



1 A P P E A R A N C E S:

2 BOARD MEMBERS PRESENT:

3 PATRICK TURNER, Chairman

MICHAEL VESPA, Member

4 MITCH JOHNSON, Member

MICHAEL PABIAN, Member

5 JEFFREY FUS, Member

BRANDON CALVERT, Member

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9 ALSO PRESENT:

10 MICHAEL T. JURUSIK, Village Attorney

MARTIN A. SCOTT, Director of Community Development

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PRESENT FOR THE PETITIONER (4150 Hampton Avenue):

13 Michael Plichta

Luke Zeman

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15 PRESENT FOR THE PETITIONER (4554 Harvey Avenue):

Michael & Dessi Martinovski

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1 CHAIRMAN TURNER: Good evening, everybody. Let's  
2 call to order the Western Springs Board of Zoning  
3 Appeals meeting for Thursday, May 6, 2021.

4 And, Marty, or Mike, can you handle roll  
5 call?

6 DIRECTOR SCOTT: Sure.

7 Member Vespa?

8 MEMBER VESPA: Here.

9 DIRECTOR SCOTT: Member Fus?

10 MEMBER FUS: Present.

11 DIRECTOR SCOTT: Member Calvert?

12 MEMBER CALVERT: Here.

13 DIRECTOR SCOTT: Member Pabian?

14 MEMBER PABIAN: Here.

15 DIRECTOR SCOTT: Member Johnson? Absent.

16 CHAIRMAN TURNER: Next item on the agenda is the  
17 reading of the agenda.

18 Next item up would be the approval of the  
19 transcripts from the January 30, 2020, meeting. Wow.  
20 That's the last time we met. Interesting. Followed by  
21 public comments and then followed by two matters for  
22 consideration on tonight's agenda: One being 4554

1 Harvey and the other being 4150 Hampton. Then there'll  
2 be other business and then an adjournment.

3           So as far as approval of the transcripts,  
4 could I get a motion from a member of the board to  
5 approve the minutes from the January 30, 2020, meeting?

6           MEMBER PABIAN: So moved.

7           CHAIRMAN TURNER: I'm not sure who that was.

8           MEMBER PABIAN: Mike Pabian. So moved.

9           CHAIRMAN TURNER: Is there a second?

10          MEMBER VESPA: Mike Vespa. Second.

11          CHAIRMAN TURNER: All in favor? I guess we have to  
12 do this by roll call.

13                 So, again, Marty or Mike?

14          DIRECTOR SCOTT: I can do that.

15                 Member Pabian?

16          MEMBER PABIAN: Aye.

17          DIRECTOR SCOTT: Member Calvert?

18          MEMBER CALVERT: Aye.

19          DIRECTOR SCOTT: Member Fus?

20          MEMBER FUS: Aye.

21          DIRECTOR SCOTT: Member Vespa?

22          MEMBER VESPA: Aye.

1 DIRECTOR SCOTT: And Chairman Turner?

2 CHAIRMAN TURNER: Aye.

3 DIRECTOR SCOTT: So the minutes are approved.

4 (Whereupon, the public hearings  
5 were held.)

6 MR. JURUSIK: Because we are doing a remote  
7 meeting, we do have to do everything by roll call per  
8 the Opening Meetings Act. If we don't do a roll call,  
9 that's an issue. So roll call for all motions.

10 And then if anybody is going to speak, let's  
11 just kind of be sequential and state your name or at  
12 least your last name prior to making your comments.

13 CHAIRMAN TURNER: Okay. Next item on the agenda is  
14 the public comment.

15 Marty, how do you want to handle this? Do  
16 you want to introduce the matters or the parties or the  
17 applicants?

18 DIRECTOR SCOTT: Mr. Chairman, the first thought  
19 that I had was that I had mentioned to the Zoning Board  
20 by e-mail that the request for 4150 Hampton, our  
21 recommendation would be to continue it to another date.  
22 There's some issues with the application that came in.

1 There's additional copies of it that came in as the  
2 Zemans, the applicants, attempted to answer some  
3 questions and provide some supplemental information,  
4 which is fine. But that can cause some confusion  
5 sometimes with folks that may have concerns about  
6 different issues. In this case there were some  
7 concerns. And it's usually best in those kind of cases  
8 to continue it, like you have in the past when there's  
9 been something that's come up in the middle of it,  
10 something unforeseen, it's better for the public and  
11 for us, frankly, staff level, to be able to review it,  
12 come back, kind of reset, and come back to another  
13 date.

14           And also with our issues with One Drive and  
15 Teams, in clearing that up, you had time to look at  
16 things, but did you have adequate time on some to look  
17 at all but not both maybe.

18           So for those reasons, there's a couple dates  
19 that Mike and I have in mind that we could throw out  
20 there, and if you could check your calendars in  
21 realtime, you could possibly pick a date and -- well,  
22 we have to pick a date actually, I should say. Pick a

1 date certain, as Mike would say, to move forward with.

2 CHAIRMAN TURNER: I saw May 20 or May 26, and those  
3 would be virtual hearings, correct, Marty?

4 DIRECTOR SCOTT: Correct.

5 CHAIRMAN TURNER: And those are both at 7:00 p.m.?

6 DIRECTOR SCOTT: May 20th or Wednesday the 26th  
7 based on some early availability we checked on. Take a  
8 minute to maybe check that.

9 CHAIRMAN TURNER: I'm okay for preferably the 26th.

10 MEMBER PABIAN: Yeah. This is Member Pabian. I'm  
11 okay with the 26th.

12 MEMBER VESPA: Member Vespa. I'm okay with the  
13 26th.

14 MEMBER FUS: 26th is good for Member Fus.

15 MEMBER CALVERT: Member Calvert. 26th is fine.

16 CHAIRMAN TURNER: Mike and/or Marty, does this  
17 require a formal motion, or is this just on the board's  
18 own initiative?

19 MR. JURUSIK: We should do a motion to open the  
20 public hearing and read that by title, the applicant  
21 and the address, and then do a motion to open the  
22 public hearing and then continue it to

1 May 26, 2021, at 7:00 p.m., so the record is clear.

2 CHAIRMAN TURNER: So can I get a motion to open the  
3 public hearing?

4 DIRECTOR SCOTT: Mr. Chairman, there's a hand  
5 raised by one of the neighbors of 4150, Mr. Plichta, if  
6 you'd like to acknowledge that or open the hearing  
7 first?

8 CHAIRMAN TURNER: Why don't we open the hearing,  
9 and then we will take any comments or questions.

10 So could I get a motion to open the public  
11 hearing?

12 MEMBER VESPA: Yes. This is Member Vespa. I'd  
13 like to make a motion to open the public hearing.

14 CHAIRMAN TURNER: Is there a second?

15 MEMBER CALVERT: Member Calvert seconds the motion.

16 CHAIRMAN TURNER: Okay. So, Marty, can you handle  
17 roll call?

18 DIRECTOR SCOTT: Sure.

19 Member Pabian?

20 MEMBER PABIAN: Aye.

21 DIRECTOR SCOTT: Member Fus?

22 MEMBER FUS: Aye.



1 DIRECTOR SCOTT: Member Calvert?

2 MEMBER CALVERT: Aye.

3 DIRECTOR SCOTT: Member Vespa?

4 MEMBER FUS: Aye.

5 DIRECTOR SCOTT: And Chairman Turner?

6 CHAIRMAN TURNER: Aye.

7 So public hearing is open. We'd entertain  
8 questions or comments. And I understand there's  
9 someone out there with a question.

10 MR. PLICHTA: I'd like to pose a question if that's  
11 possible?

12 DIRECTOR SCOTT: For the record, if you could just  
13 state your name, Mr. Plichta.

14 MR. PLICHTA: Mike and Lisa Plichta at  
15 4146 Hampton.

16 Our daughter's graduation at McClure is on,  
17 as luck would have it, May 26th, and it is most likely  
18 right around this time. I'm trying to search for the  
19 actual time, but it keeps changing. The awards  
20 ceremony we know is at 5:00 p.m. If that's the only  
21 time, I don't want to be difficult for the board, but I  
22 totally understand.

1 CHAIRMAN TURNER: This is Chairman Turner speaking.  
2 I do have a conflict on that date. I'm only speaking  
3 for myself obviously. So I'd let the other board  
4 members chime in on this whether the 20th is a viable  
5 date.

6 MR. PLICHTA: If it's not, we can make -- this is  
7 very important to us. I don't want to inconvenience  
8 the other board members.

9 MEMBER VESPA: I'll speak for myself. Member  
10 Vespa. I can make the 20th if other board members can  
11 as well.

12 MEMBER FUS: This is Member Fus. I can make the  
13 20th work.

14 MEMBER CALVERT: This is Member Calvert. I can  
15 make the 20th work as well.

16 DIRECTOR SCOTT: Mr. Chairman, I'm trying to unmute  
17 Mitch Johnson, our other member here. Hold on a  
18 second.

19 Mitch, are you there?

20 MEMBER JOHNSON: I might be.

21 DIRECTOR SCOTT: You're here by audio, so that's  
22 good; you can participate.

1 Mitch Johnson, our other board member,  
2 arrived at 7:13 for the record.

3 CHAIRMAN TURNER: Welcome, Mitch.

4 MEMBER JOHNSON: Thank you. I'm still trying to  
5 figure out this Zoom thing.

6 CHAIRMAN TURNER: Hey, Mitch, we are right at a  
7 point where one of the items, in particular, the 4150  
8 Hampton Avenue matter, is going to be continued. We're  
9 trying to pick a continue date. May 26th, the  
10 applicants have an issue with a graduation, so the  
11 other possible date is May 20th, it's a Thursday,  
12 7:00 p.m. virtual hearing.

13 Would you be available at that date and time?

14 MEMBER JOHNSON: Can you push it because I have a  
15 graduation that weekend and I'm actually out of town  
16 for the first time in months all weekend.

17 CHAIRMAN TURNER: May 20th Thursday is out for you,  
18 Mitch?

19 MEMBER JOHNSON: If I have to make it work, I could  
20 make it work, but I'd prefer for it to be on the 26th,  
21 but if we have to make it work on that Thursday, yeah,  
22 I'll make it work.

1 MR. PLICHTA: 26th is fine.

2 MEMBER JOHNSON: No, no, no. Graduations are  
3 important.

4 MR. PLICHTA: May 26th is fine. It is fine just  
5 keep it May 26th.

6 CHAIRMAN TURNER: I mean, we might have been able  
7 to rustle up a quorum for the 20th.

8 I just have a conflict now, there's a  
9 possibility I may be able to move things around, but it  
10 sounds like Mitch does as well. The last thing I want  
11 to do is mess anyone's graduation up. But if you want  
12 to keep it the 26th, we can do that.

13 MEMBER CALVERT: This is Member Calvert. Will that  
14 be our only matter that evening?

15 CHAIRMAN TURNER: Yes.

16 DIRECTOR SCOTT: Most likely.

17 MEMBER CALVERT: Could we move it to maybe 7:30 to  
18 give them a little more time?

19 DIRECTOR SCOTT: Sure, we can move it.

20 MEMBER CALVERT: If it's the only matter, it  
21 probably won't take that long.

22 DIRECTOR SCOTT: You could move it. That's a

1 reasonable time, 7:30.

2 CHAIRMAN TURNER: 7:30, would that accommodate you  
3 guys?

4 MR. PLICHTA: Really any time that you guys need to  
5 meet we will meet.

6 CHAIRMAN TURNER: What time is your graduation?

7 MR. PLICHTA: We're looking at -- the Awards  
8 Ceremony starts at 5.

9 MS. PLICHTA: Graduation is right after that. So  
10 7:30 would help us.

11 MR. PLICHTA: I appreciate that, Mr. Calvert. That  
12 might actually really work.

13 MEMBER JOHNSON: Can we do 8:00? I say 8:00. Make  
14 sure there's enough time.

15 MEMBER PABIAN: Yeah.

16 CHAIRMAN TURNER: I have no problem with this.  
17 This is Chairman Turner speaking. So if everybody is  
18 okay with 8, then I'll entertain a motion to continue  
19 the public hearing for 4150 Hampton to May 26th at  
20 8:00 p.m.

21 MEMBER VESPA: I'd like to make a motion that we  
22 put a continuance and have the public hearing for

1 4150 Harvey on May 26th at 8:00 p.m.

2 CHAIRMAN TURNER: That's 4150 Hampton.

3 MEMBER VESPA: Hampton. I'm sorry. 4150 Hampton.

4 I'll make the continuance for the public hearing for

5 4150 Hampton on May 26th at 8:00 p.m.

6 CHAIRMAN TURNER: Okay. Is there a second for that  
7 motion?

8 MEMBER FUS: Member Fus. Second.

9 CHAIRMAN TURNER: So there's a second.

10 So, Marty, could you handle roll call on this  
11 motion?

12 DIRECTOR SCOTT: Sure.

13 Member Vespa?

14 MEMBER VESPA: Aye.

15 DIRECTOR SCOTT: Member Fus?

16 MEMBER FUS: Aye.

17 DIRECTOR SCOTT: Member Calvert?

18 MEMBER CALVERT: Aye.

19 DIRECTOR SCOTT: Member Pabian?

20 MEMBER PABIAN: Aye.

21 DIRECTOR SCOTT: Member Johnson?

22 MEMBER JOHNSON: Aye.

1 DIRECTOR SCOTT: Chairman Turner?

2 CHAIRMAN TURNER: Aye.

3 DIRECTOR SCOTT: Motion passes.

4 CHAIRMAN TURNER: Okay. So enjoy the graduation  
5 and be ready to roll on May 26th.

6 MR. PLICHTA: Thank you, everyone. Thank you.

7 MR. ZEMAN: Thank you.

8 MR. JURUSIK: Could we go back to Public Comment,  
9 and, Marty, could you just verify that, just in  
10 general, you either have or have not received any  
11 e-mails, letters, or other communications of general  
12 comments for tonight's meeting directed to the board.

13 DIRECTOR SCOTT: Sure. General comments unrelated  
14 to the applications that were on the agenda, correct,  
15 Mike?

