

DuPage County Zoning

Zoning Case No. 25-000030 Kosela

Moderated by Carl Schultz

Thursday, July 17, 2025

6:00 p.m.

DuPage County Administration Building  
421 North County Farm Road, Room 3-500B  
Wheaton, IL 60187

Reported by: Haley Goodwin

JOB NO: 7378264

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<div>1           A P P E A R A N C E S</div> <div>2 List of Attendees:</div> <div>3 Carl Schultz, Acting Chair/Member</div> <div>4 Jack L. Murphy, Member</div> <div>5 Robert Kartholl, Chair</div> <div>6 Jim Jarog, Member</div> <div>7 Zain Rahman, Member</div> <div>8 Scott Richmond, Agent/Attorney for Presenter</div> <div>9 Jessica R. Infelise Datzman, Zoning Administrator</div> <div>10 Coordinator, AICP</div> <div>11 Joseph Varlotta, Witness</div> <div>12 Gerald Lockhart, Witness</div> <div>13 Richard Lein, Witness</div> <div>14 Karen Osika, Witness</div> <div>15 Scott Weipert, Witness</div> <div>16 Kevin Maley, Witness</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div>	<div>1           P R O C E E D I N G S</div> <div>2           MR. SCHULTZ: Zoning case 25-000030</div> <div>3 Kosela. The zoning request is a variation to reduce</div> <div>4 the required lot size for two new lots served with</div> <div>5 well and septic from required 40,000 square feet each</div> <div>6 to approximately 16,142 square feet for proposed</div> <div>7 lot 1, and approximately 16,112 square feet for</div> <div>8 proposed lot 2.</div> <div>9           The address location is 5517 Essex</div> <div>10 Road, Lisle, Illinois in Lisle Township. Zoning is</div> <div>11 R-4 with -- I'm not sure what the --</div> <div>12           MS. INFELISE DATZMAN: Five dwelling</div> <div>13 units an acre.</div> <div>14           MR. SCHULTZ: Okay. So 0 to 5 dwelling</div> <div>15 units per acre. The area is 0.75 acres on well and</div> <div>16 septic. Publication date in the Daily Herald, July 2,</div> <div>17 2025. Public hearing is today, Thursday, July 17th.</div> <div>18           Additional information, different</div> <div>19 organizations, municipalities and such that had</div> <div>20 comments. There was no objection from building. No</div> <div>21 jurisdiction by DuDOT. Health department had no</div> <div>22 objection with the concept.</div> <div>23           But additional information may be</div> <div>24 needed at the time of permit application. Stormwater,</div>
Page 3	Page 5
<div>1           E X H I B I T S</div> <div>2 NO.           DESCRIPTION           PAGE</div> <div>3 Exhibit 1      Kosela Plat of Survey           6</div> <div>4 Exhibit 2      Kosela Site Plan           6</div> <div>5 Exhibit 3      Drainage Exhibit - 5517 Essex</div> <div>6           Road, Lisle (REV 1)           6</div> <div>7 Exhibit 4      Deed           6</div> <div>8 Exhibit 5      Draft Findings of Fact 06/02/25   6</div> <div>9 Exhibit 6      Statement of Professional Opinion</div> <div>10           5517 Essex Road, Lisle)           6</div> <div>11 Exhibit 7      5517 Essex Road Neighbor Support   6</div> <div>12</div> <div>13 NO.           DESCRIPTION           PAGE</div> <div>14 Group:</div> <div>15 Exhibit 1      Group of Photos           24</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div>	<div>1 no objection with concept of petition. Additional</div> <div>2 information may be required in time of permit.</div> <div>3           Public works doesn't own any sewer</div> <div>4 water mains in the area. External municipalities, the</div> <div>5 Village of Lisle does object. They're requesting</div> <div>6 pre-annexation for water hookup.</div> <div>7           Village of Downers Grove has no</div> <div>8 comment. No comment from Woodridge. Lisle Township,</div> <div>9 Lisle Township Highway Department, the Lisle-Woodridge</div> <div>10 Fire District, School District 202, and the forest</div> <div>11 preserve, it has no comment. So with that, I believe</div> <div>12 we can start with our presentation.</div> <div>13           State your name. And well, go ahead.</div> <div>14           MR. RICHMOND: Good evening. My name</div> <div>15 is Scott Richmond, R-I-C-H-M-O-N-D. I am an attorney</div> <div>16 from the law firm of Ariano Hardy Ritt. I am here</div> <div>17 tonight on behalf of Barbara Kosela.</div> <div>18           I'm also joined by her husband, Albert,</div> <div>19 who is spearheading this project. And so, we are here</div> <div>20 to present this request for the variance in lot size.</div> <div>21           And I have exhibits that I would like</div> <div>22 to have admitted as part of the hearing.</div> <div>23           (Exhibit 1 through Exhibit 7 were</div> <div>24 marked for identification.)</div>

