pm five days a week.

**KEY ISSUES:**

- 1) Long vacant, irregularly shaped parcel will be brought back on the tax rolls.
- 2) Lot shape requires parking in "front" yard setback. Encroachment into yard is minimal.
- 3) Building has loading dock receiving shipments roughly once a month. Due to lot shape, trucks will need to back into lot from Evergreen Street.
- 4) In order to ensure truck maneuvering is as minimally invasive as possible, the curb cut proposed is 62 feet, more than the allowed 35 feet.

**ALTERNATIVES:**

Committee Discretion.

**RECOMMENDATION:**

- 1) The staff respectfully recommends that the Variances be approved.
- 2) There was one member of the public wishing to be heard at the Public Hearing. Issues included drainage of the site, to which the applicant's Civil Engineer responded and public member was pleased with answer.
- 3) At the Public Hearing on June 5, 2017, the Community Development Commission voted unanimously (4-0) to recommend approval of the Requests with the conditions recommended by staff (attached). Motion passed.

**BUDGET IMPACT:**

N/A

**ACTION REQUIRED:**

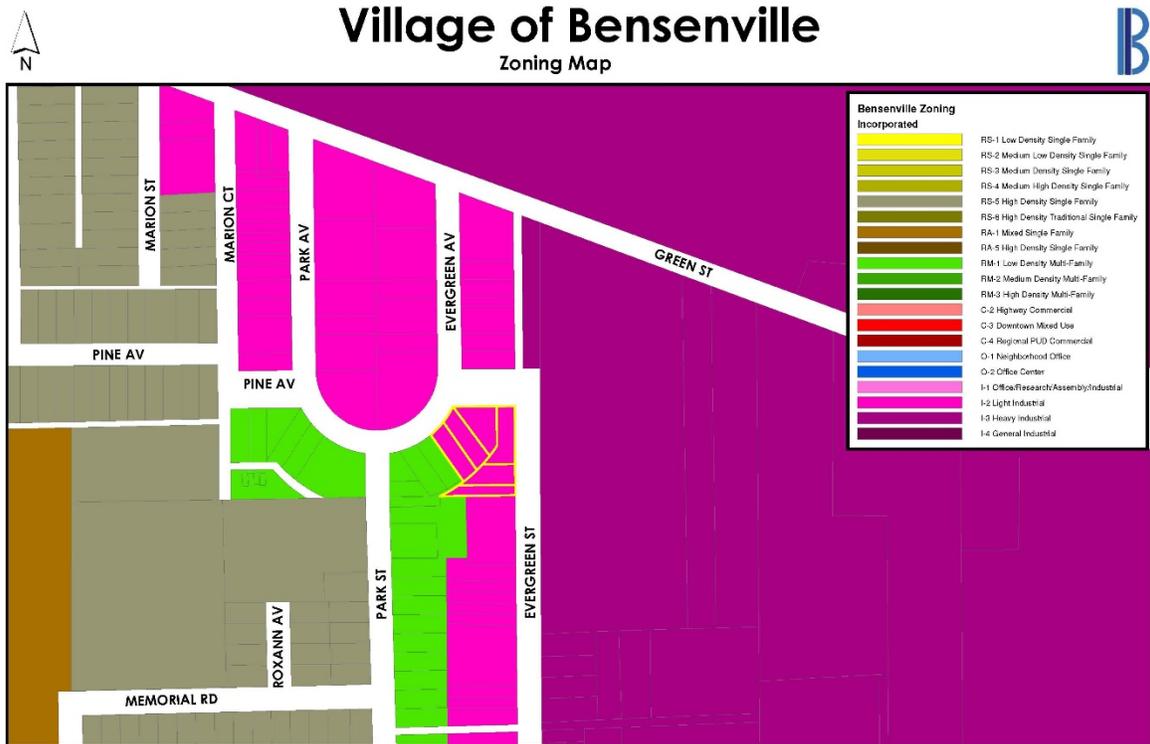
Approval of an Ordinance approving Variances for the applicant Brunner & Lay Inc, located at 544 E Pine Ave.

