

**MINUTES
CITY OF ST. CHARLES
ZONING BOARD OF APPEALS
THURSDAY, MARCH 17, 2016
LOWER LEVEL CONFERENCE ROOM**

Members Present: Chairman- Elmer Rullman
Scott Buening
James Holderfield
Robert Krawczyk

Member Absent: Charles Simpson
John Hrivnak

Also Present: Russell Colby, Planning Division Manager
Court Reporter

1. Call to order

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

2. Roll call

Roll was called with four members present. There was a quorum.

3. Presentation of minutes of the December 10, 2015 meeting

A motion was made by Mr. Holderfield and seconded by Mr. Buening with a unanimous voice vote to approve the minutes of the December 10, 2015 meeting.

4. Presentation of minutes of the February 25, 2016 meeting

Agenda item skipped; no motion made and minutes not approved.

5. Variation Application V-1-2016, filed by W. Alex Teipel, representing St. Charles Enterprise Center, LLC, record owner of the property located at 255 38th Avenue in the city of St. Charles.

Secretary Buening summarized/read into record the following:

- Variation Application V-1-2016 filed by Alex Teipel representing St. Charles Enterprise Center, LLC, record owner of the property located at 255 38th Avenue in the city of St. Charles.
- The requested action is a zoning variation to to reduce the exterior side yard requirement for a ground-mounted generator from 40 feet to 20 feet 9 inches in order to permit installation of a diesel generator within the exterior side yard setback along 38th Avenue.

Chairman Rullman swore in the following:

- Alex Teipel, 427 West State Street, Geneva
- Russell Colby, Planning Division Manager

The attached transcript prepared by Planet Depos - Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

A motion was made by Mr. Holderfield 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-1-2016 dated 2/4/16 and received 2/4/16 from W. Alex Teipel, representing the St. Charles Enterprise Center, LLC, for the property located at 255 38th Avenue, St. Charles, Illinois for the placement of a diesel generator in the 40-foot exterior side yard. The generator will be placed west of and out of the 20-foot utility easement along the east property line and 20 feet 9 inches from the property, placing the generator in the most practical location relative to the existing building and electric transformer; and

Whereas, the alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property, as the present owner did not build the building and has been presented with existing conditions that they have had to work with; and

Whereas, the variation, if granted, will not alter the essential character of the neighborhood, as the owner will provide additional landscaping around the proposed generator and the existing transformer; and

Whereas, the proposed variation will not impair the adequate supply of light and air to adjacent property, or substantially increase congestion of public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood, as the generator will be recessed and into the slope of the open space.

Now therefore, the St. Charles Zoning Board of Appeals grants the variation requested, with the stipulations as specified in Section 17.04.310, "Variations," of the Municipal Code of the City of St. Charles, subject to the following conditions:

1. The screening wall is to be constructed with a brick face matching that of the existing building.
2. Plantings around the screening wall are to be Techny Arborvitae.

Roll called:

Ayes: Holderfield, Krawczyk, Rullman, Buening

Minutes – St. Charles Zoning Board of Appeals

Thursday, March 17, 2016

Page 3

Nays: None

Motion carried; Variation granted. 4-0

6. Additional Business from Board members or Staff

7. Public Comment

8. Adjournment at 7:17 p.m.

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BEFORE THE ZONING BOARD OF APPEALS
OF THE CITY OF ST. CHARLES

-----x
In Re: :
Variation Application :
filed by W. Alex Teipel, : No. V-1-2016
representing St. Charles :
Enterprise Center, LLC; :
Property Located at :
255 - 38th Avenue in the :
City of St. Charles :
-----x

HEARING, Volume II
St. Charles, Illinois
Thursday, March 17, 2016
7:00 p.m.

Job No.: 106052
Pages: 10 - 33
Reported by: Melanie L. Humphrey-Sonntag,

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

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CSR, RDR, CRR, CRC, FAPR

HEARING, held at the location of:

ST. CHARLES CITY HALL

2 East Main Street

St. Charles, Illinois 60174

(630) 377-4400

Before Melanie L. Humphrey-Sonntag, a Certified
Shorthand Reporter, Registered Diplomate Reporter,
Certified Realtime Reporter, and a Notary Public in
and for the State of Illinois.