16 MR. JURUSIK: Correct. Yes, just in general.

17 DIRECTOR SCOTT: No, no public comments. No  
18 general public comments received.

19 CHAIRMAN TURNER: So that settles the continuance  
20 on 4150 Hampton, correct?

21 DIRECTOR SCOTT: Correct.

22

1 CHAIRMAN TURNER: So the next matter on the agenda  
2 is the application for 4454 Harvey Avenue.

3 MR. MARTINOVSKI: 4554.

4 CHAIRMAN TURNER: Got it.

5 Marty, so we can just dive right into this  
6 one, right?

7 DIRECTOR SCOTT: I can give you a little bit of  
8 background quickly here. Dessi and Michael Martinovski  
9 are requesting two variations in order to renovate and  
10 construct an addition to their home which is located at  
11 4554 Harvey. The property is zoned R-2 single-family,  
12 surrounded by similar single-family homes on all sides.  
13 It's an interior lot. It measures approximately  
14 50-by-130. And they are requesting variations to the  
15 side yard setback on the south side and building  
16 coverage.

17 So the variance along the south side setback  
18 is from the 10-foot requirement and they're requesting  
19 to be allowed to construct their addition at 8.4 feet,  
20 which is a 1-foot-6 variance. They're also requesting  
21 the variance for building coverage, which the maximum  
22 is 30 percent. On their lot, that equals 1,950 square



1 feet, and they're seeking 2,045 square feet, or  
2 34.8 percent. So they're about 95 square feet over the  
3 limit.

4           The applicable code sections are in your  
5 packet, and a description of a little bit about the  
6 interior side yard that you've dealt with before a few  
7 times for different requests that have come forward, I  
8 provided some analysis in there, some feedback, and  
9 noted that the BZA had considered similar side yard  
10 variations in the past; some were slightly different;  
11 others were nearly identical; and they range from about  
12 two-foot in distance to four-foot, or the amount of  
13 variations I should say ranges from approximately  
14 two-foot to 4-foot in some of those cases.

15           And I noted, too, that we regularly do hear  
16 from homeowners and their architects, so it's difficult  
17 to expand the homes within the current standards and  
18 confines of post-World War II homes. So that's kind of  
19 a theme. And not speaking for the Martinovskis, but  
20 that might be one of the things that they would say as  
21 well. So just kind of a theme that we heard and other  
22 information provided in the memo.



1 put everything on the existing foundation. The  
2 existing house is already there and it's already in the  
3 conflict with the code because it's existing; house has  
4 been built in the '50s.

5 And in order for us to comply with ordinance,  
6 we need to basically go through the big hardship  
7 because we need to adjust the house very weird and it  
8 is going to look not very nice and it's going to reduce  
9 living space for our family.

10 And we are asking the board to take into  
11 consideration because it's an existing property. And  
12 nothing we can do in order to comply, and it's going to  
13 put our family in a very difficult situation.

14 About the second variance about exceeding the  
15 lot coverage, we're exceeding only by 4.8 percent,  
16 which is 95 square feet. I believe this is acceptable  
17 because you have to be below 10 percent. Both  
18 variations we're asking the board to consider our  
19 request and to grant us approval to proceed with the  
20 construction on our new home.

21 Thank you, everyone.

22 CHAIRMAN TURNER: Questions from the board?

1 MEMBER PABIAN: This is Member Pabian. I have a  
2 question for Marty. Luckily last meeting's minutes  
3 were in the packet. And also for counsel, counsel and  
4 Marty and I, we had a long conversation about this  
5 issue I believe on the last variance we granted.

6 Marty, am I correct that in this particular  
7 case, in terms of the setback restriction, the variance  
8 for the setback restrictions, the only thing -- the  
9 current foundation line, if you will, or the first  
10 floor line that is, what did you say, 8.4 feet from the  
11 side instead of 10 feet? So it's a grandfathered  
12 situation, I understand that.

13 This renovation does not seek to extend that  
14 laterally, does it? It's only going up vertically; is  
15 that correct, Scott.

16 DIRECTOR SCOTT: Correct.

17 MEMBER PABIAN: Good. That's the case we had last  
18 year in terms of the variance for the setback  
19 restriction. Okay. And I'm comfortable with that.

20 CHAIRMAN TURNER: Other questions from any other  
21 board members?

22 So this is Chairman Turner speaking. So it

1 appears that the footprint is going to stay the same on  
2 the south side because you're just going to go up like  
3 Mike was just saying.

4 MR. MARTINOVSKI: That's correct.

5 CHAIRMAN TURNER: You're just going up vertically.

6 MR. MARTINOVSKI: Yes.

7 CHAIRMAN TURNER: But in the back, are you bumping  
8 out the back? Is the footprint changing in the rear?

9 MR. MARTINOVSKI: Yes, it is. It's changing.

10 CHAIRMAN TURNER: How many square foot are you  
11 adding to the rear of the home?

12 MR. MARTINOVSKI: Like 350 to 400.

13 MEMBER PABIAN: But that addition to the rear is  
14 within the current setback requirements, right?

15 MR. MARTINOVSKI: Yes.

16 MEMBER PABIAN: Yeah. See. That's fine. So they  
17 don't need a setback variance for that.

18 CHAIRMAN TURNER: That puts them over the lot for  
19 the other variance.

20 MEMBER PABIAN: Yeah. I have a concern about that,  
21 basically the bulk coverage restrictions, right.

22 MR. MARTINOVSKI: But we're exceeding only by

1 4.8 percent, which is 95 square feet. You have to  
2 understand we have three kids and we need to have a  
3 living space. We're not building a 5,000-square foot  
4 house. We're building 3100-square foot, which is  
5 pretty normal for a typical Western Springs family.

6 We're not getting any financial gain here.  
7 We just want to have a nice comfortable living space.  
8 We got three boys. They need to have privacy. I  
9 cannot put them in a small room and start fighting with  
10 the kids.

11 We're asking a human question. All of you, I  
12 believe, have a family. It's nothing for us to gain  
13 from this. We're just asking to accommodate our  
14 family. That's what it is. We're not making money out  
15 of it.

16 MEMBER PABIAN: This is Member Pabian. I'm  
17 sympathetic, and we've talked about this many times  
18 here, and I guess I would counsel there's not a  
19 de minimis exception to the variance requirements,  
20 right?

21 MR. JURUSIK: No.

22 MEMBER PABIAN: I mean, that's what we got here on

1 the coverage restriction. The coverage restriction, it  
2 kind of is what it is. I mean, I'm really, really  
3 sympathetic on the vertical extension of a  
4 grandfathered setback. I mean, I'm really, really  
5 sympathetic on that. I have absolutely no problem with  
6 that.

7 I mean, there's no other way to get a second  
8 floor -- reasonably get a second floor on a house, and  
9 we had a real long conversation about that at the last  
10 meeting.

11 And as Marty says in his note, it's time the  
12 ordinance should change. I mean, but I don't think  
13 our -- I'm concerned our function here is not to do  
14 that. And the more we do that, I'm thinking the less  
15 pressure there will be for our village trustees to  
16 change the ordinance, so.

17 CHAIRMAN TURNER: Okay.

18 MR. MARTINOVSKI: I want to explain again to the  
19 board again what we're talking about 95 square feet.  
20 This is the stairs in the back of the house. That's  
21 what we're talking about right now. Because we have  
22 the stairs in the back of the house which is going to

1 the backyard. Because of these stairs, we're exceeding  
2 by 4.8 percent, which we are less than 10 percent  
3 maximum allowance.

4 We're not asking for something. We're not  
5 gaining from it. It's a house built in the '50s.  
6 Nothing we can do about it. Families from the '50s was  
7 living in 1200-square foot houses. Now we have  
8 different lifestyle, and kids and families have more  
9 needs. We're not asking here to gain -- build a  
10 castle; we're asking here for a normal family home.

11 CHAIRMAN TURNER: Okay. Any other questions from  
12 any board members?

13 MR. JURUSIK: Marty, this is Mike Jurusik. I'm  
14 looking at limitations on variations. I'm looking at a  
15 section -- let me just get the citation -- variation.  
16 So it's 10-3-11, Variation C, and then you drop down to  
17 5, Limitations on Variations, it says -- oh, this is  
18 Building Coverage: "A variation to the maximum  
19 building coverage restrictions can only be granted if  
20 it does not exceed 10 percent of the building coverage  
21 restrictions permitted in each zoning district, except  
22 that a variation not exceeding 15 percent of the



1 maximum building coverage restrictions may be granted  
2 in a lot in an R-2 single-family residence for purposes  
3 of constructing an addition to an existing or principal  
4 structure provided."

5           And that was our criteria where we were  
6 dealing with older homes, 1950.

7           So, Marty, based on your plan review, does  
8 our building coverage variations, is that less than  
9 10 percent of the building coverage restriction for  
10 this zoning district?

11           DIRECTOR SCOTT: I believe it is. I just have to  
12 double-check with what we have here.

13           MR. JURUSIK: If it is, that's not a de minimis,  
14 but that would be an allowable variation that you still  
15 have to apply for that he qualifies for.

16           MEMBER PABIAN: Counsel, does that eliminate the  
17 hardship restriction?

18           MR. JURUSIK: Yes. That's essentially a -- what  
19 that standard does is that puts in place an obligation  
20 for a property owner to apply for a variation and this  
21 board to, as it says, can only be granted if it does  
22 not exceed 10 percent of the building coverage

1 restrictions for the zoning district.

2           So if that's triggered, you have the ability  
3 to grant this zoning relief because it fits within one  
4 of the permitted variations to the building coverage  
5 restrictions, and, you know, that's a built-in, I  
6 guess, variation that can be applied for and granted.  
7 It still requires the public hearing process and this  
8 board to vet it and to approve it. But it takes any  
9 administrative approval away from the staff. That's  
10 why you would be here.

11           DIRECTOR SCOTT: They make them eligible, right,  
12 Mike? It makes, in this case, the applicant eligible  
13 to apply?

14           MR. JURUSIK: Right.

15           DIRECTOR SCOTT: Because 292 would be 15 percent  
16 and they're at 95 square feet.

17           CHAIRMAN TURNER: They still have to go through the  
18 process. They still have to meet all the criteria for  
19 a variation.

20           DIRECTOR SCOTT: The criteria would still apply.

21           MR. JURUSIK: Right. The criteria still applies  
22 and so you have to apply it, but you can, I guess, feel

1 comfortable that our code has the built-in flexibility  
2 for building coverage to grant up to a 10 percent  
3 variance if you feel the other criteria have been met.

4 CHAIRMAN TURNER: Got it.

5 Any other board members have any questions,  
6 comments?

7 Michael, do you wish to add anything at this  
8 time?

9 MR. MARTINOVSKI: No. I say it again. We're  
10 asking for strong consideration because we've been  
11 already many months into this, and it's a real hardship  
12 for us. As you know, the house, right now the  
13 situation with the construction and materials and  
14 everything it's crazy right now, and we just want to  
15 put this to bed and move forward. We're getting  
16 exhausted with this.

17 CHAIRMAN TURNER: Okay. So at this point the board  
18 has to determine whether or not all the criteria have  
19 been met.

20 MEMBER CALVERT: This is Member Calvert. I do have  
21 a question. So the request regarding the building  
22 coverage, the request is to exceed the building

1 coverage by 4.8 percent, and our code allows us to  
2 grant a variation up to 10 percent.

3           What is the current building coverage right  
4 now? Because I think there was a statement that the  
5 95 square feet that the applicant would be over was  
6 basically because of the steps, which makes sense to  
7 me. But what is the current building coverage? I  
8 don't see that.

9           MR. MARTINOVSKI: 1950.

10          DIRECTOR SCOTT: The maximum is 1950, 1,950. The  
11 actual existing -- Michael, I'm trying to find where  
12 your architect had that. If you give me a moment, I  
13 can --

14          CHAIRMAN TURNER: That would be interesting to see  
15 if we are currently in compliance or if that's another  
16 nonconforming preexisting condition.

17          DIRECTOR SCOTT: Bear with me for a second.

18          MR. JURUSIK: It's on Document 4. It says the  
19 house -- existing impervious area entire lot, the house  
20 is 1,195 feet.

21          DIRECTOR SCOTT: 1,195 feet -- square feet?

22          MR. JURUSIK: 1,194 feet, and then the proposed

1 impervious area for the house is 1589.

2 DIRECTOR SCOTT: They're under on impervious.  
3 We've confirmed that before.

4 MEMBER PABIAN: This isn't lot coverage; we're  
5 talking about bulk coverage, right?

6 MR. JURUSIK: This is building coverage.

7 MEMBER PABIAN: Building coverage. Yeah. Yeah.

8 CHAIRMAN TURNER: So they're currently in  
9 compliance with building coverage?

10 DIRECTOR SCOTT: Correct.

11 CHAIRMAN TURNER: Okay.

12 MEMBER PABIAN: And lot coverage.

13 DIRECTOR SCOTT: Correct. They're about  
14 18 percent, I think. Double-checking it now.  
15 18 percent on building coverage.

16 CHAIRMAN TURNER: So the bump-out in the back is  
17 creating this nonconforming?

18 DIRECTOR SCOTT: Right. Michael spoke about the  
19 stairs though. The stairs would not -- I don't think  
20 those are counted, just to be clear, as building  
21 coverage because they're not part of the building, and  
22 I don't see those in the calculations. It's

1 roofed-over structures is the way we normally talk  
2 about it, a garage, house, shed. So that's counted  
3 towards lot coverage but not building coverage.

4 MR. JURUSIK: That's correct. That's the way we've  
5 interpreted that in the past, Marty.

6 CHAIRMAN TURNER: So the stairs don't really  
7 matter?

8 DIRECTOR SCOTT: Correct. It's just like a  
9 driveway or sidewalk.

10 CHAIRMAN TURNER: But still the bump-out in the  
11 building without the stairs is causing this  
12 nonconforming?

13 DIRECTOR SCOTT: Right.

14 MEMBER PABIAN: Also the second floor, right, also  
15 contributes to the bulk coverage, right?

16 DIRECTOR SCOTT: Well, no. Actually that would  
17 actually relate more to the floor area because if you  
18 think of it, it's just the footprint of the building;  
19 it's not the mass of the building.