<p style="text-align: right;">Page 6</p> <p>1 MR. SCHULTZ: Okay.</p> <p>2 MR. RICHMOND: Okay. The first thing</p> <p>3 is, as requested, a copy of the deed showing ownership</p> <p>4 in Barbara Kosela. The second is our proposed</p> <p>5 findings of fact.</p> <p>6 The third is a letter from KRUENG,</p> <p>7 K-R-U-E-N-G, Design, PLLC, dealing with drainage and</p> <p>8 storm water management and flood impact. And then,</p> <p>9 there are two letters from neighbors.</p> <p>10 One from Edith Billich, B-I-L-L-I-C-H,</p> <p>11 and one from Michael Boettcher, B-O-E-T-T-C-H-E-R, in</p> <p>12 support of the Kosela petition. And then, we also</p> <p>13 have a copy of a plat of survey showing the existing</p> <p>14 conditions on the property. A Kosela subdivision</p> <p>15 draft, which shows the property as subdivided.</p> <p>16 And then, finally, a drainage exhibit</p> <p>17 that was prepared by KRUENG engineering, which shows</p> <p>18 the directional flow of water in the area. We would</p> <p>19 ask that all those be admitted for purposes of the</p> <p>20 hearing tonight.</p> <p>21 MR. SCHULTZ: I think we can do that.</p> <p>22 But we normally want --</p> <p>23 The plat of survey is number 1?</p> <p>24 MS. INFELISE DATZMAN: Survey is 1,</p>	<p style="text-align: right;">Page 8</p> <p>1 deed -- so then, proceed. We need to swear in --</p> <p>2 Yep. You. And if your --</p> <p>3 MR. RICHMOND: And Albert, you can be</p> <p>4 sworn in, too. Just in case you need to answer</p> <p>5 questions.</p> <p>6 THE REPORTER: Okay. Please raise your</p> <p>7 right hands. Do you solemnly swear the testimonies</p> <p>8 you give in tonight's cause will be the truth, the</p> <p>9 whole truth, and nothing but the truth?</p> <p>10 MR. KOSELA: I do.</p> <p>11 THE REPORTER: Okay. Thank you.</p> <p>12 MR. SCHULTZ: Okay. Well, proceed with</p> <p>13 your presentation.</p> <p>14 MR. RICHMOND: All right. Well, thank</p> <p>15 you. So the Koselas are seeking to subdivide this</p> <p>16 lot. There is an existing single-family home with a</p> <p>17 garage and a couple of outbuildings on the property at</p> <p>18 this point.</p> <p>19 Those will stay if the property is</p> <p>20 allowed to be subdivided. Those will continue to be</p> <p>21 occupied residences. The new lot, which will border</p> <p>22 on Essex and Kohley Road, will subsequently be built</p> <p>23 with a 1,500 square foot single-family residence.</p> <p>24 That single-family residence, it is</p>
<p style="text-align: right;">Page 7</p> <p>1 site plan is 2, and everything else following.</p> <p>2 MR. SCHULTZ: Okay.</p> <p>3 MR. RICHMOND: So do you want -- I can</p> <p>4 number these if you want.</p> <p>5 MR. SCHULTZ: That would be good. Yes.</p> <p>6 MR. RICHMOND: Yeah. Okay. All right.</p> <p>7 So we'll call the survey Exhibit 1. Call the</p> <p>8 subdivision Exhibit 2. And then, everything else</p> <p>9 follows from that, you wanted?</p> <p>10 MS. INFELISE DATZMAN: Yes.</p> <p>11 MR. RICHMOND: All right. So I'll</p> <p>12 identify the drainage exhibit as Exhibit 3, simply</p> <p>13 because it's the same size. And we'll keep all those</p> <p>14 together.</p> <p>15 We'll call the deed Exhibit 4, the</p> <p>16 findings of fact Exhibit 5, the crew engineering as</p> <p>17 Exhibit 6. And then, it's a double-sided one-page</p> <p>18 document with the two neighbor letters. We'll just</p> <p>19 call that as Exhibit 7.</p> <p>20 MR. SCHULTZ: I don't see they have</p> <p>21 one --</p> <p>22 MR. RICHMOND: Okay. And you could</p> <p>23 have this one. I don't need it for our presentation.</p> <p>24 MR. SCHULTZ: Okay. The copy of the</p>	<p style="text-align: right;">Page 9</p> <p>1 intended would be hooked up to municipal water.</p> <p>2 Because it is available, we would go through the</p> <p>3 process with the Village of Lisle to accommodate that.</p> <p>4 With regard to septic, a new septic</p> <p>5 system in accordance with all county standards would</p> <p>6 be constructed for the new residence. With regard to</p> <p>7 the new residence, as I said, it would be</p> <p>8 approximately 1,500 square feet. It would be a single</p> <p>9 level, ranch style home.</p> <p>10 The surrounding area -- this is in an</p> <p>11 older area of the county. And at the time that this</p> <p>12 property was created, this subdivision was created, it</p> <p>13 was a time when lots were bigger.</p> <p>14 But if you look at the trend of</p> <p>15 development surrounding this area, much smaller lots</p> <p>16 have become the norm and are in existence. If you</p> <p>17 move a few blocks to the east around Primrose, Kohley,</p> <p>18 and South Roads, you'll see that those are all smaller</p> <p>19 lots. Even smaller than the size lot that we're</p> <p>20 anticipating here.</p> <p>21 If you go to the properties south of</p> <p>22 South Road, again, you will find much smaller lots.</p> <p>23 And the trend of development throughout the western</p> <p>24 suburbs in particular -- this area is towards smaller</p>

