

**MINUTES
CITY OF ST. CHARLES
ZONING BOARD OF APPEALS
THURSDAY, SEPTEMBER 28, 2023
COUNCIL CHAMBERS**

Members Present: Chairman- Elmer Rullman, III
 Scott Buening
 Samantha Flamand
 Laura Halpenny
 Chris Studebaker
 Ross Totten

Member Absent:

Also Present: Russell Colby, Community Development Director
 Bruce Sylvester, Asst. Dir. of Comm. Dev.- Planning and Engineering
 Rachel Hitzemann, Planner
 Court Reporter

1. Call to order

Chairman Rullman called the meeting to order at 7:00 p.m.

2. Roll call

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

3. Presentation of minutes of the July 20, 2023 meeting

A motion was made by Mr. Studebaker and seconded by Mr. Buening, with a unanimous voice vote to approve the minutes of the July 20, 2023 meeting.

4. Appeal Application A-1-2023, filed by Matthew and Bernadette Sweeney, record owners of the property located at 303 N 3rd Ave. in the City of St. Charles.

Chairman Rullman reopened the application from the July 20th meeting. He noted that no new information was provided by the applicant and that the public hearing has already been closed.

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. Studebaker to reverse the decision of the Community Development Director.

Roll called (4 aye votes needed to pass):

Ayes: Halpenny, Studebaker, Totten, Flamand

Nays: Rullman, Buening

Absent: None

Motion Approved by vote of 4-2; Appeal request was granted.

4. Variation Application V-3-2023, filed by North Mark Properties, LLC, record buyers of the property located at 20 S 14th St. in the City of St. Charles.

Secretary Buening summarized/read into the record the following:

The requested action is to reduce the landscape yard buffer along the east property line from 30 feet to 14 feet, 7 1/2 inches along the north and south portion of the parking lot, and from 30 feet to 16 feet, 7 1/2 inches along the middle portion of the parking lot as shown on the attached site plan.;

- The applicant is proposing construction of a eight unit apartment building.
- Similar variation was granted by the Zoning Board in 2012 and 2018.
- Approval of previous variations expired because construction did not start within one year of approval.

Chairman Rullman swore in the following:

- Justin Pelock
- Note that City staff were also sworn in.

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 as follows:

Whereas, it is the responsibility of the St. Charles Board of Zoning Appeals to review all applications for variations; and,

Whereas, the St. Charles Board of Zoning Appeals has reviewed File V-3-2023 dated 7/12/23 and received on 7/17/23 from North Mark Properties, LLC for the property located at 20 S 14th St., St. Charles, Illinois 60174, for reducing the landscape buffer yard to allow for the construction of a parking lot up to 14 feet, 7.5 inches to the north and the south, and 16 feet, 7.5 inches in the middle, reduced by 15 feet, 4.5 inches to the north and south, and 13 feet, 4.5 inches in the middle.

Whereas, the particular shape or topographic conditions of the specific property involved would not result in a practical difficulty or particular hardship to the property

owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; and

Whereas, the conditions upon which the petition for a variation is based would not be applicable generally to other property within the same zoning classification; and

Whereas, the purpose of the variation is not based exclusively upon the desire to make more money on the property; and

Whereas, the practical difficulty or practical hardship has been created by any person having an interest in the property; and

Whereas, the variation, if granted, will not alter the essential character of the neighborhood; and

Whereas, the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements to the neighborhood in which the property is located; and

Whereas, the proposed variation will not impair an adequate supply of light and air to the adjacent property or substantially increase congestion of the public streets or increase the danger of fire, endanger public safety, or substantially diminish or impair property values;

Now, therefore, Now, therefore, the St. Charles Zoning Board of Appeals grants the variation requested with the stipulations as specified in Section 17.04.310 -- Variation of the Municipal Code of the City of St. Charles.

Roll called (4 aye votes needed to pass):

Ayes: Rullman, Halpenny, Studebaker, Totten, Buening

Nays: None.

Absent: None.