20 MEMBER PABIAN: I thought you're talking floor area  
21 ratio of each floor.

22 DIRECTOR SCOTT: No, no. It's just the footprint.

1 MEMBER PABIAN: Because we went through that with a  
2 garage that had a loft, and the loft was big enough to  
3 count as part of the bulk coverage.

4 DIRECTOR SCOTT: That's apples and oranges. That  
5 one was because of the height of the loft ceiling.

6 MEMBER PABIAN: Right. Right. It was like a  
7 second floor.

8 DIRECTOR SCOTT: Right. That was a floor-to-area  
9 ratio.

10 MEMBER PABIAN: Second floor does contribute to  
11 bulk coverage.

12 DIRECTOR SCOTT: When you say "bulk coverage," you  
13 mean --

14 MEMBER PABIAN: I'm sorry. Building coverage.

15 DIRECTOR SCOTT: No. That's not correct. Because  
16 think of building coverage and lot coverage as strictly  
17 2-D or flat areas where --

18 MEMBER PABIAN: So somebody could build a ten-story  
19 residential building on a small footprint.

20 DIRECTOR SCOTT: No, because there's height  
21 restrictions, and also the floor area ratio doesn't  
22 allow that much bulk.

1 MEMBER PABIAN: So the variation we're talking  
2 about here is not bulk coverage; it's just footprint of  
3 the building?

4 MEMBER CALVERT: Building coverage.

5 DIRECTOR SCOTT: That's a great point you bring up.  
6 In loose terms, the way we describe it and architects  
7 and others describe it, they use the word "bulk" or  
8 "mass," and Mike would probably back me up on this,  
9 Mike Jurusik, those aren't really technical legal  
10 terms, those are just kind of descriptive terms.

11 MR. JURUSIK: Mike Jurusik. I agree. When I think  
12 of floor area ratio, that's when you think of bulk or  
13 mass. When I think of like building or lot coverage,  
14 this is the way I keep it in my head, slab-on grade,  
15 it's the footprint. What is the slab-on grade.  
16 Whether it's a truly a slab or a poured foundation, a  
17 dug-out foundation, when you're talking building  
18 coverage, lot coverage, what is the impervious surface,  
19 the slab-on grade, or the foundation footprint with a  
20 calculation that we're looking at in relation to the  
21 overall lot square footage.

22 MEMBER PABIAN: Okay. So without the addition in



1 the back, as our chairman was trying to ascertain,  
2 without that, there wouldn't be a coverage issue here,  
3 if they just went up to a second floor on the current  
4 foundation?

5 DIRECTOR SCOTT: I'm sorry. Can you repeat that  
6 again?

7 MEMBER PABIAN: I'm sorry. If they just went up to  
8 a second floor on the current foundation, there  
9 wouldn't be a coverage issue at all?

10 DIRECTOR SCOTT: Correct. I don't have a plan that  
11 shows that, but most likely yes.

12 MEMBER PABIAN: Okay. Got it.

13 CHAIRMAN TURNER: So really at this point it's our  
14 obligation to, if we are going to grant this, to  
15 determine whether or not the applicant has met and  
16 satisfied the seven criteria for each of the  
17 variations, variation one being the side yard from  
18 10-foot required to 8.4, so it's a 1.6-foot variation;  
19 and the second one being the bulk coverage of whatever  
20 we want to call that.

21 So can we have a consensus on the setback  
22 variation in that the seven criteria have been met? Or

1 do you want to go through each of those seven? I would  
2 assume that we know what the seven criteria are. You  
3 guys let me know how you want to proceed on that. But  
4 let's focus, number one, on the setback and let's  
5 determine whether or not the seven criteria have been  
6 met.

7 MEMBER PABIAN: This is Member Pabian. I'm good  
8 with all seven.

9 CHAIRMAN TURNER: Others?

10 MEMBER VESPA: This is Member Vespa. I'm good with  
11 all seven.

12 MEMBER FUS: Member Fus is good with all seven as  
13 well.

14 MEMBER CALVERT: And Member Calvert, I'm good with  
15 all seven with respect to the setback.

16 CHAIRMAN TURNER: And this is Chairman Turner. I'm  
17 okay with, and I believe that the applicant has met and  
18 satisfied the seven criteria on the setback variation.

19 So let's talk about the bulk, the second  
20 variation. There seems to be some -- I'm sorry. Did  
21 Mitch --

22 MEMBER JOHNSON: I did, but I'm good with all

1 seven.

2 CHAIRMAN TURNER: Okay. Sorry about that, Mitch.

3 MEMBER JOHNSON: That's okay. It's tough with this  
4 Zoom thing.

5 CHAIRMAN TURNER: So let's talk through the second  
6 variation. Does anyone feel that the applicant has  
7 satisfied the seven criteria for the second bulk  
8 regulation variation?

9 MEMBER PABIAN: This is Member Pabian. I think the  
10 applicant has satisfied all but the first two  
11 requirements for the coverage restrictions.

12 CHAIRMAN TURNER: So the first one being the --

13 MEMBER PABIAN: First one is because of the  
14 particular physical surroundings, shape, or  
15 topographical conditions of the specific property  
16 involved, particular hardship to the owner would result  
17 as distinguished from mere inconvenience of a strict  
18 letter if the regulations were to be applied. That's  
19 the first one.

20 The second one is: The conditions upon which  
21 the application for variation based are unique to the  
22 property for which the variation is sought and are not

1 applicable generally to other property within the same  
2 zoning classification.

3 CHAIRMAN TURNER: Mike, you feel that the applicant  
4 has satisfied the remaining five criteria?

5 MEMBER PABIAN: Right. Right. Right. Right.

6 Let's go to the other board members. Does  
7 anyone feel that the applicant has satisfied the seven  
8 criteria for the second variation request? Okay.

9 Are all the board members in agreement with  
10 Member Pabian on his conclusion that the first two have  
11 not been met?

12 MEMBER CALVERT: This is Member Calvert.  
13 Unfortunately, I think I do agree with Member Pabian.  
14 You know, I don't know that this is a particular  
15 hardship more than an inconvenience; and I don't know  
16 that it's not generally applicable to other properties  
17 within the same zoning classification. I mean, I think  
18 this lot, if I'm reading this correctly, I think the  
19 lot is 49.95 wide and 130 feet deep. I mean, that's  
20 not unusual for the village. And so I think we get  
21 into the conversation of does the ordinance need to be  
22 changed in some way. I think that it does and this is

1 a good example of why, because I don't think what the  
2 applicant is asking for is unreasonable in any way.

3 But given sort of a strict reading of the  
4 first two criteria, I don't know if I get there.

5 CHAIRMAN TURNER: This is Chairman Turner speaking.  
6 I am now looking at staff's recommendations, and  
7 staff's response with respect to criteria number one  
8 being the hardship is that staff agrees that the  
9 particular physical surroundings, including the  
10 original placement of the home, circa 1950, and the  
11 narrow shape of the lot exist as hardships. The  
12 construction of a reasonable addition which would bring  
13 the home up to modern standards can likely only be  
14 accomplished by adding a two-story expansion to the  
15 rear.

16 Does that satisfy anybody that has  
17 reservations on whether or not that this first criteria  
18 has been satisfied.

19 MEMBER PABIAN: Chairman Turner, I think that goes  
20 to the setback restriction, which we all agree -- we've  
21 already all agreed on. I'm not sure that applies to  
22 the coverage restriction.

1 CHAIRMAN TURNER: Well --

2 MEMBER FUS: Is staff saying that the lot is really  
3 narrow, that that's why they're okay with going a  
4 little deeper on the building?

5 DIRECTOR SCOTT: And that's where I was mildly -- I  
6 wasn't strongly stating the case on that. But that's  
7 where I mentioned earlier, before my feedback I  
8 provided there, that this is a regular occurrence we  
9 hear from homeowners, and when we look at properties  
10 and think about things like how much of the lot  
11 coverage requirement is met as well, if somebody was  
12 asking for -- and this is all subjective, of course,  
13 like your opinions -- but if someone was asking for  
14 variations from both lot coverage and building  
15 coverage, as a staff, we would become more concerned  
16 with it.

17 So it's one of those things that consistently  
18 comes up, especially because we're in a community where  
19 people want to live here and they want to stake their  
20 claim and get a home and update it to a reasonable  
21 standard as Mr. Martinovski said.

22 So it's strictly subjective. It's one of the

1 things we hear at staff level. We don't pound the  
2 table for an ordinance change on it like the regular  
3 ones you review for garages. This is a little  
4 different, little bit of new ground.

5 But that's kind of where we're coming from,  
6 that we hear that regularly as an impediment to  
7 expanding homes in town.

8 CHAIRMAN TURNER: So does that change anyone's  
9 opinion? The reading of staff's response with respect  
10 to criteria number one being the hardship?

11 MEMBER FUS: This is Member Fus. It does change  
12 mine. I agree with Member Calvert that the applicant  
13 is not asking -- they're not asking for anything  
14 unreasonable. You know, it's less than a hundred  
15 square feet. So personally I'm okay with it.

16 CHAIRMAN TURNER: What about the criteria number  
17 two, Jeff? And we didn't go through that. But let me  
18 read staff's response with respect to criteria number  
19 two.

20 "Staff agrees that the conditions are unique  
21 in this case. Most new condition either involves an  
22 entirely new home, an addition to the rear, or a wider

1 lot that allows more space and design flexibility.  
2 There are limited number of properties with similar  
3 conditions in which the owners seek to logically expand  
4 the home upward but are stifled by the unique zoning  
5 regulations and/or the original placement of the home."

6 Does that change anyone's opinion on whether  
7 or not criteria number two has been satisfied?

8 MEMBER VESPA: This is Member Vespa. I mean,  
9 listening to criteria one and criteria two, I'm okay  
10 with both. I'm actually okay with all seven.

11 CHAIRMAN TURNER: Jeff, are you okay with all seven  
12 on variation number two?

13 MEMBER FUS: I am okay with all seven.

14 CHAIRMAN TURNER: Is anyone else okay with all  
15 seven?

16 MEMBER JOHNSON: I'm okay with all seven.

17 MEMBER PABIAN: This is Member Pabian. I'm  
18 re-thinking what Marty just said, and I think what he  
19 was saying is, if you're going to add square footage, a  
20 reasonable amount of square footage to the house, one  
21 of the pieces here was to go vertical. But it's still,  
22 because of the narrowness of the lot, now in order to



1 get -- and I can buy that as the configuration of the  
2 lot, I can buy that as a restriction, and that maybe it  
3 is not -- I mean, I have to buy it.

4 I agree with Member Calvert. This is clearly  
5 not an unreasonable request, and I am willing to change  
6 my mind here on both one and two for that reason.

7 CHAIRMAN TURNER: This is Chairman Turner. I think  
8 that reading staff's responses, I am in agreement that  
9 the applicant has satisfied the seven criteria for  
10 variation number two.

11 Go ahead. I think that might have been  
12 Mitch.

13 MEMBER FUS: No. This is Member Fus. We talked in  
14 the past, too, about drainage and making sure that the  
15 village attorney is okay with run-off and that it's not  
16 going to negatively impact the neighbors. I know that  
17 that's all part of going through the building permit  
18 process. So I just want to raise that point that as  
19 long as the village engineer is good with it, then I am  
20 as well.

21 CHAIRMAN TURNER: That would be in the findings of  
22 fact and the actual resolution, right, Mike?

1 MR. JURUSIK: Mike Jurusik here. Yes. I mean, we  
2 could certainly make it, and we typically do that, a  
3 condition of these type of variations is that it is  
4 subject to the applicant's compliance with all storm  
5 water drainage recommendations and requirements as  
6 imposed by the village engineer as part of the plan  
7 review process. So we'd put that language in as a  
8 condition, if you're in favor of moving forward with  
9 this relief.

10 CHAIRMAN TURNER: Any further discussion warranted?  
11 Otherwise I think we might be ready for a vote.

12 DIRECTOR SCOTT: Mr. Chairman, if Attorney Jurusik  
13 can just clarify the number of required votes for a  
14 variation, we should verify that, to approve a  
15 variation, I should say.

16 MR. JURUSIK: Here we'll need four.

17 DIRECTOR SCOTT: Thanks for clarifying.

18 CHAIRMAN TURNER: Any other comments or questions  
19 by the board?

20 If not, can I get a motion to approve the two  
21 variation requests for 4554 Harvey Avenue?

22 MEMBER FUS: I'll make a motion to approve.

1 CHAIRMAN TURNER: Is there a second?

2 MEMBER VESPA: Member Vespa. I second it.

3 CHAIRMAN TURNER: Okay. There's no issues, Mike,  
4 with taking these both at once, right?

5 MR. JURUSIK: If we're going to vote it straight up  
6 and it's going to be an unanimous vote, that's fine.  
7 If we're going to have a split vote, why don't you do  
8 the first motion to approve dealing with setback  
9 variation and then do a second motion to approve  
10 dealing with the building coverage variation. That way  
11 you can account for split vote if that's the way it's  
12 going to play out.