<p style="text-align: right;">Page 10</p> <p>1 lots.</p> <p>2 In effect, the size of this lot makes</p> <p>3 the majority of it unusable. The intent is for</p> <p>4 Mr. Kosela to build a house for a family to live in.</p> <p>5 And with regard to this, under our proposed findings</p> <p>6 of fact, it asks, "What are the practical difficulties</p> <p>7 or hardships that apply to your variation request?"</p> <p>8 This property is on a lot larger in an</p> <p>9 older -- a larger lot in an older subdivision. And it</p> <p>10 is too large and cumbersome for one single-family home</p> <p>11 and upkeep of the lot.</p> <p>12 As I said, the trend in development</p> <p>13 around -- surrounding this is in smaller lots. And in</p> <p>14 this area, in particular, the lots on the corner of</p> <p>15 Lenox and Smith Road, have already been subdivided</p> <p>16 into smaller lots.</p> <p>17 In addition, the property at the corner</p> <p>18 of Lenox and South Road in this same area has been</p> <p>19 subdivided into two smaller lots. And so, the trend</p> <p>20 in this area and the surrounding area has been to</p> <p>21 develop smaller lots.</p> <p>22 We are also not talking about building</p> <p>23 a massive house on this lot. A 1,500 square foot</p> <p>24 house is very modest. With regard to finding of fact</p>	<p style="text-align: right;">Page 12</p> <p>1 one other house adjoining it. That being the neighbor</p> <p>2 in this subdivided lot. Because of that, there will</p> <p>3 not be an increased hazard from fire or other dangers</p> <p>4 to adjoining property.</p> <p>5 Next, the variation will not diminish</p> <p>6 the value of adjacent lands or buildings. The owner</p> <p>7 plans to build a new construction home compatible with</p> <p>8 those in the neighborhood.</p> <p>9 The construction of a new modern home</p> <p>10 will increase the value of adjacent land and buildings</p> <p>11 due to new development in an older neighborhood. This</p> <p>12 variation will not increase congestion or traffic</p> <p>13 hazards in the public streets and highways.</p> <p>14 This is a single-family home. It will</p> <p>15 be built with a two-car garage. It's not going to</p> <p>16 generate significant traffic in the surrounding</p> <p>17 neighborhood.</p> <p>18 In general, a single-family home has</p> <p>19 between two and four in-and-out trips a day. That's</p> <p>20 not a material change or increase in traffic or</p> <p>21 congestion.</p> <p>22 Next, the variation will not increase</p> <p>23 the potential for flood damages to adjacent property.</p> <p>24 This property has been evaluated by KRUENG</p>
<p style="text-align: right;">Page 11</p> <p>1 number 2, the variation will not impact an adequate</p> <p>2 supply of light and air to adjacent property.</p> <p>3 Subdividing this lot into two</p> <p>4 residential lots will not impact an adequate supply of</p> <p>5 light and air to adjacent property. The existing lot</p> <p>6 is not going to change at all.</p> <p>7 And so, that will have zero effect on</p> <p>8 surrounding properties. On the new lot that is at the</p> <p>9 corner of Essex and Kohley, that will also not have</p> <p>10 any material effect on the light or air to adjacent</p> <p>11 property.</p> <p>12 This property already has a number of</p> <p>13 mature trees that stand tall along the border against</p> <p>14 adjacent property. The construction of the house on</p> <p>15 this new lot will not affect that and will not have</p> <p>16 any material impact on the light or air to the</p> <p>17 adjacent property.</p> <p>18 Number 3, the variation will not</p> <p>19 increase the hazard from fire or other dangers to</p> <p>20 adjoining property. The new property will be</p> <p>21 constructed in accordance with all fire and building</p> <p>22 codes and will be placed a sufficient distance away</p> <p>23 from the adjoining properties.</p> <p>24 And as a corner lot, there will only be</p>	<p style="text-align: right;">Page 13</p> <p>1 engineering. And as Exhibit 6 in this matter, we are</p> <p>2 tendering a letter from the design engineer.</p> <p>3 The proposed project has been designed</p> <p>4 to maintain existing drainage patterns to the greatest</p> <p>5 extent possible. And any alterations to grading or</p> <p>6 site structures have been engineered to redirect storm</p> <p>7 water towards approved drainage outlets or with</p> <p>8 on-site management systems, thereby preventing any</p> <p>9 runoff from impacting adjacent properties.</p> <p>10 In terms of storm water management to</p> <p>11 mitigate any potential for increased runoff, the</p> <p>12 development will incorporate onsite drainage swales to</p> <p>13 control and manage storm water volume and velocity.</p> <p>14 The swales will ensure that upstream</p> <p>15 runoff and runoff from the subject property are</p> <p>16 conveyed on site and ultimately into the public</p> <p>17 drainage ditches along Essex and Kohley Road.</p> <p>18 And it should be noted that the county</p> <p>19 of DuPage recently improved those drainage ditches</p> <p>20 along Essex and Kohley Road. And those could very</p> <p>21 easily take on any drainage that would come from the</p> <p>22 existing structure -- from the new structure to be</p> <p>23 built on the site.</p> <p>24 In addition, the engineers did flood</p>