ATTACHMENTS:

Description	Upload Date	Type
<b>Aerial &amp; Zoning Maps</b>	<b>5/31/2017</b>	<b>Backup Material</b>
<b>Legal Notice</b>	<b>5/31/2017</b>	<b>Backup Material</b>
<b>Staff Report</b>	<b>5/31/2017</b>	<b>Executive Summary</b>
<b>ALTA Survey</b>	<b>5/31/2017</b>	<b>Backup Material</b>
<b>Site Plan</b>	<b>5/31/2017</b>	<b>Backup Material</b>
<b>Ordinance</b>	<b>6/12/2017</b>	<b>Ordinance</b>

CDC#2017 - 12

544 E. Pine Ave  
Brunner & Lay  
Variances; Parking in Required Yard, Curb Cut width, and Maneuvering on or into public street



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

NOTICE IS HEREBY GIVEN that on Monday, June 5, 2017 at 6:30 P.M., the Community Development Commission of the Village of Bensenville, Du Page and Cook Counties, will hold a Public Hearing to review Case No. 2017 – 12 to consider a request for:

- Variations for construction of new warehouse and office building.
- Parking in Required Yard, Municipal Code Section 10 – 11 – 8A
- Curb Cut from 35' to 62', Municipal Code Section 10 – 11 – 8 – 2E – 1
- Maneuvering on or into public street, Municipal Code Section 10 – 11 – 12B

544 East Pine Avenue is in an I – 2 Light Industrial District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville, IL.

The Legal Description is as follows:

LOTS 4, 5, 6, 7, 8 AND 9, AND THE NORTHWESTERLY ½ OF THE VACATED ALLEY LYING SOUTHEASTERLY AND ADJOINING LOTS 4, 5, AND 6, AND THE SOUTHEASTERLY ½ OF THE VACATED ALLEY LYING NORTHWESTERLY AND ADJOINING LOTS 7, 8, AND 9, AND ALL OF THE VACATED ALLEY LYING BETWEEN LOTS 7 AND 8, ALL IN BLOCK 4, IN WILLIAM L. KORTHAUER'S ADDITON TO BENSENVILLE, IN THE SOUTHWEST ¼ OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 3, 1893 AS DOCUMENT 50837, IN DU PAGE COUNTY, ILLINOIS.

Commonly known as 544 East Pine Avenue, Bensenville, IL 60106.

544 Pine, LLC, 544 E Pine Ave, Bensenville, IL 60106 is the owner and Brunner & Lay, Inc., 1510 N Old Missouri Road, Springdale, AR 72765 the applicant for the subject property for this CDC Case No. 2017 - 12 and Public Hearing.

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

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

Office of the Village Clerk  
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT  
May 18, 2017**



**STAFF REPORT**

**HEARING DATE:** June 5, 2017  
**CASE #:** 2017 – 12  
**PROPERTY:** 544 E Pine Ave  
**PROPERTY OWNER:** 544 Pine LLC  
**APPLICANT:** Brunner & Lay, Inc.  
**SITE SIZE:** 1.09 AC  
**BUILDING SIZE:** 10,000 SF  
**PIN NUMBERS:** 03-13-327-011, -012, -013, -014, -015, and -016  
**ZONING:** I - 2 Light Industrial District  
**REQUEST:** Variances for construction of new warehouse and office building.  
- Parking in Required Yard, Municipal Code Section 10 – 11 – 8A  
- Curb Cut from 35’ to 62’, Municipal Code Section 10 – 11 – 8 – 2E – 1  
- Maneuvering on or into public street, Municipal Code Section 10 – 11 – 12B

**PUBLIC NOTICE:**

1. A Legal Notice was published in the Bensenville Independent on Thursday May 18, 2017. A Certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours.
2. Village personnel posted two Notice of Public Hearing signs on the property, visible from the public way on Thursday May 18, 2017.
3. On Friday May 19, 2017, Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250’ of the property in question. 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:**

Brunner & Lay, the owner / applicant is proposing to construct a 10,000 SF building, 1,376 SF of office and 8,796 SF of warehouse. Brunner & Lay manufactures mining and construction tools. They will use this new space for distributing products to the area. They will resupply the warehouse with product from the manufacturing plant in Arkansas. They estimate about one supply truck per month making deliveries. The hours of operation will be from 7:30am to 4:00pm five days a week.