13 CHAIRMAN TURNER: Okay. So let's back up.  
14 Apologize.

15 Could I get a motion to approve the setback  
16 variation for 4554 Harvey?

17 MEMBER FUS: I'll make a motion to approve.

18 CHAIRMAN TURNER: The setback variation request.

19 Is there a second?

20 MEMBER CALVERT: Member Calvert. Second.

21 CHAIRMAN TURNER: So, Marty, can you do a roll call  
22 call for us and we'll vote?

1 DIRECTOR SCOTT: Member Johnson?

2 MEMBER JOHNSON: Approve. Yes.

3 DIRECTOR SCOTT: Member Calvert?

4 MEMBER CALVERT: Approve.

5 DIRECTOR SCOTT: Member Pabian?

6 MEMBER PABIAN: Approve.

7 DIRECTOR SCOTT: Member Vespa?

8 MEMBER VESPA: Approve.

9 DIRECTOR SCOTT: Member Fus?

10 MEMBER FUS: Approve.

11 DIRECTOR SCOTT: And Chairman Turner?

12 CHAIRMAN TURNER: Approve.

13 So now could we get a motion to approve the  
14 second bulk variation request for 4554 Harvey.

15 DIRECTOR SCOTT: Mr. Chairman, can you clarify  
16 building coverage?

17 CHAIRMAN TURNER: Can I get a motion to approve the  
18 variation request for building coverage for 4554  
19 Harvey?

20 MEMBER VESPA: I'll make a motion to take a vote on  
21 the building coverage variance for 4554 Harvey.

22 CHAIRMAN TURNER: Is there a second?

1 MEMBER FUS: I'll second.

2 CHAIRMAN TURNER: Was that Jeff?

3 MEMBER FUS: Yes.

4 CHAIRMAN TURNER: So, Marty, can you take a roll  
5 call for the vote?

6 DIRECTOR SCOTT: Member Pabian?

7 MEMBER PABIAN: Yes.

8 DIRECTOR SCOTT: Member Johnson?

9 MEMBER JOHNSON: Yes.

10 DIRECTOR SCOTT: Member Calvert?

11 MEMBER CALVERT: Yes.

12 DIRECTOR SCOTT: Member Fus?

13 MEMBER FUS: Yes.

14 DIRECTOR SCOTT: Member Vespa?

15 MEMBER VESPA: Yes.

16 DIRECTOR SCOTT: Chairman Turner?

17 CHAIRMAN TURNER: Yes.

18 MR. JURUSIK: We could have gone with one motion as  
19 it turns out. It's good we separated that.

20 CHAIRMAN TURNER: Yes. I think so too.

21 So I believe that should take care of the  
22 second.

1 MR. JURUSIK: Just a motion to close the public  
2 hearing.

3 CHAIRMAN TURNER: One other thing. There is a  
4 letter of support that is part of the record. It's a  
5 letter from April 26, '21, to Marty from Donald -- I  
6 can't read the name -- he's apparently the owner of  
7 4611 Clausen. Will that be part of the record?

8 MR. JURUSIK: Yes, I will include that. It looks  
9 like Mr. Cothorn. I will include that as part of the  
10 revised ordinance indicating that it was a "I do not  
11 object" letter. That's the way he phrased his letter.  
12 He didn't say "I support it." He says, "I do not  
13 object to the variation request."

14 So I will certainly incorporate that as an  
15 exhibit and that will be referenced in the body of the  
16 document along with that condition we talked about with  
17 respect to storm water drainage.

18 CHAIRMAN TURNER: I take it this is the property  
19 due west to the rear of this subject?

20 DIRECTOR SCOTT: I believe you're correct,  
21 Mr. Chairman.

22 CHAIRMAN TURNER: Okay. So at this point I guess

1 we have a motion to close the public hearing?

2 MEMBER VESPA: I'll make a motion to close the  
3 public hearing.

4 CHAIRMAN TURNER: Is there a second?

5 MEMBER PABIAN: Member Pabian. I'll second.

6 CHAIRMAN TURNER: So, Marty, can you take a roll  
7 call and we can vote on this motion?

8 DIRECTOR SCOTT: Sure.

9 Member Fus.

10 MEMBER FUS: Yes.

11 DIRECTOR SCOTT: Member Calvert?

12 MEMBER CALVERT: Yes.

13 DIRECTOR SCOTT: Member Johnson?

14 MEMBER JOHNSON: Yes.

15 DIRECTOR SCOTT: Member Pabian?

16 MEMBER PABIAN: Yes.

17 DIRECTOR SCOTT: Member Vespa?

18 MEMBER VESPA: Yes.

19 DIRECTOR SCOTT: Chairman Turner?

20 CHAIRMAN TURNER: Yes.

21 Okay. Well, Michael, if you're still out  
22 there somewhere --

1 MR. MARTINOVSKI: I'd like to thank the board and  
2 God bless you guys. Thank you.

3 CHAIRMAN TURNER: Good luck, sir.

4 MR. MARTINOVSKI: Thank you.

5 CHAIRMAN TURNER: So I guess that wraps it, right?

6 DIRECTOR SCOTT: Yes. We just have other business,  
7 which there is none.

8 MR. JURUSIK: Marty, could I bring something up  
9 under Other Business?

10 DIRECTOR SCOTT: Sure.

11 MR. JURUSIK: Based on the variation we just talked  
12 about, could we just very quickly pick everybody's  
13 brain as to how you think a code amendment would best  
14 work to deal with the type of variation you just  
15 granted and lead to kind of a more expedited prospect  
16 granting relief?

17 Has anyone given any thought to that?  
18 Because if we're going to tweak the code, it would be  
19 sort of interesting to pick your brain. We don't have  
20 to discuss it tonight, but maybe you can just send an  
21 e-mail to Marty with some of your thoughts on how you  
22 would best account for that.



1           The one thing I thought of is we're always  
2 concerned about drainage on small lots. Do we allow  
3 for a certain level of, say, building coverage or lot  
4 coverage variation in exchange for installing, like --  
5 removing a hard surface driveway and installing a  
6 permeable paver driveway, adds more green space, more  
7 open space, and improve impervious surface in other  
8 areas to expand the foot print of, say, a house?

9           CHAIRMAN TURNER: I would agree with that. I think  
10 that if it's somewhat impervious, then you should get  
11 some type of bonus or relief for it.

12           MEMBER PABIAN: Yeah. One of the things on this  
13 particular application that that convinced me to change  
14 my mind was, and I was trying to think if it would  
15 apply in other situations. Clearly, the additional  
16 square footage total of living space they're asking for  
17 in this family is not unreasonable, and because of the  
18 narrowness of the lot, simply going up to a second  
19 floor wasn't going to make it, and that's why they had  
20 to do the push out the back.

21           Kudos to our applicant for making sure that  
22 that push-out in the back of the house was in

1 accordance with current setback with restrictions. So  
2 that's great and wonderful. And I think the unique  
3 circumstances in this -- I'm not sure.

4 I'm looking at the Hampton one, if we're  
5 talking about one, and I know they're talking about,  
6 well, it's only this amount additional that we're  
7 asking for, and, look at this, we're going to get rid  
8 of some of the concrete driveway and put in grass, and  
9 we're actually increasing or decreasing the total lot  
10 coverage I think was part of their petition. And  
11 going, well, yeah, but I'm not sure that adds or that  
12 addresses the issue of just having a monster house next  
13 door and making it bigger. You know what I mean?

14 So I think there are tradeoffs. Mike, I  
15 think that's a really good thought process. I think  
16 I'd have to think about a lot. Simply trading bulk for  
17 green space, I think it may work in some situations;  
18 but in other situations it may not address some issues  
19 about building bulk that I know some people in the  
20 village are concerned about.

21 MR. JURUSIK: And that's what I was looking for is  
22 just for you guys to sort of think about this and we'll

1 look and see what other communities have done. But,  
2 you know, I think if you're looking for feedback, if we  
3 are going to tweak the code, you ultimately have to  
4 rule on it, so I think that would be helpful to sort of  
5 discuss with you as a group.

6 MEMBER CALVERT: I'll jump in here. I think that  
7 what Mike has suggested or kind of put out there is a  
8 possible tradeoff, I think that's great. Obviously  
9 each situation is going to be different. But the issue  
10 with people trying to sort of do reasonable things,  
11 right, and us looking at this as "Is there a hardship  
12 or not," what I was kind of going back and forth in my  
13 head until just the very end, quite honestly, was, is  
14 the applicant creating the hardship or is the ordinance  
15 itself the hardship? Right?

16 And maybe there's value in us reviewing these  
17 on a case-by-case basis so that we can kind of weigh in  
18 on exactly what folks are doing. But, you know, it  
19 just seems like a lot of these are just people trying  
20 to do reasonable things and they're getting kind of  
21 boxed, trapped in the box.

22 So I don't know if bumping up this variation

1 or kind of bumping the numbers up a bit will solve some  
2 of this. I think some of it will. Obviously we want  
3 to be careful about, kind of like Mike was saying, huge  
4 houses on small lots. But I don't know. It seems  
5 awfully restrictive. And so maybe -- I don't know.

6 I mean, how do we get over the hardship  
7 hurdle when folks are kind of making that decision on  
8 their own? But the ordinance is also hard. It just is  
9 hard on them. So that's what I was going back and  
10 forth on.

11 CHAIRMAN TURNER: One of the comments I have is the  
12 2020, the last variation request we considered and  
13 passed had to do with, I believe, the same situation as  
14 we had here at the first request was a nonconforming  
15 side yard because it's an existing house that predated  
16 the Zoning Ordinance, and you're bumping it up. And as  
17 long as you don't -- as long as you go vertical and  
18 follow the same wall line, I don't think that should  
19 require a variation. I don't think that is expanding a  
20 nonconformity.

21 I think the Chicago Zoning Code allows that  
22 on a side yard but not on a rear, not raising a rear

1 wall. But I think that could be a text amendment that  
2 we should consider or maybe support. Because it seemed  
3 kind of a no-brainer for all of us, right? I mean, the  
4 last one we did, I believe, was very similar. It was  
5 just you had a nonconformity existing, and all you were  
6 doing is you were going a little farther up, just  
7 bringing the wall vertically up.

8 DIRECTOR SCOTT: There's one of those that the  
9 Zoning Board approved. There's one on Lawn. There was  
10 one on Lawn that was like that that was very similar.

11 And if I could just chime in? One thing that  
12 I think happens when people don't apply for the  
13 variation but they still need to expand their home,  
14 they get an architect who is not that creative, they  
15 wind up finding a way to go to three stories, which is  
16 really two-and-a-half, but three stories, and then they  
17 have a tall home that looks kind of like a bird house.  
18 And I'm treading carefully here because there's one I'm  
19 thinking of, it's nice, I actually know the architect  
20 who's very talented, but in that case -- I don't  
21 remember the details because they didn't even talk to  
22 us about it -- but I'm thinking small lot but not tiny

1 and they came in and said, we can't meet the code, but  
2 you know what, you can go up, you can go up one more  
3 floor, and it really does look odd. I can think of one  
4 like that that's on Ogden. It's in LaGrange.

5 CHAIRMAN TURNER: I know that one.

6 DIRECTOR SCOTT: You know the one I'm talking  
7 about?

8 CHAIRMAN TURNER: Yes.

9 DIRECTOR SCOTT: That's where you probably do get  
10 into: Does it have an impact on the neighborhood, that  
11 kind of thing. So as Attorney Jurusik was saying,  
12 building in some relief to allow some type of -- I  
13 don't know the answers here -- some type of flexibility  
14 could make sense if you're going to avoid -- if you're  
15 going to address storm water or permeable versus  
16 nonpermeable issues and the aesthetics, because a house  
17 like that could have an impact on value nearby. I  
18 mean, I'm just saying could.

19 But for aesthetics it sure does because it's  
20 one of those people point to and go -- like when I see  
21 those, being kind of picky and a little opinionated,  
22 I'll say, oh, that looks like one that a builder

1 designed, not an architect. Food for thought.

2           Also one other thing. We are bringing  
3 forward on a different issue lot coverage changes that  
4 are similar to what Attorney Jurusik mentioned about  
5 lot coverage. If you go over 50 percent, you can do  
6 that, but for getting beyond it, you have to put in  
7 permeable pavers but within limits. So we're working  
8 on that, too, and that's going to be going to the board  
9 probably in June.

10           MEMBER PABIAN: We had a big conversation about  
11 that like a year and a half, two years ago. Remember?

12           DIRECTOR SCOTT: Wolf Road. Food for thought.

13           CHAIRMAN TURNER: So you got your work cut out for  
14 you, Mike.

15           MEMBER PABIAN: Thank you, Mike, for the work you  
16 do.

17           MR. JURUSIK: It will be a nice collaborative  
18 process. You guys are the test kitchen. We'll see how  
19 it cooks up, right?

20           CHAIRMAN TURNER: Yes.

21           MR. JURUSIK: That's all I have.

22           CHAIRMAN TURNER: Anyone else have anything for the

1 good of the Board of Zoning Appeals for Western  
2 Springs? Otherwise.

3 DIRECTOR SCOTT: I think there's a hand raised.  
4 Bear with me for a moment. Oh, no, no, there is not.  
5 Sorry. Mistaken.

6 CHAIRMAN TURNER: Well, then I guess we would  
7 entertain a motion to adjourn. I don't know if that's  
8 actually necessary.

9 DIRECTOR SCOTT: Yes, it is.

10 CHAIRMAN TURNER: So can I get a motion to adjourn?

11 MEMBER PABIAN: Member Pabian. So moved.

12 CHAIRMAN TURNER: Is there a second?

13 MEMBER VESPA: Second.

14 CHAIRMAN TURNER: Marty, can you take a roll call  
15 on the vote?

16 DIRECTOR SCOTT: Sure.

17 Member Johnson?

18 MEMBER JOHNSON: Aye.

19 DIRECTOR SCOTT: Member Calvert?

20 MEMBER CALVERT: Aye.

21 DIRECTOR SCOTT: Member Fus?

22 MEMBER FUS: Aye.



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DIRECTOR SCOTT: Member Vespa?

MEMBER VESPA: Aye.

DIRECTOR SCOTT: Member Pabian?

MEMBER PABIAN: Aye.

DIRECTOR SCOTT: Chairman Turner?

CHAIRMAN TURNER: Aye.

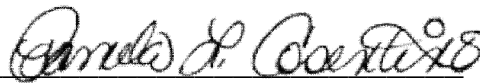
DIRECTOR SCOTT: We're adjourned at 8:17 p.m.

(Which were all the proceedings  
had in the above-entitled cause  
on this date.)

1 STATE OF ILLINOIS )  
 ) SS:  
2 COUNTY OF C O O K )  
3

4 I, PAMELA L. COSENTINO, being first duly  
5 sworn on oath says that she is a court reporter doing  
6 business in the City of Chicago; that she reported in  
7 shorthand the proceedings given at the taking of said  
8 meeting and that the foregoing is a true and correct  
9 transcript of her shorthand notes so taken as  
10 aforesaid and contains all the proceedings given at  
11 said meeting.

