

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

**MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION**

December 13, 2010

**CALL TO ORDER:** The meeting was called to order at 7:30 p.m.

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

**JOURNAL OF PROCEEDINGS:**

The minutes of the Special Community Development Commission of December 6, 2010 were presented.

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

All were in favor.

Motion carried.

**Public Hearing:** CDC Case Number 2010-29  
**Petitioner:** Joel Friedland  
**Location:** 610 N. York Road  
**Request:** Planned Unit Development

This Petition has been withdrawn.

**Public Hearing:** CDC Case Number 2010-21  
**Petitioner:** Bensenville Elementary School District 2  
**Location:** Memorial Road Between York Road & Mason Street  
**Request:** Site Plan Review

Dr. James Stelter, Superintendent and Colby Lewis, Architect were both present and sworn in by Chairman Markowski. Dr. Stelter presented to the Commissioners an addition to Chippewa & Tioga Schools. The project is predicted to be complete in 2012 and will be an additional 86,000 square feet. Once the new school building is complete, Chippewa students will relocate to the new school and Chippewa will then be demolished. Tioga school will be connected to the new school. Both Chippewa and Tioga will be operating during construction. A retention pond will be installed at the old Chippewa location. Bensenville Elementary School District 2 was awarded an 8.3 million dollar grant from the state to help fund this project. District 2 is fully aware there may be parking issues and traffic issues during construction. Commissioners raised concern with the lack of handicap accessible parking. Dr. Stelter stated that the matter will be resolved. Staff recommends approval.

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

Chairman Markowski closed the public hearing at 7:59 p.m.

**Motion:** Commissioner Ramirez made a motion to approve CDC Case Number 2010-21; site plan review. Commissioner Weldon seconded the motion.

**Roll Call:** Ayes: Markowski, Ventura, Rowe, Janowiak, Moruzzi, Ramirez, Weldon

Nays: None

Motion carried.

**Public Hearing:** CDC Case Number 2010-26  
**Petitioner:** Nicholas Gianaris of Kaloco Oil Co.  
**Location:** 600 N. Route 83  
**Request:** Conditional Use Permit; Drive-Through Facility and Variance

Nicholas Gianaris, Chief Executive Officer and Eric Eriksson, Architect were both present and sworn in by Chairman Markowski. Mr. Eriksson presented to the Commissioners plans for a drive through window to be installed. The building will be extended four to five feet. The gas station is a 24 hour operation. There are two employees on duty at all times except the third shift. The doors will be locked and customers can buy items through the proposed window. This will add safety for the employees. Commissioners raised concern with the entrance and exit doors that are adjacent to the proposed drive through window. Mr. Gianaris stated that customers will still have the sidewalk to use to avoid conflict. Mr. Gianaris also stated that the drive through will be a one way. Staff recommends approval.

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

Chairman Markowski closed the public hearing at 8:19 p.m.

**Motion:** Commissioner Rowe made a motion to approve the finding of facts as listed:

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.
2. Environmental Nuisance: The proposed drive through facility 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 permitted uses in the district have been minimized.

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.

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.

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.

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.

7. Special Circumstances: Special circumstances exist that are peculiar to the property for which the variance is 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.

8. 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.

9. 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 the 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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 Ramirez seconded the motion.

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

Nays: None

Motion carried.

Community Development Commission Meeting Minutes  
December 13, 2010  
Page 6

Motion: Commissioner Weldon made a motion to approve CDC Case Number 2010-26. Commissioner Ramirez seconded the motion.

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

Nays: None

Motion carried.

**Public Hearing:** CDC Case Number 2010-28  
**Petitioner:** Carlos Robles  
**Location:** 1081 Entry Drive  
**Request:** Conditional Use Permit; Indoor Athletic Facility

Mr. Robles was present and sworn in by Chairman Markowski. Mr. Robles is proposing to open a boxing and training facility. Mr. Robles would like to hold exhibition matches at this location on weekends. The matches will have 120-140 spectators. Mr. Robles had a facility in Villa Park and was forced to close due to high rent. Police were never called to the location. Mr. Robles expects to have between thirty and fourth students. Students will train at different times. Commissioners raised concern with there only being one bathroom. Mr. Robles stated he does not feel the bathroom will be an issue but will address with the landlord. Mr. Robles stated that he has been in contact with neighbors in the building regarding parking. Mr. Robles also reached out to Chase Bank for additional parking. Commissioners suggested that Mr. Robles enter into an agreement with neighbors and Chase Bank in regards to parking. Commissioners also recommend a locker room facility for boxers with showers along with a larger bathroom for the facility. Staff recommends approval.

Public Comment: There was no public comment.

Chairman Markowski closed the public hearing at 8:55 p.m.

Community Development Commission Meeting Minutes

December 13, 2010

Page 7

Motion: Commission Ramirez made a motion to approve the finding of facts as listed:

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.

2. Environmental Nuisance: The proposed indoor athletic facility 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 permitted uses in the district have been minimized.

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.

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.

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.

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.

7. Special Circumstances: Special circumstances exist that are peculiar to the property for which the variance is 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.

Community Development Commission Meeting Minutes

December 13, 2010

Page 8

8. 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.

9. 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 the 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.



15. 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 Rowe seconded the motion.

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

Nays: None

Motion carried.

Motion: Commissioner Ramirez made a motion to approve CDC Case Number 2010-28 and not allow exhibition matches until the bathroom issue and agreements for parking are resolved. Commissioner Rowe seconded the motion.

Roll Call: Ayes: Markowski, Ventura, Rowe, Janowiak, Moruzzi, Ramirez, 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 Ramirez made a motion to adjourn the meeting. Commissioner Rowe seconded the motion.

All were in favor

Motion carried.

The meeting was adjourned at 8:59 p.m.