

**MINUTES
CITY OF ST. CHARLES
ZONING BOARD OF APPEALS
THURSDAY, OCTOBER 26, 2023
COUNCIL CHAMBERS**

Members Present: Chairman- Elmer Rullman, III
Scott Buening
Laura Halpenny
Ross Totten

Member Absent: Samantha Flamand
Chris Studebaker

Also Present: Bruce Sylvester, Asst. Dir. of Comm. Dev.- Planning and Engineering
Court Reporter

1. Call to order

Chairman Rullman called the meeting to order at 7:28 p.m.

2. Roll call

Chairman Rullman called roll with four members present. There was a quorum.

3. Presentation of minutes of the September 28, 2023 meeting

A motion was made by Ms. Halpenny and seconded by Mr. Buening, with a unanimous voice vote to approve the minutes of the September 28, 2023 meeting.

4. Appeal Application V-4-2023, filed by Michelle Spruth, record owner of the property located at 722 S. 9th Ave. in the City of St. Charles.

Secretary Buening summarized/read into the record the following:

- The requested action is to reduce the rear yard setback from 40ft to 29ft, which is an 11 ft reduction;
- The applicant is proposing construction an addition.
- Primary use of the property is for a residence
- Submitted 7 letters of support from neighbors.

Chairman Rullman swore in the following:

- Michelle Spruth, property owner

The attached transcript prepared by Planet Depos Court Reporting is by reference hereby made a part of these minutes.

A motion was made by Ms. Halpenny and seconded by Mr. Buening to continue the public hearing item until the November 30th meeting.

Ayes: Halpenny, Totten, Rullman, Buening

Nays: None

Absent: Flamand, Studebaker

Motion Approved by vote of 4-0;

- 4. Additional Business from Board members or Staff**
- 6. Public Comment- None.**
- 7. Adjournment at 7:54 p.m.**



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Transcript of Variation Application for 722 South 9th Avenue

Date: October 26, 2023

Case: St. Charles Zoning Board of Appeals

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BEFORE THE ST. CHARLES ZONING BOARD OF APPEALS

-----X

In Re: :
Variation Application :
V-4-2023; Property Located at :
722 South 9th Avenue. :

-----X

REPORT OF PROCEEDINGS
St. Charles, Illinois
Thursday, October 26, 2023
7:26 p.m. CDT

Job No.: 473471
Pages 1 - 32
Reported by: Kristine Wesner, CVR

Transcript of Variation Application for 722 South 9th Avenue
Conducted on October 26, 2023

1 Proceedings of THE CITY OF ST. CHARLES ZONING
2 BOARD OF APPEALS, held at the location of:

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ST. CHARLES CITY HALL

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2 East Main Street

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St. Charles, Illinois 60174

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630.377.4400

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Pursuant to agreement, before Kristine

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Wesner, Certified Verbatim Reporter, and Notary

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Public in and for the State of Illinois.

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A P P E A R A N C E S

PRESENT:

ELMER RULLMAN, III, Chairman

SCOTT BUENING, Secretary

LAURA HALPENNY, Member

ROSS TOTTEN, Member

ALSO PRESENT:

Bruce Sylvester, Assistant Director

CD-Planning & Engineering

Michelle Spruth, Petitioner

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E X H I B I T S

(Retained by Counsel)

EXAMINATION OF V-4-2023	PAGE
Exhibit A Seven Letters of Support	9

1 P R O C E E D I N G S

2 CHAIRMAN RULLMAN: All right. Call the
3 meeting to order at 7:28, according to the clock
4 on the wall. The chairman apologizes for being
5 late.