12 IN TESTIMONY WHEREOF: I have hereunto set my  
13 verified digital signature this 24th day of May, 2021.

14  
15  
16 



17 PAMELA L. COSENTINO, CSR  
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19  
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22

<b>A</b>	3:22 5:13 15:14 16:1	33:15 34:17 35:6,10 36:3,7 37:2 39:12 41:9 49:21 51:14	<b>asking</b> 19:10,18 22:11,13 24:4 24:9,10 27:10 37:2 38:12,13 39:13,13 49:16 50:7	28:6 <b>basis</b> 51:17 <b>Bear</b> 28:17 56:4 <b>bed</b> 27:15 <b>believe</b> 19:16 20:5 22:12 25:11 34:17 45:21 46:20 52:13 53:4
<b>ability</b> 26:2	<b>ago</b> 55:11	<b>applicant's</b> 42:4	<b>assume</b> 34:2	<b>best</b> 6:7 48:13,22
<b>able</b> 6:11 12:6,9	<b>agree</b> 32:11 36:13 37:20 39:12 41:4 49:9	<b>applicants</b> 5:17	<b>attempted</b> 6:2	<b>better</b> 6:10
<b>above-entitled</b> 57:9	<b>agreed</b> 37:21	<b>application</b> 5:22 6:2 11:10	<b>attorney</b> 2:10 41:15 42:12 54:11 55:4	<b>beyond</b> 55:6
<b>Absent</b> 3:15	<b>agreement</b> 36:9 41:8	<b>applications</b> 15:14	<b>audio</b> 10:21	<b>big</b> 19:6 31:2 55:10
<b>absolutely</b> 23:5	<b>agrees</b> 37:8 39:20	<b>applied</b> 26:6 35:18	<b>availability</b> 7:7	<b>bigger</b> 50:13
<b>acceptable</b> 19:16	<b>ahead</b> 18:11,14 41:11	<b>applies</b> 26:21 37:21	<b>available</b> 11:13	<b>bird</b> 53:17
<b>accommodate</b> 13:2 22:13	<b>allow</b> 31:22 49:2 54:12	<b>apply</b> 25:15,20 26:13,20,22 49:15 53:12	<b>Avenue</b> 1:5,5 2:12,15 11:8 16:2 42:21	<b>bit</b> 16:7 17:5 39:4 52:1
<b>accomplished</b> 37:14	<b>allowable</b> 25:14	<b>appreciate</b> 13:11	<b>avoid</b> 54:14	<b>bliss</b> 48:2
<b>account</b> 43:11 48:22	<b>allowance</b> 24:3	<b>approval</b> 3:18 4:3 19:19 26:9	<b>awards</b> 9:19 13:7	<b>board</b> 1:2,12 2:2 3:2 4:4 5:19 9:21 10:3,8,10 11:1 15:12 19:10,18,22 20:21 23:19 24:12 25:21 26:8 27:5,17 36:6,9 42:19 48:1 53:9 55:8 56:1
<b>acknowledge</b> 8:6	<b>allowed</b> 16:19	<b>approve</b> 4:5 26:8 42:14,20,22 43:8,9,15,17 44:2,4,6,8,10 44:12,13,17	<b>aware</b> 18:20	<b>board's</b> 7:17
<b>Act</b> 5:8	<b>allows</b> 28:1 40:1 52:21	<b>approved</b> 5:3 53:9	<b>awfully</b> 52:5	<b>body</b> 46:15
<b>actual</b> 9:19 28:11 41:22	<b>amendment</b> 48:13 53:1	<b>approximately</b> 16:13 17:13	<b>Aye</b> 4:16,18,20 4:22 5:2 8:20 8:22 9:2,4,6 14:14,16,18,20 14:22 15:2 56:18,20,22 57:2,4,6	<b>bonus</b> 49:11
<b>add</b> 27:7 40:19	<b>amount</b> 17:12 40:20 50:6	<b>April</b> 46:5		<b>box</b> 51:21
<b>adding</b> 21:11 37:14	<b>analysis</b> 17:8	<b>architect</b> 18:21 28:12 53:14,19 55:1		<b>boxed</b> 51:21
<b>addition</b> 16:10 16:19 21:13 25:3 32:22 37:12 39:22	<b>and/or</b> 7:16 18:10 40:5	<b>architects</b> 17:16 32:6		<b>boys</b> 22:8
<b>additional</b> 6:1 49:15 50:6	<b>answer</b> 6:2	<b>area</b> 18:19 28:19 29:1 30:17,20 31:21 32:12		<b>brain</b> 48:13,19
<b>address</b> 7:21 50:18 54:15	<b>answers</b> 54:13	<b>areas</b> 31:17 49:8		<b>BRANDON</b> 2:5
<b>addresses</b> 50:12	<b>anybody</b> 5:10 37:16	<b>arrived</b> 11:2		<b>bring</b> 32:5 37:12 48:8
<b>adds</b> 49:6 50:11	<b>anyone's</b> 12:11 39:8 40:6	<b>ascertain</b> 33:1		<b>bringing</b> 53:7 55:2
<b>adequate</b> 6:16	<b>Apologize</b> 43:14			<b>build</b> 18:18 24:9 31:18
<b>adjourn</b> 56:7,10	<b>apparently</b> 46:6			
<b>adjourned</b> 57:7	<b>Appeals</b> 1:2,12 3:3 56:1			
<b>adjournment</b> 4:2	<b>appears</b> 21:1			
<b>adjust</b> 19:7	<b>apples</b> 31:4			
<b>administrative</b> 26:9	<b>applicable</b> 17:4 36:1,16			
<b>advantage</b> 18:19	<b>applicant</b> 7:20 26:12 28:5			
<b>aesthetics</b> 54:16 54:19				
<b>aforesaid</b> 58:10				
<b>agenda</b> 3:16,17				



13:18 <b>continued</b> 11:8 <b>contribute</b> 31:10 <b>contributes</b> 30:15 <b>conversation</b> 20:4 23:9 36:21 55:10 <b>convinced</b> 49:13 <b>cooks</b> 55:19 <b>copies</b> 6:1 <b>correct</b> 7:3,4 15:14,16,20,21 20:6,15,16 21:4 29:10,13 30:4,8 31:15 33:10 46:20 58:8 <b>correctly</b> 36:18 <b>Cosentino</b> 1:14 58:4,16 <b>Cothorn</b> 46:9 <b>counsel</b> 20:3,3 22:18 25:16 <b>count</b> 31:3 <b>counted</b> 29:20 30:2 <b>COUNTY</b> 58:2 <b>couple</b> 6:18 <b>course</b> 38:12 <b>court</b> 58:5 <b>coverage</b> 16:16 16:21 19:15 21:21 23:1,1 24:18,19,20 25:1,8,9,22 26:4 27:2,22 28:1,3,7 29:4,5 29:6,7,9,12,15 29:21 30:3,3 30:15 31:3,11 31:12,14,16,16 32:2,4,13,18 32:18 33:2,9	33:19 35:11 37:22 38:11,14 38:15 43:10 44:16,18,21 49:3,4 50:10 55:3,5 <b>crazy</b> 27:14 <b>creating</b> 29:17 51:14 <b>creative</b> 53:14 <b>criteria</b> 25:5 26:18,20,21 27:3,18 33:16 33:22 34:2,5 34:18 35:7 36:4,8 37:4,7 37:17 39:10,16 39:18 40:7,9,9 41:9 <b>CSR</b> 58:16 <b>current</b> 17:17 18:16 20:9 21:14 28:3,7 33:3,8 50:1 <b>currently</b> 28:15 29:8 <b>cut</b> 55:13	<b>deeper</b> 38:4 <b>describe</b> 32:6,7 <b>description</b> 17:5 <b>descriptive</b> 32:10 <b>design</b> 40:1 <b>designed</b> 55:1 <b>Dessi</b> 2:15 16:8 18:7,10 <b>details</b> 18:8 53:21 <b>determine</b> 27:18 33:15 34:5 <b>Development</b> 2:10 <b>different</b> 6:6 17:7,10 24:8 39:4 51:9 55:3 <b>difficult</b> 9:21 17:16 19:13 <b>digital</b> 58:13 <b>directed</b> 15:12 <b>Director</b> 2:10 3:6,9,11,13,15 4:14,17,19,21 5:1,3,18 7:4,6 8:4,18,21 9:1,3 9:5,12 10:16 10:21 12:16,19 12:22 14:12,15 14:17,19,21 15:1,3,13,17 15:21 16:7 20:16 25:11 26:11,15,20 28:10,17,21 29:2,10,13,18 30:8,13,16,22 31:4,8,12,15 31:20 32:5 33:5,10 38:5 42:12,17 44:1 44:3,5,7,9,11 44:15 45:6,8	45:10,12,14,16 46:20 47:8,11 47:13,15,17,19 48:6,10 53:8 54:6,9 55:12 56:3,9,16,19 56:21 57:1,3,5 57:7 <b>discuss</b> 48:20 51:5 <b>discussion</b> 42:10 <b>distance</b> 17:12 <b>distinguished</b> 35:17 <b>district</b> 24:21 25:10 26:1 <b>dive</b> 16:5 <b>document</b> 28:18 46:16 <b>dog</b> 18:22 <b>doing</b> 5:6 51:18 53:6 58:5 <b>Donald</b> 46:5 <b>door</b> 50:13 <b>double-check</b> 25:12 <b>Double-checki...</b> 29:14 <b>drainage</b> 41:14 42:5 46:17 49:2 <b>Drive</b> 6:14 <b>driveway</b> 30:9 49:5,6 50:8 <b>drop</b> 24:16 <b>due</b> 46:19 <b>dug-out</b> 32:17 <b>duly</b> 18:13 58:4	<b>earlier</b> 38:7 <b>early</b> 7:7 <b>either</b> 15:10 39:21 <b>eligible</b> 26:11,12 <b>eliminate</b> 25:16 <b>engineer</b> 41:19 42:6 <b>enjoy</b> 15:4 <b>entertain</b> 9:7 13:18 56:7 <b>entire</b> 28:19 <b>entirely</b> 39:22 <b>equals</b> 16:22 <b>especially</b> 38:18 <b>essentially</b> 18:4 25:18 <b>evening</b> 3:1 12:14 <b>everybody</b> 3:1 13:17 <b>everybody's</b> 48:12 <b>exactly</b> 51:18 <b>example</b> 37:1 <b>exceed</b> 24:20 25:22 27:22 <b>exceeding</b> 19:14 19:15 21:22 24:1,22 <b>exception</b> 22:19 <b>exchange</b> 49:4 <b>exhausted</b> 27:16 <b>exhibit</b> 46:15 <b>exist</b> 37:11 <b>existing</b> 19:1,2,3 19:11 25:3 28:11,19 52:15 53:5 <b>expand</b> 17:17 40:3 49:8 53:13 <b>expanding</b> 39:7 52:19
	<b>D</b>			
	<b>date</b> 5:21 6:13 6:21,22 7:1 10:2,5 11:9,11 11:13 57:10 <b>dates</b> 6:18 <b>daughter's</b> 9:16 <b>day</b> 58:13 <b>de</b> 22:19 25:13 <b>deal</b> 48:14 <b>dealing</b> 25:6 43:8,10 <b>dealt</b> 17:6 <b>decision</b> 52:7 <b>decreasing</b> 50:9 <b>deep</b> 36:19			
			<b>E</b>	
			<b>E</b> 2:1,1 <b>e-mail</b> 5:20 48:21 <b>e-mails</b> 15:11	

