

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

**MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION**

July 9, 2012

**CALL TO ORDER:** The meeting was called to order by Chairman Moruzzi at 6:34 p.m.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Moruzzi, James, Janowiak, Pisano, Weldon  
Absent: Rowe, Ventura  
A quorum was present.

**JOURNAL OF PROCEEDINGS:**

The minutes of the Community Development Commission of June 11, 2012 were presented.

**Motion:** Chairman Moruzzi made a motion to table the minutes until July 23, 2012 for further review. Commissioner Janowiak seconded the motion.

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2012-15  
**Petitioner:** Grand Subaru  
**Request:** Planned Unit Development to Allow a Pole Sign Exceeding Sign Area and Heights Allowances.

**Motion:** Commissioner Pisano made a motion to open the Public Hearing for CDC Case Number 2012-15. Commissioner Weldon seconded the motion.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Moruzzi, James, Janowiak, Pisano, Weldon  
Absent: Rowe, Ventura,  
A quorum was present.

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2012-15 at 6:36 p.m.

Director of Community & Economic Development, Scott Viger, was present and sworn in by Chairman Moruzzi.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on June 23, 2012 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mr. Viger also stated that Village Staff posted a notice of the Public Hearing sign on the property on June 21, 2012. Mr. Viger stated on June 22, 2012 Village Staff mailed first class notice of the public hearing to taxpayers of record within 250 feet of the property in question.

Ryan Drouin of Grand Subaru was present and sworn in by Chairman Moruzzi. Mr. Drouin stated Grand Subaru has been located in Bensenville for seven years and has grown to become the second largest Grand Subaru dealership in Illinois. Mr. Drouin stated four or five years ago, Grand Subaru was denied their request for a pole sign and had no other choice but to install the current monument sign. Mr. Drouin stated the proposed sign will be twenty-six feet, eleven inches tall and will replace the current sign. The design of the sign will remain the same. Mr. Drouin stated the proposed sign will keep Grand Subaru competitive with the other dealerships along Grand Avenue.

Commissioner Pisano stated he believes a customer has already done their research prior to purchasing a car. Mr. Pisano also stated, in his opinion, Grand Subaru is one of the most appealing dealerships along Grand Avenue.

Public Comment:

**Karen Skwierczynski – 344 S. Walnut Street**

Ms. Skwierczynski was present and sworn in by Chairman Moruzzi. Ms. Skwierczynski stated she was in favor of the proposed sign by Grand Subaru and thanked them for beautifying their business.

Director of Community & Economic Development, Scott Viger, reviewed the Village Staff Report and stated Village Staff recommends approval with two conditions.

There were no questions from the Commissioners.

Motion: Commissioner Pisano made a motion to close the Public Hearing for CDC Case Number 2012-15. Commissioner Janowiak seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Weldon

Nays: None

All were in favor. Motion carried.  
Chairman Moruzzi closed the Public Hearing for CDC Case Number 2012-15 at 6:50 p.m.

Motion: Commissioner Weldon made a motion to approve the approval criteria for CDC Case No. 2012-15 consisting of:

- 1) Superior Design: The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable regulations, and solely on this basis modifications to such regulations are warranted.

The proposed PUD establishes a more unified planning of development in that the pole sign is harmonious with the "auto row" along Grand Avenue.

- 2) Meet PUD Requirements: The PUD meets the requirements for planned unit developments set forth in this Title, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.

Staff believes this to be accurate.

- 3) Consistent with Village Plan: The PUD is generally consistent with the objectives of the Village general development plan as viewed in light of any changed conditions since its adoption.

The Comprehensive Plan indicates the location should remain a general commercial district, establishing a consistent land use.

- 4) Public Welfare: The PUD will not be detrimental to the public health, safety or general welfare.

Staff believes this to be accurate.

- 5) Compatible With Environs: Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, seriously impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding property.

The proposed PUD is consistent with the current development trends of the surrounding area in providing a highly visible pole sign.

- 6) Natural Features: The design of the PUD is as consistent as practical with preservation of any natural features such as flood plains, wooded areas, natural drainageways or other areas of sensitive or valuable environmental character.