5. Additional Business from Board members or Staff

6. Public Comment- None.

7. Adjournment at 7:17 p.m.



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Transcript of Hearing - 303 North 3rd Avenue and 20 South 14th Street

Date: September 28, 2023

Case: St. Charles Zoning Board of Appeals

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BEFORE THE ST. CHARLES ZONING BOARD OF APPEALS

-----X

In Re: :
Appeal Application A-1-2023, Filed by :
Matthew & Bernadette Sweeney, Record :
Owners of the Property Located At 303 :
North 3rd Avenue, In the City of St. :
Charles, :
-and- :
Variance Application V-3-2023, Filed by :
North Mark Properties, LLC, Contract :
Buyers of the Property Located At 20 :
South 14th Street. :

-----X

REPORT OF PROCEEDINGS
St. Charles, Illinois
Thursday, September 28, 2023
6:59 p.m. CDT

Job No.: 473469
Pages 1 - 26
Reported by: Kristine Wesner, CVR

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

3

4 ST. CHARLES CITY HALL

5 2 East Main Street

6 St. Charles, Illinois 60174

7 630.377.4400

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22 Pursuant to agreement, before Kristine
23 Wesner, Certified Verbatim Reporter, and Notary
24 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

ROSS TOTTEN, Member

CHRIS STUDEBAKER, Member

SCOTT BUENING, Secretary

LAURA HALPENNY, Member

SAMANTHA FLAMAND, Member

ALSO PRESENT:

Russell Colby, Director of Community
Development

Bruce Sylvester, Assistant Director
CD-Planning & Engineering

Rachel Hitzemann, Planner

Matthew and Bernadette Sweeney, Petitioners

Justin Pelock, Petitioner

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

2 CHAIRMAN RULLMAN: We'll call this
3 meeting to order at 7 o'clock.

4 Mr. Secretary, please call the roll.

5 MEMBER BUENING: Buening? Present.

6 Flamand?

7 (No response.)

8 MEMBER BUENING: Halpenny?

9 MEMBER HALPENNY: Yep.

10 MEMBER BUENING: Rullman?

11 CHAIRMAN RULLMAN: Here.

12 MEMBER BUENING: Studebaker?

13 MEMBER STUDEBAKER: Here.

14 MEMBER BUENING: And Totten?

15 MEMBER TOTTEN: Here.

16 CHAIRMAN RULLMAN: Are there any
17 corrections or additions to the minutes of the
18 July 20, 2023, meeting?

19 MEMBER HALPENNY: Oh, she's here.

20 MEMBER BUENING: Showing that Flamand
21 is present at 7:01.

22 MEMBER FLAMAND: It's 6:59.

23 MEMBER HALPENNY: Yeah. I was going to
24 say, I'm at 6:59 on my --

1 (Simultaneous speech.)

2 CHAIRMAN RULLMAN: Let the record show
3 that Flamand is in attendance.

4 Hearing no additions or corrections,
5 I'll entertain a motion to approve the minutes.

6 (Simultaneous speech.)

7 MEMBER STUDEBAKER: (Indiscernible.)

8 CHAIRMAN RULLMAN: And second?

9 MEMBER BUENING: I'll second.

10 CHAIRMAN RULLMAN: All right. All in
11 favor, aye?

12 (Chorus of ayes.)

13 CHAIRMAN RULLMAN: Any opposed? Same
14 side (phonetic). Minutes are approved.

15 At this time, we will -- well, let's
16 see. We'll go back there, so re-open the
17 application, A-1-2023. So the board heard this
18 appeal application at the meeting on July 20th,
19 2023. The applicant presentation and public
20 comment were concluded at that time, and the board
21 agreed to table the item to the September 28th,
22 2023, meeting. No further information has been
23 submitted by the applicant since the July 20
24 meeting. The minutes and presentation by the

1 applicant have been included in the meeting
2 packet.