<b>expansion</b> 37:14	<b>flat</b> 31:17	34:12,12 38:2	51:12 52:9	9:15 11:8
<b>expedited</b> 48:15	<b>flexibility</b> 27:1	39:11,11 40:13	53:6 54:14,15	13:19 14:2,3,3
<b>explain</b> 23:18	40:1 54:13	41:13,13 42:22	55:8,8	14:5 15:20
<b>extend</b> 20:13	<b>floor</b> 20:10 23:8	43:17 44:9,10	<b>good</b> 3:1 7:14	50:4
<b>extension</b> 23:3	23:8 30:14,17	45:1,3,12,13	10:22 18:15	<b>hand</b> 8:4 56:3
<b>F</b>	30:20,21 31:7	47:9,10 56:21	20:17 34:7,10	<b>handle</b> 3:4 5:15
<b>fact</b> 41:22	31:10,21 32:12	56:22	34:12,14,22	8:16 14:10
<b>families</b> 24:6,8	33:3,8 49:19	<b>G</b>	37:1 41:19	<b>happens</b> 53:12
<b>family</b> 18:22	54:3	<b>gain</b> 22:6,12	45:19 48:3	<b>hard</b> 49:5 52:8,9
19:9,13 22:5	<b>floor-to-area</b>	24:9	50:15 56:1	<b>hardship</b> 19:6
22:12,14 24:10	31:8	<b>gaining</b> 24:5	<b>gotten</b> 18:5	25:17 27:11
49:17	<b>focus</b> 34:4	<b>garage</b> 30:2 31:2	<b>grade</b> 32:14,15	35:16 36:15
<b>far</b> 4:3 18:1	<b>folks</b> 6:5 51:18	<b>garages</b> 39:3	32:19	37:8 39:10
<b>farther</b> 53:6	52:7	<b>general</b> 15:10,11	<b>graduation</b> 9:16	51:11,14,15
<b>favor</b> 4:11 42:8	<b>follow</b> 52:18	15:13,16,18	11:10,15 12:11	52:6
<b>feedback</b> 17:8	<b>followed</b> 3:20,21	18:2,2	13:6,9 15:4	<b>hardships</b> 37:11
18:5 38:7 51:2	<b>Food</b> 55:1,12	<b>generally</b> 36:1	<b>Graduations</b>	<b>Harvey</b> 1:5 2:15
<b>feel</b> 26:22 27:3	<b>foot</b> 21:10 22:3,4	36:16	12:2	4:1 14:1 16:2
35:6 36:3,7	24:7 49:8	<b>getting</b> 22:6	<b>grandfathered</b>	16:11 42:21
<b>feet</b> 16:19 17:1,1	<b>footage</b> 32:21	27:15 51:20	20:11 23:4	43:16 44:14,19
17:2 19:16	40:19,20 49:16	55:6	<b>grant</b> 19:19 26:3	44:21
20:10,11 22:1	<b>footprint</b> 21:1,8	<b>give</b> 12:18 16:7	27:2 28:2	<b>head</b> 32:14 51:13
23:19 26:16	30:18,22 31:19	28:12	33:14	<b>hear</b> 17:15 38:9
28:5,20,21,21	32:2,15,19	<b>given</b> 37:3 48:17	<b>granted</b> 20:5	39:1,6
28:22 36:19	<b>foregoing</b> 58:8	58:7,10	24:19 25:1,21	<b>heard</b> 17:21
39:15	<b>formal</b> 7:17	<b>go</b> 15:8 18:11,14	26:6 48:15	<b>hearing</b> 7:20,22
<b>fighting</b> 22:9	<b>forth</b> 51:12	19:6 21:2	<b>granting</b> 48:16	8:3,6,8,11,13
<b>figure</b> 11:5	52:10	26:17 34:1	<b>grass</b> 50:8	9:7 11:12
<b>financial</b> 22:6	<b>forward</b> 7:1 17:7	36:6 39:17	<b>great</b> 32:5 50:2	13:19,22 14:4
<b>find</b> 28:11	27:15 42:8	40:21 41:11	51:8	26:7 46:2 47:1
<b>finding</b> 53:15	55:3	52:17 53:15	<b>green</b> 49:6 50:17	47:3
<b>findings</b> 41:21	<b>foundation</b> 19:1	54:2,2,20 55:5	<b>ground</b> 39:4	<b>hearings</b> 5:4 7:3
<b>fine</b> 6:4 7:15	20:9 32:16,17	<b>God</b> 48:2	<b>group</b> 51:5	<b>height</b> 31:5,20
12:1,4,4 21:16	32:19 33:4,8	<b>goes</b> 37:19	<b>guess</b> 4:11 22:18	<b>held</b> 5:5
43:6	<b>four</b> 18:1 42:16	<b>going</b> 5:10 11:8	26:6,22 46:22	<b>help</b> 13:10
<b>first</b> 5:18 8:7	<b>four-foot</b> 17:12	19:8,8,12	48:5 56:6	<b>helpful</b> 51:4
11:16 20:9	<b>frankly</b> 6:11	20:14 21:1,2,5	<b>guys</b> 13:3,4 34:3	<b>hereunto</b> 58:12
35:10,12,13,19	<b>function</b> 23:13	23:22 33:14	48:2 50:22	<b>Hey</b> 11:6
36:10 37:4,17	<b>further</b> 42:10	38:3 40:19	55:18	<b>Hold</b> 10:17
43:8 52:14	<b>Fus</b> 2:5 3:9,10	41:16,17 43:5	<b>H</b>	<b>home</b> 16:10
58:4	4:19,20 7:14	43:6,7,12	<b>half</b> 55:11	18:18,22 19:20
<b>fits</b> 26:3	7:14 8:21,22	48:18 49:18,19	<b>Hampton</b> 1:5	21:11 24:10
<b>five</b> 18:2 36:4	9:4 10:12,12	50:7,11 51:3,9	2:12 4:1 5:20	37:10,13 38:20
	14:8,8,15,16			39:22 40:4,5

53:13,17 <b>homeowners</b> 17:16 38:9 <b>homes</b> 16:12 17:17,18 25:6 39:7 <b>honestly</b> 51:13 <b>house</b> 18:19 19:2 19:3,7 22:4 23:8,20,22 24:5 27:12 28:19,19 29:1 30:2 40:20 49:8,22 50:12 52:15 53:17 54:16 <b>houses</b> 24:7 52:4 <b>huge</b> 52:3 <b>human</b> 22:11 <b>hundred</b> 39:14 <b>hurdle</b> 52:7	<b>indicating</b> 46:10 <b>information</b> 6:3 17:22 <b>initiative</b> 7:18 <b>inquiries</b> 18:3 <b>installing</b> 49:4,5 <b>interesting</b> 3:20 28:14 48:19 <b>interior</b> 16:13 17:6 <b>interpreted</b> 30:5 <b>introduce</b> 5:16 <b>involved</b> 35:16 <b>involves</b> 39:21 <b>issue</b> 5:9 11:10 20:5 33:2,9 50:12 51:9 55:3 <b>issues</b> 5:22 6:6 6:14 43:3 50:18 54:16 <b>item</b> 3:16,18 5:13 <b>items</b> 11:7	22:21 24:13,13 25:13,18 26:14 26:21 28:18,22 29:6 30:4 32:9 32:11,11 42:1 42:1,12,16 43:5 45:18 46:1,8 48:8,11 50:21 54:11 55:4,17,21	<b>let's</b> 3:1 5:10 34:4,4,19 35:5 36:6 43:13 <b>letter</b> 18:3 35:18 46:4,5,11,11 <b>letters</b> 15:11 <b>level</b> 6:11 39:1 49:3 <b>lifestyle</b> 24:8 <b>limit</b> 17:3 <b>limitations</b> 24:14 24:17 <b>limited</b> 40:2 <b>limits</b> 55:7 <b>line</b> 20:9,10 52:18 <b>Lisa</b> 9:14 <b>listening</b> 40:9 <b>little</b> 12:18 16:7 17:5 38:4 39:3 39:4 53:6 54:21 <b>live</b> 38:19 <b>living</b> 19:9 22:3 22:7 24:7 49:16 <b>located</b> 16:10 <b>loft</b> 31:2,2,5 <b>logically</b> 40:3 <b>long</b> 12:21 20:4 23:9 41:19 52:17,17 <b>look</b> 6:15,16 19:8 38:9 50:7 51:1 54:3 <b>looking</b> 13:7 24:14,14 32:20 37:6 50:4,21 51:2,11 <b>looks</b> 46:8 53:17 54:22 <b>loose</b> 32:6 <b>lot</b> 16:13,22 19:15 21:18	25:2 28:19 29:4,12 30:3 31:16 32:13,18 32:21 36:18,19 37:11 38:2,10 38:14 40:1,22 41:2 49:3,18 50:9,16 51:19 53:22 55:3,5 <b>lots</b> 49:2 52:4 <b>luck</b> 9:17 48:3 <b>Luckily</b> 20:2 <b>Luke</b> 2:13
<hr/> <b>I</b> <hr/> <b>identical</b> 17:11 <b>II</b> 17:18 <b>ILLINOIS</b> 58:1 <b>impact</b> 41:16 54:10,17 <b>impediment</b> 39:6 <b>impervious</b> 28:19 29:1,2 32:18 49:7,10 <b>important</b> 10:7 12:3 <b>imposed</b> 42:6 <b>improve</b> 49:7 <b>include</b> 46:8,9 <b>including</b> 37:9 <b>inconvenience</b> 10:7 35:17 36:15 <b>incorporate</b> 46:14 <b>increasing</b> 50:9	<hr/> <b>J</b> <hr/> <b>January</b> 3:19 4:5 <b>Jeff</b> 39:17 40:11 45:2 <b>JEFFREY</b> 2:5 <b>Johnson</b> 2:4 3:15 10:17,20 11:1 11:4,14,19 12:2 13:13 14:21,22 34:22 35:3 40:16 44:1,2 45:8,9 47:13,14 56:17 56:18 <b>jump</b> 51:6 <b>June</b> 55:9 <b>Jurusik</b> 2:10 5:6 7:19 15:8,16	<hr/> <b>K</b> <hr/> <b>K</b> 58:2 <b>keep</b> 12:5,12 32:14 <b>keeps</b> 9:19 <b>kids</b> 22:2,10 24:8 <b>kind</b> 5:11 6:7,12 17:18,21 23:2 32:10 39:5 48:15 51:7,12 51:17,20 52:1 52:3,7 53:3,17 54:11,21 <b>kitchen</b> 55:18 <b>know</b> 9:20 26:5 27:12 34:2,3 36:14,14,15 37:4 39:14 41:16 50:5,13 50:19 51:2,18 51:22 52:4,5 53:19 54:2,5,6 54:13 56:7 <b>Kudos</b> 49:21	<hr/> <b>M</b> <hr/> <b>making</b> 5:12 22:14 41:14 49:21 50:13 52:7 <b>MARTIN</b> 2:10 <b>Martinovski</b> 2:15 16:3,8 18:15 21:4,6,9 21:12,15,22 23:18 27:9 28:9 38:21 48:1,4 <b>Martinovskis</b> 17:19 <b>Marty</b> 3:4 4:13 5:15 7:3,16 8:16 14:10 15:9 16:5 18:15 20:2,4,6 23:11 24:13 25:7 30:5 40:18 43:21 45:4 46:5 47:6 48:8,21 56:14 <b>mass</b> 30:19 32:8 32:13 <b>materials</b> 27:13 <b>matter</b> 11:8 12:14,20 16:1	
<hr/> <b>L</b> <hr/> <b>L</b> 1:13 58:4,16 <b>LaGrange</b> 54:4 <b>language</b> 42:7 <b>laterally</b> 20:14 <b>Lawn</b> 53:9,10 <b>lead</b> 48:15 <b>legal</b> 32:9				

<p>30:7  <b>matters</b> 1:4 3:21                  5:16  <b>maximum</b> 16:21                  24:3,18 25:1                  28:10  <b>McClure</b> 9:16  <b>mean</b> 12:6 22:22                  23:2,4,7,12                  31:13 36:17,19                  40:8 41:3 42:1                  50:13 52:6                  53:3 54:18  <b>measures</b> 16:13  <b>meet</b> 13:5,5                  26:18 54:1  <b>meeting</b> 3:3,19                  4:5 5:7 15:12                  23:10 58:8,11  <b>meeting's</b> 20:2  <b>Meetings</b> 5:8  <b>member</b> 2:3,4,4                  2:5,5 3:7,8,9                  3:10,11,12,13                  3:14,15 4:4,6,8                  4:10,15,16,17                  4:18,19,20,21                  4:22 7:10,10                  7:12,12,14,14                  7:15,15 8:12                  8:12,15,15,19                  8:20,21,22 9:1                  9:2,3,4 10:9,9                  10:12,12,14,14                  10:17,20 11:1                  11:4,14,19                  12:2,13,13,17                  12:20 13:13,15                  13:21 14:3,8,8                  14:13,14,15,16                  14:17,18,19,20                  14:21,22 20:1                  20:1,17 21:13                  21:16,20 22:16</p>	<p>22:16,22 25:16                  27:20,20 29:4                  29:7,12 30:14                  30:20 31:1,6                  31:10,14,18                  32:1,4,22 33:7                  33:12 34:7,7                  34:10,10,12,12                  34:14,14,22                  35:3,9,9,13                  36:5,10,12,12                  36:13 37:19                  38:2 39:11,11                  39:12 40:8,8                  40:13,16,17,17                  41:4,13,13                  42:22 43:2,2                  43:17,20,20                  44:1,2,3,4,5,6                  44:7,8,9,10,20                  45:1,3,6,7,8,9                  45:10,11,12,13                  45:14,15 47:2                  47:5,5,9,10,11                  47:12,13,14,15                  47:16,17,18                  49:12 51:6                  55:10,15 56:11                  56:11,13,17,18                  56:19,20,21,22                  57:1,2,3,4  <b>members</b> 2:2                  10:4,8,10                  20:21 24:12                  27:5 36:6,9  <b>memo</b> 17:22  <b>mentioned</b> 5:19                  38:7 55:4  <b>mere</b> 35:17  <b>mess</b> 12:11  <b>met</b> 3:20 27:3,19                  33:15,22 34:6                  34:17 36:11                  38:11</p>	<p><b>Michael</b> 2:3,4,10                  2:13,15 16:8                  18:6,10,14                  27:7 28:11                  29:18 47:21  <b>middle</b> 6:9  <b>Mike</b> 3:4 4:8,10                  4:13 6:19 7:1                  7:16 9:14                  15:15 21:3                  24:13 26:12                  32:8,9,11 36:3                  41:22 42:1                  43:3 50:14                  51:7 52:3                  55:14,15  <b>mildly</b> 38:5  <b>mind</b> 6:19 41:6                  49:14  <b>mine</b> 39:12  <b>minimis</b> 22:19                  25:13  <b>minute</b> 7:8  <b>minutes</b> 4:5 5:3                  20:2  <b>missed</b> 18:9  <b>Mistaken</b> 56:5  <b>Mitch</b> 2:4 10:17                  10:19 11:1,3,6                  11:18 12:10                  34:21 35:2                  41:12  <b>modern</b> 37:13  <b>moment</b> 28:12                  56:4  <b>money</b> 22:14  <b>monster</b> 50:12  <b>months</b> 11:16                  27:11  <b>motion</b> 4:4 7:17                  7:19,21 8:2,10                  8:13,15 13:18                  13:21 14:7,11                  15:3 42:20,22</p>	<p>43:8,9,15,17                  44:13,17,20                  45:18 46:1                  47:1,2,7 56:7                  56:10  <b>motions</b> 5:9  <b>move</b> 7:1 12:9,17                  12:19,22 27:15  <b>moved</b> 4:6,8                  56:11  <b>moving</b> 42:8</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>N</b> 2:1  <b>name</b> 5:11,12                  9:13 18:11                  46:6  <b>narrow</b> 37:11                  38:3  <b>narrowness</b>                  40:22 49:18  <b>nearby</b> 54:17  <b>nearly</b> 17:11  <b>necessary</b> 56:8  <b>need</b> 13:4 19:6,7                  21:17 22:2,8                  36:21 42:16                  53:13  <b>needs</b> 24:9  <b>negatively</b> 41:16  <b>neighborhood</b>                  54:10  <b>neighbors</b> 8:5                  41:16  <b>neutral</b> 18:4  <b>new</b> 18:19 19:20                  39:4,21,22  <b>nice</b> 19:8 22:7                  53:19 55:17  <b>no-brainer</b> 53:3  <b>nonconforming</b>                  28:16 29:17                  30:12 52:14  <b>nonconformity</b></p>	<p>52:20 53:5  <b>nonpermeable</b>                  54:16  <b>normal</b> 22:5                  24:10  <b>normally</b> 30:1  <b>note</b> 23:11  <b>noted</b> 17:9,15  <b>notes</b> 58:9  <b>number</b> 34:4                  37:7 39:10,16                  39:18 40:2,7                  40:12 41:10                  42:13  <b>numbers</b> 52:1</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>O</b> 58:2,2  <b>oath</b> 58:5  <b>object</b> 46:11,13  <b>obligation</b> 25:19                  33:14  <b>obviously</b> 10:3                  51:8 52:2  <b>occurrence</b> 38:8  <b>odd</b> 54:3  <b>Ogden</b> 54:4  <b>oh</b> 24:17 54:22                  56:4  <b>okay</b> 5:13 7:9,11                  7:12 8:16                  13:18 14:6                  15:4 20:19                  23:17 24:11                  27:17 29:11                  32:22 33:12                  34:17 35:2,3                  36:8 38:3                  39:15 40:9,10                  40:11,13,14,16                  41:15 43:3,13                  46:22 47:21  <b>older</b> 25:6  <b>once</b> 43:4</p>
---	--	--	--	--