6 So any revisions or corrections to the
7 minutes of the last meeting?

8 MEMBER BUENING: You need to do roll
9 call first. Roll call. Roll call.

10 CHAIRMAN RULLMAN: Oh, yeah. Roll call
11 first. You're right.

12 MEMBER BUENING: Buening? Present.
13 Flamand? Absent.

14 Halpenny?

15 MEMBER HALPENNY: Here.

16 MEMBER BUENING: Rullman?

17 CHAIRMAN RULLMAN: Here.

18 MEMBER BUENING: Studebaker?

19 And Totten?

20 MEMBER TOTTEN: Here.

21 MEMBER BUENING: We have a quorum.

22 CHAIRMAN RULLMAN: All right. So that
23 leaves four.

24 So, now, additions or corrections to

Transcript of Variation Application for 722 South 9th Avenue
Conducted on October 26, 2023

6

1 the last meeting minutes?

2 MEMBER HALPENNY: No.

3 MEMBER BUENING: No corrections.

4 MEMBER HALPENNY: No corrections.

5 CHAIRMAN RULLMAN: Motion to accept?

6 MEMBER HALPENNY: Motion to accept.

7 CHAIRMAN RULLMAN: And second?

8 MEMBER BUENING: I'll second.

9 CHAIRMAN RULLMAN: And all in favor,
10 aye?

11 (Chorus of ayes.)

12 CHAIRMAN RULLMAN: Opposed? Minutes
13 are accepted.

14 At this time, we'd like to open the
15 hearing for the application -- appeal application,
16 A-1-2023, filed by Matthew and Bernadette Sweeney,
17 record owners of the property located at
18 303 East -- oh, I got the wrong one.

19 MEMBER BUENING: I got a spare.

20 MEMBER HALPENNY: Here.

21 CHAIRMAN RULLMAN: Cancel that.

22 MEMBER BUENING: There's --

23 CHAIRMAN RULLMAN: Yeah. There we go.
24 Variance application, V-4-2023, filed

Transcript of Variation Application for 722 South 9th Avenue
Conducted on October 26, 2023

7

1 by Michelle Spruth, contract owner of
2 722 South Ninth Avenue of the property located at
3 20 South 14th Street --

4 MEMBER BUENING: That's actually an
5 error on the agenda. So it's 720 -- it is for
6 722 South -- not --

7 CHAIRMAN RULLMAN: 7 -- what now?

8 MEMBER BUENING: It is for 722 South
9 9th --

10 CHAIRMAN RULLMAN: Right. Contract
11 owner?

12 MEMBER BUENING: Yeah. It's not for
13 the 20 South -- that was the prior variance we
14 had, so that's a typo.

15 CHAIRMAN RULLMAN: Ah, okay. So it
16 (sotto voce) --

17 MEMBER BUENING: Well, mine says the
18 same thing, so --

19 CHAIRMAN RULLMAN: Okay. Secretary,
20 please read the appropriate documents.

21 MEMBER BUENING: Thank you,
22 Mr. Chairman.

23 This is variance petition no. V-4-2023
24 for a property located at 722 South Ninth Avenue.

1 It's a zoning variation to reduce the rear yard
2 setback from 40 feet to 29 feet, which is an
3 11-foot variation for reduction. The applicant's
4 proposing to construct an addition to their
5 single-family home. Applicant's name is Michelle
6 Spruth, also of 722 South Ninth Street in
7 St. Charles.

8 The RS-3 zoning district has a 40-foot
9 rear yard building setback requirement. The
10 applicant's requesting an 11-foot reduction to
11 29 feet to allow for an addition to extend 14 feet
12 out from the home, as shown on the attached site
13 plan, to accommodate larger common areas.
14 Existing land use is private residence, and the
15 zoning is RS-3: Suburban single-family
16 residential.

17 The notice of publication was done on
18 October 9th. The mailing for the public hearing
19 was also on October 9th, and then the property was
20 posted on October 10th of 2023. In addition, we
21 have six letters of support from neighbors that
22 were entered into the record.

23 MS. SPRUTH: There should be seven.

24 MEMBER BUENING: Seven now? Okay. I

1 only have six here. So I think one was, like, a
2 photograph of the e-mail --

3 (Simultaneous speech.)