3 The two members absent from the July 20
4 meeting, Studebaker and Totten --

5 Mr. Totten, have you read the minutes
6 through and thoroughly?

7 MEMBER TOTTEN: I have read the minutes
8 multiple times, yes.

9 CHAIRMAN RULLMAN: Mr. Studebaker?

10 MEMBER TOTTEN: Yes, sir.

11 CHAIRMAN RULLMAN: All right. So
12 you're both entitled to a vote, so there are six
13 of us here.

14 And so I'll ask, does the petitioner
15 wish to continue?

16 MS. SWEENEY: Yes, we do.

17 CHAIRMAN RULLMAN: All right.

18 MR. SWEENEY: Yes, sir.

19 CHAIRMAN RULLMAN: So then I'll hear a
20 motion for the reversal of the decision as
21 requested.

22 MEMBER HALPENNY: Can we make it now?
23 We don't really need any more discussion, do we?

24 MEMBER BUENING: No. You can make the

1 motion now.

2 CHAIRMAN RULLMAN: Make the motion.

3 MEMBER HALPENNY: Want me to just read
4 it from here?

5 CHAIRMAN RULLMAN: Are you making it in
6 the favor of the petitioner?

7 MEMBER HALPENNY: Yes. So -- but I'm
8 saying I have it up on my screen. Should I be
9 reading this?

10 MEMBER BUENING: Well, what you would
11 do -- as in the staff report -- we make a motion
12 to reverse --

13 (Simultaneous speech.)

14 CHAIRMAN RULLMAN: That's the motion
15 you want to make.

16 MEMBER HALPENNY: Okay. I would like
17 to make a motion to reverse the decision of the
18 Community Development Director.

19 CHAIRMAN RULLMAN: Second?

20 MEMBER STUDEBAKER: Second.

21 MEMBER BUENING: Studebaker?

22 CHAIRMAN RULLMAN: Seconded.

23 Mr. Secretary, please call the roll.

24 MEMBER BUENING: Buening? No.

1 Flamand?

2 MEMBER FLAMAND: Yes.

3 MEMBER BUENING: Halpenny?

4 MEMBER HALPENNY: Yes.

5 MEMBER BUENING: Rullman?

6 CHAIRMAN RULLMAN: No.

7 MEMBER BUENING: Studebaker?

8 MEMBER STUDEBAKER: Yes.

9 MEMBER BUENING: And Totten?

10 MEMBER TOTTEN: Yes.

11 MEMBER HALPENNY: Thank God.

12 CHAIRMAN RULLMAN: Decision is
13 reversed.

14 MEMBER TOTTEN: I would like to make a
15 statement though about the -- am I allowed to make
16 a motion? Or not make a motion, but make a
17 statement about it?

18 CHAIRMAN RULLMAN: Not really.

19 MEMBER HALPENNY: Oh. No. I was just
20 going to say we should probably have the City
21 update our code, and we won't run into this
22 problem again. I really just wanted to -- I don't
23 know how the form is read, but wanted to --

24 MEMBER BUENING: I'm not sure what you

1 would update the code with. I mean, to me, it's
2 pretty straightforward. It's a breezeway, or it's
3 not a breezeway.

4 CHAIRMAN RULLMAN: Yeah. It's
5 enclosed, or it's not enclosed.

6 MEMBER HALPENNY: It's the technology
7 advancements.

8 CHAIRMAN RULLMAN: Technology --
9 (Simultaneous speech.)

10 MEMBER HALPENNY: Okay. I'll let it --
11 I'll talk to Matthew.

12 MEMBER BUENING: I think the only thing
13 that I would suggest is that the City, perhaps,
14 consider removing any structure that connects an
15 accessory structure to a principal structure. The
16 ordinance that we have is unusual in that most
17 towns do not have that -- any kind of connection.
18 That's what creates the gray area. What would be
19 more clear, and better inline with other
20 communities, is to remove that title.

21 MEMBER HALPENNY: Right. All right.
22 Well, we can talk about it off-line. I just
23 wanted to --

24 MEMBER TOTTEN: I agree with half of

1 what you said, but lacking the word, permanent --
2 and this is a hybrid solution, this -- there's so
3 much gray area associated with it, which made this
4 a very difficult decision --

5 MEMBER HALPENNY: Agreed.

6 MEMBER TOTTEN: -- where City Council
7 needs to make it black-and-white because of this.

8 MEMBER HALPENNY: Right. That's all
9 I'm saying.

10 (Simultaneous speech.)

