

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

October 10, 2011

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 7:00 p.m.

ROLL CALL : Upon roll call, the following Commissioners were present:
Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon
Absent: None
A quorum was present.

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission of September 12, 2011 were presented.

Motion: Commissioner Rowe made a motion to approve the minutes as amended. Commissioner Janowiak seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Rowe, Ventura, Weldon

Nays: None

Abstained: Pisano

Motion carried.

Public Hearing: CDC Case Number 2011-04
Petitioner: Leryn Devin
Location: 1108 S. York Road
Request: Conditional Use Permit to allow Motor Vehicle Repair; Miner

Motion: Commissioner Weldon made a motion to withdraw CDC Case Number 2011-04. Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

Motion carried.

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Public Hearing: CDC Case Number 2011-13
Petitioner: Chicago Terminal Railroad
Location: 610 N. York Road
Request: Planned Unit Development

Motion: Commissioner Weldon made a motion to withdraw CDC Case Number 2011-04. Commissioner Janowiak seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

Motion carried.

Motion: Commissioner Weldon made a motion to switch agenda items D & E. Commissioner Ventura seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

Motion carried.

Public Hearing: CDC Case Number 2011-12
Petitioner: Moosa Shubak
Location: 124 S. Church Road
Request: Variance for Driveway Width

The Public Hearing was opened at 7:06 p.m. Moosa Shubak was present and sworn in by Chairman Moruzzi. Director of Community & Economic Development, Scott Viger, gave a brief history of the case stating the Village code allows a twenty foot wide driveway. Mr. Shubak is seeking a variance to allow a twenty eight foot wide driveway. The Shubak family moved into Bensenville in May 2011. The Shubak family hired a contractor to install the twenty eight foot drive way for an undisclosed amount. The contractor applied for a permit and was denied. Communication then became vague between the hired contractor and Mr. Shubak. The contractor eventually began work on the driveway without obtaining a permit with Mr. Shubak's impression a permit was received by the Village.

While work was being done on the driveway, a Village Inspector issued a stop work order and requested Mr. Shubak applies for a permit. Mr. Shubak immediately came into Village Hall and met with Scott Viger and the process had begun. Mr. Shubak stated that the family recently purchased a new vehicle and the parking became an issue. Mr. Shubak stated all the vehicles being parked in the driveway are SUVs. Mr. Shubak is concerned that the sidewalk will be blocked and tickets will be issued if they are not granted the variance. Mr. Shubak stated there will be five vehicles parked overnight in the driveway on a regular basis unless guests are spending the night. Mr. Shubak stated when the family moved into their new house, it was during a heavy rain fall. He noticed a large amount of water that was gathering in the driveway along with his backyard and surrounding neighbors. Mr. Shubak stated he is planning to meet with the Village in the future regarding flooding in his area. Mr. Shubak stated he does not feel the additional driveway will increase the flooding in the area. Director of Community Development, Scott Viger, stated the public notice was published in the Daily Herald on September 23, 2011 and notices were sent to the surrounding property owners via first class mail on September 24, 2011. Mr. Viger stated surrounding homes in the area have similar driveways. Staff has recommended approval with four conditions:

- 1) The applicant obtain a proper building permit prior to the commencement of any work.
- 2) The driveway will be constructed in accordance with the plan submitted by G&JA Paving and date stamped by the Community & Economic Development Department June 11, 2011 as modified by any building permit conditions, including Public Works/Engineering comments related to grading and drainage.
- 3) The home shall be occupied by not more persons than allowed under the Village Code.
- 4) Resolution of any outstanding items from the December 23, 2010 real estate transfer inspection and the applicant shall schedule a re-inspection by Village Staff.
- 5) Landscape (bushes) to be placed between the sidewalk and the angled parking area to prevent driving over the non-paved area.

Public Comment:

An anonymous letter was received by the Village on October 10, 2011 stating a concerned resident's objections to the variance. Chairman Moruzzi requested the letter be added to the minutes as exhibit A. There were no objections from the Commissioners. Mr. Shubak reviewed the letter and stated that the garage is currently being used for storage until their basement is complete. Mr. Shubak stated there will be two vehicles placed in the garage. Mr. Shubak stated that all five vehicles are properly registered with the Village. Mr. Shubak stated he is unaware of any major landscaping issues to his property. Mr. Shubak stated he does the work himself and plans to review the unanimous complaint and attend to any issues. Mr. Shubak stated that the home is being occupied by his Mother, Father, himself and three younger siblings. Mr. Shubak stated his sister will occasionally spend the night. Mr. Shubak stated they are the only family occupying the home. There was no other public comment.

Commissioner Rowe raised concern in regards to flooding in the area and asked Mr. Shubak to explain his reasoning flooding will not be an issue. Mr. Shubak stated he has no concerns with the amount of water that gathers in the driveway. Mr. Shubak stated he is willing to have the contractor install a lip that will help drain the water to the middle of the driveway. Commissioner Ventura asked if the petitioner was willing to install a drainage system in the driveway. Mr. Viger stated the Village will make a determination during the permit approval. Commissioner Weldon raised concern with the design of the driveway. The driveway is currently twenty eight feet wide until the sidewalk and then drops to twenty feet at the parkway. Mr. Shubak stated he would like the driveway design to remain in place. Mr. Viger stated the Village is recommending a "fan down" design. Chairman Moruzzi closed the public hearing at 7:51 p.m.

Motion

Commissioner Rowe made a motion to approve the findings of facts consisting of:

- 1) Special Circumstances: Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.
- 2) Hardship or Practical Difficulties: For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.
- 3) Circumstances Relate To Property: The special circumstances and hardship rebate 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) 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.
- 7) 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.
- 8) 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.

Commissioner Janowiak seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

Motion carried.

Motion: Commissioner Ventura made a motion to approve CDC Case Number 2011-12 with the tapered driveway and Staff recommendations. Commissioner Weldon seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

Motion carried.

Public Hearing: CDC Case Number 2011-10
Petitioner: Joaquin Aguirre
Location: 304 N. Spruce Avenue
Request: Final Plat of Subdivision

The Public Hearing was opened at 7:53 p.m. Mr. Aguirre was not present. Village Staff recommended moving forward with the case and stated that all conditions have been met. Mr. Viger stated there is a potential buyer for the home once it is complete. The property currently has two permanent index numbers but was never officially subdivided. The property is zoned RS-5 High Density Single Family. Staff recommends approval. There was no public comment. The Public Hearing was closed at 7:57 p.m.

Motion: Commissioner Weldon made a motion to approve CDC Case Number 2011-10. Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

Motion carried.

Report from Community Development:

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

ADJOURNMENT:

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

All were in favor

Motion carried.

The meeting was adjourned at 8:02 p.m.