There are no natural drainage ways or sensitive environmental areas on the subject property.

- 7) Circulation: Streets, sidewalks, pedestrianways, bicycle paths and off-street parking and loading are provided as appropriate to planned land uses. They are adequate in location, size, capacity and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks and snow plows, as appropriate, without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD or unduly interfering with the safety or capacity of adjacent streets.

The PUD will not affect the circulation of the site any further than the current monument sign. It will be constructed in the same location.

- 8) Open Spaces And Landscaping: The quality and quantity of common open spaces or landscaping provided are consistent with the higher standards of design and amenity required of a PUD.

Staff recommends the landscaping of the base of the pole sign to meet the landscaping requirements.

- 9) Covenants: Adequate provision has been made in the form of deed restrictions, homeowners or condominium associations or the like for:
  - a) The presentation and regular maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas and other common elements not to be dedicated to the Village or to another public body.

b) Such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD plan, such provision to be binding on all future ownerships.

No covenants are necessary.

10) Public Services: The land uses, intensities and phasing of the PUD are consistent with the anticipated ability of the Village, the school system and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools and other public facilities and services without placing undue burden on existing residents and businesses.

There are adequate public services to service the property. The approval of the PUD will not increase the demand or stress the Village's public services.

11) Phasing: Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed.

There is no phasing proposed.

Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve CDC Case No. 2012-15 with Staff's recommendations. Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2012-16  
**Petitioner:** Benchmark Surfacetec, Inc.  
**Location:** 471 Podlin Drive  
**Request:** 1) Conditional Use Permit to Allow Electroplating  
2) Variance to Reduce the Amount of Required Parking from 35 to 5  
3) Variance from Required Parking Lot Configuration

**Motion:** Commissioner Weldon made a motion to open CDC Case No. 2012-16. Commissioner Pisano seconded the motion.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Moruzzi, James, Janowiak, Pisano, Weldon  
Absent: Rowe, Ventura,  
A quorum was present.

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2012-16 at 7:01 p.m.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on June 23, 2012 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mr. Viger also stated that Village Staff posted a notice of the Public Hearing sign on the property on June 21, 2012. Mr. Viger stated on June 22, 2012 Village Staff mailed first class notice of the public hearing to taxpayers of record within 250 feet of the property in question.

Luis Gonzalez of Benchmark Surfacetec, Inc., Takao Nagai of Benchmark Surfacetec, Inc., Donald C. Raths, Consultant, and Lauren Laabs of Mostardi Platt were all present and sworn in by Chairman Moruzzi. Mr. Nagai stated Benchmark Surfacetec, Inc. has been in business and operating for fourteen years. Mr. Nagai stated the company is ready to expand and the location on 471 Podlin Drive is ideal for their operations. Mr. Nagai stated Benchmark Surfacetec, Inc. plans to apply for the 6B property tax assessment with Cook County. Mr. Laabs stated he has been working with Benchmark Surfacetec, Inc. for years and has not seen any issues with the company. Mr. Laabs stated that there are rarely any toxic chemicals and if there are, Benchmark Surfacetec, Inc. disposes of them properly. Mr. Laabs stated Benchmark Surfacetec, Inc. has normal plant trash and there will be no harm to the Villages water & sewage system. Mr. Nagai stated Benchmark Surfacetec, Inc. currently has seven employees and plans to double in size once they move to Bensenville.

Mr. Nagai stated a normal business day will have ten employees during the day and four at night. Mr. Nagai stated the current parking on site allows for seven spaces. Mr. Nagai presented a new design to the Commission that will allow fourteen parking spaces and one handicap parking space. Mr. Nagai's proposal allows for seven of the fifteen parking spaces to be for compact vehicles. Mr. Nagai also shared a proposal of a twelve foot, two inch drive-way width.

Commissioner Weldon asked for clarification of the waste chemicals. Mr. Gonzalez stated Benchmark Surfacetec, Inc. did not have any chemical wastes in 2011 and if they are to have some in 2012, they will dispose of properly.

Commissioner Weldon asked for clarification of the drive-way width requested.