<p><b>ones</b> 39:3  <b>open</b> 7:19,21 8:2                      8:6,8,10,13 9:7                      49:7  <b>Opening</b> 5:8  <b>opinion</b> 39:9                      40:6  <b>opinionated</b>                      54:21  <b>opinions</b> 38:13  <b>oranges</b> 31:4  <b>order</b> 3:2 16:9                      19:5,12 40:22  <b>ordinance</b> 19:5                      23:12,16 36:21                      39:2 46:10                      51:14 52:8,16  <b>original</b> 37:10                      40:5  <b>overall</b> 32:21  <b>overview</b> 18:16  <b>owner</b> 25:20                      35:16 46:6  <b>owners</b> 40:3</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>P</b> 2:1,1  <b>p.m</b> 1:8 7:5 8:1                      9:20 11:12                      13:20 14:1,5                      57:7  <b>Pabian</b> 2:4 3:13                      3:14 4:6,8,8,15                      4:16 7:10,10                      8:19,20 13:15                      14:19,20 20:1                      20:1,17 21:13                      21:16,20 22:16                      22:16,22 25:16                      29:4,7,12                      30:14,20 31:1                      31:6,10,14,18                      32:1,22 33:7                      33:12 34:7,7</p>	<p>35:9,9,13 36:5                      36:10,13 37:19                      40:17,17 44:5                      44:6 45:6,7                      47:5,5,15,16                      49:12 55:10,15                      56:11,11 57:3                      57:4  <b>packet</b> 17:5 20:3  <b>Pamela</b> 1:13                      58:4,16  <b>part</b> 29:21 31:3                      41:17 42:6                      46:4,7,9 50:10  <b>participate</b>                      10:22  <b>particular</b> 11:7                      20:6 35:14,16                      36:14 37:9                      49:13  <b>parties</b> 5:16  <b>passed</b> 52:13  <b>passes</b> 15:3  <b>PATRICK</b> 2:3  <b>paver</b> 49:6  <b>pavers</b> 55:7  <b>people</b> 38:19                      50:19 51:10,19                      53:12 54:20  <b>percent</b> 16:22                      17:2 19:15,17                      22:1 24:2,2,20                      24:22 25:9,22                      26:15 27:2                      28:1,2 29:14                      29:15 55:5  <b>permeable</b> 49:6                      54:15 55:7  <b>permit</b> 41:17  <b>permitted</b> 24:21                      26:4  <b>personally</b> 39:15  <b>petition</b> 50:10  <b>PETITIONER</b></p>	<p>2:12,15  <b>phrased</b> 46:11  <b>physical</b> 35:14                      37:9  <b>pick</b> 6:21,22,22                      11:9 48:12,19  <b>picky</b> 54:21  <b>pieces</b> 40:21  <b>place</b> 25:19  <b>placement</b> 37:10                      40:5  <b>plan</b> 25:7 33:10                      42:6  <b>play</b> 43:12  <b>Plichta</b> 2:13 8:5                      9:10,13,14,14                      10:6 12:1,4                      13:4,7,9,11                      15:6  <b>point</b> 11:7 27:17                      32:5 33:13                      41:18 46:22                      54:20  <b>pose</b> 9:10  <b>possibility</b> 12:9  <b>possible</b> 9:11                      11:11 51:8  <b>possibly</b> 6:21  <b>post-World</b>                      17:18  <b>pound</b> 39:1  <b>poured</b> 32:16  <b>predated</b> 52:15  <b>preexisting</b>                      28:16  <b>prefer</b> 11:20  <b>preferably</b> 7:9  <b>Present</b> 2:2,9,12                      2:15 3:10  <b>pressure</b> 23:15  <b>pretty</b> 18:15                      22:5  <b>principal</b> 25:3  <b>print</b> 49:8</p>	<p><b>prior</b> 5:12  <b>privacy</b> 22:8  <b>probably</b> 12:21                      32:8 54:9 55:9  <b>problem</b> 13:16                      23:5  <b>proceed</b> 18:11                      18:21 19:19                      34:3  <b>proceedings</b> 1:7                      1:11 57:8 58:7                      58:10  <b>process</b> 26:7,18                      41:18 42:7                      50:15 55:18  <b>properties</b> 36:16                      38:9 40:2  <b>property</b> 16:11                      19:11 25:20                      35:15,22 36:1                      46:18  <b>proposed</b> 28:22  <b>prospect</b> 48:15  <b>provide</b> 6:3 18:8  <b>provided</b> 17:8,22                      25:4 38:8  <b>public</b> 3:21 5:4                      5:14 6:10 7:20                      7:22 8:3,10,13                      9:7 13:19,22                      14:4 15:8,17                      15:18 18:1                      26:7 46:1 47:1                      47:3  <b>purchased</b> 18:17  <b>purposes</b> 25:2  <b>push</b> 11:14 49:20  <b>push-out</b> 49:22  <b>put</b> 13:22 19:1                      19:13 22:9                      27:15 42:7                      50:8 51:7 55:6  <b>puts</b> 21:18 25:19</p>	<p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>qualifies</b> 25:15  <b>question</b> 9:9,10                      20:2 22:11                      27:21  <b>questions</b> 6:3 8:9                      9:8 18:2 19:22                      20:20 24:11                      27:5 42:18  <b>quickly</b> 16:8                      48:12  <b>quite</b> 51:13  <b>quorum</b> 12:7</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>R</b> 2:1  <b>R-2</b> 16:11 25:2  <b>raise</b> 41:18  <b>raised</b> 8:5 56:3  <b>raising</b> 52:22  <b>range</b> 17:11  <b>ranges</b> 17:13  <b>ratio</b> 30:21 31:9                      31:21 32:12  <b>re-thinking</b>                      40:18  <b>read</b> 7:20 39:18                      46:6  <b>reading</b> 3:17                      36:18 37:3                      39:9 41:8  <b>ready</b> 15:5 42:11  <b>real</b> 23:9 27:11  <b>really</b> 13:4,12                      23:2,2,4,4 30:6                      32:9 33:13                      38:2 50:15                      53:16 54:3  <b>realtime</b> 6:21  <b>rear</b> 21:8,11,13                      37:15 39:22                      46:19 52:22,22  <b>reason</b> 41:6  <b>reasonable</b> 13:1</p>
--	---	--	--	--

<p>37:12 38:20                  40:20 51:10,20  <b>reasonably</b> 23:8  <b>reasons</b> 6:18  <b>received</b> 15:10                  15:18  <b>recommendati...</b>                  5:21  <b>recommendati...</b>                  37:6 42:5  <b>record</b> 8:1 9:12                  11:2 18:11                  46:4,7  <b>reduce</b> 19:8  <b>referenced</b>                  46:15  <b>regarding</b> 27:21  <b>regular</b> 38:8                  39:2  <b>regularly</b> 17:15                  39:6  <b>regulation</b> 35:8  <b>regulations</b>                  35:18 40:5  <b>relate</b> 30:17  <b>relation</b> 32:20  <b>relief</b> 26:3 42:9                  48:16 49:11                  54:12  <b>remaining</b> 36:4  <b>remember</b> 53:21                  55:11  <b>remote</b> 5:6  <b>removing</b> 49:5  <b>renovate</b> 16:9  <b>renovation</b>                  20:13  <b>repeat</b> 33:5  <b>REPORT</b> 1:7,11  <b>reported</b> 58:6  <b>reporter</b> 1:14                  58:5  <b>request</b> 5:20                  19:19 27:21,22</p>	<p>36:8 41:5                  43:18 44:14,18                  46:13 52:12,14  <b>requesting</b> 16:9                  16:14,18,20  <b>requests</b> 17:7                  42:21  <b>require</b> 7:17                  52:19  <b>required</b> 33:18                  42:13  <b>requirement</b>                  16:18 38:11  <b>requirements</b>                  18:20 21:14                  22:19 35:11                  42:5  <b>requires</b> 26:7  <b>reservations</b>                  37:17  <b>reset</b> 6:12  <b>residence</b> 25:2  <b>residential</b> 31:19  <b>residents</b> 18:16  <b>resolution</b> 41:22  <b>respect</b> 34:15                  37:7 39:9,18                  46:17  <b>response</b> 37:7                  39:9,18  <b>responses</b> 41:8  <b>restriction</b> 20:7                  20:19 23:1,1                  25:9,17 37:20                  37:22 41:2  <b>restrictions</b> 20:8                  21:21 24:19,21                  25:1 26:1,5                  31:21 35:11                  50:1  <b>restrictive</b> 52:5  <b>result</b> 35:16  <b>review</b> 6:11 25:7                  39:3 42:7</p>	<p><b>reviewing</b> 51:16  <b>revised</b> 46:10  <b>rid</b> 50:7  <b>right</b> 9:18 11:6                  13:9 16:5,6                  21:14,21 22:20                  23:21 26:11,14                  26:21 27:12,14                  28:3 29:5,18                  30:13,14,15                  31:6,6,8 36:5,5                  36:5,5 41:22                  43:4 48:5                  51:11,15 53:3                  55:19  <b>Road</b> 55:12  <b>roll</b> 3:4 4:12 5:7                  5:8,9 8:17                  14:10 15:5                  43:21 45:4                  47:6 56:14  <b>roofed-over</b> 30:1  <b>room</b> 22:9  <b>rule</b> 51:4  <b>run-off</b> 41:15  <b>rustle</b> 12:7</p> <hr/> <p style="text-align: center;"><b>S</b></p> <p><b>S</b> 2:1  <b>satisfied</b> 33:16                  34:18 35:7,10                  36:4,7 37:18                  40:7 41:9  <b>satisfy</b> 37:16  <b>saw</b> 7:2  <b>saying</b> 21:3 38:2                  40:19 52:3                  54:11,18  <b>says</b> 23:11 24:17                  25:21 28:18                  46:12 58:5  <b>Scott</b> 2:10 3:6,9                  3:11,13,15                  4:14,17,19,21</p>	<p>5:1,3,18 7:4,6                  8:4,18,21 9:1,3                  9:5,12 10:16                  10:21 12:16,19                  12:22 14:12,15                  14:17,19,21                  15:1,3,13,17                  15:21 16:7                  20:15,16 25:11                  26:11,15,20                  28:10,17,21                  29:2,10,13,18                  30:8,13,16,22                  31:4,8,12,15                  31:20 32:5                  33:5,10 38:5                  42:12,17 44:1                  44:3,5,7,9,11                  44:15 45:6,8                  45:10,12,14,16                  46:20 47:8,11                  47:13,15,17,19                  48:6,10 53:8                  54:6,9 55:12                  56:3,9,16,19                  56:21 57:1,3,5                  57:7  <b>search</b> 9:18  <b>second</b> 4:9,10                  8:14 10:18                  14:6,8,9 19:14                  23:7,8 28:17                  30:14 31:7,10                  33:3,8,19                  34:19 35:5,7                  35:20 36:8                  43:1,2,9,19,20                  44:14,22 45:1                  45:22 47:4,5                  49:18 56:12,13  <b>seconds</b> 8:15  <b>section</b> 24:15  <b>sections</b> 17:4  <b>see</b> 18:6 21:16</p>	<p>28:8,14 29:22                  51:1 54:20                  55:18  <b>seek</b> 20:13 40:3  <b>seeking</b> 17:1  <b>send</b> 48:20  <b>sense</b> 28:6 54:14  <b>separated</b> 45:19  <b>September</b>                  18:18  <b>sequential</b> 5:11  <b>set</b> 58:12  <b>setback</b> 16:15,17                  20:7,8,18                  21:14,17 23:4                  33:21 34:4,15                  34:18 37:20                  43:8,15,18                  50:1  <b>settles</b> 15:19  <b>seven</b> 33:16,22                  34:1,2,5,8,11                  34:12,15,18                  35:1,7 36:7                  40:10,11,13,15                  40:16 41:9  <b>shape</b> 35:14                  37:11  <b>shed</b> 30:2  <b>shorthand</b> 1:14                  58:7,9  <b>shows</b> 33:11  <b>side</b> 16:15,15,17                  17:6,9 20:11                  21:2 33:17                  52:15,22  <b>sides</b> 16:12  <b>sidewalk</b> 30:9  <b>signature</b> 58:13  <b>similar</b> 16:12                  17:9 40:2 53:4                  53:10 55:4  <b>simply</b> 49:18                  50:16</p>
---	--	---	---	---