4 MEMBER BUENING: -- photograph of it,
5 so it's seven.

6 Let the record reflect seven letters of
7 support.

8 CHAIRMAN RULLMAN: That will all be
9 Exhibit A.

10 (Exhibit A was marked for
11 identification and is retained by the City.)

12 CHAIRMAN RULLMAN: So anyone who wants
13 to be heard on this, please stand. Raise your
14 right hand.

15 (Witness sworn.)

16 CHAIRMAN RULLMAN: Please give your
17 name and address to the reporter.

18 MS. SPRUTH: Michelle Monet Spruth. My
19 address is 722 South Ninth Avenue, St. Charles,
20 Illinois 60174.

21 CHAIRMAN RULLMAN: The floor is yours.

22 MS. SPRUTH: Thank you very much, sir.
23 I'm going to present -- I have a presentation.
24 First, I have the -- I'm going to present the

1 existing conditions and the plat of survey, and
2 then I'll walk through the proposed variation.

3 This is -- and I can zoom in, if
4 it's -- if you need to. My family is here to
5 support me this evening as we go forward with this
6 application. You can see this is the existing
7 house. On it is labeled as 14 feet for a rear
8 extension across the entire rear of the house.
9 It's a 1970s single-story ranch house with three
10 bedrooms and one bath with a garage.

11 I -- the proposed extension has been
12 thoughtfully planned. I've -- we've been in the
13 house since 2013. My boys have gone to school in
14 St. Charles and have looked around for other
15 properties with a larger common area. However, we
16 enjoy our location and our neighborhood and
17 propose to stay.

18 A little bit about the plat. It's
19 actually located -- I mean, the house -- we're
20 located on South Ninth Avenue. So those that are
21 familiar, we overlook the green, which is a really
22 nice visual in the morning, so close to walking
23 distance to town. I ride my bike with my boys
24 quite often and close to the bike paths, so this

1 is the reason why we want to stay in our house.
2 So since COVID and, in addition to two teenage
3 boys, we found that the common living areas of the
4 kitchen and the living room -- we need a bigger
5 space, so this is the reason for the variation.

6 Unfortunately, our -- the lot that you
7 can see is irregularly shaped. We're confined by
8 the offsets, both for the rear and for the front.
9 So in order to get a larger footprint in the -- on
10 the main living areas, this is the reason
11 that's -- hence we're applying for the variation.

12 So I guess are there any -- just
13 talking about the lot coverage. We're in RS-3,
14 which has a minimum lot area of 8,400 square feet.
15 Ours is 7,000 -- ours is 14 percent less than the
16 minimum lot area for RS-3. The proposed extension
17 will add approximately 680 square feet of living,
18 which will still be under the minimum lot coverage
19 for RS-3. And then just -- actually, if there
20 aren't any questions about the existing
21 conditions, I'll go through my presentation.

22 Okay. This is the front view of our
23 house. There's a large -- pretty much a steep
24 incline -- steep driveway. You can see that our

1 neighbors have a two-story on each side of -- on
2 each side of us, and both of our neighbors has --
3 a large majority -- we've been on this -- since
4 we've been on the block since 2013, we know our
5 neighbors. Everyone is -- I've spoken at length
6 with the proposed development -- proposed home
7 improvements extensively with our neighbors, so
8 they're looking forward to actually seeing it
9 coming to fruition.

10 This is the rear lot. You can see the
11 length, the width of the house. You'd see a
12 little bit -- I could -- actually, this picture
13 presents better. So they -- the rear extension
14 will come to the concrete patio right here
15 (indicating) a little bit -- a little -- probably
16 about a foot or less past that along the rear
17 extension -- actually, about even with the chicken
18 coop, so the -- ultimately, we will be -- I will
19 be applying through the normal planning
20 application process for a 3/4s-level to move both
21 my boys' bedrooms to the top level -- to a
22 3/4s-level, and that would be through the normal
23 planning application process. You can see I enjoy
24 gardening, so I'm looking for -- to improve by

1 moving my patio and enjoying more of the outdoors.
2 So the current 40-foot offset is going to be
3 reduced to 29, which the -- includes a 10-foot
4 utility easement to allow for the 14-foot rear
5 extension.