<p style="text-align: right;">Page 14</p> <p>1 impact mitigation studies and analyzed it. And per  2 FEMA, the subject area is located outside of any flood  3 protection areas.  4 If you look at our Exhibit 3 in this  5 matter, it shows a drainage exhibit. All drainage is  6 to the west and into those drainage dishes. And this  7 house will be constructed in accordance with all  8 DuPage County stormwater ordinances so that there is  9 no increase in water coming off the property.  10 And therefore, it's our contention that  11 with the installed new culverts, and the drainage  12 systems, and the modern engineering going into the new  13 house proposed for the new lot, that there would be no  14 adverse effect on drainage.  15 In addition, the variation will not  16 incur additional public expense for flood protection,  17 rescue, or relief. That all goes back to that  18 engineering report showing that there will not be any  19 additional risks to the public for flood protection.  20 Again, we're just simply constructing a  21 single-family home here. Finally, the variation will  22 not otherwise impact the public health, safety,  23 comfort, morals, and general welfare.  24 This variation will not have a material</p>	<p style="text-align: right;">Page 16</p> <p>1 surrounding properties.  2 The existing home on the site has  3 operated on its own septic and well since  4 construction. And there have never been any  5 impairments to the health, safety, comfort, morals,  6 and general welfare. And adding one more  7 single-family residence will do nothing to change  8 that.  9 We have tendered a couple of letters of  10 support from surrounding neighbors who say that they  11 don't have any problem with this. And would just ask  12 that that be taken into consideration.  13 I know that this matter has come before  14 this group in several iterations by Mr. Kosela. And  15 we believe that this is the appropriate configuration  16 for a variance.  17 It allows the lot to be in harmony with  18 the other lots that I pointed out that have already  19 been subdivided and in conjunction with the  20 surrounding neighborhoods.  21 The engineering studies show that there  22 isn't going to be an adverse effect on water drainage  23 in this area. And therefore, we would ask that this  24 board approve or vote to recommend approval of this</p>
<p style="text-align: right;">Page 15</p> <p>1 effect on the public health. It is a single-family  2 home being constructed under modern construction  3 standards.  4 Will be occupied by a single family.  5 It will not affect the safety, comfort, morals, or  6 general welfare. Because again, the only purpose here  7 is to serve as a single-family home.  8 The new lot will be constructed and  9 completed in harmony with the surrounding residential  10 development in the area. It will preserve trees and  11 have its own self-contained septic system.  12 That septic system will be constructed  13 in accordance with DuPage County standards. And there  14 is sufficient land in the area of the lot to  15 accommodate same.  16 The addition of one more single-family  17 home will not adversely affect the availability of  18 water to the general public or adjacent properties.  19 And the new home will be connected to the municipal  20 water system, which is designed to handle new  21 construction homes.  22 Moreover, this lot's elevation is lower  23 than surrounding properties. And therefore, there is  24 no risk of the septic system adversely impacting</p>	<p style="text-align: right;">Page 17</p> <p>1 variance. Thank you.  2 MR. SCHULTZ: Okay. Well, thank you.  3 First, I need to recognize that we have  4 board members attending through Zoom. Mr. Kartholl,  5 Mr. Rahman, Mr. Jarog are available here, witnessing  6 this through Zoom. So now, questions from the board?  7 Mr. Murphy?  8 MR. MURPHY: I think just one question.  9 Is the well and septic -- is that on the -- part of  10 the new -- new lot or the old lot?  11 MR. RICHMOND: It's the old lot. Yeah.  12 The existing well and septic are on the old lot.  13 There will be a separate septic system built brand new  14 on the new lot. So there'll be two septic systems.  15 MR. MURPHY: Okay.  16 MR. KARTHOLL: Yes.  17 MR. MURPHY: Thank you.  18 MR. SCHULTZ: Okay. Mr. Kartholl, do  19 you have any questions?  20 MR. KARTHOLL: Well, first of all, I  21 just want to ask Counsel.  22 The testimony about the trend of  23 development is customarily advanced in connection with  24 one of the requirements for a rezoning, not a</p>