**SURROUNDING LAND USES:**

	<b>Zoning</b>	<b>Land Use</b>	<b>Comprehensive Plan</b>	<b>Jurisdiction</b>
<b>Site</b>	I – 2	Vacant	Industrial	Village of Bensenville
<b>North</b>	I – 2	Industrial	Commercial/Industrial Flex	Village of Bensenville
<b>South</b>	I – 2	Industrial	Industrial	Village of Bensenville
<b>East</b>	I – 3	Industrial	Industrial	Village of Bensenville
<b>West</b>	RM – 1	Residential	Multi-Family Residential	Village of Bensenville

**DEPARTMENT COMMENTS:**

*SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:*

- Financially Sound Village
- Quality Customer Oriented Services
- Safe and Beautiful Village
- Enrich the lives of Residents
- Major Business/Corporate Center
- Vibrant Major Corridors

Finance:

No Comments.

Police:

**XXXXXXXXXXXXXXXXXX**

Engineering and Public Works:

Public Works:

No Comments.

Engineering Preliminary Review Comments:

- 1) A DuPage County Stormwater Management Certification will be required for this project as the total land disturbing activity exceeds 5,000 SF.
- 2) National Pollution Discharge Elimination System (NPDES) permit will be required due to more than one acre of disturbance.
- 3) A Plat of consolidation will be required.
- 4) The applicant is proposing a total impervious area of 10,000 SF for the building alone. The total impervious area is unknown at this time. If the threshold exceeds 25,000 SF of impervious area then Stormwater Detention is required per the DuPage County Stormwater and Floodplain Ordinance.
- 5) All other DCSFO requirements will need to be satisfied including VCBMP/PCBMP.
- 6) After reviewing the FIRM map, there are no floodplains on site. Per the National Wetland Inventory website, the site also does not contain any wetland or riparian areas; however, it is the responsibility of the applicant to identify any existing special management areas on site and properly mitigate them.
- 7) An IEPA-SAN permit is required for the new sanitary connection.

- 8) A sanitary inspection manhole will be required.
- 9) Detailed utility and engineering comments will be provided during final engineering review.
- 10) There are some engineering issues with the proposed plans that can be resolved during final engineering

Community & Economic Development:

Economic Development:

- 1) Economic Development is generally supportive of the proposal.
- 2) The office/warehouse facility will increase the tax base by utilizing a now-vacant parcel of land, as well as bring jobs to the Village.

Fire Safety:

No comments.

Building:

No comments at this time.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Industrial” for this property.
- 2) The applicant is proposing to construct a 10,000 SF building, 1,376 SF of office and 8,796 SF of warehouse.
- 3) The property has been vacant for several years.
- 4) The sizing and three-frontage aspect of the property make it difficult to develop.
- 5) Staff has received several proposals over the years, generally for truck repair, truck and / or trailer storage or Outdoor storage of materials.
- 6) The proposed facility by Brunner & Lay is a much more beneficial development for the community.
- 7) Due to the limitations on size, shape and setbacks, the property requires a variance for delivery trucks to be able to maneuver into the loading dock from the Evergreen Street, essentially reversing north into the dock.
- 8) Should deliveries exceed expectations, or should a future user be more delivery intensive, there could be a cause for concern.
- 9) The hours of operation do not exceed normal business hours.
- 10) Little to no detail was given on landscaping. All proposed landscape plantings and plan shall adhere to the Municipal Code.
- 11) No sign plans were submitted. Any proposed signage shall adhere to the Municipal Code.

**APPROVAL CRITERIA FOR VARIANCES:**

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

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

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

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

**Response:** Without the variance for the parking in the front yard and the ability to maneuver the trucks into the loading dock from Evergreen Street, the development will not move forward. The original design of the building was not feasible from a financial perspective. The larger curb cut on Evergreen is to allow trucks entering the space to minimize the number of maneuvers on Evergreen before backing into the dock.

To the east, the property is heavy industrial user with no access to the property off Evergreen so there will be minimal disruption to the surrounding properties. In addition, all of the existing industrial properties along Evergreen to the south of this parcel require truck maneuvering on Evergreen to enter their respective docks.