6 So just going through -- I've included
7 some typical front views of the proposed plan. I
8 talked a little bit about -- in the existing
9 conditions about the irregular shape of our lot.
10 RS-3 is designated to have a minimum lot area of
11 8,400 square-foot, with an allowed coverage up to
12 30 percent of the lot size. However, because of
13 our setback restrictions, we have a
14 1,500 square-foot coverage, which is a
15 difference -- I mentioned -- of 730 feet. The
16 proposed extension will be -- will still be less
17 than this difference of approximately 680 feet. I
18 mentioned that we have a 14 percent less area than
19 the minimum lot size in RS-3.

20 So the reason for the request are the
21 current restrictions, which reduce the usable area
22 of our lot. We're restricted in the development
23 of 30 feet from the front yard setback and 40 feet
24 from the rear yard setback. And I mentioned we

1 have a small lot size compared to other RS-3
2 properties. The purpose -- we'll continue to use
3 this as a primary residence and home. The 14 feet
4 will allow for greater -- larger common areas,
5 which include a larger kitchen, larger living
6 room, and a space for an additional bathroom.

7 The practical difficulties is, I
8 purchased the home with two young boys in 2013. I
9 did not anticipate, at that time, COVID or remote
10 school and remote work -- I also work from home --
11 and have heightened the need for additional space
12 in the common areas and keeping -- and also
13 keeping the family safe when sick.

14 The proposed home improvement will
15 be -- an extension will be in character with the
16 surrounding homes. It's going to be no taller
17 than either neighbors. It -- the improvement
18 would be no detriment to the public welfare or
19 injurious to other properties. There'll be no
20 impacts on air, light, or any endangerment of the
21 public -- for public safety, and will not decrease
22 the property values on adjacent properties and
23 neighbors.

24 As mentioned, the plan has been

1 thoughtfully -- thoughtfully planned and
2 consulted. Over the past couple years, during
3 COVID, I've discussed proposed improvements with
4 all of my neighbors. I went around to all
5 neighbors within 250 feet of our property -- our
6 home -- and all were very supportive. Seven of
7 our closest neighbors, including our rear
8 neighbors, provided written support.

9 And let's see. So I just also included
10 typical design layouts and proposed homes.
11 Currently, the designs, right now, are with the
12 architect. I anticipate preliminary designs soon.
13 I've given some front views, I plan for a planned
14 porch, and some side profiles, and some rear
15 views. So as you can see, the bedrooms will be,
16 as mentioned, moved to the top with two bedrooms,
17 and then a sitting area, and also a bathroom to
18 share. The main -- the main floor will include an
19 office, one -- a master bedroom, master bath,
20 larger kitchen area, a toilet area, bringing the
21 laundry upstairs, and covered area for storage, if
22 it --

23 So that is all that's planned, so we're
24 not planning for any grandiose, large house. It

1 is really just to accommodate our family and my
2 teenage boys and partner. I will still have my
3 chickens, so my chickens are very popular in my
4 neighborhood. So I only have two, but my
5 neighbors keep telling me to get more. But that
6 gives some views of the proposed home
7 improvements.

8 I've contacted several contractors,
9 and, at the time of contacting the contractors,
10 they -- they were going to align me with their
11 architects, but due to busy schedules and
12 busyness, they didn't put me in to the -- I guess
13 their -- their flow or whatever -- their schedule.
14 So I commissioned the architect separately outside
15 of the builder because I needed to get this going
16 and hoping to have some drawings ahead of the
17 meeting. So any additional comments include -- I
18 mentioned that we're going to add a 3/4s-level to
19 our home and include that as part of the planning
20 process. That will be my sons' bedrooms and a
21 small sitting area and a bathroom share. Upstairs
22 bedrooms will facilitate -- if anyone gets sick,
23 they can be properly -- I guess -- safely
24 maintained out of the family and recovery --

1 recovered, if required.