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

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PRESENT:

ELMER RULLMAN III, Chairman

SCOTT BUENING, Secretary

JAMES HOLDERFIELD, Member

ROBERT KRAWCZYK, Member

ALSO PRESENT:

RUSS COLBY, Planning Division Manager

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

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P R O C E E D I N G S

CHAIRMAN RULLMAN: All right. We'll call the meeting of the St. Charles Board of Zoning Appeals to order at seven o'clock according to my clock.

Mr. Secretary, please call the roll.

SECRETARY BUENING: Buening, present.
Holderfield.

MEMBER HOLDERFIELD: Here.

MEMBER BUENING: Hrivnak.

(No response.)

SECRETARY BUENING: Absent.
Krawczyk.

MEMBER KRAWCZYK: Here.

SECRETARY BUENING: Rullman.

CHAIRMAN RULLMAN: Here.

SECRETARY BUENING: And, Simpson, absent.

CHAIRMAN RULLMAN: So we have a quorum this time, I think.

MR. TEIPEL: Thank you.

CHAIRMAN RULLMAN: Are there any additions or corrections to the minutes from our December 10th, 2015, meeting?

SECRETARY BUENING: I have none.

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

14

1 I have none.

2 CHAIRMAN RULLMAN: If not, I'll accept a
3 motion to approve.

4 MEMBER HOLDERFIELD: So moved.

5 CHAIRMAN RULLMAN: Okay. All in favor?

6 SECRETARY BUENING: I'll second.

7 CHAIRMAN RULLMAN: Okay. All in favor?

8 (Ayes heard.)

9 CHAIRMAN RULLMAN: Okay. None opposed.

10 All right. At this time we'll open the
11 Variation Application V-1-2016 filed by Alex Teipel
12 representing St. Charles Enterprise Center, LLC,
13 record owner of the property located at
14 255 - 38th Avenue in the city of St. Charles.

15 Mr. Secretary, please read the pertinent
16 information.

17 SECRETARY BUENING: This is Variation
18 V-1-2016. The property is located at
19 255 - 38th Avenue. The requested action is a zoning
20 variation to reduce the exterior side yard
21 requirement for a ground-mounted generator from
22 40 feet to 20 feet 9 inches.

23 The Applicant is requesting the variation in
24 order to permit installation of a diesel generator

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

15

1 within the exterior side yard setback along
2 38th Avenue.

3 Ground-mounted mechanical equipment may not
4 encroach into the 40-foot exterior side yard
5 setback. The Applicant is requesting the variation
6 in order to allow the generator to be installed
7 19 feet 3 inches into the exterior side yard.

8 The existing land use is office, and the
9 existing zoning district is M2, Limited
10 Manufacturing District.

11 A public notice was essentially republished
12 on March 2nd for tonight's date regarding the public
13 hearing. That was due to the fact that we had no
14 quorum at the prior meeting. That was published in
15 the Kane County Chronicle on March 2nd.

16 CHAIRMAN RULLMAN: All right. Thank you.

17 Will all persons who wish to give testimony
18 in this hearing please rise.

19 (Two witnesses sworn.)

20 CHAIRMAN RULLMAN: Please give your name and
21 address to the court reporter.

22 MR. TEIPEL: It's Alex, A-l-e-x, Teipel,
23 T-e-i-p-e-l, 427 West State Street, Geneva.

24 THE COURT REPORTER: Thank you.

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

16

1 MR. TEIPEL: Do you need a phone number?

2 No?

3 CHAIRMAN RULLMAN: All right. Let the
4 record show that Russell Colby, the planning
5 division manager, was also sworn.

6 All right. The floor is yours.

7 MR. TEIPEL: Okay. I --

8 CHAIRMAN RULLMAN: Let me remind you, before
9 we start, that we have to have four votes to pass
10 anything. So -- it's not a majority so -- it's
11 four.

