

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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2	List of Attendees:		
3	Carl Schultz, Acting Chair/Member		
4	Jack L. Murphy, Member		
5	Robert Kartholl, Chair		
6	Jim Jarog, Member		
7	Zain Rahman, Member		
8	Scott Richmond, Agent/Attorney for Presenter		
9	Jessica R. Infelise Datzman, Zoning Administrator		
10	Coordinator, AICP		
11	Joseph Varlotta, Witness		
12	Gerald Lockhart, Witness		
13	Richard Lein, Witness		
14	Karen Osika, Witness		
15	Scott Weipert, Witness		
16	Kevin Maley, Witness		
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<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>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>	Page 10	<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>	Page 12
<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>	Page 11	<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>	Page 13

<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>Page 14</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>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>Page 15</p> <p>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?</p> <p>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.</p> <p>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.</p> <p>11 MR. KARTHOLL: Okay. I understand. I 12 don't have any other questions. I'll reserve comments 13 for the recommendation meeting.</p> <p>14 MR. SCHULTZ: All right.</p> <p>15 Mr. Jarog, do you have any questions?</p> <p>16 MR. JAROG: No. I do not.</p> <p>17 MR. SCHULTZ: And Mr. Rahman?</p> <p>18 MR. RAHMAN: No questions.</p> <p>19 MR. SCHULTZ: Okay. Well, then, all 20 right. So I guess, then, we're at the point for 21 public comment.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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?</p> <p>5 MULTIPLE SPEAKERS: I do.</p> <p>6 THE REPORTER: Thank you.</p> <p>7 MR. SCHULTZ: Okay. Well why don't we 8 start from here and go that way.</p> <p>9 If you could say your name.</p> <p>10 MR. VARLOTTA: Sure.</p> <p>11 MR. SCHULTZ: Your address --</p> <p>12 MR. VARLOTTA: Sure.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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>1 his before he divides it. So I'm 2 completely -- completely against this and very upset. 3 Thank you.</p> <p>4 MR. SCHULTZ: Who's next?</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>23 MR. SCHULTZ: Okay. Sir?</p> <p>24 MR. LEIN: My name is Richard Lein. I</p>	<p>Page 22</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.</p> <p>4 (Group Exhibit 1 was marked for 5 identification.)</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>23 'Cause the precedent will be set.</p> <p>24 I am so against doing this. This is a</p>	<p>Page 23</p> <p>1 and has to be subdivided by as well.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>23 MR. SCHULTZ: Okay. A couple things.</p> <p>24 MR. LEIN: Uh-huh.</p>

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<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 & 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>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>Page 30</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>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>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 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 other 16 outcome of this action.</p> <p>17 HALEY GOODWIN 18 Notary Public in and for the 19 State of Illinois</p> <p>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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