2 The approval of the zoning variance
3 will enable an increase in communal living,
4 office, and bathroom, and also will improve our
5 standard of living, will enjoy in our existing
6 neighbor, community, and location since making it
7 our home in 2013. So just wanted to thank you for
8 your time -- really go through any questions you
9 all have in regards to this application.

10 CHAIRMAN RULLMAN: Any questions from
11 anyone on the Board?

12 MEMBER TOTTEN: When do you hope to
13 have this completed by?

14 MS. SPRUTH: Anticipate construction is
15 going to commence in the spring, and it'll take
16 approximately one year -- nine months to one year.

17 MEMBER TOTTEN: How high -- well, I
18 mean --

19 MS. SPRUTH: The top elevation will not
20 exceed the neighboring properties. I don't know
21 the -- I can give an approximate top elevation,
22 but they're not going to be exceeding the -- I
23 will be -- this will be a 3/4s-level. The
24 neighboring properties both have an additional

1 full level -- a full second story. Sorry.

2 MEMBER BUENING: I have several
3 questions.

4 Mr. Chair, first of all, staff had
5 provided exhibits that showed the subdivision, lot
6 sizes as well as the -- the depth --

7 (Simultaneous speech.)

8 MEMBER BUENING: -- the original
9 subdivision from -- my guess is the 1960s --
10 whenever that was done in the '60s.

11 Couple questions. So are you proposing
12 to change anything in regards to setback in the
13 front? Because it looks like you're going to
14 have, like, a -- you're looking to do a covered
15 porch or something like that?

16 MS. SPRUTH: A covered porch. Yeah.

17 MEMBER BUENING: Okay.

18 MS. SPRUTH: And that will be an 8-foot
19 covered porch.

20 MEMBER BUENING: So is that going to
21 extend it to the front yard more than what the
22 house does now?

23 MS. SPRUTH: It -- the house -- the
24 main living area will not be extended. It will

1 just have a front porch.

2 MEMBER BUENING: Okay.

3 MS. SPRUTH: So that will extend into
4 the setback, but since it --

5 MEMBER BUENING: Okay. And is the
6 second floor, then, extend over that covered
7 porch?

8 MS. SPRUTH: No.

9 MEMBER BUENING: No? What is your plan
10 with the garage? Because in the exhibit, the ones
11 that you show -- I mean, those are obviously not
12 what you're officially going to build.

13 MS. SPRUTH: Right.

14 MS. SPRUTH: What's your plan with the
15 garage?

16 MS. SPRUTH: Plan is to increase to a
17 garage and a half, perhaps a double garage,
18 depending on what we can do. Either 6 --
19 6 to 8 feet in the normal planning process. I
20 have a very steep driveway, so -- and the garage,
21 right now, is very small. I can't even park my
22 car in it. It has my bikes and stuff, so I'm sure
23 you guys can all appreciate it when you -- our
24 cars sit in -- in the driveway and in the road

1 during the winter. So we would like -- through
2 the planning process -- increasing the width of
3 the garage on the same side.

4 MEMBER BUENING: And can you go through
5 the thoughts with the three-quarters versus doing
6 a full second floor addition? Because would that
7 not be able to reduce the amount of setback
8 reduction you're requesting?

9 MS. SPRUTH: Well --

10 MEMBER BUENING: I mean, part of it is
11 we don't have a floor plan here to look at --

12 (Simultaneous speech.)

13 MS. SPRUTH: So the reason for the
14 3/4s-level is that, currently, right now, there's
15 very -- it's a 1970s ranch. Not sure if you're
16 familiar with those in RS-3, but they're very
17 small rooms, so would like -- it was -- and the
18 key thing is, I've always had the intention for a
19 Cape Cod-style, and I wanted my master bedroom.
20 So as I grow older, I will have one floor where I
21 can have all my amenities, my kitchen, the laundry
22 room brought upstairs, a bathroom, and where my
23 boys will, then, have a separate living area --
24 rooms on opposite sides, and a sitting area.