Chairman Moruzzi asked if Benchmark Surfacetec, Inc. plans to expand in the future, and if so, how will they accommodate parking. Mr. Nagai stated the current business plan for Benchmark Surfacetec, Inc. does not see them expanding but if they do, additional property in the area may be an option.

Commissioner Pisano asked how cars that pull in from the South will be able to turn around. Mr. Nagai stated they will educate their employees of the situation and that the vehicle operator will have to back out rather than turn around.

Chairman Moruzzi asked if there was any member of the public that would like to give testimony. There was none.

Director of Community & Economic Development, Scott Viger, reviewed the Village Staff Report and stated Village Staff recommends approval. Mr. Viger stated the building has been vacant for three to four years and Benchmark Surfacetec, Inc. intentions are to remodel the building.

Commissioner Weldon asked for clarification of the tax incentive Benchmark Surfacetec, Inc. intends to apply for. Mr. Viger stated the Village has done this in a similar case and that the Village Board will assist the business in obtaining the incentive from Cook County.

Chairman Moruzzi asked if parking was allowed on Podlin. Mr. Viger stated, currently yes.

Motion: Commissioner Weldon made a motion to close the Public Hearing for CDC Case Number 2012-16. Chairman Moruzzi seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing for CDC Case Number 2012-16 at 7:17 p.m.

Motion: Commissioner Weldon made a motion to approve the finding of facts for the conditional use permits for CDC Case Number 2012-16 consisting of:

- 1) **Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized. Staff does not foresee any negative impacts on traffic flow associated with the approval of this Conditional Use.
- 2) **Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district. The electroplating process has the potential to be an environmental nuisance if improperly executed. Due to the extensive monitoring of metal electroplating by 3rd party environmental agencies including Mostardi Platt Environmental of Oakbrook, Illinois and the professional removal of discharged chemicals, there will not be environmental nuisance.
- 3) **Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized. The location exists within a general industrial district establishing a harmonious fit.



- 4) **Use of Public Services And Facilities**: The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area. No significant increase in the utilization of the public utility systems is anticipated.
- 5) **Public Necessity**: The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community. Staff believes that there is sufficient market demand for the proposed service made evident by their expansion.
- 6) **Other Factors**: The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location.

Commissioner Janowiak seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the conditional use permit request for CDC Case No. 2012-16. Commissioner Janowiak seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the finding of facts for the variances for CDC Case Number 2012-16 consisting of:

- 1) **Special Circumstances**: Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them. The special parking circumstances are peculiar to the property and do not apply generally to other 1-4 vacant properties.
- 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. The denial of the parking and parking lot configuration variances would result in unnecessary and undue hardship in successfully providing on-site employee parking for the property.
- 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. The special circumstances only relate to the property in that the location of the building cannot provide enough space to meet parking requirements.
- 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. The special circumstances are not resultant of applicant action.

- 5) **Preserve Rights Conferred By District**: A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. The variance is necessary for the applicant to enjoy substantial property right by providing on-site parking for the employees.
- 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. Without the requested variance, the business will be unable to function depriving the Applicant of reasonable use.
- 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. The parking variances will not alter the essential character of the industrial surroundings.
- 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. The variances will be in harmony with the general purpose of this Title and general development plan.
- 9) **Minimum Variance Needed**: The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property. Staff finds the minimum variances were requested.

Chairman Moruzzi seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

**Motion:** Commissioner Weldon made a motion to approve the variances requested for CDC Case No. 2012-16. Commissioner Janowiak seconded the motion.

**Roll Call:** Ayes: Moruzzi, James, Janowiak, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2012-19  
**Petitioner:** James Baker  
**Location:** 349 S. Walnut Street  
**Request:**  
1) A Fence in the Actual Corner Side Yard  
2) A Parking Pad in the Actual Corner Side Yard  
3) A Parking Pad Larger than Allowed

**Motion:** Commissioner Weldon made a motion to open the Public Hearing for CDC Case Number 2012-19. Commissioner Janowiak seconded the motion.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Moruzzi, James, Janowiak, Pisano, Weldon  
Absent: Rowe, Ventura,  
A quorum was present.