12 MR. TEIPEL: Uh-huh. As I recall, if it
13 looks bad, I can also withdraw for future --

14 CHAIRMAN RULLMAN: That's correct. You can
15 ask --

16 MR. TEIPEL: I will show you this because
17 I don't think you've seen this drawing, which is the
18 more complete site plan. The one underneath is
19 that, but this shows --

20 CHAIRMAN RULLMAN: Okay.

21 MR. TEIPEL: -- the -- you know, the --
22 Illinois Avenue, also.

23 CHAIRMAN RULLMAN: We'll mark this as
24 Exhibit B.

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

17

1 MR. TEIPEL: Yeah. And, Russell, I have one
2 that you can have, also.

3 I think I do.

4 CHAIRMAN RULLMAN: There might be two here.
5 Yeah, there's two.

6 MR. TEIPEL: No, there's two. One you've --
7 I think you've already got the one that's A1 -- or
8 Z1.

9 But this is -- this one I did. And if you
10 don't mind, I'll come up here --

11 CHAIRMAN RULLMAN: No. That's fine.

12 MR. TEIPEL: -- and point it out to you.

13 CHAIRMAN RULLMAN: That's okay.

14 SECRETARY BUENING: I'm sorry. One second.

15 Are we going to mark both of these as
16 Exhibit B?

17 CHAIRMAN RULLMAN: Yes. We'll mark them
18 both as Exhibit B.

19 SECRETARY BUENING: All right.

20 (Exhibit B marked for identification and
21 retained by the Board.)

22 MR. TEIPEL: One thing that came up since
23 then -- and I think it's been approved but I'm not
24 positive -- they want a little patio out here so

1 they can come out from this lunchroom and sit
2 outside in the nice weather.

3 But what this shows is -- I mean, you've
4 seen most of my reasoning, and I have a couple
5 things to add -- is that the alternate locations --
6 i.e., over here on Illinois -- is all but identical.

7 So this really is the best location plus the
8 existing electric is right here, the existing
9 transformer is here, and we'll put this -- we'd like
10 to put this right here up against the -- we've
11 pulled it back as far as we can. We're just a few
12 feet off the building.

13 And I do have a larger scale of this if you
14 could see it, if you want to see it.

15 This wall is 8 feet high, just enough to get
16 over a door, and then this piece of equipment is
17 another -- it might be as big as -- it could be
18 6 feet. I don't remember exactly. But it's -- it's
19 6 feet or less above there.

20 Now, if you felt we should, we could raise
21 that up, but the proposed landscaping as it grows
22 will hide everything for sure.

23 I threw in more landscaping than the
24 landscape consultant suggested. I think he said

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

19

1 six or eight because he knew how big they would
2 grow. So this may be too many, but I did like the
3 idea of putting some around the transformer.

4 There is some fairly nice planting down at
5 this end, at the north end, but that's it. There
6 isn't anything around the south end. So in some
7 ways I think this will end up being nicer than
8 what's there now, just -- there's nothing there now,
9 is what it amounts to.

10 And the things that I sort of came across,
11 sort of, to some degree, talking to the owner, the
12 tenant, which is Houghton Mifflin -- I called it a
13 customer call center, but it's really a
14 multifunctional center, and it's just critical to
15 their global supply chain. That's why they need the
16 generator, to keep it up and running.

17 At any time -- I mean, they gave me numbers,
18 and I've -- I don't know I necessarily want to
19 repeat them, but they're huge from my point of view,
20 that's for sure, and -- what they do on a daily
21 basis there. So that's why they feel they need a
22 generator.

23 And, of course, I think that you can see, if
24 we were to put it over here, it's a long run and we

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

20

1 would certainly lose some parking spaces in here if
2 we had to put it in here. The rest of this is drive
3 and parking in back over here.

4 It doesn't go very far. I didn't show it
5 but it's, you know, just this -- this probably all
6 ends pretty much here, and then there's just a
7 two-lane driveway.

8 So that's basically -- I mean, you've got
9 the letter. That pretty much explains it. If
10 you've got any questions, I'd be happy to answer
11 them.

12 CHAIRMAN RULLMAN: Any questions from the
13 Board?

14 MEMBER KRAWCZYK: Yes. I have a few,
15 probably for Russell.

16 CHAIRMAN RULLMAN: All right.

17 MEMBER KRAWCZYK: Is -- under our judgment,
18 is there a noise requirement or restriction --

19 CHAIRMAN RULLMAN: Yes.

20 MEMBER KRAWCZYK: -- when a generator runs?

21 MR. COLBY: This property -- it's in a
22 manufacturing zoning district, so the limitations on
23 noise generated are not very strict. I don't know
24 if the -- the Petitioner perhaps could speak to

1 that.