11 MEMBER TOTTEN: -- have to be reactive
12 versus proactive --

13 MEMBER HALPENNY: Okay. We can --

14 CHAIRMAN RULLMAN: So we voted and the
15 decision of the Community Development Director is
16 reversed.

17 MEMBER HALPENNY: I hope your family
18 enjoys your home.

19 MS. SWEENEY: Thank you.

20 MEMBER HALPENNY: Welcome to the
21 community.

22 (Simultaneous speech.)

23 CHAIRMAN RULLMAN: We close the
24 application, A-1-2023, I believe.

1 MEMBER BUENING: Yes.

2 CHAIRMAN RULLMAN: This time, we open
3 the variation application, V-3-2023, filed by
4 North Mark Properties, LLC, contract buyers of the
5 property located at 20 South 14th Street in
6 St. Charles.

7 MEMBER BUENING: Okay.

8 CHAIRMAN RULLMAN: Mr. Secretary,
9 please read the relevant items.

10 MEMBER BUENING: Thank you.

11 This is variation V-3-23 [sic] for
12 vacant lot on South 14th Street. The request is
13 for a zoning variation to reduce the landscape
14 yard -- buffer yard along the east property line
15 from 30 feet to 14 feet, 7 1/2 inches along the
16 north and south portion of the parking lot, and
17 from 30 feet to 16 feet, 7 1/2 inches along the
18 middle portion of the parking lot as shown on the
19 attached site plan.

20 The applicant is proposing to construct
21 an eight-unit apartment building on the property.
22 30-foot landscape buffer yard is required along
23 the east property line. The applicant is
24 requesting a variation to reduce the landscape

1 buffer yard to allow construction of the parking
2 lot up to 14 feet, 7 1/2 inches from the east
3 property line.

4 A similar variation was granted by the
5 Zoning Board of Appeals in 2012 and 2018.
6 Approval of that variation expired because the
7 parking lot was not constructed within one year of
8 approval, as required by ordinance. The
9 property's currently vacant. It is zoned RM-3,
10 General Residential District, and the notice was
11 published in the newspaper on September 11th, and
12 it looks like mailings were sent on September 8th.

13 I think that's everything.

14 CHAIRMAN RULLMAN: Is the petitioner
15 present?

16 MR. PELOCK: (Nonverbal response.)

17 CHAIRMAN RULLMAN: All right. Anyone
18 wishing to offer testimony on this application,
19 please rise. Raise your right hand.

20 (Witness sworn.)

21 CHAIRMAN RULLMAN: Please give your
22 name and address to the recorder.

23 MR. PELOCK: Justin Pelock,
24 J-U-S-T-I-N, P-E-L-O-C-K. I currently reside at

1 1963 Gary Lane, Geneva, Illinois.

2 CHAIRMAN RULLMAN: All right. The
3 floor is yours.

4 MR. PELOCK: Okay. How's everybody
5 doing?

6 MEMBER HALPENNY: Good.

7 MR. PELOCK: Yeah. Like I said, my
8 name is Justin. I'm here with my colleague, Carna
9 (phonetic), as well, and we're requesting a
10 variation for the landscape buffer on this plan
11 and -- yeah. At this point, if you have any
12 questions, I'd be happy to answer them.

13 MEMBER BUENING: I have a question,
14 Mr. Chairman.

15 CHAIRMAN RULLMAN: I don't have any
16 questions.

17 MEMBER BUENING: I have one.

18 CHAIRMAN RULLMAN: What's your
19 question? Why --

20 MEMBER BUENING: Since we've seen this
21 a number of times --

22 CHAIRMAN RULLMAN: Yeah. Right.
23 Exactly.

24 MEMBER BUENING: -- are you going to

1 build it, and when?