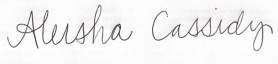

<p style="text-align: right;">Page 18</p> <p>1 variation. What is it that you believe makes that a 2 material point for this variation? 3 MR. RICHMOND: Because this lot 4 is -- the standard is for a 42,000 square foot lot to 5 be the standard lot in this area. We are seeking a 6 variance down to 16,000. 7 I was simply just pointing out for the 8 board's consideration that the trend of development in 9 this area is smaller lots. So that this lot would be 10 compatible with the surrounding neighborhoods. 11 MR. KARTHOLL: Okay. I understand. I 12 don't have any other questions. I'll reserve comments 13 for the recommendation meeting. 14 MR. SCHULTZ: All right. 15 Mr. Jarog, do you have any questions? 16 MR. JAROG: No. I do not. 17 MR. SCHULTZ: And Mr. Rahman? 18 MR. RAHMAN: No questions. 19 MR. SCHULTZ: Okay. Well, then, all 20 right. So I guess, then, we're at the point for 21 public comment. 22 Does anybody want to make comments over 23 there? Raise your hand if you do. All right. Okay. 24 Could y'all be sworn in?</p>	<p style="text-align: right;">Page 20</p> <p>1 house. It's a two-level. I do have a basement. I do 2 have well and septic. 3 And I live alone. So I don't have 4 overload on the septic. But occasionally, I have to 5 have it pumped out. And you know, I like the area 6 'cause it's quiet. And again, large lots. And very 7 friendly neighbors. I've met Albert. I have nothing 8 against them. But I'm against the proposal. 9 MR. LOCKHART: My name's Jerry 10 Lockhart, 5517 Kingston. One thing I do want to 11 address for is the -- the trend that he's talking 12 about are homes east and south that were built 13 50 years ago as a subdivision. 14 McIntosh Farms was built as an open 15 area. And we all want to keep it that way. Also, the 16 ditches that supposedly the county did were done by 17 the township, just for everyone's information. They 18 weren't done by the county. 19 I've lived here 50 years, back when I 20 had horses and the area was pretty rural. I've got 21 probably one of the bigger lots in there. This 22 particular lot, there was an old fellow living there 23 forever. 24 There were trees eight feet off the</p>
<p style="text-align: right;">Page 19</p> <p>1 THE REPORTER: All right. Hands 2 raised. Thank you. Do you solemnly swear the 3 testimony you give in tonight's cause will be the 4 truth, the whole truth and nothing but the truth? 5 MULTIPLE SPEAKERS: I do. 6 THE REPORTER: Thank you. 7 MR. SCHULTZ: Okay. Well why don't we 8 start from here and go that way. 9 If you could say your name. 10 MR. VARLOTTA: Sure. 11 MR. SCHULTZ: Your address -- 12 MR. VARLOTTA: Sure. 13 MR. SCHULTZ: Whether you're for or 14 against this. Or just, if you have questions, that's 15 okay. And then, go ahead and give your talk. We give 16 you usually about three minutes. 17 MR. VARLOTTA: All right. First name's 18 Joseph, J-O-S-E-P-H. Last name Varlotta, V, as in 19 Victor, A-R-L-O-T-T-A. My address is 5516 Kingston. 20 And I share a property line with the proposed ruling 21 here. 22 I've lived in my property for over 33 23 years. Personally, I just love the area 'cause of the 24 size of the lots. Big lots. I have a very small</p>	<p style="text-align: right;">Page 21</p> <p>1 property. They haven't been trimmed since this 2 gentleman moved in. You can't even get down the road 3 sometimes. They -- they're hanging all the way out. 4 There's no maintenance done whatsoever. 5 The intent of McIntosh Farms was to be 6 laid out as a rural area. This is my third trip back 7 here for this rezoning on the property. It just seems 8 to go on. 9 I don't think the homeowner's going to 10 help any of us fix our septic. They overflow every 11 time we get rain. Because the whole subdivision of 12 Meadows comes down around us. And it floods all of us 13 out. Every time there's rain, we all get flooded. 14 I got rid of the horses because they 15 didn't know how to swim. And it basically -- in my 16 mind, it's also somebody can make some money on 17 a -- on a home and pad his pockets and ruined the 18 flavor of our whole neighborhood. 19 I think this is very -- very bad 20 precedent for our area. And we all moved there 21 because of the lot land. There are no smaller lots. 22 The two that were subdivided a couple 23 blocks over are much -- I'm going to guess both of 24 them, you know, of themselves, are bigger than both</p>

<p style="text-align: right;">Page 22</p> <p>1 his before he divides it. So I'm  2 completely -- completely against this and very upset.  3 Thank you.  4 MR. SCHULTZ: Who's next?  5 MR. MALEY: Hi. My name's Kevin Maley.  6 I live on 1011 Kohley Road. I just bought the house.  7 And the reason why I bought in that neighborhood, it's  8 a nice neighborhood. And I like to keep it like that.  9 I'm opposed for subdividing like that.  10 I think it's a bad idea. And also, I'd like to  11 comment that during rush hour, there's so -- we got so  12 many people driving through the neighborhood. It's  13 just adding to the traffic.  14 They come down off of Kohley where my  15 house is. They go through the neighborhood. These  16 guys are flying through the neighborhood in the  17 morning.  18 And they'll go all the way down to  19 Kingston or they'll cut off on Essex. And you -- you  20 got to see it to believe it. But I'm just opposed to  21 having something like this. It'll just make the  22 neighborhood more congested.  23 MR. SCHULTZ: Okay. Sir?  24 MR. LEIN: My name is Richard Lein. I</p>	<p style="text-align: right;">Page 24</p> <p>1 picture of South and Lenox today. I took this on my  2 way here. This is it. You -- and I'll share this  3 with the -- the committee. You can keep it.  4 (Group Exhibit 1 was marked for  5 identification.)  6 MR. LEIN: This is what it looks like  7 after it floods. This is my backyard. The water  8 comes up through the creek. All of the water that  9 comes from Essex and Maple flows in a southwesterly  10 direction. And it terminates at Lenox and South  11 Street.  12 This drainage ditch bottlenecks right  13 there. But you can see it in this picture here. This  14 is where it bottlenecks. This divides my lot at 5734  15 and my neighbor to the west.  16 He's been in contact with the township  17 about remediation. They have no plans to do it. When  18 it rains out, like I said, we get this kind of  19 flooding. This is a view from my steep.  20 So the storm water is a huge problem.  21 Although they may have mitigated and had a guy sign  22 off on what they're doing on this particular lot, my  23 concern is how it's going to impact moving forward  24 with the rest of the lots that they're going to come</p>
<p style="text-align: right;">Page 23</p> <p>1 am dually impacted by this. And I'm very against it.  2 I own the property at 5515 Essex, which is directly  3 north of the property in question.  4 I reside at 5734 Lenox Road, which is  5 at the corner of Lenox and South, which is three  6 blocks from this. I have nothing but water issues on  7 my Essex property, which we have not been able to  8 remediate.  9 I am concerned. Although they've had  10 this storm drainage drawing completed, it only impacts  11 this lot. I have some pictures that I'd like to  12 provide of the -- the storm damage that I experienced  13 at my residence as a direct result of all the storm  14 water that washes through the subdivision.  15 My concern is that if you allow them to  16 subdivide this lot -- and I drove through this  17 neighborhood prior to this meeting today. There are  18 nine other lots that are going to be coming to you for  19 subdivision.  20 I'm a developer. I'm a plumber by  21 trade. I will buy one of these lots if you allow them  22 to do that. And I will come here to subdivide it.  23 'Cause the precedent will be set.  24 I am so against doing this. This is a</p>	<p style="text-align: right;">Page 25</p> <p>1 and has to be subdivided by as well.  2 I think if we allow this to  3 happen -- like I said, there are nine other lots that  4 are eligible to do this. I drew a map of those lots.  5 If you start at Kingston and Maple -- I'm sorry,  6 Kingston and Kohley, the lot on the northwest corner  7 is big enough to be subdivided.  8 The lot at Essex and Kohley on the  9 northwest corner is big enough to do this. The one on  10 the southwest corner is big enough for this. There  11 are -- and if you move further south to Smith Road,  12 there are four possibilities of lots that are large  13 enough to subdivide.  14 The lot that they allowed to be  15 subdivided is just west of me. I'm sorry, east of me.  16 I think the reason they allowed that is because of the  17 swale of the land on South Street is such that there's  18 a valley.  19 And that water does not go towards my  20 property. It goes in another direction. Like I said,  21 I'm vehemently opposed to this. Because it affects  22 both of my properties.  23 MR. SCHULTZ: Okay. A couple things.  24 MR. LEIN: Uh-huh.</p>