1 So it was never the intention to have
2 any common areas on a second floor, just for
3 planning for when I grow older. I want to keep
4 everything on the main floor, so just for -- once
5 my boys grow older, eventually, you know, moving
6 on -- if when they come back, their families will
7 still have that small sitting area and the two
8 bedrooms and guestrooms.

9 My -- my mother is getting older, so
10 there is -- I might have some more people coming
11 into the house, but wanted to only have, on the
12 second floor, the bedrooms and a small sitting
13 area. It's not the intention to bring the common
14 areas upstairs.

15 MEMBER BUENING: Are you putting
16 additional bathrooms in this with --

17 MS. SPRUTH: Yes. I'll be putting in a
18 bathroom for the boys to share and their
19 bedroom -- sharing across -- and then on my
20 bedroom, I will have my master, which will have a
21 bathroom and a shower. The existing bathroom will
22 go, and then -- so in the main common area floor
23 will be one full bath, and then one toilet off the
24 kitchen. So right now, we have one bathroom, and

1 I actually haven't taken a bath in my house in the
2 duration of living there because the bathroom is
3 so small, and I like baths, so I will be getting a
4 big bath.

5 So, anyways -- so that's the intention,
6 so it will still be a three-bed, two-and-a-half
7 bath house. So adding an additional -- the
8 bedrooms will, then, be larger than what they are
9 now to allow for furniture. I mean, the furniture
10 is -- I don't know what furniture they used in the
11 1970s, but you have -- it's, like, you don't
12 have anywhere to move when you have a Sleep number
13 bed in your bedroom. I don't know.

14 So it is going to be -- yeah. So it's
15 actually -- I'm not changing that much in terms of
16 it. It will still be a three-bed, two-and-half
17 bath, so adding one bathroom and a half, and
18 larger living room area, and a larger kitchen.

19 MEMBER BUENING: Okay. And then the
20 only other thing I had was, you indicated that you
21 have an architect engaged now to do some, you
22 know, drawings and such.

23 MS. SPRUTH: Yes.

24 MEMBER BUENING: Because, normally, we

1 like to see --

2 MS. SPRUTH: Right.

3 MEMBER BUENING: -- the layout --

4 MS. SPRUTH: Yeah.

5 MEMBER BUENING: -- because, you know,
6 it also helps you because if you ask for a 14-foot
7 variance and the architect comes back and
8 needs 16, then, obviously, that becomes a problem.
9 You'd have to go through the variance process
10 again.

11 MS. SPRUTH: Right.

12 MEMBER BUENING: So it's your intention
13 to, you know, introduce this tonight, and then
14 come back with the actual --

15 MS. SPRUTH: If it's -- if required,
16 yeah.

17 MEMBER BUENING: Yeah.

18 MS. SPRUTH: I wanted to -- but I will
19 only be -- I will only -- he's not going to come
20 back with 16 because it's going to be 14. Because
21 I still want a garden; I still want a yard. The
22 14 feet has been planned so it's aligned with the
23 rear porches of my neighbors, so our side profiles
24 will look the same. I don't want to deviate -- to

1 look -- for the house to look so out of the
2 ordinary than its surrounding properties, so
3 that's why the 14, so he'll be working to a
4 14 feet. Yeah. And also, as part of my home
5 improvement, I am planning geothermal. I'm an
6 engineer, and I want to include some renewable
7 energy as part of my home improvements, so
8 neighbors are very excited to see that, too.

9 MEMBER BUENING: That's all I have.

10 CHAIRMAN RULLMAN: Any other questions?

11 MEMBER HALPENNY: No.

12 CHAIRMAN RULLMAN: Are there any
13 objectors present?

14 MS. SPRUTH: Pardon?

15 MEMBER BUENING: Objectors.

16 CHAIRMAN RULLMAN: Objectors.

17 MEMBER HALPENNY: We have to ask the
18 question.

19 (Simultaneous speech.)