2 MR. TEIPEL: There is -- it's really
3 relative to the transformer because -- I'm not fully
4 understanding, but apparently they call and -- when
5 they're working on the transformer, and they --
6 they're worried that they can't hear their phone
7 calls when they're on the -- working on the
8 transformer if this was too loud.

9 Now, we've sunk it down -- oh, that's
10 another thing I did want to point out. There's a
11 grade differential between the building and the
12 sidewalk of 7 feet. And we're going to sink that
13 thing down that full 7 feet, basically, pretty much
14 level -- you know, it would be 6 or a foot higher at
15 most.

16 And all that will just bury all that sound.
17 It's not going to get out. So I don't think we'll
18 have any trouble with that.

19 But, yes, there is that requirement.

20 MEMBER KRAWCZYK: Okay.

21 MR. TEIPEL: It's 80 decibels within
22 10 feet.

23 MEMBER KRAWCZYK: And the next one is odors.
24 Since there's an exhaust from the diesel, is that an

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

22

1 issue for us to consider?

2 MR. COLBY: Because these types of units
3 typically would be running in emergency situations,
4 it's not something that we would regulate from a
5 zoning standpoint --

6 MEMBER KRAWCZYK: Okay.

7 MR. COLBY: -- in terms of its impacts.

8 MEMBER KRAWCZYK: Okay. The -- I noticed on
9 the transformer there is a protective wall.

10 MR. TEIPEL: Correct.

11 MEMBER KRAWCZYK: Is that going to be a
12 requirement on this facility in case a car runs up
13 the slope?

14 MR. COLBY: I believe the wall that's there
15 is more of a retaining wall relative to the --

16 MR. TEIPEL: Around the back there is going
17 to need to be a retaining wall, and on the front
18 it's really just to enclose the sound, keep the
19 sound in.

20 MEMBER KRAWCZYK: Okay. The last one --

21 MR. TEIPEL: It is concrete block and I can
22 reinforce it.

23 MEMBER KRAWCZYK: Okay. Well, the -- the
24 enclosure is concrete block? It's not the same kind

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

23

1 of brick as the little wall here next to the
2 transformer?

3 MR. TEIPEL: It's a good -- it can be the
4 same. That's landscape block, which is different,
5 but it will be very similar in color and appearance.

6 MEMBER KRAWCZYK: Okay.

7 MR. TEIPEL: I can, to some degree --
8 I hadn't thought about that until you said it but --

9 MEMBER KRAWCZYK: Okay.

10 And is there an issue with fuel, on fuel
11 delivery with the location of the fuel next to --

12 MR. COLBY: Not that I'm aware of.

13 MEMBER KRAWCZYK: -- occupied space and the
14 delivery of the fuel?

15 MR. COLBY: Again, given that it's used more
16 as an emergency backup, it's not a situation where
17 we would require the Applicant to demonstrate how
18 they will have their fuel delivery since it won't be
19 a regular service.

20 MEMBER KRAWCZYK: Okay. And the windows
21 that are right next to the enclosure, they're not
22 operable?

23 MR. TEIPEL: No, they are not.

24 MEMBER KRAWCZYK: They are?

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

24

1 MR. TEIPEL: They are not operable.

2 MEMBER KRAWCZYK: They are not operable?

3 Okay.

4 Thanks.

5 CHAIRMAN RULLMAN: Any other questions?

6 SECRETARY BUENING: I have a few.

7 So then this wall that you have here, is
8 that a wall, or is that an integral part of the
9 generator itself?

10 MR. TEIPEL: No, it's a wall.

11 SECRETARY BUENING: It is? Okay.

12 MR. TEIPEL: The back -- three sides of it
13 will probably be mostly concrete retaining wall with
14 block on top --

15 SECRETARY BUENING: Okay.

16 MR. TEIPEL: -- to take it up to, basically,
17 the 8-foot height.

18 MEMBER BUENING: Okay. So the actual
19 encroachment by the generator -- physically the
20 generator -- is less than the 19-3?