<b>single-family</b> 16:11,12 25:2	23:19 26:16	<b>supplemental</b> 6:3	<b>Teams</b> 6:15	55:1,12
<b>sir</b> 48:3	28:5,21 32:21	<b>support</b> 46:4,12	<b>technical</b> 32:9	<b>thoughts</b> 48:21
<b>situation</b> 19:13	39:15 40:19,20	53:2	<b>ten</b> 18:17	<b>three</b> 22:2,8
20:12 27:13	49:16	<b>sure</b> 3:6 4:7 8:18	<b>ten-story</b> 31:18	53:15,16
51:9 52:13	<b>SS</b> 58:1	12:19 13:14	<b>terms</b> 20:7,18	<b>throw</b> 6:19
<b>situations</b> 49:15	<b>staff</b> 6:11 26:9	14:12 15:13	32:6,10,10	<b>Thursday</b> 3:3
50:17,18	37:8 38:2,15	37:21 41:14	<b>test</b> 55:18	11:11,17,21
<b>slab</b> 32:16	39:1,20	47:8 48:10	<b>testimony</b> 1:11	<b>time</b> 3:20 6:15
<b>slab-on</b> 32:14,15	<b>staff's</b> 37:6,7	49:21 50:3,11	58:12	6:16 9:18,19
32:19	39:9,18 41:8	54:19 56:16	<b>text</b> 53:1	9:21 11:13,16
<b>slightly</b> 17:10	<b>stairs</b> 23:20,22	<b>surface</b> 32:18	<b>thank</b> 11:4 15:6	12:18 13:1,4,6
<b>small</b> 22:9 31:19	24:1 29:19,19	49:5,7	15:6,7 19:21	13:14 23:11
49:2 52:4	30:6,11	<b>surrounded</b>	48:1,2,4 55:15	27:8
53:22	<b>stake</b> 38:19	16:12	<b>Thanks</b> 42:17	<b>times</b> 17:7 22:17
<b>solve</b> 52:1	<b>standard</b> 25:19	<b>surroundings</b>	<b>theme</b> 17:19,21	<b>tiny</b> 53:22
<b>somebody</b> 31:18	38:21	35:14 37:9	<b>thing</b> 11:5 12:10	<b>title</b> 7:20
38:11	<b>standards</b> 17:17	<b>sworn</b> 18:13	20:8 35:4 46:3	<b>tonight</b> 48:20
<b>somewhat</b> 49:10	37:13	58:5	49:1 53:11	<b>tonight's</b> 3:22
<b>sorry</b> 14:3 31:14	<b>start</b> 22:9	<b>sympathetic</b>	54:11 55:2	15:12
33:5,7 34:20	<b>starts</b> 13:8	22:17 23:3,5	<b>things</b> 6:16 12:9	<b>topographical</b>
35:2 56:5	<b>state</b> 5:11 9:13		17:20 38:10,17	35:15
<b>sort</b> 37:3 48:19	18:11 58:1	<b>T</b>	39:1 49:12	<b>total</b> 49:16 50:9
50:22 51:4,10	<b>statement</b> 28:4	<b>T</b> 2:10	51:10,20	<b>totally</b> 9:22
<b>sought</b> 35:22	<b>stating</b> 38:6	<b>table</b> 39:2	<b>think</b> 18:7 23:12	<b>tough</b> 35:3
<b>sounds</b> 12:10	<b>station</b> 18:16	<b>take</b> 7:7 8:9	28:4 29:14,19	<b>town</b> 11:15 39:7
<b>south</b> 16:15,17	<b>stay</b> 21:1	12:21 18:19	30:18 31:16	<b>tradeoff</b> 51:8
21:2	<b>steps</b> 28:6	19:10 44:20	32:11,12,13	<b>tradeoffs</b> 50:14
<b>space</b> 19:9 22:3	<b>stified</b> 40:4	45:4,21 46:18	35:9 36:13,17	<b>trading</b> 50:16
22:7 40:1 49:6	<b>stories</b> 53:15,16	47:6 56:14	36:18,20,22	<b>transcript</b> 58:9
49:7,16 50:17	<b>storm</b> 42:4 46:17	<b>taken</b> 1:11,13	37:1,19 38:10	<b>transcripts</b> 3:19
<b>speak</b> 5:10 10:9	54:15	58:9	40:18 41:7,11	4:3
<b>speaking</b> 10:1,2	<b>straight</b> 43:5	<b>takes</b> 26:8	42:11 45:20	<b>trapped</b> 51:21
13:17 17:19	<b>strict</b> 35:17 37:3	<b>talented</b> 53:20	48:13 49:9,14	<b>treading</b> 53:18
20:22 37:5	<b>strictly</b> 31:16	<b>talk</b> 30:1 34:19	50:2,10,14,15	<b>triggered</b> 26:2
<b>specific</b> 35:15	38:22	35:5 53:21	50:15,16,17,22	<b>true</b> 58:8
<b>split</b> 43:7,11	<b>strong</b> 27:10	<b>talked</b> 22:17	51:2,4,6,8 52:2	<b>truly</b> 32:16
<b>spoke</b> 29:18	<b>strongly</b> 38:6	41:13 46:16	52:18,19,21	<b>trustees</b> 23:15
<b>Springs</b> 1:1,12	<b>structure</b> 25:4	48:11	53:1,12 54:3	<b>trying</b> 9:18
3:2 18:17 22:5	<b>structures</b> 30:1	<b>talking</b> 23:19,21	56:3	10:16 11:4,9
56:2	<b>subject</b> 42:4	29:5 30:20	<b>thinking</b> 23:14	28:11 33:1
<b>square</b> 16:22	46:19	32:1,17 50:5,5	53:19,22	49:14 51:10,19
17:1,2 19:16	<b>subjective</b> 38:12	54:6	<b>thought</b> 5:18	<b>Turner</b> 2:3 3:1
21:10 22:1	38:22	<b>tall</b> 53:17	30:20 48:17	3:16 4:7,9,11
	<b>suggested</b> 51:7		49:1 50:15	5:1,2,13 7:2,5

7:9,16 8:2,8,14 8:16 9:5,6 10:1 10:1 11:3,6,17 12:6,15 13:2,6 13:16,17 14:2 14:6,9 15:1,2,4 15:19 16:1,4 18:10,14 19:22 20:20,22 21:5 21:7,10,18 23:17 24:11 26:17 27:4,17 28:14 29:8,11 29:16 30:6,10 33:13 34:9,16 34:16 35:2,5 35:12 36:3 37:5,5,19 38:1 39:8,16 40:11 40:14 41:7,7 41:21 42:10,18 43:1,3,13,18 43:21 44:11,12 44:17,22 45:2 45:4,16,17,20 46:3,18,22 47:4,6,19,20 48:3,5 49:9 52:11 54:5,8 55:13,20,22 56:6,10,12,14 57:5,6 <b>turns</b> 45:19 <b>tweak</b> 48:18 51:3 <b>two</b> 3:21 16:9 35:10 36:10 37:4 39:17,19 40:7,9,12 41:6 41:10 42:20 55:11 <b>two-and-a-half</b> 53:16 <b>two-foot</b> 17:12	17:14 <b>two-story</b> 37:14 <b>type</b> 42:3 48:14 49:11 54:12,13 <b>typical</b> 22:5 <b>typically</b> 42:2 <hr/> <b>U</b> <hr/> <b>ultimately</b> 51:3 <b>unanimous</b> 43:6 <b>understand</b> 9:8 9:22 20:12 22:2 <b>unforeseen</b> 6:10 <b>Unfortunately</b> 36:13 <b>unique</b> 35:21 39:20 40:4 50:2 <b>unmute</b> 10:16 <b>unreasonable</b> 37:2 39:14 41:5 49:17 <b>unrelated</b> 15:13 <b>unusual</b> 36:20 <b>update</b> 38:20 <b>upward</b> 40:4 <b>use</b> 32:7 <b>usually</b> 6:7 <hr/> <b>V</b> <hr/> <b>value</b> 51:16 54:17 <b>variance</b> 16:17 16:20,21 18:3 19:14 20:5,7 20:18 21:17,19 22:19 27:3 44:21 <b>variation</b> 24:15 24:16,18,22 25:14,20 26:6 26:19 28:2 32:1 33:17,18	33:22 34:18,20 35:6,8,21,22 36:8 40:12 41:10 42:14,15 42:21 43:9,10 43:16,18 44:14 44:18 46:13 48:11,14 49:4 51:22 52:12,19 53:13 <b>variations</b> 16:9 16:14 17:10,13 19:18 24:14,17 25:8 26:4 33:17 38:14 42:3 <b>verified</b> 58:13 <b>verify</b> 15:9 42:14 <b>versus</b> 54:15 <b>vertical</b> 23:3 40:21 52:17 <b>vertically</b> 20:14 21:5 53:7 <b>Vespa</b> 2:3 3:7,8 4:10,10,21,22 7:12,12 8:12 8:12 9:3 10:9 10:10 13:21 14:3,13,14 34:10,10 40:8 40:8 43:2,2 44:7,8,20 45:14,15 47:2 47:17,18 56:13 57:1,2 <b>vet</b> 26:8 <b>viable</b> 10:4 <b>videoconference</b> 1:13 <b>village</b> 1:1 2:10 23:15 36:20 41:15,19 42:6 50:20 <b>virtual</b> 7:3 11:12	<b>vote</b> 42:11 43:5,6 43:7,11,22 44:20 45:5 47:7 56:15 <b>votes</b> 42:13 <hr/> <b>W</b> <hr/> <b>wall</b> 52:18 53:1 53:7 <b>want</b> 5:15,16 9:21 10:7 12:10,11 22:7 23:18 27:14 33:20 34:1,3 38:19,19 41:18 52:2 <b>War</b> 17:18 <b>warranted</b> 42:10 <b>wasn't</b> 38:6 49:19 <b>water</b> 42:5 46:17 54:15 <b>way</b> 23:7 30:1,4 32:6,14 36:22 37:2 43:10,11 46:11 53:15 <b>we'll</b> 42:16 43:22 50:22 55:18 <b>we're</b> 11:8 13:7 19:15,18 21:22 22:3,4,6,11,13 22:14 23:19,21 24:1,4,4,9,10 27:9,15 29:4 32:1,20 38:18 39:5 43:5,7 48:18 49:1 50:4,6,7,9 55:7 57:7 <b>we've</b> 18:5 22:17 27:10 29:3 30:4 37:20 <b>Wednesday</b> 7:6	<b>weekend</b> 11:15 11:16 <b>weigh</b> 51:17 <b>weird</b> 19:7 <b>Welcome</b> 11:3 <b>went</b> 31:1 33:3,7 <b>west</b> 46:19 <b>Western</b> 1:1,12 3:2 18:17 22:5 56:1 <b>WHEREOF</b> 58:12 <b>wide</b> 36:19 <b>wider</b> 39:22 <b>wife</b> 18:7 <b>willing</b> 41:5 <b>wind</b> 53:15 <b>wish</b> 27:7 <b>Witnesses</b> 18:13 <b>Wolf</b> 55:12 <b>wonderful</b> 50:2 <b>word</b> 32:7 <b>work</b> 10:13,15 11:19,20,21,22 13:12 48:14 50:17 55:13,15 <b>working</b> 55:7 <b>wouldn't</b> 33:2,9 <b>Wow</b> 3:19 <b>wraps</b> 48:5 <hr/> <b>X</b> <hr/> <hr/> <b>Y</b> <hr/> <b>yard</b> 16:15 17:6 17:9 33:17 52:15,22 <b>yeah</b> 7:10 11:21 13:15 21:16,20 29:7,7 49:12 50:11 <b>year</b> 18:18 20:18 55:11 <b>years</b> 18:17
---	--	---	--	---

55:11	18:18 52:12	<b>5,000-square</b>		
<hr/>	<b>2021</b> 1:8 3:3 8:1	22:3		
<b>Z</b>	58:13	<b>5:00</b> 9:20		
<b>Zeman</b> 2:13 15:7	<b>20th</b> 7:6 10:4,10	<b>50</b> 55:5		
<b>Zemans</b> 6:2	10:13,15 11:11	<b>50-by-130</b> 16:14		
<b>zoned</b> 16:11	11:17 12:7	<b>50s</b> 19:4 24:5,6		
<b>zoning</b> 1:2,12	<b>21</b> 46:5	<hr/>		
3:2 5:19 24:21	<b>24th</b> 58:13	<b>6</b>		
25:10 26:1,3	<b>26</b> 7:2 8:1 46:5	<hr/>		
36:2,17 40:4	<b>26th</b> 7:6,9,11,13	<b>7</b>		
52:16,21 53:9	7:14,15 9:17	<hr/>		
56:1	11:9,20 12:1,4	<b>7:00</b> 1:8 7:5 8:1		
<b>Zoom</b> 11:5 35:4	12:5,12 13:19	11:12		
<hr/>	14:1,5 15:5	<b>7:13</b> 11:2		
<b>0</b>	<b>292</b> 26:15	<b>7:30</b> 12:17 13:1		
<hr/>	<hr/>	13:2,10		
<b>1</b>	<b>3</b>	<hr/>		
<hr/>	<b>30</b> 3:19 4:5 16:22	<b>8</b>		
<b>1-foot-6</b> 16:20	<b>3100-square</b>	8 13:18		
<b>1,194</b> 28:22	22:4	<b>8.4</b> 16:19 20:10		
<b>1,195</b> 28:20,21	<b>34.8</b> 17:2	33:18		
<b>1,950</b> 16:22	<b>350</b> 21:12	<b>8:00</b> 13:13,13,20		
28:10	<hr/>	14:1,5		
<b>1.6-foot</b> 33:18	<b>4</b>	<b>8:17</b> 57:7		
<b>10</b> 19:17 20:11	<hr/>	<hr/>		
24:2,20 25:9	<b>4</b> 28:18	<b>9</b>		
25:22 27:2	<b>4-foot</b> 17:14	<hr/>		
28:2	<b>4.8</b> 19:15 22:1	<b>95</b> 17:2 19:16		
<b>10-3-11</b> 24:16	24:2 28:1	22:1 23:19		
<b>10-foot</b> 16:18	<b>400</b> 21:12	26:16 28:5		
33:18	<b>4146</b> 9:15			
<b>1200-square</b>	<b>4150</b> 1:5 2:12 4:1			
24:7	5:20 8:5 11:7			
<b>130</b> 36:19	13:19 14:1,2,3			
<b>15</b> 24:22 26:15	14:5 15:20			
<b>1589</b> 29:1	<b>4454</b> 16:2			
<b>18</b> 29:14,15	<b>4554</b> 1:5 2:15			
<b>1950</b> 25:6 28:9	3:22 16:3,11			
28:10 37:10	42:21 43:16			
<hr/>	44:14,18,21			
<b>2</b>	<b>4611</b> 46:7			
<hr/>	<b>49.95</b> 36:19			
<b>2-D</b> 31:17	<hr/>			
<b>2,045</b> 17:1	<b>5</b>			
<b>20</b> 7:2	<hr/>			
<b>2020</b> 3:19 4:5	<b>5</b> 13:8 24:17			