2 MR. PELOCK: Yeah. That's the plan.
3 If we get the approval, we'll go in for permit
4 right away.

5 CHAIRMAN RULLMAN: Okay.

6 MEMBER FLAMAND: What were the delays
7 previously?

8 MR. PELOCK: I was not involved in
9 that. I'm not really sure, to be honest.

10 MEMBER FLAMAND: I was just curious.
11 I'm new to the board, so I didn't see this myself.

12 MEMBER TOTTEN: If you don't get the
13 required parking space, how is that going to
14 affect the property's value and how you're going
15 to rent it out and all that?

16 MR. PELOCK: Yeah, I mean -- I guess if
17 we don't get that requirement, we probably
18 wouldn't move forward.

19 MEMBER TOTTEN: With the project --

20 MR. PELOCK: Yeah.

21 MEMBER TOTTEN: -- as a whole?

22 MR. PELOCK: Yeah.

23 Pardon?

24 Yeah. I think it was a requirement

1 too, that we needed to meet the 1.7 space per --
2 parking spaces per unit, so I think that was --

3 MEMBER TOTTEN: Would you reduce the
4 unit number from eight to fit in with the current
5 ordinance?

6 MR. PELOCK: I think, at that point, it
7 wouldn't make financial sense, so no.

8 MEMBER TOTTEN: Okay.

9 MEMBER HALPENNY: This variation --
10 because I wasn't here -- was approved, previously.
11 It looks like two times --

12 CHAIRMAN RULLMAN: There were two
13 previous --

14 MEMBER HALPENNY: -- approvals.

15 CHAIRMAN RULLMAN: -- approvals for
16 exactly the same thing over the years.

17 MEMBER HALPENNY: Can I --

18 MEMBER TOTTEN: Different builder,
19 right? Not -- I just want to double check that.

20 MR. PELOCK: Yeah.

21 (Simultaneous speech.)

22 MEMBER TOTTEN: -- 2018 --

23 CHAIRMAN RULLMAN: Right.

24 MR. PELOCK: Correct. Yes.

1 MEMBER HALPENNY: I'd like to make a
2 motion to approve, based on the fact that it's
3 been approved multiple times before, and it
4 doesn't seem like it's going to diminish the area
5 over there at all. I went over there --

6 CHAIRMAN RULLMAN: Well, we have to
7 find facts --

8 MEMBER HALPENNY: Oh, yeah. I'm sorry.
9 I'm bad at that. I'm learning. It's my second
10 time with that, right? So sorry.

11 MS. HITZEMANN: Yeah. Do you want to
12 ask -- if you're going to move forward with a
13 motion, do you want to close the public hearing or
14 ask for public comment first? So then you can --

15 MEMBER HALPENNY: Yeah. I was going to
16 say, I'm sorry about that. I'll learn.

17 CHAIRMAN RULLMAN: All right. Anyone
18 who has negative comments or would like to speak
19 on this?

20 All right. So if not, we can entertain
21 a motion based on the facts, so everyone's visited
22 the property --

23 MEMBER BUENING: You should close the
24 public hearing, I think, next.

1 CHAIRMAN RULLMAN: Hmm?

2 MEMBER BUENING: You should close the
3 public hearing.

4 CHAIRMAN RULLMAN: Yeah.

5 All right. Public hearing has been
6 closed, and so we can have a motion.

7 MEMBER BUENING: I would note, I think
8 under prior variance, we had made a recommendation
9 to put a sidewalk on 14th Street, and they showed
10 that on the plat already, so --

11 MEMBER HALPENNY: That was included?

12 MEMBER BUENING: Yeah.

13 MEMBER HALPENNY: Okay. I guess I
14 might as well learn since we've had a long time
15 hearing that, so -- because I'm always on the
16 other side, so --

17 CHAIRMAN RULLMAN: So you have to look
18 here, so take a look at what they're asking for,
19 and then this, basically, are [sic] the things
20 that we're -- these are the only things we're
21 entitled to consider.

22 (A sotto voce conversation took place
23 between Member Halpenny and Chairman Rullman.)