21 MR. TEIPEL: Yeah.

22 SECRETARY BUENING: It's -- the wall is more
23 the encroachment?

24 MR. TEIPEL: That's true, yes.

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

25

1 MEMBER BUENING: So what -- and you
2 indicated this would be some type of masonry wall.
3 I'm hoping it wouldn't be just plain masonry. If it
4 is, it's going to be split-faced block masonry or
5 something to that effect?

6 MR. TEIPEL: I don't think it will be
7 split-faced block, but I think we might even --
8 honestly, I haven't really given it much thought
9 except that I -- the initial thought was that it
10 would be the landscape blocks, but it's going to be
11 holding back enough that I don't think that's going
12 to work.

13 SECRETARY BUENING: Right.

14 MR. TEIPEL: So we might really just make it
15 brick, like the building. I think that's a --
16 I think that's -- I don't know saying we'll make it
17 brick.

18 SECRETARY BUENING: Okay. Brick or
19 decorative -- brick or decorative block? Would that
20 be --

21 MR. TEIPEL: Yeah, definitely. But I think
22 brick, you know, to match the building would be
23 best.

24 MEMBER BUENING: Brick is better, obviously,

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

26

1 right.

2 The record will note the Petitioner asked to
3 build something more expensive so --

4 CHAIRMAN RULLMAN: Yeah.

5 MR. TEIPEL: I was going to say "I don't
6 have to pay for it," so it's easy for me.

7 CHAIRMAN RULLMAN: Any other questions?

8 SECRETARY BUENING: Oh, I did have another
9 one. I'm sorry.

10 The screening. What -- are those going to
11 be arborvitae? Or what are you planning?

12 MR. TEIPEL: It's called Techny --

13 SECRETARY BUENING: Techny arborvitae?

14 MR. TEIPEL: -- arborvitae, yeah.

15 MEMBER BUENING: Which is an arborvitae but
16 it's fast growing.

17 MR. TEIPEL: They grow quite high and they
18 grow quite big. He said they use 7- to 8-footers to
19 begin with.

20 SECRETARY BUENING: Right.

21 That's all I've got.

22 MR. TEIPEL: Yeah.

23 CHAIRMAN RULLMAN: Any other questions?

24 (No response.)

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

27

1 CHAIRMAN RULLMAN: Are there any objectors
2 present?

3 (No response.)

4 CHAIRMAN RULLMAN: Let the record show there
5 are no objectors present.

6 MR. TEIPEL: No, wait a minute.

7 CHAIRMAN RULLMAN: All right. Any further
8 discussion by the Board?

9 (No response.)

10 CHAIRMAN RULLMAN: If not, I'll entertain a
11 motion.

12 MEMBER HOLDERFIELD: I can make that motion.

13 CHAIRMAN RULLMAN: All right.

14 MEMBER HOLDERFIELD: Just one second. I've
15 got something I'm doing here. Okay.

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

19 Whereas, the St. Charles Board of Zoning
20 Appeals has reviewed File V-1-2016 dated 2/4/16 and
21 received 2/4/16 from W. Alex Teipel, representing
22 the St. Charles Enterprise Center, LLC, for the
23 property located at 255 - 38th Avenue, St. Charles,
24 Illinois -- in the city of St. Charles for the

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

28

1 placement of a diesel generator in the 40-foot yard
2 east of the building next to the existing electric
3 transformer. The generator will be placed west of
4 and out of the 20-foot utility easement along the
5 east property line and 20 feet 9 inches from the
6 property, placing the generator in the most
7 practical location relative to the existing building
8 and electric transformer;

9 Whereas, the alleged practical difficulty or
10 particular hardship has not been created by any
11 person presently having an interest in the property,
12 as the present owner did not build the building and
13 has been presented with existing conditions that
14 they have had to work with;

15 Whereas, the variation, if granted, will not
16 alter the essential character of the neighborhood,
17 as the owner will provide additional landscaping and
18 the proposed generator to -- around the proposed
19 generator and the existing transformer;

20 Whereas, the proposed variation will not
21 impair the adequate supply of light and air to
22 adjacent property or substantially increase
23 congestion on public streets or increase the danger
24 of fire or endanger the public safety or

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

29

1 substantially diminish or impair property values
2 within the neighborhood, as the generator will be
3 recessed and into the slope of the open space;

4 Now, therefore, the St. Charles Zoning Board
5 of Appeals grants the variation requested with the
6 stipulation as specified in Section 17.04.310,
7 "Variations," of the Municipal Code of the City of
8 St. Charles, subject to the following condition:
9 The screening wall to be constructed with a brick
10 face matching that of the existing building.