<p style="text-align: right;">Page 26</p> <p>1 MR. SCHULTZ: Would you like us to take 2 all this and -- 3 MR. LEIN: Yes. 4 MR. SCHULTZ: Make this an exhibit? 5 MR. LEIN: Absolutely. 6 MR. SCHULTZ: Your name again? 7 MR. LEIN: My name is Richard Lein. 8 MR. SCHULTZ: So it'll be Group 9 Exhibit 1. 10 THE REPORTER: Group Exhibit -- 11 MR. SCHULTZ: One. 12 And if you can provide that to staff. 13 MR. LEIN: Sure -- sure. 14 I have copies for you, gentlemen, if 15 you'd like them, too. 16 MR. RICHMOND: Sure. 17 MR. LEIN: The only one I wasn't able 18 to provide -- these are the copies of the flooding 19 that occurs at 5734 Lenox. I don't have copies of how 20 the road looks when it dry. I just took these today. 21 Didn't find the -- but I can provide those to the 22 committee. 23 MR. SCHULTZ: Thank you. Are you 24 finished, sir?</p>	<p style="text-align: right;">Page 28</p> <p>1 Yes, sir? 2 MR. WEIPERT: Could I have add one more 3 thing? Scott Weipert, 5512 Kingston Avenue. I've 4 lived here 44 years. I would like to correct 5 something that the gentleman said earlier. 6 At the south or the east of lot -- lots 7 are smaller. That's the Meadows. Well -- or water -- 8 city water and sewer. And they were built in the 9 early '60s by Kepler Clark &amp; Kruoff [ph]. 10 And it was built as a subdivision. 11 Sidewalks, curbs, storm sewers, and all that stuff. 12 Not open ditches. One other thing I would like to, 13 kind of, correct. Some of the lots in our area, which 14 is McIntosh Farms, was subdivided in 1924, 101 years 15 ago. 16 The lots that have been subdivided were 17 40,000 feet or larger. Across the street from 18 Mr. Kosela's property, that's -- that's Mike. It's 19 over 40,000 feet. And he subdivided it. 20 And every subdivided -- subdivided in 21 McIntosh Farms were at least 20,000 feet minimum. And 22 the letter I got from the county, it says 40,000 feet 23 per -- per one home. 24 One other thing I'd like to add. When</p>
<p style="text-align: right;">Page 27</p> <p>1 MR. LEIN: I am. 2 MR. SCHULTZ: Then, I believe you. 3 MS. OSIKA: Yep. My name is 4 Karen Osika. And I live at 5506 Kingston Avenue. And 5 I think everybody here has probably said the same 6 settlements that -- that me and my husband had. So 7 like Jerry mentioned, all the storm from the Meadows 8 when it rains -- it -- we're at the last house at 9 Maple and Kingston. 10 And it ends up in our yard. And we 11 have tried everything from trying to build a -- like, 12 a rock guard to try to get that water to go somewhere. 13 It doesn't go anywhere except down our yard and floods 14 our whole backyard. 15 And the other thing too -- and you can 16 tell by the number of people that are here. You know, 17 we have our small houses on big lots. So that's why 18 you don't see a whole lot of people here. 19 And I think these two homes that are 20 going in just change -- changes the aesthetics of 21 our -- of our area. And that's one of the reasons why 22 we stay where we're at. And we've been in our home 23 for 35 years. 24 MR. SCHULTZ: Okay.</p>	<p style="text-align: right;">Page 29</p> <p>1 we got flooded in 2013, we had seven inches of rain 2 in, like, five hours or something. The house that's 3 being remodeled on this 5517 Essex was under water. 4 It was over the threshold of the front 5 door. I was there. I saw it. And Jerry and I were 6 clearing the -- the logs out of the -- the ditches to 7 try to get the water away. You had -- buckle, you 8 know? 9 It's more subdivision. It's chopping 10 it out. And I -- I think for most of the residents in 11 McIntosh Farms, we bought here because it's more 12 rural. It's more quiet. 13 And if we wanted a be on a tiny, small 14 lot with sidewalks, and curbs, and all that stuff, I 15 would've bought a house there. And now, it's being 16 all invaded. And I know it's -- it's about money and, 17 you know, turning a buck and stuff. 18 But I -- I don't know this man 19 personally. I have nothing against him. But this is 20 really bad. And as far as the -- the septic and 21 stuff, there's no leach field extension if you need 22 it. And it's -- I very much oppose this. Thank you 23 for taking my opinion. 24 MR. SCHULTZ: Well, thank you,</p>