24 MEMBER HALPENNY: Okay. I'm going to

1 try this. Okay. I got this.

2 CHAIRMAN RULLMAN: Starts up here --

3 MEMBER HALPENNY: Right here?

4 Preamble? First preamble? Second preamble?

5 MEMBER BUENING: Start at the

6 beginning. That top -- yep.

7 CHAIRMAN RULLMAN: There you go.

8 MEMBER HALPENNY: Okay. Here we go.

9 Whereas, it is the responsibility of
10 the St. Charles Zoning Board of Appeals to review
11 all applications for variations; and whereas the
12 St. Charles Zoning Board of Appeals has reviewed
13 File No. V-3-2023, dated 7/12/23, and received
14 7/17/23 from Jeff Pelock (phonetic) --

15 MR. PELOCK: Pelock.

16 MEMBER HALPENNY: -- Pelock for the
17 property located at 20 South 14th Avenue [sic] in
18 the city of St. Charles for reducing the landscape
19 buffer yard to allow for the construction of a
20 parking lot up to 14 feet, 7.5 inches to the north
21 and the south, and 16 feet, 7.5 inches in the
22 middle, reduced by 15 feet, 4.5 inches to the
23 north and south, and 13 feet, 4.5 inches in the
24 middle, and --

1 Then just keep --

2 Following criteria for the finding of
3 fact shall be observed: Each main point will be
4 presented at the hearing and supported by the
5 motion to grant or deny the request for the
6 variation, should it be stated here. Each point
7 shall be a succinct -- succinct, declarative
8 statement. The points shall identify the unique
9 nature of the conditions supporting the motion so
10 that the motion shall not set a precedent for
11 other properties, or shall set a precedent only
12 within a narrow set of parameters. The numbers of
13 the points are limited to the number established
14 in the testimony.

15 If the motion is to grant the requested
16 variation, only points supporting that conclusion
17 shall be stated. If the motion is to deny the
18 requested variation, only points supporting that
19 conclusion shall be stated. The statements
20 supporting the motion shall protect the petitioner
21 and the City from a reversal of the action through
22 judicial review.

23 Whereas, the particular physical
24 surroundings, shape, or topographical condition of

1 the specific property involved would not result in
2 a practical difficulty or particular hardship to
3 the property owner, as distinguished from a mere
4 inconvenience, if the strict letter of the
5 regulations were carried out; whereas, the
6 conditions of the petition for a variation is
7 based would not be applicable, generally, to other
8 property within the same zoning clarification
9 [sic]; whereas, the purpose of the variation is
10 not based exclusively upon a desire to make more
11 money off the property; whereas, the alleged
12 practical difficulty or a particular hardship has
13 not created -- been created by any person
14 presently having an interest in the property;
15 whereas, the variation, if granted, will not alter
16 the essential character of the neighborhood;
17 whereas, the granting of the variation will not be
18 detrimental to the public welfare or injurious to
19 other property or improvements in the neighborhood
20 in which the property is located; whereas, the
21 proposed variation will not impair an adequate
22 supply of light and air to the adjacent property,
23 or substantially increase the congestion in the
24 public streets, or increase the danger of fire, or

1 endanger the public safety, or substantially
2 diminish or impair property values within the
3 neighborhood.

4 Now, therefore, the St. Charles Board
5 of Appeals grants the variation requested, with
6 the stipulations as specified in 17.04310 [sic]
7 Variation of the Municipal Code of the City of
8 St. Charles.