11 SECRETARY BUENING: If I may, we should --
12 could we add a condition to that regarding screening
13 of the generator as noted on the site plan -- well,
14 is it -- I don't think it specified it on the site
15 plan what kind -- do you want to say the --

16 CHAIRMAN RULLMAN: It's on the exhibit.

17 SECRETARY BUENING: -- arborvitae, Techny
18 arborvitae?

19 MR. TEIPEL: Right. It's not specified
20 there but that's fine.

21 SECRETARY BUENING: Right. Right.

22 MEMBER HOLDERFIELD: Yes.

23 SECRETARY BUENING: Okay. I'll second that
24 motion, then, with that.

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

30

1 MR. TEIPEL: Does anybody need the spelling
2 of it?

3 THE COURT REPORTER: Sure. Go ahead.

4 MR. TEIPEL: Techny?

5 SECRETARY BUENING: Techny? T-e-c-h-n-y.

6 MR. TEIPEL: It's T-e-c-h-n-y and
7 a-r-b-o-r-v-i-t-e-a.

8 SECRETARY BUENING: A-r-b-o-r-v-i-t-a-e.

9 THE COURT REPORTER: I'll get it. Never
10 mind.

11 MR. TEIPEL: I reverse things so it could
12 be that --

13 SECRETARY BUENING: Techny arborvitae is
14 the --

15 CHAIRMAN RULLMAN: It's been moved and
16 seconded that the variation be granted subject to
17 the conditions stated.

18 Any further discussion?

19 (No response.)

20 CHAIRMAN RULLMAN: If not, Mr. Secretary,
21 please call the roll.

22 SECRETARY BUENING: Buening, yes.

23 Holderfield.

24 MEMBER HOLDERFIELD: Yes.

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

31

1 MEMBER BUENING: Krawczyk.

2 MEMBER KRAWCZYK: Yes.

3 SECRETARY BUENING: Rullman.

4 CHAIRMAN RULLMAN: Yes.

5 SECRETARY BUENING: And Hrivnak and Simpson
6 are absent.

7 CHAIRMAN RULLMAN: So four votes yes. The
8 motion is carried --

9 MR. TEIPEL: Thank you very much.

10 CHAIRMAN RULLMAN: -- the variation is
11 approved.

12 MR. TEIPEL: And I appreciated your
13 comments, frankly.

14 MEMBER KRAWCZYK: Thanks.

15 SECRETARY BUENING: Thank you for the
16 offering of the additional landscaping.

17 MR. TEIPEL: All right.

18 CHAIRMAN RULLMAN: We'll close the hearing
19 on Variation V-1-2016.

20 Is there any additional business to be
21 discussed?

22 (No response.)

23 CHAIRMAN RULLMAN: All right. Then we'll
24 close this hearing at 9:17.

Variation Application for 255 38th Avenue, Volume 2
Conducted on March 17, 2016

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THE COURT REPORTER: 9:17?

CHAIRMAN RULLMAN: I'm sorry. 7:17.

SECRETARY BUENING: I make a motion to
adjourn.

MEMBER HOLDERFIELD: Second.

CHAIRMAN RULLMAN: All those in favor?

(Ayes heard.)

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

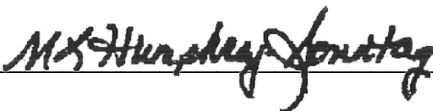
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CERTIFICATE OF SHORTHAND REPORTER

I, Melanie L. Humphrey-Sonntag, Certified Shorthand Reporter No. 084-004299, CSR, RDR, CRR, CRC, FAPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 24th day of March, 2016.

My commission expires: May 31, 2017



Notary Public in and for the
State of Illinois