<p style="text-align: right;">Page 30</p> <p>1 everyone, for your comments.</p> <p>2 MR. LOCKHART: Can I readdress, please?</p> <p>3 It's short.</p> <p>4 MR. SCHULTZ: Is your short, new</p> <p>5 information?</p> <p>6 MR. LOCKHART: Well, the fact that if</p> <p>7 somebody could subdivide -- this goes through.</p> <p>8 I'm -- I'm getting older. And we've got other homes.</p> <p>9 Maybe it's time I should come back to you. And I can</p> <p>10 get four more homes on my property. Maybe it's time.</p> <p>11 This is my comment.</p> <p>12 MR. SCHULTZ: All right. Any final</p> <p>13 comments from --</p> <p>14 MR. RICHMOND: Yeah. I'd like to just</p> <p>15 respond to a couple things. First of all, the two</p> <p>16 lots that I talked about, the one at Lenox and Smith,</p> <p>17 and the one at Lenox and South that had previously</p> <p>18 been subdivided -- those are the exact same size lots</p> <p>19 originally as my client's lot.</p> <p>20 The lot at Lenox and Smith Road was 300</p> <p>21 feet by 85 feet across. The one at South and Lenox</p> <p>22 was also 300 feet by 85. Both of those lots were</p> <p>23 subdivided into smaller lots with houses.</p> <p>24 I also want to -- I don't think it's</p>	<p style="text-align: right;">Page 32</p> <p>1 This is a single occurrence that's</p> <p>2 happened over however many years. This is one</p> <p>3 individual who seeks to subdivide his lot. In</p> <p>4 addition, that existing home will remain.</p> <p>5 Nothing's being changed with that</p> <p>6 existing home. The only addition is to add a smaller</p> <p>7 home, a 1,500 square foot home, on the new lot. And</p> <p>8 that'll be supported by its own unique septic system.</p> <p>9 And will be connected to the municipal</p> <p>10 water. So I would ask that this board take that all</p> <p>11 into consideration and find that based on the findings</p> <p>12 of fact and the circumstances here, that a subdivision</p> <p>13 is warranted. Thank you.</p> <p>14 MR. LEIN: Can I speak?</p> <p>15 MR. SCHULTZ: No, sir.</p> <p>16 Okay. So we've heard. The</p> <p>17 recommendation meeting on August 14th at 5:30 in this</p> <p>18 room?</p> <p>19 MS. INFELISE DATZMAN: Yes, sir.</p> <p>20 MR. SCHULTZ: In this room to vote on</p> <p>21 and make a determination on this particular petition.</p> <p>22 And then, closing the meeting -- the record for this</p> <p>23 meeting.</p> <p>24 MR. RICHMOND: Thank you.</p>
<p style="text-align: right;">Page 31</p> <p>1 fair for these public comments to say that my client's</p> <p>2 in it just to make a buck. The purpose of this house</p> <p>3 is so he can build a new house for his daughter to</p> <p>4 live in.</p> <p>5 What he wants to do with this is create</p> <p>6 a new structure. It's a single-family home. It's not</p> <p>7 going to materially increase traffic on any street in</p> <p>8 these neighborhoods.</p> <p>9 In addition, the drainage exhibit and</p> <p>10 the engineering letter both showed that there will be</p> <p>11 no material impact on flooding in this area. While I</p> <p>12 understand that there may be flooding issues</p> <p>13 downstream of where this property is, there is no</p> <p>14 evidence that has been presented to this board.</p> <p>15 There is no engineering study being</p> <p>16 provided to this board. There's no documentation</p> <p>17 being provided to this board that says the addition of</p> <p>18 one single-family home to this neighborhood will</p> <p>19 materially impact flooding or drainage.</p> <p>20 In fact, the engineering report</p> <p>21 specifically says otherwise. So I'd ask that you take</p> <p>22 that into consideration. In addition, this</p> <p>23 subdivision has been here for roughly 100 years.</p> <p>24 There isn't a mad rush to subdivide properties here.</p>	<p style="text-align: right;">Page 33</p> <p>1 MR. SCHULTZ: All right.</p> <p>2 MR. LEIN: Is that meeting on the 14th</p> <p>3 open to the public?</p> <p>4 MR. SCHULTZ: Pardon me?</p> <p>5 MR. LEIN: Is that meeting on the 14th</p> <p>6 open to the public?</p> <p>7 MR. SCHULTZ: The meeting is open to</p> <p>8 the public. But we're not taking any new information</p> <p>9 and stuff. It'll be us voting on --</p> <p>10 MR. LEIN: Can I ask a question then?</p> <p>11 They -- they referred to having an engineered drawing</p> <p>12 about the impact of flood water and it not being</p> <p>13 presented in this case.</p> <p>14 We didn't know that that was going to</p> <p>15 be necessary to provide information to the county.</p> <p>16 The county should have all these records of</p> <p>17 information. County should do a study on the impact</p> <p>18 of adding new houses in the subdivision.</p> <p>19 MR. SCHULTZ: Well, that's okay. I</p> <p>20 believe that's the end of the scope of this.</p> <p>21 MS. INFELISE DATZMAN: We have to close</p> <p>22 the hearing.</p> <p>23 MR. SCHULTZ: Oh, yeah. All right. So</p> <p>24 we need to move along, then. We have no old business,</p>