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

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

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

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

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

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

- 6. Necessary for Use of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

**Response: The granting of the variances is necessary to allow the development to go forward. The property is zoned I-2 and the highest and best use of the property is for industrial development. Without the variances, the applicant will be deprived of reasonable use and enjoyment of the property as well as any reasonable economic return.**

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

**Response: Granting the variance will not alter the character of the surrounding properties. As stated above all the existing businesses that have truck deliveries along Evergreen require similar such street maneuvering. In addition, the development will take a long time vacant parcel and improve it and the tax base with a new warehouse facility.**

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

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

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

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

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

**RECOMMENDATIONS:**

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variations for Brunner & Lay, Inc. with the following conditions:

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

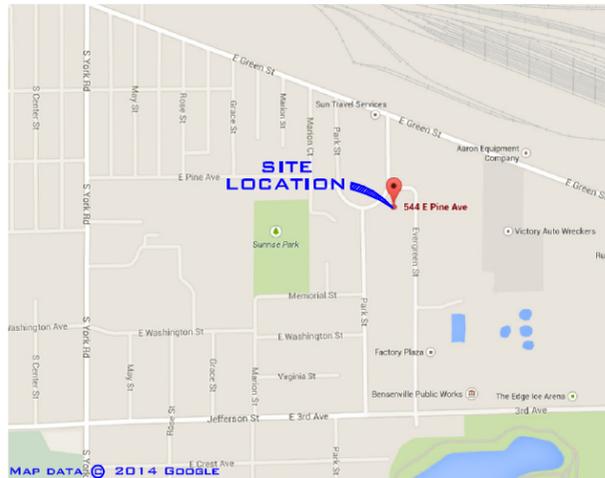
Respectfully Submitted,  
 Department of Community  
 & Economic Development