20 MS. SPRUTH: Right.

21 CHAIRMAN RULLMAN: Let the record show
22 there are no objectors present.

23 Okay. I must remind you that in order
24 for this Board to have any action, there has to be

1 four affirmed votes on whatever the motion is.
2 There's actually seven members of the Board, but
3 there's four of us here. So you have the option
4 as to request to have this tabled to the next
5 available meeting, or we can go forward, and it's
6 your choice.

7 MS. SPRUTH: Well, if the committee
8 feels that you need to see the technical plans, I
9 could have -- I could table it and show the prelim
10 drawings at a next meeting, if that's appropriate
11 for the committee.

12 MEMBER BUENING: It would be my
13 preference to see those, at least.

14 MS. SPRUTH: Okay.

15 MEMBER BUENING: Yeah. Because I mean,
16 it's --

17 (Simultaneous speech.)

18 MEMBER BUENING: And I'm not looking
19 for your full-blown architectural plans --

20 (Simultaneous speech.)

21 MEMBER BUENING: -- because that
22 obviously costs a lot, but at least in the
23 schematics of where things --

24 MEMBER HALPENNY: Site plans,

1 elevations.

2 MEMBER BUENING: Correct. Yes.

3 MS. SPRUTH: So -- will I propose to
4 table it, and then receive those plans, and then
5 share them with you all at the next meeting?

6 CHAIRMAN RULLMAN: All right. This
7 will be tabled until the next meeting, which is --

8 MEMBER HALPENNY: We were just going to
9 give that date. Could you give us one second?

10 (A sotto voce conversation took place
11 between Rullman and Buening.)

12 CHAIRMAN RULLMAN: Go ahead.

13 MR. SYLVESTER: So I believe you,
14 technically, have to continue it to a specific
15 date. Otherwise, staff will need to do all of the
16 notices over again, so I would suggest that you
17 pick a date, and then continue the public hearing
18 until that date.

19 MEMBER HALPENNY: Can we use 11/30?
20 Because I think we all said we could be here
21 11/30, at least, four of us for a quorum.

22 CHAIRMAN RULLMAN: 11/30?

23 MEMBER BUENING: I'm available, so --

24 CHAIRMAN RULLMAN: 11/30.

Transcript of Variation Application for 722 South 9th Avenue
Conducted on October 26, 2023

27

1 MEMBER HALPENNY: It's before -- it's
2 after Thanksgiving.

3 CHAIRMAN RULLMAN: Let me make sure.

4 MEMBER HALPENNY: Oh, yeah. Make sure.
5 For sure. Because that would be better than
6 waiting -- pushing it to December.

7 MS. SPRUTH: Yeah. That's -- that's
8 fine.

9 MEMBER BUENING: Is that --

10 MS. SPRUTH: I will be here no matter
11 what, so --

12 MEMBER HALPENNY: Well, I'm just trying
13 to give you a date that's reasonable --

14 (Simultaneous speech.)

15 MEMBER HALPENNY: -- 11/30 might give
16 us a chance --

17 MEMBER BUENING: We need to make
18 sure --

19 CHAIRMAN RULLMAN: It can be 11/30, but
20 I will not be here on 11/30.

21 MS. SPRUTH: Or it could be before
22 Thanksgiving. Whatever's --

23 MEMBER BUENING: I can't make the
24 number for 16th needed -- sorry. So it's either

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1 that or December 7th. Well, we could schedule it
2 for the November 30th and if we don't have a
3 quorum --

4 MEMBER HALPENNY: Why don't we see if
5 we have a quorum? Because we want to --

6 MEMBER TOTTEN: You want to max -- I
7 think we want to maximize the amount of Board
8 members --

9 MEMBER HALPENNY: Correct.

10 MEMBER TOTTEN: -- possible, so --

11 MEMBER BUENING: Right.

12 MEMBER TOTTEN: I would --

13 MEMBER BUENING: Well, we could -- we
14 could continue it to November 30th, unless we do
15 not have quorum, and then have it on December 7th
16 otherwise?