9 CHAIRMAN RULLMAN: The construction
10 must begin within one year --

11 MEMBER HALPENNY: Construction must
12 begin in one year, for real this time.

13 CHAIRMAN RULLMAN: I think we got it
14 all.

15 MEMBER BUENING: I would second the
16 motion with two corrections. One is that it's
17 actually 20 South 14th Street, as opposed to
18 Avenue, and then also the first, whereas, it
19 really should be, would result in practical
20 difficulty, which is different than everything
21 else because everything else is against it. So
22 it's a little -- not intuitive, but that's -- that
23 would be it. So if you amend your motion --

24 MEMBER HALPENNY: I would like to amend

1 my motion to say, whereas, the physical
2 surroundings, shape, or topographical condition of
3 the specific property would result in a practical
4 difficulty or particular hardship to the property
5 owner as distinguished from the mere inconvenience
6 if the strict letter of the regulations were
7 carried out, and also to correct the address to
8 20 South 14th --

9 MEMBER BUENING: Street.

10 MEMBER HALPENNY: -- Street.

11 MEMBER BUENING: I'll second that
12 motion.

13 CHAIRMAN RULLMAN: All right. Any
14 further discussion?

15 If not, Mr. Secretary, please call the
16 roll.

17 MEMBER BUENING: Buening? Yes.
18 Flamand?

19 MEMBER FLAMAND: Yes.

20 MEMBER BUENING: Halpenny?

21 MEMBER HALPENNY: Yes.

22 MEMBER BUENING: Rullman?

23 CHAIRMAN RULLMAN: Yes.

24 MEMBER BUENING: Studebaker?

1 MEMBER STUDEBAKER: Yes.

2 MEMBER BUENING: And Totten?

3 MEMBER TOTTEN: Yes.

4 CHAIRMAN RULLMAN: Variation is
5 granted.

6 MR. PELOCK: Thank you.

7 CHAIRMAN RULLMAN: This closes the
8 hearing on variations.

9 Any additional items for the Board?

10 MEMBER BUENING: Or from staff?

11 MS. HITZEMANN: We are going to have a
12 meeting in October, so if you're not going to be
13 available, please let me know.

14 CHAIRMAN RULLMAN: All right.

15 MEMBER BUENING: What is the date?

16 MS. HITZEMANN: I believe it's the
17 26th. Yeah. It's the 26th.

18 MEMBER BUENING: Okay. Staff does
19 realize this is burdensome to us to actually meet
20 more than once a year.

21 MEMBER HALPENNY: I wasn't going to
22 say -- when I took this job --

23 (Simultaneous speech.)

24 MEMBER HALPENNY: I took this job until

1 2025, and I was getting pretty spoiled. I'm,
2 like, this is a great volunteer position.

3 MS. HITZEMANN: We're making you work
4 for it this year, Scott. You had two years off,
5 and so you can attend a few meetings this year.

6 MEMBER HALPENNY: -- pile it on. Okay.
7 So October 26th? Oh, it's the last day. I'm
8 going out of town for a wedding.

9 CHAIRMAN RULLMAN: That's a normal day,
10 I believe.

11 MEMBER BUENING: Yeah.

12 MEMBER HALPENNY: Yeah. Thursday. I
13 just want to make sure because some days, I know
14 we change the dates.

15 CHAIRMAN RULLMAN: All right.

16 MEMBER HALPENNY: Thanks, guys.

17 MEMBER BUENING: I have nothing
18 further, Mr. Chairman.

19 MEMBER HALPENNY: Oh, sorry.

20 CHAIRMAN RULLMAN: All right.

21 MEMBER HALPENNY: Are we good?

22 CHAIRMAN RULLMAN: Then we have --

23 MEMBER BUENING: Public comments?

24 MEMBER HALPENNY: Oh, yeah.

1 MEMBER BUENING: No public comment?

2 CHAIRMAN RULLMAN: I'll ask for public
3 comments --

4 MEMBER HALPENNY: Any public comments?

5 CHAIRMAN RULLMAN: No?

6 UNIDENTIFIED PUBLIC MEMBER 1: No.

7 CHAIRMAN RULLMAN: That's what we
8 asked.

9 MEMBER BUENING: I will make a motion
10 to adjourn.

11 MEMBER HALPENNY: I would second.

12 CHAIRMAN RULLMAN: All in favor?

13 (Chorus of ayes.)

14 (Off the record at 7:17 p.m.)

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1 CERTIFICATE OF REPORTER - NOTARY PUBLIC

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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 October, 2023.

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Kt w 

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20 My Commission Expires: July 02, 2025

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