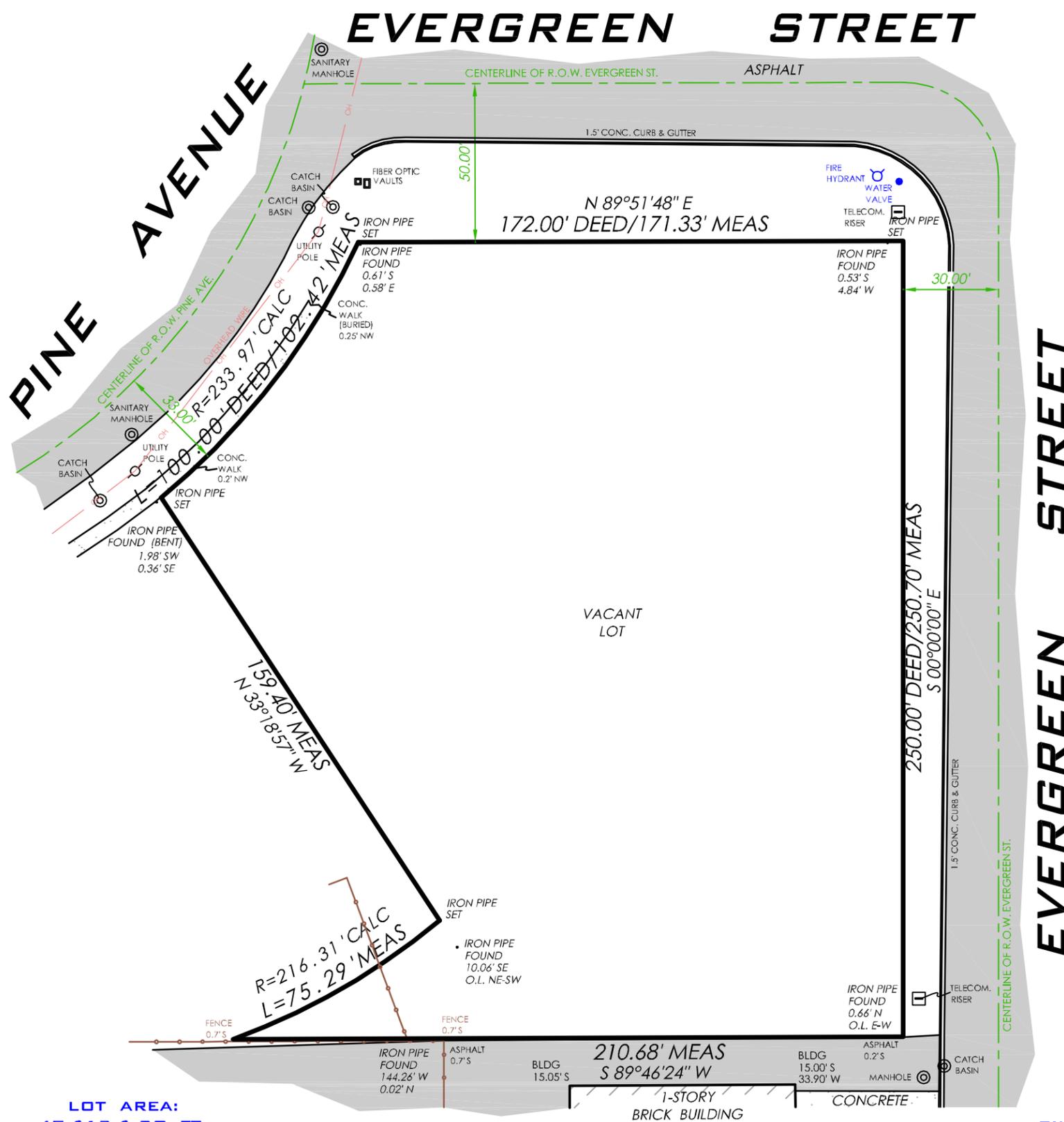
# ALTA/ACSM LAND TITLE SURVEY

18148 S. MARTIN AVE. HOMEWOOD, IL 60430 708-1-SURVEY (478-7839) 708-478-4076 FAX

LOTS 4, 5, 6, 7, 8 AND 9, AND THE NORTHWESTERLY 1/2 OF THE VACATED ALLEY LYING SOUTHEASTERLY AND ADJOINING LOTS 4, 5 AND 6, AND THE SOUTHEASTERLY 1/2 OF THE VACATED ALLEY LYING NORTHWESTERLY AND ADJOINING LOTS 7, 8 AND 9, AND ALL OF THE VACATED ALLEY LYING BETWEEN LOTS 7 AND 8, ALL IN BLOCK 4, IN WILLIAM L. KORTHAUER'S ADDITION TO BENSENVILLE, IN THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 3, 1893 AS DOCUMENT 50837, IN DU PAGE COUNTY, ILLINOIS.



VICINITY MAP  
NOT TO SCALE



LOT AREA:  
47,613.6 SQ. FT.  
1.09 ACRES

NOTE: BEARING SYSTEM ASSUMED FOR PURPOSE OF THIS SURVEY

CERTIFY TO: CHICAGO TITLE INSURANCE COMPANY  
SLIGO PROPERTIES V, LLC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 4, 8, 11(A), 14 & 21 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON DECEMBER 5, 2014.

DATE OF PLAT OR MAP: DECEMBER 5, 2014.

**FOR REVIEW**

REGISTERED ILLINOIS LAND SURVEYOR  
PROFESSIONAL SURVEYORS LICENSE # 3433  
EXPIRES 11-30-16



PIN NUMBERS:  
03-13-327-011  
03-13-327-012  
03-13-327-013  
03-13-327-014  
03-13-327-015  
03-13-327-016

ALL DISTANCES AS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF. NO ANGLES OR DISTANCES ARE TO BE DETERMINED BY SCALING.

SCALE: 1"=40'  
JOB NO.: 14-1895  
ADDRESS: 544 E. PINE AVE.  
BENSENVILLE, IL  
P.I.N.: LISTED ABOVE  
TOWNSHIP: ADDISON  
ORDERED BY: KOHLSTEDT & CERAMI, LLC





**ORDINANCE # \_\_\_\_\_**

**AN ORDINANCE GRANTING APPROVAL OF A VARIANCE  
TO ALLOW FOR CONSTRUCTION OF NEW WAREHOUSE AND OFFICE BUILDING  
AT THE PROPERTY COMMONLY KNOWN AS  
544 EAST PINE AVENUE, BENSENVILLE, ILLINOIS**

**WHEREAS**, 544 Pine LLC (“Owner”) and Brunner & Lay, Inc. (“Applicant”), filed an application (CDC Case #2017-12) for approval of variances to allow for construction of new warehouse and office building Parking in Required Yard, Municipal Code Section 10 – 11 – 8A; Curb Cut from 35 feet to 62 feet, Municipal Code Section 10 – 11 – 8 – 2E – 1; and Maneuvering on or into public street, Municipal Code Section 10 – 11 – 12B of the Village of Bensenville Zoning Ordinance (“Zoning Ordinance”) for the property located at 544 East Pine Avenue, Bensenville, as legally described in Exhibit "A," attached hereto and incorporated herein by reference (the “Subject Property”), a copy of said application being contained on file in the Community and Economic Development Department; and