<p style="text-align: right;">Page 34</p> <p>1 any new business. If we have no business, then the  2 information is complete and we're in adjournment.  3 (Whereupon, the meeting concluded at  4 6:42 p.m.)  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24</p>	<p style="text-align: right;">Page 36</p> <p>1 CERTIFICATE OF TRANSCRIBER  2 I, ALEISHA CASSIDY, do hereby certify that  3 this transcript was prepared from the digital audio  4 recording of the foregoing proceeding, that said  5 transcript is a true and accurate record of the  6 proceedings to the best of my knowledge, skills, and  7 ability; that I am neither counsel for, related to,  8 nor employed by any of the parties to the action in  9 which this was taken; and, further, that I am not a  10 relative or employee of any counsel or attorney  11 employed by the parties hereto, nor financially or  12 otherwise interested in the outcome of this action.  13  14   15 ALEISHA CASSIDY  16  17  18  19  20  21  22  23  24</p>
<p style="text-align: right;">Page 35</p> <p>1 CERTIFICATE  2 I, HALEY GOODWIN, the officer before whom  3 the foregoing proceedings were taken, do hereby  4 certify that any witness(es) in the foregoing  5 proceedings, prior to testifying, were duly sworn;  6 that the proceedings were recorded by me and  7 thereafter reduced to typewriting by a qualified  8 transcriptionist; that said digital audio recording of  9 said proceedings are a true and accurate record to the  10 best of my knowledge, skills, and ability; that I am  11 neither counsel for, related to, nor employed by any  12 of the parties to the action in which this was taken;  13 and, further, that I am not a relative or employee of  14 any counsel or attorney employed by the parties  15 hereto, nor financially or otherwise interested in the  16 outcome of this action.   17 HALEY GOODWIN  18 Notary Public in and for the  19 State of Illinois  20  21  22  23  24</p>	

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Illinois Code of Civil Procedure

Article II, Part E

Rule 207, Signing and Filing Depositions

**Signing and Filing Depositions**

(a) Submission to Deponent; Changes; Signing.

Unless signature is waived by the deponent, the officer shall instruct the deponent that if the testimony is transcribed the deponent will be afforded an opportunity to examine the deposition at the office of the officer or reporter, or elsewhere, by reasonable arrangement at the deponent's expense, and that corrections based on errors in reporting or transcription which the deponent desires to make will be entered upon the deposition with a statement by the deponent that the reporter erred in reporting or transcribing the answer or answers involved. The deponent may not otherwise change either the form or substance of his or her answers. The deponent shall provide the officer with an electronic or physical address to which notice is to be sent when the transcript is available for examination and signing. When the deposition is fully transcribed, the officer shall deliver to the deponent, at the address supplied,

notice that it is available and may be examined at a stated place at stated times, or pursuant to arrangement. After the deponent has examined the deposition, the officer shall enter upon it any changes the deponent desires to make, with the reasons the deponent gives for making them. If the deponent does not appear at the place specified in the notice within 28 days after the mailing of the notice, or within the same 28 days make other arrangements for examination of the deposition, or after examining the deposition refuses to sign it, or after it has been made available to the deponent by arrangement it remains unsigned for 28 days, the officer's certificate shall state the reason for the omission of the signature, including any reason given by the deponent for a refusal to sign. The deposition may then be used as fully as though signed, unless on a motion to suppress under Rule 211(d) the court holds that the reasons given by the deponent for a refusal to sign require rejection of the deposition in whole or in part.

(b) Certification, Filing, and Notice of Filing.

(1) If the testimony is transcribed, the officer

shall certify within the deposition transcript that the deponent was duly sworn by the officer and that the deposition is a true record of the testimony given by the deponent. A deposition so certified requires no further proof of authenticity

(2) Deposition transcripts shall not be filed with the clerk of the court as a matter of course. The party filing a deposition shall promptly serve notice thereof on the other parties and shall file the transcript and any exhibits in the form and manner specified by local rule.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

## VERITEXT LEGAL SOLUTIONS

### COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

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