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2012-19 at 7:19 p.m.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on June 23, 2012 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mr. Viger also stated that Village Staff posted a notice of the Public Hearing sign on the property on June 21, 2012. Mr. Viger stated on June 22, 2012 Village Staff mailed first class notice of the public hearing to taxpayers of record within 250 feet of the property in question.

James Baker, property owner of 349 S. Walnut Street was present and sworn in by Chairman Moruzzi. Mr. Baker stated the process began in March 2012 with the Village. Mr. Baker stated his initial plans had the garage door facing Washington Street but was told he would have to cut off two feet of the current concrete in order to do so. Mr. Baker stated it would have been too much work for a minor issue.

Mr. Baker stated he met with Village Staff several times and shared the most logical suggestions and was always denied. Mr. Baker stated if he was allowed to build the garage as he had originally proposed; there would be no need for the public hearing.

There were no questions from the Commissioners.

Public Comment:

**Karen Skwierczynski – 344 S. Walnut Street**

Ms. Skwierczynski was present and sworn in by Chairman Moruzzi. Ms. Skwierczynski stated she was in favor of the proposed design set forth by the Bakers and shared her frustration with the properties surrounding the area and asked that they be looked at for code issues.

**Ken Skwierczynski – 344 S. Walnut Street**

Mr. Skwierczynski was present and sworn in by Chairman Moruzzi. Mr. Skwierczynski stated he supported Ms. Skwierczynski's comments.

Commissioner James asked for clarification of the petitioners plans based off the picture provided to the Commission. Mr. Baker provided a brief description of the proposed plans.

Commissioner Pisano asked what type of fence Mr. Baker plans to install if approved. Mr. Baker stated he plans to install a four foot chain link fence.

Director of Community & Economic Development, Scott Viger, reviewed the Village Staff Report and stated Village Staff recommends approval base on the criteria set forth in the Village Staff report. Mr. Viger stated the Bakers purchased the property with the concrete slab already in place from the previous owner. Mr. Viger stated Village Staff has recommended a black coded chain link fence to the Bakers however, per the Village Code; the Bakers are not required to install the recommended fence if they do not wish to.

Commissioner Janowiak asked if the fire hydrant will be affected by the proposed plans. Mr. Viger stated it could be.

Commissioner Weldon asked for clarification of the process of the garage build out. Assistant Director of Community & Economic Development, Mark Rysavy, was present and sworn in by Chairman Moruzzi. Mr. Rysavy provided testimony of the process that had taken place. Mr. Baker stated he disagreed with Mr. Rysavy's explanation.

**Motion:** Commissioner Pisano made a motion to close the Public Hearing for CDC Case Number 2012-19. Chairman Moruzzi seconded the motion.

**Roll Call:** Ayes: Moruzzi, James, Janowiak, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing for CDC Case Number 2012-19 at 7:51 p.m.

**Motion:** Commissioner Pisano made a motion to approve the findings of facts for the variances for CDC Case Number 2012-19 consisting of:

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

**Fence:** The extension of the fence into the actual corner side yard is a special circumstance due to the location of the garage and deck.

**Parking Pad Location:** The parking pad could not exist anywhere else on the property in question; however, the extent to which the parking pad exists in the corner side yard can be reduced.

**Parking Pad Size:** The enlargement of the allowable parking pad size from 18' x 18' to 20' x 20' is not a special circumstance.

- 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.

**Fence:** The hardship in fence location is due to the location of the existing 2 car-detached garage and deck limiting the grass area in the subject property's rear yard.

**Parking Pad Location:** Without the construction of the proposed parking pad, the applicant will be deprived of the opportunity to park outside of the garage commonly provided by a property's driveway. The hardship exists in that the garage pad was poured to face the alley preventing the applicant the ability to construct a "typical" driveway.

**Parking Pad Size:** Without the construction of a 9' X 18' parking pad, the applications of the provisions of the Title would result in unnecessary and undue hardship. The applicant would not have any parking available on the property in question outside of the parking garage.

- 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.

**Fence, Parking Pad Location and Size:** The subject property being a corner lot incurs certain construction difficulties in the accommodation of the corner side yard. It does not concern any financial circumstances with any party of interest with 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.