**WHEREAS**, Notice of Public Hearing with respect to the variances sought by the Applicant was published in the Bensenville Independent on May 18, 2017 by the Village of Bensenville, and notice was also given via posting of a Public Hearing Sign on the Subject Property and via First Class mail to taxpayers of record within 250 feet of the Subject Property, all as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing on June 5, 2017 as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, after hearing the application, the Community Development Commission approved the findings of fact submitted by the Applicant recommending approval of the variances and, thereafter, voted (4-0) recommending approval of the variances, and

**WHEREAS**, the Community Development Commission then forwarded its recommendations, including the Staff Report and findings relative to the variations as are attached hereto and incorporated herein by reference as Exhibit "B" to the President and Village Board of Trustees, and

**WHEREAS**, the Community and Economic Development Committee voted \_\_\_\_\_ to \_\_\_\_\_ the variance to allow for construction of new warehouse and office building; and

**WHEREAS**, on June 20, 2017 the Community and Economic Development Committee then forwarded its recommendation, along with that of the Community Development Commission, to the President and Board of Trustees; and

**WHEREAS**, the President and Board of Village Trustees have reviewed the matter herein and have determined that approval of the requested variances as recommended by the Community and Economic Development Committee to allow for construction of new warehouse and office building is consistent with the Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

**SECTION ONE**: That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

**SECTION TWO**: That the Subject Property is currently zoned under the Zoning Ordinance as I - 2 Light Industrial District, which zoning classification shall remain in effect subject to the variances approved herein.

**SECTION THREE**: That the Staff Report and Recommendation to approve the variances sought, being reviewed, is adopted by the Village Board of Trustees, which has found that the variances should be approved as requested on the facts submitted by the Applicant.

**SECTION FOUR**: That the variance sought by the Owner/Applicant to allow the monument and wall signs on the Subject Property is hereby approved with the following conditions:

1. The plans and aesthetics of the development to be in substantial compliance with the plans by DM+S Architects P.C. dated 10.17.16 and revised 4.17.17 and Norman J Toberman and Associates dated 01.17.17 submitted with this application.
2. A Plat of consolidation shall be required.
3. Final signage plan shall be in compliance with the Municipal Code and be subject to staff review upon final permitting.

4. The final landscape plan shall be in compliance with the Municipal Code and subject to staff review upon final permitting.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville, this 27<sup>th</sup> day of June 2017.

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

ATTEST:

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

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Ordinance # \_\_\_\_\_

Exhibit "A"

Legal Description

The Legal Description is as follows:

LOTS 4, 5, 6, 7, 8 AND 9, AND THE NORTHWESTERLY ½ OF THE VACATED ALLEY LYING SOUTHEASTERLY AND ADJOINING LOTS 4, 5, AND 6, AND THE SOUTHEASTERLY ½ OF THE VACATED ALLEY LYING NORTHWESTERLY AND ADJOINING LOTS 7, 8, AND 9, AND ALL OF THE VACATED ALLEY LYING BETWEEN LOTS 7 AND 8, ALL IN BLOCK 4, IN WILLIAM L. KORTHAUER'S ADDITON TO BENSENVILLE, IN THE SOUTHWEST ¼ OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 3, 1893 AS DOCUMENT 50837, IN DU PAGE COUNTY, ILLINOIS.

Commonly known as 544 East Pine Avenue, Bensenville, IL 60106.

Ordinance # \_\_\_\_\_

Exhibit "B"

Community Development Commission Findings of Fact / Recommendation

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

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

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

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

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

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

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

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

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

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

6. **Necessary for Use of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

**Response: The granting of the variances is necessary to allow the development to go forward. The property is zoned I-2 and the highest and best use of the property is for industrial development. Without the variances, the applicant will be deprived of**

**reasonable use and enjoyment of the property as well as any reasonable economic return.**

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

**Response: Granting the variance will not alter the character of the surrounding properties. As stated above all the existing businesses that have truck deliveries along Evergreen require similar such street maneuvering. In addition, the development will take a long time vacant parcel and improve it and the tax base with a new warehouse facility.**

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

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

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

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

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

1. The plans and aesthetics of the development to be in substantial compliance with the plans dated 01.17.17 by Norman J Toberman and Associates submitted with this application.
2. A Plat of consolidation shall be required.

3. Final signage plan shall be in compliance with the Municipal Code and be subject to staff review upon final permitting.
4. The final landscape plan shall be in compliance with the Municipal Code and subject to staff review upon final permitting.

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

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

Nays: None

All were in favor. Motion carried.

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

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

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

Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.