17 MEMBER HALPENNY: Correct. I think
18 that's a good idea.

19 MEMBER TOTTEN: That's fair.

20 MEMBER BUENING: That sound --

21 MEMBER HALPENNY: Fair.

22 MEMBER BUENING: -- reasonable?

23 MEMBER HALPENNY: Yeah.

24 CHAIRMAN RULLMAN: Works for me.

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1 MEMBER TOTTEN: Is that fair?

2 MS. SPRUTH: Yeah. That's fine.

3 MEMBER HALPENNY: Fair. Okay.

4 MS. SPRUTH: Thank you.

5 CHAIRMAN RULLMAN: All right. It'll be
6 discontinued -- or it'll be tabled until
7 November 30th. There may not be a quorum on that
8 date, in which case, it'll go to December 7th.
9 December 7th -- that sticks in my mind.

10 MEMBER BUENING: Day and (sotto
11 voce) --

12 MR. SYLVESTER: If there's a motion, I
13 think the word, continue, is important, so you
14 need a motion to continue, not a motion to table.

15 CHAIRMAN RULLMAN: We will do that,
16 so --

17 MEMBER HALPENNY: I'd like to make a
18 motion to continue --

19 MEMBER BUENING: To November 30th --

20 MEMBER HALPENNY: -- to the
21 November 30th date --

22 MEMBER BUENING: -- with an alternate
23 of December 7th.

24 MEMBER HALPENNY: -- with an alternate

1 of December 7th.

2 MEMBER BUENING: Second.

3 CHAIRMAN RULLMAN: Second?

4 All in favor -- or Secretary, call the
5 role, please.

6 MEMBER BUENING: Buening? Aye.

7 Halpenny?

8 MEMBER HALPENNY: Aye.

9 MEMBER BUENING: Rullman?

10 CHAIRMAN RULLMAN: Yes. Aye.

11 MEMBER BUENING: And Totten?

12 MEMBER TOTTEN: Yes.

13 MEMBER BUENING: Motion carries.

14 CHAIRMAN RULLMAN: All right. Meeting
15 is continued to --

16 MS. SPRUTH: Great. Thank you very
17 much.

18 MEMBER HALPENNY: Thank you. Excellent
19 presentation.

20 MEMBER BUENING: Thank you.

21 (Miscellaneous sotto voce
22 conversations.)

23 THE COURT REPORTER: We didn't close
24 the meeting.

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1 CHAIRMAN RULLMAN: All right. So that
2 ends the -- closes the -- tables the hearing for
3 variation, V-4-2023, and the property at
4 722 South Ninth Avenue.

5 Any additional business for the Board?

6 MEMBER BUENING: None.

7 MEMBER HALPENNY: None.

8 CHAIRMAN RULLMAN: Then we can have a
9 motion to close --

10 MEMBER BUENING: We have no public
11 comments.

12 CHAIRMAN RULLMAN: Yeah. There aren't
13 any public comments because we have no public
14 here.

15 MEMBER BUENING: I would make a motion
16 to adjourn.

17 CHAIRMAN RULLMAN: All right. All in
18 favor?

19 (Chorus of ayes.)

20 CHAIRMAN RULLMAN: We are adjourned.

21 (Off the record at 7:54 p.m.)

22

23

24

1 CERTIFICATE OF REPORTER - NOTARY PUBLIC

2

3 I, Kristine Wesner, CVR, the officer before
4 whom the foregoing proceeding was taken, do hereby
5 certify that the foregoing transcript is a true
6 and correct record of the testimony given; that
7 said testimony was taken by me and thereafter
8 reduced to typewriting under my direction; that
9 reading and signing was not requested; and that I
10 am neither counsel for, related to, nor employed
11 by any of the parties to this proceeding and have
12 no interest, financial or otherwise, in its
13 outcome.

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand and affixed my notarial seal this 1st day of
16 November, 2023.

17

18

19

20 My Commission Expires: July 02, 2025

21

22

23

24

Kt w



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