**Fence:** The location of the detached garage and deck limit the grass in the property's rear yard area.

**Parking Pad Location:** The proposed parking pad location is not due to the applicant actions, rather is due to the subject property's development.

**Parking Pad Size:** The request for the parking pad size is not resulting from applicant action. The applicant is merely seeking an alternative method to a traditional driveway suited to the subject property.

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

**Fence, Parking Pad Location and Size:** A variance is necessary to enjoy substantial property right to allow a fence and parking pad in the corner side yard.

- 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.

**Fence, Parking Pad Location and Size:** Without the granting of a variance to construct a fence and parking pad in the corner side yard, the applicant will be deprived of reasonable use of the subject 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.

**Fence, Parking Pad Location and Size:** Granting the requested variances would alter the essential character of the locality due to an encroachment into the corner side yard of the Washington Street block on which the subject property resides.



- 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.

**Fence:** New fence construction in the corner side yard is not consistent with the general development plan.

**Parking Pad Location and Size:** The requested variances are not consistent with the general development plan.

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

**Fence:** The minimum variance has not been requested by the applicant in terms of fence construction. The request has been to extend the fence 16' into the corner side yard. Staff believes the minimum fence variance would be 5' into the corner side yard.

**Parking Pad Location and Size:** The minimum variance has not been requested by the applicant in location nor size to provide adequate parking space. A single parking stall of 9' x 18' would be sufficient to allow reasonable use and enjoyment of the property.

Commissioner Janowiak seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the variances requested for CDC Case No. 2012-19 set forth by Staff.  
Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2012-22  
**Petitioner:** John Morawa (VIP Transportation)  
**Location:** 155-157 Beeline Drive  
**Request:** Amendment to a Conditional Use Permit and Variances to Allow a Fence in the Actual Front Yard

**Motion:** Commissioner Pisano made a motion to open the Public Hearing for CDC Case Number 2012-22. Commissioner Weldon seconded the motion.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Moruzzi, James, Janowiak, Pisano, Weldon  
Absent: Rowe, Ventura,  
A quorum was present.

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2012-22 at 8:01 p.m.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on June 23, 2012 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mr. Viger also stated that Village Staff posted a notice of the Public Hearing sign on the property on June 21, 2012. Mr. Viger stated on June 22, 2012 Village Staff mailed first class notice of the public hearing to taxpayers of record within 250 feet of the property in question.

John Morawa, Owner of VIP Transportation was present and sworn in by Chairman Moruzzi. Mr. Morawa stated the current fence is in bad shape and he would like to replace it. Mr. Morawa stated he plans to build a new driveway and will lay asphalt by next year. Mr. Morawa stated he plans to move the gate entrance five feet to the west. Mr. Morawa stated he would like his daughter to communicate with the Commission and that he did not understand their questions. Mr. Morawa stated his daughter was in Utah and would be available at the August meeting.

Commissioner Pisano asked if Mr. Morawa plans to have barbwire on the fence. Mr. Viger stated with the current approval of the conditional use, the provisions do not allow for barbwire.

Chairman Moruzzi asked if there were any members of the public that wished to give testimony. There were none.

Director of Community & Economic Development, Scott Viger, reviewed the Village Staff Report. Mr. Viger stated the fence, if approved, will need to be screened. Mr. Viger stated staff has concerns with the possibility of parking on grass once the fence is built.

Chairman Moruzzi asked if the petitioner had a site plan of the proposed work. Mr. Morawa stated he did not.

Motion: Commissioner Weldon made a motion to table CDC Case No. 2012-22 until August 13, 2012 and directed Staff to meet with the petitioner regarding the concerns raised. Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

### **Report from Community Development**

Mr. Viger reviewed both recent Village Board actions and prior CDC cases along with upcoming cases.

Chairman Moruzzi directed Staff to contact the Commissioners for their recommendation of appointing a Chairman Pro Tem in absence of the Chairman.

### **ADJOURNMENT:**

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

All were in favor

Motion carried.

The meeting was adjourned at 8:27 p.m.